

Democratic Services

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Your ref:**Our ref:****Date:** 6 December 2011**E-mail:** Democratic_Services@bathnes.gov.uk**To: All Members of the Development Control Committee**

Councillors:- Lisa Brett, Neil Butters, Gerry Curran, Liz Hardman, Eleanor Jackson, Les Kew, David Martin, Douglas Nicol, Bryan Organ, Martin Veal, David Veale and Brian Webber

Permanent Substitutes:- Councillors: Rob Appleyard, Sharon Ball, John Bull, Nicholas Coombes, Sally Davis, Malcolm Lees, Dine Romero and Jeremy Sparks

Chief Executive and other appropriate officers
Press and Public

Dear Member

Development Control Committee: Wednesday, 14th December, 2011

You are invited to attend a meeting of the **Development Control Committee**, to be held on **Wednesday, 14th December, 2011 at 2.00pm** in the **Brunswick Room - Guildhall, Bath**

The Chair's Briefing Meeting will be held at 10.00am on Tuesday 13th December in the Meeting Room, Lewis House, Bath.

The rooms will be available for the meetings of political groups. Coffee etc. will be provided in the Group Rooms before the meeting.

The agenda is set out overleaf.

Yours sincerely

David Taylor
for Chief Executive

If you need to access this agenda or any of the supporting reports in an alternative accessible format please contact Democratic Services or the relevant report author whose details are listed at the end of each report.

This Agenda and all accompanying reports are printed on recycled paper

NOTES:

1. **Inspection of Papers:** Any person wishing to inspect minutes, reports, or a list of the background papers relating to any item on this Agenda should contact David Taylor who is available by telephoning Bath 01225 - 394414 or by calling at the Riverside Offices Keynsham (during normal office hours).
2. **Public Speaking at Meetings:** The Council has a scheme to encourage the public to make their views known at meetings. They may make a statement relevant to what the meeting has power to do. They may also present a petition or a deputation on behalf of a group. Advance notice is required not less than two full working days before the meeting (this means that for meetings held on Wednesdays notice must be received in Democratic Services by 4.30pm the previous Friday)

The public may also ask a question to which a written answer will be given. Questions must be submitted in writing to Democratic Services at least two full working days in advance of the meeting (this means that for meetings held on Wednesdays, notice must be received in Democratic Services by 4.30pm the previous Friday). If an answer cannot be prepared in time for the meeting it will be sent out within five days afterwards. Further details of the scheme can be obtained by contacting David Taylor as above.

3. **Details of Decisions taken at this meeting** can be found in the minutes which will be published as soon as possible after the meeting, and also circulated with the agenda for the next meeting. In the meantime details can be obtained by contacting David Taylor as above.

Appendices to reports are available for inspection as follows:-

Public Access points - Riverside - Keynsham, Guildhall - Bath, Hollies - Midsomer Norton, and Bath Central, Keynsham and Midsomer Norton public libraries.

For Councillors and Officers papers may be inspected via Political Group Research Assistants and Group Rooms/Members' Rooms.

4. **Attendance Register:** Members should sign the Register which will be circulated at the meeting.
5. THE APPENDED SUPPORTING DOCUMENTS ARE IDENTIFIED BY AGENDA ITEM NUMBER.
6. **Emergency Evacuation Procedure**

When the continuous alarm sounds, you must evacuate the building by one of the designated exits and proceed to the named assembly point. The designated exits are sign-posted.

Arrangements are in place for the safe evacuation of disabled people.

Development Control Committee - Wednesday, 14th December, 2011

at 2.00pm in the Brunswick Room - Guildhall, Bath

A G E N D A

1. EMERGENCY EVACUATION PROCEDURE

The Chair will ask the Committee Administrator to draw attention to the emergency evacuation procedure as set out under Note 6

2. ELECTION OF VICE CHAIR (IF DESIRED)

3. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

4. DECLARATIONS OF INTEREST

Members who have an interest to declare are asked to state:

(a) the Item No and site in which they have an interest; (b) the nature of the interest; and (c) whether the interest is personal or personal and prejudicial.

Any Member who is unsure about the above should seek advice from the Monitoring Officer prior to the meeting in order to expedite matters at the meeting itself.

5. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

6. ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS

(1) At the time of publication, no items had been submitted.

(2) To note that, regarding planning applications to be considered, members of the public who have given the requisite notice to the Committee Administrator will be able to make a statement to the Committee immediately before their respective applications are considered. There will be a time limit of 3 minutes for each proposal, ie 3 minutes for the Parish and Town Councils, 3 minutes for the objectors to the proposal and 3 minutes for the applicant, agent and supporters. This allows a maximum of 9 minutes per proposal.

7. ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

To deal with any petitions or questions from Councillors and where appropriate Co-opted Members

8. MINUTES: WEDNESDAY 23RD NOVEMBER 2011 (Pages 9 - 26)

To approve as a correct record the Minutes of the previous meeting held on Wednesday 23rd November 2011

9. MAJOR DEVELOPMENTS

The Senior Professional – Major Developments to provide an oral update

10. NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES (Pages 27 - 42)

To note the report

11. ENFORCEMENT REPORT - THE OLD ORCHARD, 1 THE SHRUBBERY, LANSDOWN, BATH (Pages 43 - 54)

12. SITE VISIT LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (Pages 55 - 82)

13. MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (Pages 83 - 168)

The Committee Administrator for this meeting is David Taylor who can be contacted on 01225 - 394414.

Member and Officer Conduct/Roles Protocol*

Development Control Committee

(*NB This is a brief supplementary guidance note not intended to replace or otherwise in any way contradict Standing Orders or any provision of the Local Authorities (Mode Code of Conduct) Order 2001 adopted by the Council on 21st February 2002 to which full reference should be made as appropriate).

1. Declarations of Interest (Personal and Prejudicial)

- These are to take place when the agenda item relating to declarations of interest is reached. It is best for Officer advice (which can only be informal) to be sought and given prior to or outside the Meeting. In all cases the final decision is that of the individual Member.

2. Local Planning Code of Conduct

- This document as approved by Full Council and previously noted by the Committee, supplements the above. Should any Member wish to state declare that further to the provisions of the Code (although not a personal or prejudicial interest) they will not vote on any particular issue(s), they should do so after (1) above.

3. Site Visits

- Under the Council's own Local Code, such visits should only take place when the expected benefit is substantial eg where difficult to visualize from the plans, or from written or oral submissions or the proposal is particularly contentious. Reasons for a site visit should be given and recorded. The attached note sets out the procedure.

4. Voting & Chair's Casting Vote

- By law the Chair has a second or "casting" vote. It is recognised and confirmed by Convention within the Authority that the Chair's casting vote will not normally be exercised. A positive decision on all agenda items is, however, highly desirable in the planning context, although exercise of the Chair's casting vote to achieve this remains at the Chair's discretion.

Chairs and Members of the Committee should be mindful of the fact that the Authority has a statutory duty to determine planning applications. A tied vote leaves a planning decision undecided. This leaves the Authority at risk of appeal against non-determination and/or leaving the matter in abeyance with no clearly recorded decision on a matter of public concern/interest.

The consequences of this could include (in an appeal against "non-determination case) the need for a report to be brought back before the Committee for an indication of what decision the Committee would have come to if it had been empowered to determine the application.

5. Officer Advice

- Officers will advise the meeting as a whole (either of their own initiative or when called upon to do so) where appropriate to clarify issues of fact, law or policy. It is accepted practice that all comments will be addressed through the Chair and any subsequent Member queries addressed likewise.

6. Decisions Contrary to Policy and Officer Advice

- There is a power (not a duty) for Officers to refer any such decision to a subsequent meeting of the Committee. This renders a decision of no effect until it is reconsidered by the Committee at a subsequent meeting when it can make such decision as it sees fit.

7. Officer Contact/Advice

- ***If Members have any conduct or legal queries prior to the Meeting, then they can contact the following Legal Officers for guidance/assistance as appropriate (bearing in mind that informal Officer advice is best sought or given prior to or outside the Meeting) namely:-***

1. Maggie Horrill, Planning and Environmental Law Manager
Tel. No. 01225 39 5174
2. Simon Barnes, Senior Legal Adviser
Tel. No. 01225 39 5176

- General Member queries relating to the Agenda (including Public Speaking arrangements for example) should continue to be addressed to David Taylor, Committee Administrator Tel No. 01225 39 4414

**Planning and Environmental Law Manager, Planning Services Manager,
Democratic Services Manager, Solicitor to the Council
April 2002**

Site Visit Procedure

- (1) Any Member of the Development Control or local Member(s) may request at a meeting the deferral of any application (reported to Committee) for the purpose of holding a site visit.***
- (2) The attendance at the site inspection is confined to Members of the Development Control Committee and the relevant affected local Member(s).
- (3) The purpose of the site visit is to view the proposal and enhance Members' knowledge of the site and its surroundings. Members will be professionally advised by Officers on site but no debate shall take place.
- (4) There are no formal votes or recommendations made.
- (5) There is no allowance for representation from the applicants or third parties on the site.
- (6) The application is reported back for decision at the next meeting of the Development Control Committee.
- (7) In relation to applications of a controversial nature, a site visit could take place before the application comes to Committee, if Officers feel this is necessary.

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DRAFT MINUTES PENDING CONFIRMATION AT THE NEXT MEETING

BATH AND NORTH EAST SOMERSET

MINUTES OF DEVELOPMENT CONTROL COMMITTEE

Wednesday, 23rd November, 2011

Present:- Councillor Gerry Curran in the Chair

Councillors Lisa Brett, Neil Butters, Liz Hardman, Eleanor Jackson, Les Kew, David Martin, Bryan Organ, Martin Veal, David Veale, Brian Webber and Jeremy Sparks (In place of Douglas Nicol)

Also in attendance: Councillors Patrick Anketell-Jones, Cherry Beath, Sally Davis and Roger Symonds

72 EMERGENCY EVACUATION PROCEDURE

The Senior Democratic Services Officer read out the procedure

73 ELECTION OF VICE CHAIR (IF DESIRED)

A Vice Chair was not required

74 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

An apology for absence was received from Councillor Doug Nicol whose substitute was Councillor Jeremy Sparks

75 DECLARATIONS OF INTEREST

Councillor Lisa Brett declared a personal but non-prejudicial interest in the planning application at 153 Newbridge Hill as her father knew the applicant's father. As this was not a substantial and prejudicial interest, she would speak and vote on this item.

76 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There were no items of urgent business

77 ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS

The Senior Democratic Services Officer informed the meeting that there were members of the public wishing to make statements on the Enforcement Report 11 relating to The Old Orchard, The Shrubbery, Lansdown, and that they would be able to do so when reaching that item. There were a number of people wishing to speak on the planning applications in Report 10 and they would be able to make their statements when reaching those respective items in that Report.

78 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

There were no items from Councillors

79 MINUTES: WEDNESDAY 26TH OCTOBER 2011

The Minutes of the previous meeting held on Wednesday 26th October 2011 were approved as a correct record and signed by the Chair

80 MAJOR DEVELOPMENTS

The Senior Professional – Major Developments informed the meeting that there were no issues on major developments on which to update Members.

The Committee noted.

81 MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE

The Committee considered

- A report by the Development Manager on various planning applications
- An Update Report by the Development Manager on Items Nos. 1-3 and 5, the Report being attached as *Appendix 1* to these Minutes
- Oral statements by members of the public etc. on Item Nos. 1-4, the Speakers List being attached as *Appendix 2* to these Minutes

RESOLVED that, in accordance with their delegated powers, the applications be determined as set out in the Decisions List attached as *Appendix 3* to these Minutes.

Items 1&2 Gammon Plant Hire, Rock Hall Lane, Combe Down, Bath – 1) Erection of 1 Mining Interpretation Centre (rated BREEAM Excellent) 8 Eco Homes (rated Code 5 zero carbon), 1 apartment (rated Code 5 zero carbon) and all associated hard and soft landscaping following demolition of all existing properties with the exception of a portion of historic stone wall to Rock Hall Lane (Ref No. 11/04168/FUL) (Resubmission); and 2) demolition of all existing properties with the exception of a portion of historic wall to Rock Hall Lane (11/04167/CA) – The Historic Environment Team Leader and the Planning Officer reported on these applications and their recommendations to refuse permission/consent. The Update Report gave further information on the applications and recommended an additional reason for refusal on the planning application (Ref No 11/04168/FUL). The public speakers made statements for and against the applications and the Ward Councillors Cherry Beath and Roger Symonds made their statements in favour of the proposals.

Members asked questions about the environmental issues raised by one of the public speakers regarding the screening opinion. One of the concerns raised related specifically to the fact that the revised screening opinion had only been in the public domain 5 days before the meeting. The Planning and Environmental Law Manager

recommended that, in the circumstances, it would be better to defer the applications to allow the revised screening opinion a longer period in the public domain given the period set out in the Regulations for adopting screening opinions. It was therefore moved by Councillor Martin Veal and seconded by Councillor Lisa Brett to defer consideration to allow further time for third parties to be able to comment on the screening opinion. Members briefly debated the motion and it was then put to the vote. Voting: 11 in favour and 0 against with 1 abstention. Motion carried.

Item 3 Land rear of Holly Farm, Brookside Drive, Farmborough – Residential development comprising 38 dwellings with associated access, car parking and landscaping – The Case Officer reported on this application and her recommendation (A) that the application be referred to the Secretary of State as a departure from the Development Plan; (B) to authorise the Planning and Environmental Law Manager to secure an Agreement under Section 106 of the Town and Country Planning Act 1990 as detailed in the Officer's Report; and (C) upon completion of the Agreement, to authorise the Development Manager to permit the application subject to various conditions set out in the Report. The Update Report informed the Committee that Conditions 3 and 4 in the Report were not required and therefore should be deleted from the Recommendation. Members of the public then made statements for and against the proposal which was followed by a statement from the Ward Councillor Sally Davis.

Members asked questions about the proposals to which Officers responded. Reference was made to an advertisement on the application giving 21 days to make representations but which expired after the date of this meeting. The Team Leader – Development Management replied that this was a “departure” advertisement and it was not unusual for such advertisements to appear later on in the planning process as representations could still be submitted and considered when the application was referred to the Secretary of State. Councillor Bryan Organ voiced various concerns regarding access, parked cars, impact of the development on the character of the village etc. He considered that Members needed to see the site and therefore moved that consideration be deferred for a Site Visit. The motion was seconded by Councillor Martin Veal. The motion was put to the vote, 8 voting in favour and 2 against with 2 abstentions. Motion carried.

Item 4 No. 153 Newbridge Hill, Newbridge, Bath – Erection of new single family dwelling on land at the rear of Nos. 153/155 Newbridge Hill – The Case Officer reported on this application and her recommendation to refuse permission. The public speakers made their statements for and against the proposal.

Members asked questions about the proposal. Councillor Martin Veal agreed with the Officer's Recommendation and moved that permission be refused for the reasons cited. This was seconded by Councillor Neil Butters. Members debated the motion. It was generally accepted that this was backland development which would be detrimental to the character of the Conservation Area. There was also concern that this could set a precedent for other gardens to be developed in the area. The motion was put to the vote. Voting: 8 in favour and 2 against with 2 abstentions. Motion carried.

Item 5 No. 69 Haycombe Drive, Southdown, Bath – Erection of detached 2 storey dwelling on land to the rear of 69 Haycombe Drive – This application was withdrawn from the Agenda.

82 ENFORCEMENT REPORT - THE OLD ORCHARD, 1 THE SHRUBBERY, LANSDOWN, BATH

The Committee considered (1) a report by the Development Manager requesting Members to authorise enforcement action regarding (a) the materials used to clad the boundary wall to the garden and parking areas and parts of the new dwelling which did not match the approved sample; (b) the boundary to the property which had not been constructed in accordance with the details approved under planning permission 09/00367/FUL; (c) the boundary to the parking area which had not been constructed in accordance with the approved plan S2B in breach of Condition 10 of planning permission 09/00367/FUL; (d) the surface of the parking area which had not been constructed in accordance with the approved plan S2B in breach of Condition 10 of planning permission 09/00367/FUL; and (e) gates to the parking area which had been erected on the western boundary without planning permission; (2) oral statements by a representative of St James' Park Residents Association speaking in favour of enforcement action and from the owner of the property speaking against enforcement action; and (3) a statement by the Ward Councillor Patrick Anketell-Jones raising various concerns.

The Team Leader – Development Management reported on the issues by means of a power point presentation.

The Members discussed the matter. Various issues were raised such as sample panels not being available and the need to ascertain whether there were differences in shades of stone between the suppliers' sample and the materials on the site; the possibility of gravel spilling out onto the footway; the differences in dimensions of the walls and gates from the approved plans. Some Members considered that some of the changes affected residents' amenities but others did not. The Chair gave his views on whether enforcement action should be authorised on the various aspects of concern. It was agreed that each aspect of unauthorised work should be considered individually as to whether enforcement action should be authorised.

After voting on these aspects, the Committee **RESOLVED**: That

(1) enforcement action be authorised relating to (i) the gates to both sides of The Shrubbery; and (ii) the gravel to the parking area;

(2) enforcement action not be authorised relating to (i) the gates facing St James' Park; and (ii) the cladding to the house; and

(3) a decision to authorise enforcement action on the boundary wall be deferred until information had been obtained from the suppliers of the materials regarding different colours of material available.

83 NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES

The Committee noted the report

The meeting ended at 4.45 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

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BATH AND NORTH EAST SOMERSET COUNCIL

Development Control Committee

23 November 2011

**OBSERVATIONS RECEIVED SINCE THE PREPARATION OF THE MAIN
AGENDA**

ITEM 10

ITEMS FOR PLANNING PERMISSION

Item No	Application No	Address	Page No
01	11/04166/FUL	Gammon Plant Hire, Rock Hall Lane, Combe Down, Bath	40

Further Information: Additional information has been submitted by the applicant/agent in support of the application. The PPS5 Assessment and justification supplements information in the original submission and is in response to the Committee Report and the request for financial contributions for Childrens' Services. The additional comments can be summarised as follows:

Demolition and reuse of buildings: The agent has outlined the problems with reusing the existing building, including using the shop area for the Interpretation Centre. The impracticalities include the lack of space, access issues, need for an adaptable and flexible centre, and the need of a building capable of being run economically and remain sustainable in the long term. The HCA require the highest environmental standards.

The provision of the building within the shop building would result in a loss of two of the proposed dwellings, and if the cottage building is retained, would result in the loss of 4 of the dwellings. In that event the HCA's gap funding would have to increase substantially, which is not a feasible consideration at this point.

Future use of the site: It would be sold to a new landowner with no obligation to provide the Interpretation Centre. Any houses may not be zero-carbon and the proposed highways and footpath improvements may not be so extensive.

The site could revert to its established use as commercial garage and plant yard, with consequential increases in discordant road traffic caused by commercial vehicles.

Addressing expressed concerns over retention of walls within the proposal: The applicant's structural engineer advises the existing wall which is proposed to be retained along Rock Hall Lane can be preserved in situ without rebuilding. With the existing buildings the roof structures of the

buildings would require wholesale reconstruction if the buildings were to be reused.

Addressing expressed concerns over character of Conservation Area and quality:

The applicant fails to accept that the existing elevation street scape is of higher quality than the proposal. Interaction, observation, animation on Combe Road as an active frontage, a key principle of best practice urban design, is what the current proposal offers. An important contribution to social sustainability through refreshed new use as well as environmental sustainability is therefore made through the proposal.

Addressing expressed concerns over Scale and Grain: Whilst the proposed terraces are marginally wider than some of the smaller local cottage terraces, many buildings within the Conservation Area are of similar scale, not least of which the adjacent Rock Hall House. In response to claims that the gables within the proposal are out of scale, the most exposed gable is the west facing gable on Combe Road, which acts as a backdrop only to the more striking roof form of the Interpretation Centre.

Viability: The detailed design has evolved to take account of the legitimate concerns of local people, the planning officers and other consultees. These changes have additionally burdened the schemes viability and resulted in a subsequent increase in the requirement for HCA investment. The development proposals are providing a significant quantity of on and off site improvements that go far beyond policy requirements, as detailed below:

- Land reclamation £500,000 of work to Ralph Allen Yard required to carry out and complete the ground stabilisation that has been carried out as part of the £ 150m Mines Stabilisation Programme. This is funded by HCA as part of the development of the site.
- Sustainability commitment to the development of an exemplar low energy development
- Interpretation Centre - The funding for the construction and fit out of the Interpretation Centre is being provided by HCA. This funding is time limited.
- Off-site highway works Rock Hall Lane needs footpath, highway and junction improvement works to resolve existing problems.

The Homes and Communities Agency acquired Gammon's Yard, now known as Ralph Allen Yard on Rock Hall Lane in 2004 at a significant total cost of around £1million to provide an entrance into the mines to enable land stabilisation works to be undertaken.

There are a therefore a number of significant project specific costs associated with this scheme that go beyond what would normally be anticipated from any private sector initiative. HCA investment and a desire to deliver an exemplar development that delivers the quality legacy for Combe Down has provided the following additionally:

- Ground stabilisation £541,000
- Interpretation Centre £279,500
- Interpretation Centre fit out £100,000
- Rock Hall Lane highway improvements £36,600
- Sustainability £200,000

The project does not provide a financial contribution to education. However, education costs should be recognised as a potential cost to the city, whereby the benefits set out above are certain benefits. Therefore, it is felt that the benefit in the form of on-site enhancements which totals £1.157million and should be set against the investment to date of £150million is overwhelming.

It should also be noted that this development proposal performs the discharge of existing planning conditions that relate to the wider mines restoration consent. The agent states that failure to deliver this scheme will result in an additional cost to the council for providing an alternative solution to the planning condition discharge.

Development appraisal summary:

Sales Income	£2.896m
	Deduct
Build costs	£1.934m
External development costs – Normal	£116k
External development costs – Abnormal	£541k
Prelims/ Fees/ Marketing	£680k
Overhead and Profit	<u>£499k</u>
Total	-£874k

Level of further HCA investment required £874k

Note: This appraisal summary does not show the site acquisition costs

Without public subsidy, the agent states that this development proposal is not viable.

Further representations received: 2 further supporting comments have been received.

Homes and Community Agency: £150million has been investigated in the Combe Down Mines Restoration Project. Ralph Allen Yard was identified and acquired with the intention to finalise this project with a legacy development.

It is of great concern that the planning application is recommended for refusal. An opportunity exists for the Interpretation Centre to form the centre piece of an exemplar project including low energy homes. The development partners have worked tirelessly over the last three years to bring forward comprehensive development proposals of an exemplar nature.

The achievement of Code 5 for sustainable homes and zero carbon is unprecedented in Bath and North East Somerset and rare in the UK. The benefits should be considered proportionately against the disadvantages of the loss of existing non-listed building deliver well beyond the policy requirements for off-site financial contributions and again should be a material consideration when looking at the balance of the proposal.

If this development is not possible the HCA will have no reason to retain ownership of the land and it will be sold on the open market. Alternative proposals could include space being provided elsewhere in the City but the opportunity to create a locally based community facility as an integral part of the Interpretation Centre would be lost.

John Betty – Strategic Director –Director and Major Projects: An Interpretation Centre in the village was, and remains, the approach most enthusiastically championed by local interest groups, and would provide supplementary community use.

Professional advice, however, had suggested financial sustainability of any such stand-alone Centre was in doubt. This doubt has been overcome through the present proposals, which use the development of the balance of the site for residential use, together with the significant development subsidy from HCA.

The proposals are the culmination of extensive consultation and responsive modifications by the developer, enabling the project to provide a fitting legacy of benefits to the area, which include comprehensive off-site highway improvements; a meeting space for the community; management of the facility by ECOS trust whose principle objective is to promote design and build techniques that give a better quality of life and reduced impact on the environment; a minimum of Code Level 4 environmental and quality standards of the Code for Sustainable Homes.

The Combe Down Stone Mines Project believe that the considerations set out above should be given significant weight in evaluating the benefits and issues of this application, and would ask for the application to be approved and the project delivered, thereby creating a legacy for the Combe Down Stone Mines Project.

Officer response to the above issues: Whilst the further comments have been noted, these do not outweigh the concerns outlined in the Committee Report and the reasons for refusal cited. The alterations to the previously withdrawn scheme have been recognised within the Committee Report.

Further, it is not considered that it has been successfully demonstrated that the levels of obligations required would render the proposal unviable. Limited figures have been provided by the agent/applicant and without full financial details, the economic viability of the scheme cannot be fully assessed. Whilst the comments of the HCA are noted, these funding issues are not considered to be exceptional circumstances to allow a departure from the relevant policy which relates to planning obligations. As cited in the Planning Obligation SPD, a change in the Council's standard obligations will be considered as an unusual exception.

The following reason for refusal is also recommended.

The applicant has failed to fully justify not providing the financial contributions to Children's Services and as a S106 securing these contributions has not been signed, the development is therefore contrary to Policy IMP1 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted 2007 and the adopted Planning Obligations - Supplementary Planning Document

Item No	Application No	Address	Page No
02	11/04167/CA	Gammon Plant Hire, Rock Hall Lane, Combe Down, Bath	56

Further representations received: 3 further letters of objections have been received, all from residents of Combe Down.

One letter on behalf of two residents objects because the maltings and former shop are part of the real heritage of Combe Down. The admirable restoration of De Monalt Mill nearby should be an inspiration of positive conservation. Most residents regard the proposed development as a carbuncle.

A second letter recalls that many descendants of the quarries and brewing industries still live in the village and this building should be retained. Agree with the points raised by the Heritage watchdog.

The third wishes to reiterate further opposition to the loss of existing buildings and materials, and the scale of the proposed redevelopment.

Item No	Application No	Address	Page No
03	11/02432/OUT	Land Rear Of Holly Farm, Brookside Drive, Farmborough	66

Further to additional advice from the Senior Highway Development Officer, it has been confirmed that conditions 3 and 4, as cited in the Committee Report are not necessary, and should not be included on any permission granted.

Item No	Application No	Address	Page No
05	11/03987/OUT	69 Haycombe Drive, Southdown, Bath	98

This application has been withdrawn from the Agenda

**SPEAKERS LIST
BATH AND NORTH EAST SOMERSET COUNCIL
DEVELOPMENT CONTROL COMMITTEE**

**MEMBERS OF THE PUBLIC WHO MADE A STATEMENT AT
DEVELOPMENT CONTROL COMMITTEE AT ITS MEETING ON
WEDNESDAY 23RD NOVEMBER 2011**

SITE/REPORT	NAME/REPRESENTING	FOR/AGAINST
PLANS LIST REPORT 10		
Gammon Plant Hire, Rock Hall Lane, Combe Down, Bath (Items 1&2, Pages 40- 63)	Jill Attwood <u>AND</u> Ian Barclay Jeff Manning <u>AND</u> Richard Read	Against – To share 6 minutes For – To share 6 minutes
Land rear of Holly Farm, Brookside Drive, Farmborough (Item 3, Pages 66-90)	John Clay Catherine Jackson (Applicants' Agent)	Against For
153 Newbridge Hill, Bath (Item 4, Pages 91-99)	Adam White Bernardo Mori (Applicant's Architect)	Against For
ENFORCEMENT REPORT 11		
Old Orchard, The Shrubbery, Lansdown, Bath	Mark Strickland (St James' Park Residents Association) Janet Wilson (Owner)	Statement in favour of enforcement Statement against enforcement

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BATH AND NORTH EAST SOMERSET COUNCIL

DEVELOPMENT CONTROL COMMITTEE

23rd November 2011

DECISIONS

Item No:	01	
Application No:	11/04166/FUL	
Site Location:	Gammon Plant Hire, Rock Hall Lane, Combe Down, Bath	
Ward: Combe Down	Parish: N/A	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of 1no. Mining Interpretation Centre (rated BREEAM Excellent), 8no. Eco-Homes (rated Code 5 zero carbon), 1no. Apartment (rated Code 5 zero carbon) and all associated hard and soft landscaping following demolition of all existing properties, with the exception of a portion of historic stone wall to Rock Hall Lane (resubmission).	
Constraints:	Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, Local Shops, Water Source Areas, World Heritage Site,	
Applicant:	Ian Cox Development Partners Ltd	
Expiry Date:	22nd November 2011	
Case Officer:	Tessa Hampden	

DECISION Defer consideration.

Reason: To allow further time for third parties to comment on EI Screening Assessment

Item No:	02	
Application No:	11/04167/CA	
Site Location:	Gammon Plant Hire, Rock Hall Lane, Combe Down, Bath	
Ward: Combe Down	Parish: N/A	LB Grade: N/A
Application Type:	Conservation Area Consent	
Proposal:	Demolition of all existing properties with the exception of a portion of historic stone wall to Rock Hall Lane.	
Constraints:	Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, Local Listing, Water Source Areas, World Heritage Site,	
Applicant:	Ian Cox Development Partners Ltd	
Expiry Date:	22nd November 2011	
Case Officer:	Ian Lund	

DECISION Defer consideration.

Reason: To allow further time for third parties to comment on EI Screening Assessment

Item No:	03	
Application No:	11/02432/OUT	
Site Location:	Land Rear Of Holly Farm, Brookside Drive, Farmborough, Bath	
Ward: Farmborough	Parish: Farmborough	LB Grade: N/A
Application Type:	Outline Application	
Proposal:	Residential development comprising 38 dwellings with associated access, car parking and landscaping	
Constraints:	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary, Public Right of Way,	
Applicant:	Blue Cedar Homes	
Expiry Date:	14th September 2011	
Case Officer:	Tessa Hampden	

DECISION Defer consideration to allow Members to visit the site.

Reason: To view the development in the context of its surroundings.

Item No:	04		
Application No:	11/03393/FUL		
Site Location:	153 Newbridge Hill, Newbridge, Bath, BA1 3PX		
Ward: Newbridge	Parish: N/A	LB Grade: N/A	
Application Type:	Full Application		
Proposal:	Erection of new single family dwelling on land at the rear of 153/155 Newbridge Hill		
Constraints:	Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, World Heritage Site,		
Applicant:	Ms Amy Fry		
Expiry Date:	11th October 2011		
Case Officer:	Tessa Hampden		

DECISION REFUSE for the following reasons:

1 The proposal by virtue of its size, scale and siting in this backland location would detract from the character and appearance of the City of Bath Conservation Area. The development is therefore contrary to policies D2, D4 and B6 of the Bath and North East Somerset Local Plan (including minerals and waste) adopted October 2007.

PLANS LIST: 1102 P01, 02, 07, 15, 16, 17, 18, date stamped 8th August 2011, 1102 P19 date stamped 16th August 2011, and 1102 P051, 06A date stamped 19th August 2011.

Item No:	05		
Application No:	11/03987/OUT		
Site Location:	69 Haycombe Drive, Southdown, Bath, Bath And North East Somerset		
Ward: Southdown	Parish: N/A	LB Grade: N/A	
Application Type:	Outline Application		
Proposal:	Erection of a detached 2 storey dwelling on land to the rear of 69 Haycombe Drive		
Constraints:	Agric Land Class 3b,4,5, Forest of Avon, Hotspring Protection, World Heritage Site,		
Applicant:	Mr & Mrs David and Elizabeth Bates		
Expiry Date:	12th January 2012		
Case Officer:	Richard Stott		

DECISION This application was withdrawn from the Agenda.

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Bath & North East Somerset Council	
MEETING:	Development Control Committee
MEETING DATE:	14 December 2011
RESPONSIBLE OFFICER:	Lisa Bartlett, Development Control Manager, Planning and Transport Development (Telephone: 01225 477281)
TITLE:	NEW PLANNING APPEALS, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES
WARD:	ALL
BACKGROUND PAPERS:	None
AN OPEN PUBLIC ITEM	

APPEALS LODGED

App. Ref: 11/02674/EFUL
Location: The Bath Press Lower Bristol Road Westmoreland Bath
Proposal: Mixed-use redevelopment comprising 6,300sqm of retail (Class A1), 4,580sqm of creative work space (Class B1), 2,830sqm of offices (Class B1), 10 residential houses, car park, landscape and access (including realignment of Brook Road).
Decision: Non-determination
Decision Date: 14 November 2011
Decision Level:
Appeal Lodged: 14 November 2011

App. Ref: 11/02013/FUL
Location: The Pelican Inn 10 South Parade Chew Magna Bristol
Proposal: Erection of new link building and alterations to existing stone barns
Decision: REFUSE
Decision Date: 24 October 2011
Decision Level: Delegated
Appeal Lodged: 15 November 2011

App. Ref: 11/02891/FUL
Location: 13 West Avenue Oldfield Park Bath BA2 3QB
Proposal: Change of use of dwellinghouse to 4no studio flats and 1no 1-bedroom flat
Decision: REFUSE

Decision Date: 5 September 2011
Decision Level: Delegated
Appeal Lodged: 21 November 2011

App. Ref: 11/02277/FUL
Location: 10 Warleigh Drive Batheaston Bath BA1 7PT
Proposal: Erection of an attached garage.
Decision: REFUSE
Decision Date: 10 August 2011
Decision Level: Delegated
Appeal Lodged: 25 November 2011

App. Ref: 11/03882/LBA
Location: 20 St Mark's Road Widcombe Bath BA2 4PA
Proposal: External alterations for the addition of photovoltaic to complement existing solar thermal
Decision: REFUSE
Decision Date: 14 November 2011
Decision Level: Delegated
Appeal Lodged: 28 November 2011

APPEAL DECISIONS

App. Ref: 11/01660/FUL
Location: Woodborough Guest House 4 Marlborough Buildings
Proposal: Provision of off road parking in front of dwelling, enlargement of rear dormer, rear kitchen window, kitchen door and roof lantern and erection of a single storey rear extension
Decision: **Refused**
Decision Date: **24/06/2011**
Decision Level: **Delegated**
Appeal Decision: **Dismissed**

Summary:

Appeal APP/F0114/D/11/2160558 for the creation of off road parking within the front garden of the property has been dismissed.

The inspector agreed within the council that the proposed development would result in the loss of the front boundary wall and garden. The inspector commented that the provision of similar works at number 2 do not justify the loss of the garden and boundary wall at number 4.

The inspector agreed with the council that the proposed development would neither preserve nor enhance the character and appearance of the surrounding Conservation Area. The inspector agreed with the council's decision and the appeal was dismissed.

App. Ref: 11/02034/FUL
Location: 34 Rosslyn Road
Proposal: Erection of two storey side extension following demolition of existing garage
Decision: **Refused**
Decision Date: **15/07/2011**
Decision Level: **Delegated**
Appeal Decision: **Dismissed**

Summary:

Appeal APP/F0144/D/11/2157148 for the erection of a two storey side extension at 34 Rosslyn Road has been dismissed.

The existing property is located within a streetscene characterised by semi- detached 1930s style properties. The approach adopted in the design of the proposed extension made little attempt to match the appearance of the host dwelling. This was deliberately so. In this case the inspector commented that the contrasting design did not work.

Whilst subservience may just have been achieved, it is outweighed by the overwhelming blandness and ordinariness of the proposed design, particularly where it presents itself to the public realm. An almost blank, virtually solid front wall, punctuated only by a single small window, would appear incongruous in its visual context, irrespective of the external materials utilised.

Therefore in this case the inspector agreed with the council and the appeal was dismissed.

App. Ref: 11/01732/AR
Site address: Prop Cosy Club, 20 Southgate Place, Bath
Proposal: Display of 2no. internally illuminated projecting signs.
Decision: Refused
Decision Date: 7 July 2011
Decision Level: Delegated Powers
Appeal Decision: Allowed

Summary:

The main issue is the impact of the proposed signage on the character and appearance of the Bath Conservation Area. In addition to the projecting signs the Inspector decided to consider the menu boards as part of the appeal, by reason that they were shown on the submitted drawings. The Inspector opined that whilst the Council seeks to resist internally illuminated signs, there is evidence of such signage at numerous nearby premises which illustrates the commercial character of the area. The Inspector held that the moderate size, simple design and means of illumination of the signage proposed were consistent with this character and would not therefore be harmful to the character or appearance of the Conservation Area. The appeal was allowed.

App. Ref: 10/00475/FUL
Site address: Field Parcel 7712, Tow Path Kennett and Avon Canal, Bathampton, Bath
Proposal: Stationing of mobile home on land west of Meadow Lane
Decision: Refused
Decision Date: 27 May 2010
Decision Level: Delegated Powers
Appeal Decision: Dismissed

Summary:

The main issues are whether the proposals represent inappropriate development in the Green Belt; the effect on the openness of the Green Belt; the effect on the character and appearance of the area; the effect on highway safety; and whether any harm would be clearly outweighed by other considerations so as to amount to very special circumstances to justify the development.

The Inspector held that the proposals represented inappropriate development and would therefore be harmful by definition. There would also be some additional harm to openness. Taking account of the siting of the dwelling and its limited visibility there would be slight harm to the character and appearance of the area. It was concluded that there would be no harm to highway safety. Factors that weighed in favour of the proposals were the need for gypsy and traveller sites within the area; the negative impact of a refusal of planning permission on the appellant's health, access to employment and education for the appellant's children; the sustainable nature of the development; and the letters in support of the proposals. The Inspector concluded, on balance, that those factors in favour of the proposals did not outweigh the identified harm and that the appeal should therefore be dismissed.

Application Ref: 10/01300/OUT
Site Address: 15a Sycamore Rd, Radstock
Proposal: Erection of attached dwelling
Decision: Refuse
Decision Date: 18 November 2010
Decision Level: Delegated Powers
Appeal Decision: Dismissed

Summary:

The main issue is the effect of the proposals on the living conditions of the occupants of an adjacent dwelling; No.14 Sycamore Road. The Inspector held that the revisions made to the proposals since a previous refusal in 2006 were so modest that they would have almost no mitigating effect on the impact to the neighbouring occupiers. The proposals would dominate and overshadow both the adjacent rear curtilage and elevation and would result in a sense of oppressiveness which would represent significant harm to the amenities of the occupiers of the adjacent dwelling. Regard was given to the relationship between other dwellings in the area; however the Inspector noted that these were different to the situation at the appeal site. The appeal was dismissed.

App. Ref: 10/05276/FUL
Site address: Martin McColls, 33 Bathwick Street, Bathwick, Bath
Proposal: Installation of ATM
Decision: Refused
Decision Date: 24 March 2011
Decision Level: Delegated Powers
Appeal Decision: Dismissed

Summary:

The main issue is whether the proposals would preserve the special architectural and historic interest of the listed building and preserve or enhance the character or appearance of the Bath Conservation Area.

The Inspector held that the proposed ATM would be in a visually prominent position; would introduce a modern character that would be at odds with the traditional shopfront; would prevent views into the shop; and would introduce clutter within the detailed timber framed window. The proposals would cause harm to the character and appearance of the listed shopfront, the row of shops and the Bath Conservation Area. The Inspector considered that there was little evidence to suggest that the proposal would make a significant positive contribution to the vitality and viability of the local shops to outweigh the identified harm to the listed building and Conservation Area. The appeal was dismissed.

App. Ref: 10/04951/FUL
Location: Hawksmoor, Radstock Road, Midsomer Norton, Radstock, Somerset, BA3 2AW
Proposal: The erection of a single storey dwelling, utilising the existing garage.
Decision: Refused
Decision Date: 21st January 2011
Decision Level: Delegated
Appeal Decision: Allowed

Summary:

The reason for refusals included the over-development of the site which would result in a lack of amenity space; inappropriate siting failing to respond to local context and rear curtilages of adjacent properties and parking provision would obstruct manoeuvring within the site. The proposal would therefore conflict with policy D2, D4 and T.24 of the Bath & North East Somerset Local Plan, including minerals and waste (adopted 2007).

The Inspector accepted a revised plan (1564/02 A), which extends the proposed turning area by 2m that resulted in the highways objection being withdrawn. This resulted in the main issues being; the effect of the proposed development on the character and appearance of the host property and surrounding area; and on the living conditions of neighbouring occupiers.

He accepted that the orientation of the proposed bungalow would be east-west across the site with a single ridge, in contrast to the host building, which has a curb roof, pitching in all four directions. This was not considered to be critical in terms of design compatibility. In other respects, the design, height, massing and external materials of the proposed bungalow would not be out of character with the host building. Furthermore the impact of the proposal on the public realm would be limited to partial views from Radstock Road to the north along the access

road and from relatively distant public viewpoints to the south, where the proposal would be seen against the backdrop of the urban area of Midsomer Norton. In this respect the proposal was considered not to be contrary to Bath and North East Somerset Local Plan, including minerals and waste policies (2007) (LP) policies D.2 and D.4 which cover design and public realm considerations.

The Inspector referred to the recent changes in Planning Policy Statement (PPS) 3 *Housing*, which means that garden areas are not prioritised for development. However, he stated that PPS3 still encourages the efficient use of land, subject to proper planning considerations, and it does not preclude applications affecting garden land from being considered on their particular merit.

He stated that whilst the gardens would be compact, they would be able to function as amenity areas with sufficient privacy afforded by their orientation. In the case of Hawksmoor (the host building), the existing garage block and fencing would screen the remaining garden from being overlooked by future occupiers of the proposed bungalow. In addition, whilst neighbouring residents are also concerned that their outlook would be harmed the proposed bungalow would be less than 0.5m higher than the existing garage block and situated further from these neighbouring dwellings. Although it would be visible from the kitchen of 61 Radstock Road to the east, any minimal impact from such a distance would be offset by the existing close boarded boundary fence and the garages. The appeal was therefore allowed subject to conditions.

Application Ref:	10/01772/FUL
Address:	Yew Tree Cottage, Scot Lane, Chew Stoke, Bristol, BS40 8UW
Proposal:	Erection of two storey infill extension and single storey side extension
Decision:	Refused
Decision Date:	30 th June 2010
Decision Level:	Delegated
Appeal Decision:	Appeal Dismissed

Reason for Refusal:

The Council held that since the house was built in 1996 it had already been extended by 26%. The proposed would further increase the total development to 56%, contrary to policy and the adopted SPD.

Despite the suburban location as part of a linear development it was held that by definition of it being disproportionate to the main dwelling, the proposed extension would cumulatively harm the openness of this part of the green belt.

Summary:

Cumulatively the works would equate to the original house having been doubled since it was built, the extension was held as disproportionate.

Despite the infilling nature of the proposed, within the built envelope of the existing, the Inspector found that this did not outweigh the harm to openness caused by a fundamental reduction in openness of the green belt.

The Inspector agreed with the case officer's assessment and the appeal was dismissed.

Application Ref: 10/02752/FUL
Address: 43 Mount Road, Southdown
Proposal: Erection of 2no semi-detached houses on land adjacent to 43 Mount Road (Resubmission)
Decision: **Refused**
Decision Date: 20th August 2010
Decision Level: Delegated
Appeal Decision: Appeal Dismissed

Reason for Refusal:

- Inappropriate design, siting and orientation.
- Detrimental harm to residential amenity.
- Over development of the site.
- Unsatisfactory parking arrangements and poor visibility

Summary:

Inspector found that the dwellings would not be cramped however would appear disproportionate in the context of the surrounding area. Inspector agreed with the Council that the proposed would be harmful to the character and appearance of the area and detrimental to the living conditions of future occupants through enclosure and over-dominance.

Inspector found that the proposed would be detrimental to highway safety by reason of the proximity to the adjacent school.

The Inspector agreed with the case officer's assessment and the appeal was dismissed.

Application Ref: 10/01737/LBA
Address: 13a High Street, Twerton
Proposal: Erection of a porch to north elevation (regularisation)
Decision: **Refused**
Decision Date: 15th July 2010
Decision Level: Delegated
Appeal Decision: Appeal Dismissed

Reason for Refusal:

This application was to regularise unauthorised works to a listed building however was refused for the following reasons:

- Lack of historical assessment to fully assess the impact of the works on the Grade II Listed property.
- The structure is disproportionate to the size of the host dwelling, failing to preserve the character and historic interest of the property.

- The poor design, siting and use of unsympathetic materials was deemed detrimental to the host dwelling and the character and appearance of the Conservation Area

Summary:

The Inspector found that the modest size and detailing of the cottage is integral to its historic interest and that the overall scale and size of the porch harmed its significance.

The Inspector did not accept the justification for the porch that it is out of the public realm, providing a shelter space and needed to reduce noise.

The Inspector did not agree that the porch was vital to securing a tenant in the long term and there was no evidence to suggest that without it the property would remain empty.

The Inspector concluded that the materials are not appropriate and the porch harmed the setting, appearance and fabric of the listed building, contrary to PPS.5.

The Inspector agreed with the case officer's assessment and the appeal was dismissed.

Application Ref:	10/04458/FUL
Address:	Manor Farm, Chewton Road, Chewton Keynsham
Proposal:	Provision of a mobile home for occupation in association with Equine Livery and Breeding Enterprise.
Decision:	Refused
Decision Date:	7 th January 2011
Decision Level:	Delegated
Appeal Decision:	Appeal Dismissed

Reason for Refusal:

It was held that the introduction of a new dwelling, outside the development boundary, in the green belt and for purposes outside the scope of agriculture represented an unsustainable and inappropriate form of development that is, by definition, harmful to the green belt. No very special circumstances were presented to support the case and, sited in a prominent location it was considered that the proposed would be harmful to openness and rural character.

Summary:

The Inspector supported the Council's view that a mobile home for residential purposes in the green belt is inappropriate development and thus contrary to PPG.2 and local policy. Further to this, the Inspector found that the siting of the mobile home, detached from the main stable block and requiring substantial excavation and levelling would lead to the domestication of an otherwise open area of land that would harm openness and rural character.

The Inspector found the appellant's supporting statement to be conflicting and that by reason of the personal arrangements of the appellant it was clear that the mobile home was not required to meet the needs of full-time workers employed on site. The Inspector found no functional requirement for the unit and concluded that the size of the proposed unit went beyond any needs for security and surveillance.

The Inspector found that there were no very special circumstances to outweigh the harm to the Green Belt.

The Inspector agreed with the case officer's assessment and the appeal was dismissed.

Application Ref: 10/04039/FUL
Address: Land rear of 4 Bloomfield Drive, Bath
Proposal: Part demolition of wall to provide vehicular access (Retrospective)
Decision: **Refused**
Date of Decision: 1st December 2010
Decision Level: Delegated
Appeal Decision: Appeal Decision

Reason for Refusal:

The appellant carried out works to a listed wall to form a new access way into the former walled kitchen garden associated with Bloomfield Crescent without consent. Applications were made to regularise the works however both the planning (and counterpart listed building) applications were refused. During the course of the application, English Heritage re-graded the main crescent from Grade II to Grade II* and referenced the gardens as being within the curtilage however declined to list the walled gardens in their own right, in part due to the level of unsympathetic works that had been carried out on the walls in the past. The planning application was refused for the following reasons:

- The formation of the access failed to take account of the contribution of the wall to the setting of the listed crescent, further eroding the integrity and significance of the heritage asset through the installation of an unsuitable means of access and use of unsympathetic materials.
- The works failed to respond to the public realm or local context to the detriment of the character and appearance of the area.
- Insufficient justification setting out benefits to outweigh the harm to the curtilage listed structure.
- Inadequate information to fully assess the highway safety issues or to demonstrate that a right of access existed. Intensification of vehicle use to the detriment of pedestrian and highway safety.

Summary:

The Inspector confirmed the association and connectivity of the gardens to the terrace and found that, although the walls have been eroded over time they still contribute to the historic environment. The Inspector concluded that the partial demolition of the wall has significantly reduced the remaining integrity and harmed the significance of this heritage asset.

The Inspector did not find any justification to outweigh the harm resulting from the works carried out.

Whilst the Inspector accepted that there had been a former access to the site he rejected the scheme in the absence of any information clarifying controls over the intensity of vehicles using the site, stating that the traffic movements likely to be generated by this site would be contrary to policy by introducing traffic of potentially excessive volumes, sizes or weights onto an unsuitable road.

The Inspector agreed with the case officer's assessment and the appeal was dismissed.

The appellant made a claim for costs against the Council on the grounds of unreasonable behaviour in refusing the application however in a separate appeal the Inspector refused the costs application.

Application Ref: 10/02595/FUL
Address: Grass Verge, Mount Road, Southdown
Proposal: Installation of a 12.5 metre high replica telegraph pole housing 6no. Antennas within a GRP shroud, 2no. Radio equipment cabinets and ancillary development thereto at grass verge at the junction of Mount Road/The Hollow
Decision: Refused
Decision Date: 4th August 2010
Decision Level: Delegated
Appeal Decision: Appeal Dismissed

Reason for Refusal:

This was the fourth application for a phone mast in this area (two previous schemes were refused and one was returned to the applicant). The case officer was satisfied that the appellant had demonstrated the need for improved coverage in this area of Bath however concluded on balance that the need did not outweigh the harm. The application was refused for the following reasons:

- Exacerbation of undesirable clutter in a prominent open location, to the detriment of the visual amenities of the area.
- Size of the pole would be disproportionate to the scale of the existing street furniture and thus out of character.

Summary:

The Inspector agreed with the case officer in finding the excessive height of the pole to dominate the appearance of the immediate vicinity and concluding that the 10m high trees would be insufficient to obscure the view thus failing to mitigate the totality of the proposal.

The Inspector agreed that the presence of the associated cabinets would erode character and intensify the appearance of street clutter.

The Inspector agreed with the case officer's assessment of the benefits of mast sharing and the consideration given by the appellant to alternative sites however concluded that this did not outweigh the intrusion into the open space that would materially harm the street scene and public realm.

The Inspector agreed with the case officer and confirmed that the provision of the ICNIRP certificate was sufficient enough to not have to consider health concerns, in accordance with PPG.8.

This Inspector concluded that there were no material considerations strong enough to outweigh the harm to character and appearance of the surroundings.

The Inspector agreed with the case officer's assessment and the appeal was dismissed.

Application Ref: 10/03924/FUL
Address: Land at The Oval, Southdown, Bath
Proposal: Erection of a 12.8m high monopole with ground based cabinets and ancillary development at highways land at the Oval between the junctions with Beech Grove and Hazel Grove
Decision: **Approve – Committee Refused**
Decision Date: 26th November 2010
Decision Level: Committee Overturn
Appeal Decision: Appeal Allowed

Reason for Refusal:

Following negotiations with the appellant over the height and siting of the proposed, and accepting the need to improve telecoms infrastructure as well as acknowledging the level of alternative sites considered and dismissed, this application was presented to Development Control Committee with a recommendation to permit. At the Committee meeting, members voted in favour of refusing the application on the following grounds:

- Undesirable clutter in a prominent open location, to the detriment of the visual amenities of the area and this part of the World Heritage Site.
- Proximity to the highway posing undue danger to the drivers of vehicles and undue obstruction to users of the footpath

Summary:

The Inspector noted that the case officer had not questioned the need for coverage and referred to the revised siting on a wide part of the pavement with grass verge and set against the backdrop of a mature tree belt.

The Inspector found the design of the pole to be unobtrusive and uncluttered and that it would be only marginally more visually intrusive within the street scene than the existing street lights. Visual impact was found to be mitigated by the backdrop of the trees.

The Inspector found that the cabinets would be modest and not have an unduly adverse effect on the character and appearance of the area as a whole.

The Inspector did not agree with the assertion that the periodic opening of the cabinet would pose an undue obstacle to pedestrians and that the siting of the cabinet would not prejudice highway safety.

The Inspector agreed with the case officer and confirmed that the provision of the ICNIRP certificate was sufficient enough to not have to consider health concerns, in accordance with PPG.8. No unacceptable detrimental harm to residential amenity was found.

The Inspector rejected the Committee's reasons for refusing this application and found in favour of the appellant by allowing the appeal.

Application Ref: 10/05365/FUL
Address: Street Record, Poolemead Road, Whiteway

Proposal: Erection of a 13.8m MK3 dual user column with ground based cabinets and ancillary development.
Decision: **Approve – committee Refused**
Decision Date: 18th March 2011
Decision Level: Committee Overturn
Appeal Decision: Appeal Allowed

Reason for Refusal:

Following two previous refusals on a site to the north of the appeal site the case officer entered into negotiations with the appellant over the height and siting of the proposed having accepted the need to improve telecoms infrastructure as well as acknowledging a number of alternative sites that were ultimately dismissed. The revised application was presented to the Development Control Committee with a recommendation to permit however at the Committee meeting, members voted in favour of refusing the application on the following grounds:

- Undesirable clutter in a prominent open location, to the detriment of the visual amenities of the area.
- Proximity to the junction between Poolemead Road and Wedgewood Road likely to obscure visibility and result in undue danger to the users of the public highway.

Summary:

The Inspector noted that the case officer had not questioned the need for coverage in the area and that no party had demonstrated that there was a more appropriate alternative site to locate the mast. The Inspector agreed with the case officer in confirming that the provision of the ICNIRP certificate was sufficient enough to not have to consider health concerns further, in accordance with PPG.8. No unacceptable detrimental harm to residential amenity was found.

The Inspector found the design of the pole to be noticeable and not incongruous and that its siting and visual impact would be mitigated by the backdrop of the trees and existing street furniture.

The Inspector found the units to be set sufficiently far back from the junction so as not to cause obstruction of danger to drivers and concluded the mast and cabinet would not prejudice highway safety.

The Inspector did not find the proposal to be visually harmful to the character of the street or the wider setting of the Bath World Heritage Site.

The Inspector rejected the Committee's reasons for refusing this application and found in favour of the appellant by allowing the appeal.

Application Ref: 11/00364/FUL
Address: Land Adj. Dymboro Villa, Providence Place, Midsomer Norton
Proposal: Erection of a detached one bedroom coach house style live/work unit.
Decision: **Refused**
Decision Date: 11th April 2011
Decision Level: Delegated
Appeal Decision: Appeal Dismissed

Reason for Refusal:

This was the third such application for this site, all having been refused. This application was refused for the following reasons:

- Cramped overdevelopment of this small site, failing to respond to the local context.
- Inadequate provision of outdoor amenity space, uncharacteristic with the context of the area and to the detriment of the future occupiers.
- Overbearing sense of encroachment and unacceptable level of overlooking and loss of privacy in respect of the amenity of the adjacent residents.
- Cramped design and substandard access to the detriment of highway safety.

Summary:

The Inspector found that the dense form of development would not follow the general pattern of the area, contrary to policy. In respect of amenity, the Inspector did not agree that there would be a lack of light to the living area of the new dwelling however found the limited outdoor amenity space with the dwelling to be of little benefit and in comparison with the large gardens surrounding would not help the visual integration of the site within the surrounding area.

In respect of parking and access the Inspector raised little issue however concluded that this was not sufficient to overcome the material harm to the character and appearance of the surrounding area.

On balance the Inspector agreed with the case officer's decision and the appeal was dismissed.

Application no:	10/02241/FUL
Address:	Silver Birches, Greyfield Road, High Littleton
Proposal:	Erection of new detached bungalow (Resubmission)
Decision:	Approve – committee Refused
Date of Refusal:	7 th September 2010
Decision Level:	Committee Overturn
Appeal Decision:	Appeal Dismissed

Reason for Refusal:

This application was a resubmission following an earlier refusal under delegated powers and was refused by the Development Control Committee for the following reasons:

- Overbearing impact on neighbours by reason of its siting and location resulting in an increased loss of privacy to the detriment of residential amenity.
- Size, siting and design that does not respond to the context and would be visually harmful to the appearance of the area.
- Overdevelopment of the site by reason of the local topography and setting between the two adjacent properties.

Summary:

The Inspector found that, by reason of the topography and the size of the surrounding dwellings and plots the proposed dwelling would appear in seclusion leading to a detached relationship with the wider area and the proposed would not relate positively to the public realm.

In respect of residential amenity and living conditions, the Inspector found that whilst there was benefit in removing an existing large summerhouse/storage building this did not outweigh the harm to the adjacent dwelling in terms of the outlook and loss of privacy.

The Inspector did not take issue with the impact on the trees or identify a highway safety issue however concluded the scheme was unacceptable principally on the grounds of its dominant impact.

The Inspector agreed with the Committee decision and the appeal was dismissed.

Application Ref: 10/04816/FUL
Address: Church Farm Barn, Church Road, Whitchurch
Proposal: Repair of existing dilapidated agricultural outbuilding.
Decision: **Refused**
Decision Date: 31st January 2011
Decision Level: Delegated
Appeal Decision: Appeal Dismissed

Reason for Refusal:

This application related to the shell of a building in the green belt that had not existed on site in any meaningful form since the mid 1990's and there was concern that the applicant had not specified the access arrangement. The application was refused on the following grounds:

- Substantial reconstruction required to a building that had remained unused for so long, to the detriment of the visual character of the street scene and the openness of the green belt.
- Over-intensification of the site yet no very special circumstances or agricultural justification put forward to outweigh the harm to the green belt.
- Inadequate information provided to demonstrate that a satisfactory means of access could be achieved or to assess the highway implications of the proposal.

Summary:

Although the Council had raised concern over whether the site was to be used for agricultural or equestrian purposes, the Inspector was satisfied that the use was to be for agriculture and concluded this was an appropriate use in the green belt and thus very special circumstances were not required. The focus of the Inspector's report related to the impact on character, appearance and openness.

The Inspector agreed with the Council in concluding that due to the length of time the land had been absent of a building the proposed development would amount to the construction of a new building rather than the repair of an existing.

The Inspector considered the new structure and its projection above the boundary wall would detract from the established character and appearance of the area and the visual amenities of the Green Belt. Furthermore the Inspector stated that openness in terms of the Green Belt means freedom from development and that the introduction a substantially larger structure on the site would result in a significant depletion of the openness of the Green Belt.

In terms of the highway safety concerns the Inspector noted an entrance in the corner of the field and concluded that the development would not give rise to a significantly increased risk to highway users.

In conclusion the Inspector saw no evidence for the need for the structure and found that despite the appropriateness of the development in the green belt, it did not outweigh the overall harm to the character and appearance of the area and the openness of the green belt. In part, the Inspector upheld the case officer's decision and the appeal was dismissed.

The appellant made a claim for costs against the Council on the grounds of unreasonable behaviour in refusing the application however in a separate appeal the Inspector refused the costs application.

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Bath & North East Somerset Council		
MEETING:	Development Control Committee	<div style="border: 1px solid black; width: 100px; height: 100px; display: flex; align-items: center; justify-content: center;"> <div style="writing-mode: vertical-rl; transform: rotate(180deg);"> AGENDA ITEM NUMBER </div> </div>
MEETING DATE:	14 December 2011	
REPORT OF	David Trigwell, Divisional Director of Planning and Transport Development	
REPORT ORIGINATOR:	Lisa Bartlett, Development Control Manager, Planning and Transport Development (Telephone: 01225 477281)	
DATE PREPARED: 30 November 2011		
TITLE:	Enforcement Report: The Old Orchard, 1 The Shrubbery, Lansdown, Bath BA1 2RU	
WARD:	Lansdown	
BACKGROUND PAPERS: Planning Application 09/00367/FUL, Condition application 10/00919/COND and Enforcement file 11/00271/NONCOM		
AN OPEN PUBLIC ITEM		

1.0 PURPOSE OF REPORT

To further advise Members with regard to unauthorised development relating to the erection of a new dwelling and the formation of a parking area. The matter(s) was initially considered by Members at the meeting on 23rd November 2011.

2.0 LOCATION OF PLANNING CONTRAVENTIONS

The Old Orchard, 1 The Shrubbery, Lansdown, Bath, BA1 2RY ("the Property"), as outlined in bold on the attached site location plan (Appendix 1).

3.0 OUTLINE OF PLANNING CONTRAVENTIONS

- a) The materials used to clad the boundary wall to the garden and parking areas, and parts of the new dwelling, do not match the approved sample as shown in *photograph B*;
- b) The boundary to the property has not been constructed in accordance with the details approved under planning permission 09/00367/FUL;
- c) The boundary to the parking area has not been constructed in accordance with approved plan S2B, in breach of Condition 10 of planning permission 09/00367/FUL;

- d) The surface of the parking area has not been constructed in accordance with approved plan S2B, in breach of Condition 10 of planning permission 09/00367/FUL; and
- e) Gates to the parking area have been erected on the western boundary, without planning permission.

At the meeting on 23rd November 2011 Members resolved to authorise enforcement action in respect of b), c) and d) above; and defer a decision to authorise enforcement action in respect of the boundary walls referred to in a) above, to enable further information relating to the materials to be obtained. Members resolved not to authorise enforcement action in respect of e) above, and the cladding of the dwelling referred to in a) above.

4.0 UPDATE FOLLOWING DEFERRAL FROM THE PREVIOUS COMMITTEE MEETING

Members resolved at the previous meeting on 23rd November 2011 to defer consideration of the boundary walls for Officers to investigate whether the material which has been used in the boundary walls is available in a lighter colour. Further information has been obtained from the suppliers of the facing material in this regard. The supplier has confirmed that the stone which was ordered by Ms Wilson to clad the boundary walls is a reconstituted stone – Stegu (manufacturer) Calabria sandstone. The Enforcement Team have investigated whether there is any similar reconstituted stone supplied by Stegu available in a lighter colour. Looking at the range of materials there does not appear to be any other material within the range which would be of a lighter colour and consistent texture and coursing arrangement to the sample panels which were submitted with the discharge of condition application or to Bath stone more generally.

The supplier has advised that they did not provide the sample boards that were presented (and photographed) in connection with the application to discharge Condition 2. They advise that whilst they supplied sample materials these would be closer in colour to the materials which have been used to clad the boundary walls. They also advise that they have not supplied sufficient quantities to make up a m² sample board as was displayed at the site.

They do however suggest that the lighter (approved) material as shown on the photos submitted with the condition discharge application have been identified to be Stegu Calabria. They advise that this material must however have come from a relatively early production of this material (perhaps 4 years old) as the normal production colour is now darker. They advise that the samples which they have provided would all have come from later production runs of the materials.

The origin of the sample panels which were submitted for approval is not therefore clear but the stone which has been used could be from the same manufacturer albeit it appears that it comes from stone quarried at a later date which is acknowledged to be significantly darker than that which was approved. When dealing with the condition discharge application in respect of the materials for the boundary walls the

Case Officer was not provided with manufacturer details and therefore only approved the colour, coursing and texture of the materials which were a closer match to Bath stone. The materials which have been used are much more orange than those approved and Officers remain of the view that these materials were not approved and that they are unacceptable.

5.0 RELEVANT PLANNING HISTORY

In February 2009 an application (09/00367/FUL) was received by the Local Planning Authority for a single dwelling on vacant land located between Lansdown Road and Portland Place.

The application was referred to Planning Committee (5th August 2009) with a recommendation to refuse planning permission. Members resolved however to grant conditional planning permission. Of particular relevance is Condition 2.

Condition 2 states:

“No development shall commence on the site for a dwelling house 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 Conservation Area.”

In March 2010 an application (10/00919/COND) was received to discharge a number of conditions, including condition 2 (materials). The application included a photograph marked “photograph B” which showed sample stone panels. The planning case officer subsequently visited the site and viewed the sample boards. Based on the information provided, the condition was formally discharged on 28th April 2010. The submission did not give any manufacturers details of the stone sample panels which were erected on site. The supporting documentation did note that the stone slips were constructed of reconstituted Bath and Cotswold stone and that the sample panels show a close match in texture, colour and ageing properties with traditional Bath stone.

The Planning Case Officer visited the site and viewed the sample panels. The Officer commented in the delegated report that although natural Bath stone would be preferred, the sample submitted is of a similar appearance to that of Bath stone. The submitted photographs indicate this to be the case.

In response to a number of complaints received, the Property was visited on the 11th May 2011. The Enforcement Officer observed that the materials used to clad the new dwelling and boundary wall along The Shrubbery public footpath did not match those approved under application 10/00919/COND. The Enforcement Officer noted that the stone was of an orange colour and did not match the surrounding structures built of Bath Stone.

The Enforcement Officer received a reply from the owner dated 29th May 2011. The letter advised that the sample board had been removed deliberately from the site by persons unknown.

The owner is in dispute with the Local Planning Authority about the external stone used on the dwelling and boundaries. The Enforcement Team have conducted an independent investigation and are of the view that the stone used on the dwelling and boundary is different to that which was approved by the Planning Authority. The appearance of the wall is demonstrated in photographs taken from The Shrubby public footpath.

A letter was received from the owner on 1st July 2011 stating that the stone used on the development is the same stone that was approved by the Planning Authority through application 10/00919/COND.

The owner was advised by letter (Appendix 2) on 14th July 2011 by the Development Manager that, following a site visit, the stone used on the development does not match the stone used on the approved sample board which can be proven through photographic evidence; and that the stone used is not acceptable in terms of the location of the site within the Conservation Area and World Heritage Site, and in close proximity to several listed buildings. The owner was given the option of revising the development in order to mitigate the harm caused in terms of the boundary wall.

There have been considerable amounts of correspondence with the owner and her legal representative in an attempt to seek an acceptable resolution to this situation. However, the situation has not been resolved and the dwelling, boundary treatments and parking area remain unauthorised.

6.0 DEVELOPMENT PLAN

Of particular relevance to this matter is the Bath and North East Somerset Local Plan, including minerals and waste policies, adopted October 2007 (the Local Plan). Policies D.2 and D.4 therein relate to design and townscape objectives. Policies BH.2 and BH.6 relate to the built and historic environment and policy T.24 relates to highway safety.

7.0 CENTRAL GOVERNMENT ADVICE

Relevant advice is contained in Planning Policy Statement 1 (PPS 1): *Delivering Sustainable Development*; PPS 3: *Housing*; PPS 5: *Historic Environment*; and Planning Policy Guidance 18: *Enforcing Planning Control*.

8.0 EXPEDIENCY OF ENFORCEMENT ACTION

The development is located within the City of Bath Conservation Area and the designated World Heritage Site. The site is visible from a number of Grade I and Grade II listed buildings, and from the public domain. The Shrubby is a well-used public footpath.

In previously resolving to authorise enforcement action in respect of the gates within the boundary walls and the surfacing of the parking area, Members noted that whilst the current owner has stated that she does not intend to drive through the gates, it remains possible for either the current owner or future owners to drive through the gates across the public footpath. This would result in a hazard to pedestrians using the path. The surface material used within the parking area is loose in nature and presents a hazard to users of the public footpath and to the highway in St. James's Park, contrary to policy T.24 of the Local Plan.

In previously resolving not to authorise enforcement action in respect of the cladding of the new dwelling, Members accepted that the dwelling is not clearly visible from the public viewpoint; and the detailed design means that the occupiers of the neighbouring properties predominantly view the roof or glazed sections of the new dwelling. This reduces the impact of the unauthorised material. However, the boundary wall, which is clad using the same unauthorised stone, is constructed next to a busy public footpath and considered detrimental to the setting of the surrounding listed buildings. It fails to either preserve or enhance the Conservation Area and is, in fact, harmful to the character and appearance of both the World Heritage Site and Conservation Area. The facing material continues to cause significant harm because its overall appearance - with an orange colour and contrasting jointing - appears as an incongruous feature and is therefore contrary to policies D.2, D.4, BH.2 and BH.6 of the Local Plan. Further investigation has confirmed that the material used does not sufficiently resemble the samples previously submitted and approved.

In the circumstances, enforcement action in respect of the materials used on the boundary walls is therefore considered expedient. Any action would be in addition to that previously authorised by Members, and referred to above.

4.0 HUMAN RIGHTS

It is considered that Article 1 of Protocol 1 (peaceful enjoyment of possessions) and Article 8 (right to respect for private and family life, home and correspondence) of the European Convention on Human Rights may apply in this case. However, these rights must be weighed against the rights of neighbouring occupiers who may be adversely affected by the unauthorised development; and the identified harm to the character and appearance of the Conservation Area. Taking into account the planning harm identified above, it is considered that the public interest weighs in favour of enforcement action.

9.0 RECOMMENDATIONS

That delegated authority be granted to the Development Manager, in consultation with the Planning and Environmental Law Manager, to take any necessary enforcement action on behalf of the Local Planning Authority in respect of the alleged planning contravention outlined above, by exercising the powers and duties of the Authority (as applicable) under Parts VII and VIII of the Town and Country Planning Act 1990 (including any amendments to or re-enactments of the Act or Regulations or Orders made under the Act) in respect of the above Property.

General Note

This specific delegated authority will, in addition to being the subject of subsequent report back to Members in the event of Enforcement Action either being taken, not being taken or subsequently proving unnecessary as appropriate, be subject to:

- (a) all action being taken on behalf of the Council and in the Council's name;*
- (b) all action being subject to statutory requirements and any aspects of the Council's strategy and programme;*
- (c) consultation with the appropriate professional or technical officer of the Council in respect of matters not within the competence of the Head of Planning Services, and*
- (d) maintenance of a proper record of action taken.*



RECEIVED
4 FEB 2009
TAMBRIDGE HOUSE

09/00367/TUL

CLIENT	LOCATION	PROPOSAL	DRG. No.	SCALE
M5 J. WILSON	THE OLD ORCHARD 1 THE SHRUBBERY PORTLAND PLACE, BATH, BA1 2RU	NEW DWELLING	4	1:1250 / 500 A3
			REV.	DATE
			A	DEC 08

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**Planning & Transport Development
Bath & North East Somerset Council
PO Box 5006
Bath
BA1 1JG**

Telephone: 01225 394041
www.bathnes.gov.uk

Lisa Bartlett
Development Manager
Telephone: (01225) 477281
E-mail: lisa_bartlett@bathnes.gov.uk
Date: 14th July 2011
Our Ref: 11/02513/COND

Ms J Wilson
4 Portland Place
Bath
BA1 2RU

Dear Ms Wilson

**Ref The Shrubbery, Portland Place, Bath
11/02513/COND**

I have now had the opportunity to visit the site following our meeting on 6th July 2011. I will not deal with your complaint about how this case has been handled in this correspondence as this will be subject to a reply under separate cover through the Council's Corporate Complaints Procedure. Here I will only deal with the planning and highway merits of what has been built on site.

I appreciate that you have experienced some difficulties in attempting to deal with the situation but the following views are based upon the planning merits of what exists on site when compared with the approved details. I have made some suggestions in terms how you could consider regularising the situation.

It is not possible for us to discharge condition number 10 of application reference 09/00367/FUL under the application 11/02513/COND. This is because the work that has taken place on site is, as a matter of fact, different, from that shown on the approved plans. The approved plans indicate two wooden gates to form the access with a relatively wide section of wall between the wooden gates and the footpath along side the electricity substation.

There are two issue to consider here. Whether the development, as it has been built on site, is acceptable in highway safety and appearance terms; and what to do in relation to the application to discharge the condition that is with us.

My view is that it would not be safe to drive a vehicle over the shrubbery. You say you do not want to do this but the wooden gates as built would allow this to happen if opened, although in my view the steepness of the camber from the parking space to the footpath would make it difficult to cross the footway without damaging the front of any car. I do not think it would be possible for any emergency vehicle to drive through the parking space onto the Shrubbery and have been advised

that the fire service would not attempt to drive a vehicle through the parking space but would approach the house on foot. There is no justification (and no additional risk to your wellbeing as a result) for any vehicular access through the parking space.

The loose surface used for the surface of the parking space is unacceptable and contravenes the requirements of condition 10 of permission 09/00367/FUL. The surface needs to be of a bound material. You will need to ensure that water does not run off the site onto the public footpath where it would create a nuisance and hazard, especially in freezing weather.

The appearance of the wooden doors as built is acceptable (I will comment on the stone used below).

I suggest that you withdraw the current application (11/02513/COND) and resubmit an application to vary condition 10 of permission 09/00367/FUL. You should seek to vary the condition to allow the retention of the three wooden gates. You were unhappy with my suggestion to place a bollard in front of the parking space to preclude vehicular access across The Shrubbery, when we spoke on Tuesday, unless you also had a key. As I explained this would preclude the point of locking the bollard as any occupier of the house could remove it at will and therefore drive across The Shrubbery. I therefore suggest that you indicate on the revised plans that the two wooden gates to the left of the pedestrian gate (when viewed from The Shrubbery) are revised to make them a non opening wooden fence panel. There is no safe way to drive across the footpath because of potential danger to pedestrians, potential damage to any car and because the emergency services would not be able to drive through the parking space in any case.

I can see no reason why you would not consider revisions in light of your clear statement that you do not wish to drive over the footpath. This measure would also preclude any future occupier from attempting to drive across the path.

You need to ensure that the correct surface is used for the parking space and ensure that water does not drain onto the footway.

I would be grateful if you would confirm your views in relation to these suggestions within 21 days of the date of this letter.

Turning to the stone that has been used for the house and boundary wall.

As a matter of fact, the stone that has been used does not match the stone that formed the sample panel that was viewed on site prior to the relevant condition being discharged. We have a photographic record of this sample panel and any reasonable person would, in my view, agree that the stone that has actually been used is far more orange than the approved sample.

So we need now to consider whether the alternative stone is acceptable in terms of the location of the site within the World Heritage Site, Conservation Area and in close proximity to several listed buildings.

In my view it is not. The colour jars with the natural Bath stone surrounding the site and is harmful to the character and appearance of this part of the Conservation Area and World Heritage Site. I do not believe that it will fade to Bath stone shades as you suggest. It is necessary for the Local

Planning Authority to consider whether it would be expedient to take enforcement action in relation to such a breach. In my opinion, since there are no clear public views of the house and because of the specific design which incorporates large glazed sections and single storey elements, I do not think it would be expedient to seek the replacement of the stone on the house. However, if this matter is considered by the Development Control Committee the Members may reach a different conclusion.

I do not have the same view in relation to the boundary wall which runs, for some length, along a busy public footpath.

My suggestion is that you consider discussing further with us how the prominence of the orange stone can be reduced in order to ensure an appropriate match with the surrounding stone.

In this regard, I invite you to submit some informal proposals to us for further consideration. You may wish to obtain some planning advice from a heritage expert in this regard.

Please confirm whether this would be your intention within 21 days of the date of this letter.

If you do not wish to consider my suggestions, I will prepare a report for the Council's Development Control Committee to address not only the concerns regarding the stone but also the parking space. The report will include any comments that you may wish to submit to the Planning Authority although we will only be able to consider material planning comments and not concerns raised in relation to how you consider the case has been dealt with. In the event that such a report is necessary you will also have the opportunity to attend the relevant committee meeting and make a statement to Members before they debate the issues.

I very much hope that this will not be necessary as I believe that with some amendments you should be able to regularise the scheme which will satisfy concerns relating the harm being caused in relation to the detrimental impact upon highway safety and the character and appearance of the Conservation Area, World Heritage Site and nearby listed buildings

Please respond to Victor Oyewole, Senior Enforcement Officer at this office by 4th August 2011.

Yours sincerely

Lisa Bartlett
Development Manager

Cc Victor Oyewole

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Bath & North East Somerset Council		
MEETING:	Development Control Committee	AGENDA ITEM NUMBER
MEETING DATE:	14th December 2011	
RESPONSIBLE OFFICER:	Lisa Bartlett, Development Manager, Planning & Transport Development (Telephone: 01225 477281)	
TITLE:	SITE INSPECTION APPLICATIONS	
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

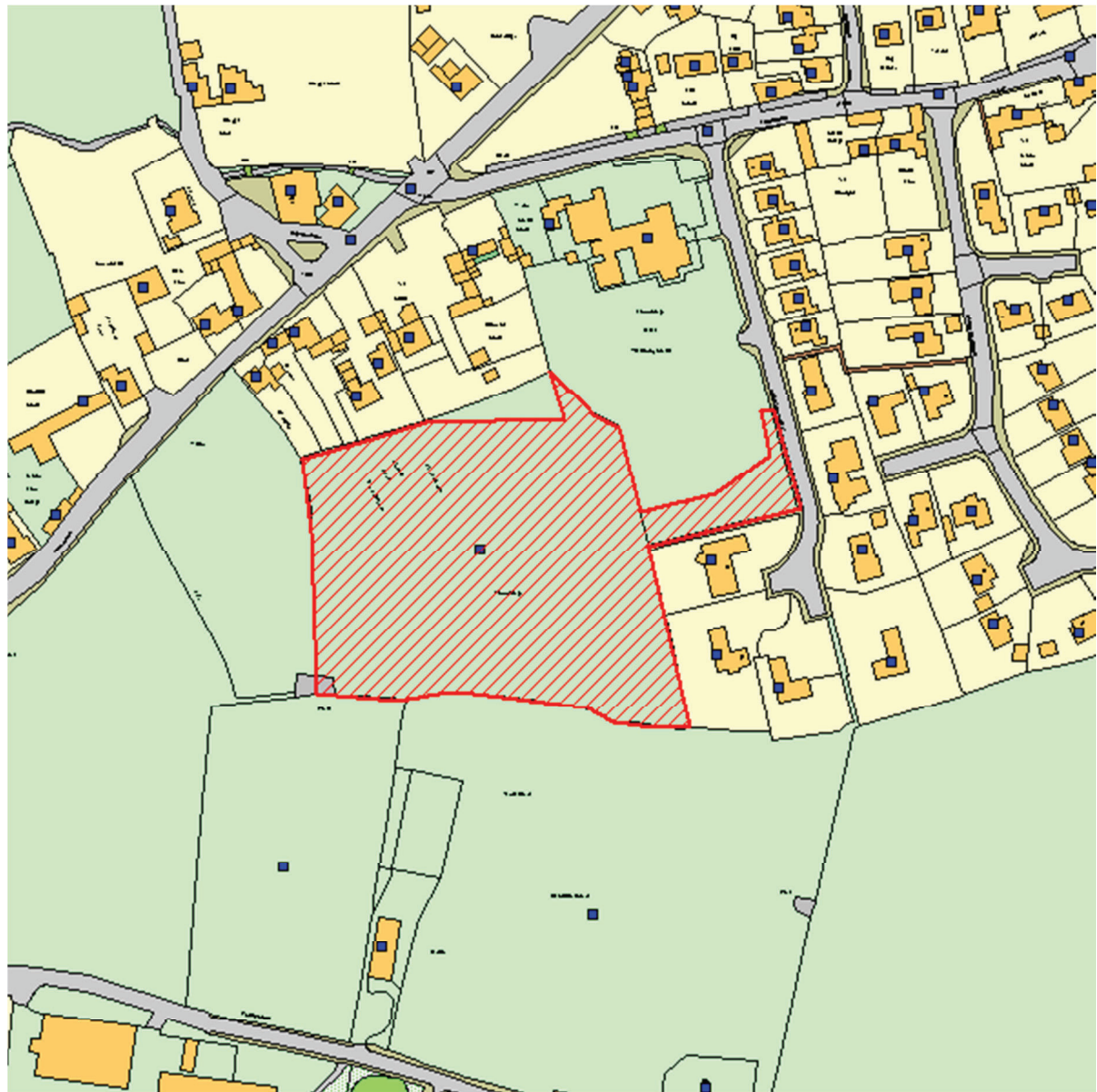
relevant to an application which will be relied on in preparing the report to the Committee or a related report, but which legally are not required to be open to public inspection.

- [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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ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	11/02432/OUT 14 September 2011	Blue Cedar Homes Land Rear Of Holly Farm, Brookside Drive, Farmborough, Bath, BA2 0AY Residential development comprising 38 dwellings with associated access, car parking and landscaping	Farmborough	Tessa Hampden	Delegate to PERMIT

Item No: 01
Application No: 11/02432/OUT
Site Location: Land Rear Of Holly Farm, Brookside Drive, Farmborough, Bath



Ward: Farmborough **Parish:** Farmborough **LB Grade:** N/A
Ward Members: Councillor S Davis
Application Type: Outline Application
Proposal: Residential development comprising 38 dwellings with associated access, car parking and landscaping
Constraints: Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary, Public Right of Way,
Applicant: Blue Cedar Homes
Expiry Date: 14th September 2011
Case Officer: Tessa Hampden

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE

This application was deferred from Development Control Committee 23 November 2011 to allow Members to visit the site, to assess the development within the context of its surroundings.

Cllr Sally Davies requested that this application comes before Committee as it represents an increase of 8% in the housing stock of the village and is controversial. Access issues are causing much comment, the likelihood of a Section 106 and what it might give the village may be seen by some as influencing comments and the total number of houses in this application has caused comment of overdevelopment of the site.

DESCRIPTION OF SITE AND APPLICATION

The application site relates to a parcel of land of approximately 1.3 hectares in size, located to the south west of Farmborough. The land has previously been used for agricultural purposes. The site is bound by residential development to the north and the south east, by Farmborough Primary School and the associated playing field to the north east, open fields to the west and a recreation ground to the south. The buildings to the north include listed buildings including the properties, the Hollies and Richmond House.

The site is relatively level and set within well-defined boundaries comprising hedgerows, trees and fencing. The strip of land which will form the access to the site contains a number of trees. Two public right of ways run through the site, the first runs from Brookside Drive between no. 14 and the school playing fields and crosses the site to the north west corner. It is at this point that it meets the second right of way, this crosses the site to the south, leading to the recreation ground.

The application site is located outside of the Housing Development Boundary of Farmborough but the land is however identified in Local Plan Policy GB.4 as safeguarded land in the context of Planning Policy Guidance 2 - Green Belts. The site is set adjacent to the designated Bristol/Bath Green Belt.

The application seeks outline planning consent for residential development comprising 38 dwellings. The application has been submitted for outline consent, with detailed approval being sought at this stage for the means of access. The proposed access to the site is from Brookside Drive and a land exchange has been agreed with the school to allow for this.

The application illustrates that the dwellings would be a mix of fourteen 2-bed retirement cottages, eleven private dwellings (comprising two 3-bed houses and nine 4-bed houses) and thirteen affordable homes (comprising three 1-bed flats, eight 2-bed houses and two 3-bed houses). The Transport Statement indicates that the layout would incorporate 74 parking spaces, which include 31 garages. The allocation of parking would appear to be generally a minimum of 2 spaces per dwelling, with the exception of the affordable housing units. Indicative plans have been included within the application, including an indicative layout and elevations.

RELEVANT PLANNING HISTORY

There is no planning history directly relevant to this planning application.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

HIGHWAY DEVELOPMENT - Additional information has been submitted in response to the initial concerns raised by the Highway Development Officer. Whilst they object to the scheme as the development is outside of the Housing Development Boundary, they accept that this is a safeguarded site. There is no objection to the proposed access to the site, and given this is an outline application, the details of the internal road layout and parking can be determined at reserved matters stage. Following discussions with the agents, revised contributions have been agreed.

ARCHAEOLOGY - Following the submission of the additional information, there is no objection to the scheme subject to a condition relating to a watching brief.

URBAN DESIGN - Object to the development in its current form. The proposal requires further concept development in order to ensure that the development integrates successfully with the existing development and the rural character of the area.

PLANNING POLICY - Whilst development at this site is contrary to saved Local Plan policy GB.4 and government policy as set out in PPG2 on safeguarded land, the position of PPS3 on prematurity is noted which states that applications should not be refused solely on the grounds of prematurity. Planning policy therefore has no objection to the proposal if prematurity is to be the sole reason for refusal.

The housing land supply calculation provided by the applicant needs to be updated. In the lead up to the Examination of the Core Strategy the Council considers its 5 year land supply requirement to be 3,011 and identifies 3,346 units to deliver this requirement. The Strategic Housing Land Availability Assessment identifies this site as having the potential for 35 houses.

ARBORICULTURAL OFFICER - No objection subject to the inclusion at full planning stage, of a detailed Tree Protection Plan and Arboricultural Method Statement in accordance with BS5837:2005 'Trees in Relation to Construction'.

ECOLOGY - Following revised information no objection subject to a number of conditions

ENVIRONMENTAL HEALTH - No objection subject to the inclusion of informative/conditions on any permission

ENVIRONMENT AGENCY - No objection subject to the inclusion of a condition to prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

CRIME PREVENTION OFFICER - No objection. There is insufficient detail to determine the security of individual properties but from the layout provided there is no objection on layout grounds. A detailed paragraph within the Design & Access

statement addressing security, crime and safety and the mitigation measures. This is likely to require Secured by Design certification.

WESSEX WATER - Provides comments on a number of options submitted with regards to foul drainage options, and surface water drainage option. It is suggested that the developer contacts Wessex Water in relation to these issues.

CHILDREN'S SERVICES - Total contribution of £4, 202.10 is sought for this development

PARKS AND GREEN SPACES - Total contribution of £83, 588.91 is sought for this development

HOUSING - Following additional information Strategic Housing Services maintain the affordable housing contribution is insufficiently detailed and in parts is not policy compliant, in terms of the lack of pepper potting and tenure blindness. The market housing mix needs to be justified.

FARMBOROUGH PARISH COUNCIL - Comments only: Support residential development in principle but major concerns with development as proposed, including density of development - 38 houses too many for this site. Too many of the houses are retirement homes, further clarification needed on affordable housing, highway safety issues, including issues during construction, surface water drainage, foul water drainage, sustainability. The Parish Council also highlight the wish to get involved in any S106 Agreement

CLLR SALLY DAVIS - Requested that this application comes before development control committee as it represents an increase of 8% in the housing stock of the village and is controversial. Access issues are causing much comment, the likelihood of a Section 106 and what it might give the village may be seen by some as influencing comments and the total number of houses in this application has caused comment of overdevelopment of the site.

SPORT ENGLAND - Response will be reported to Committee

THIRD PARTY REPRESENTATIONS: A representation has been submitted by Ashford Solicitors on behalf of 113 residents. A number of these residents have also submitted individual representations.

30 representations have been received objecting to the application and 2 general comments have been received

The comments can be summarised as follows:

- The development is unsustainable
- Overdevelopment of the plot including inappropriate design
- Lack of community support
- Loss of green field
- Detrimental impact upon the rural character
- Detrimental impact upon the landscape

- Limited employment opportunities in the village
- Prematurity of development the context of local and national planning policy
- Reduction in dwellings in the draft Core Strategy compared to the RSS
- Inappropriate scale
- Lack of Parish Support
- Lack of key facilities as out lined in draft policy RA1
- Reliance on public transport
- Narrowness and dangerous nature of nearby roads
- Inappropriate approach with regards to the 5 year land supply argument of the applicant
- Lack of need within the village for the affordable housing and retirement housing as proposed
- Brookside Drive and The Street are seriously substandard in their width and alignment and do not cater adequately for existing levels of traffic; even the smallest increase in traffic would exacerbate existing problems
- Impact upon Brookside Drive in terms of school traffic. Inaccurate Traffic Statement
- Substandard and dangerous junction of the Street with Bath Road
- Construction Issues
- Ecology issues, ecological value of site, including the pond and hedgerows not fully recognised
- Risk of flooding (including from Conygre Brook
- Concerns with the long term retention of hedgerows
- Loss of footpaths
- Drop in property value
- Unsuitable on sociological grounds
- Loss of sunlight and noise
- Risk to safety of school children
- Lack of village facilities, or residents to support them
- Impact upon neighbouring amenity, particularly due to proximity of proposed dwellings
- Loss of views
- Inappropriate design
- Supply of houses in nearby villages such as Paulton
- Loss of trees
- Loss of privacy
- Impact of pumping station
- Impact upon school numbers - could decrease due to problems resulting from the development
- Issues with community consultation process

2 further supporting comments have been received. The comments can be summarised as follows:

- Demand for houses in the village

POLICIES/LEGISLATION

Draft Revised Regional Spatial Strategy for the South West (incorporating the proposed changes) - July 2008

SD1 The Ecological Footprint

SD3: The Environment and Natural Resources

Development Policy C: Development at Small Towns and Villages

Development Policy E: High Quality Design

HMA1: West of England HMA

HD1: Sub-Regional Distribution of Housing 2006-2026

RTS3: Parking

H1: Housing Affordability

H2: Housing Densities

H3: Mix of Housing

ENV1: Protecting and Enhancing the Region's Natural and Historic Environment

ENV5: Historic Environment

Joint Replacement Structure Plan - adopted September 2002

Policy 1

Policy 2

Policy 4

Policy 16

Policy 17

Policy 18

Policy 19

Policy 33

Policy 35

Policy 59

Planning Policy Guidance/Statements

PPS1: Delivering Sustainable Development (2005)

PPG2: Green Belts (1995)

PPS3: Housing (2011)

PPS5: Planning for the Historic Environment (2010)

PPG13: Transport (2011)

Bath and North East Somerset Local Plan (including minerals and waste) adopted October 2007

IMP.1: Planning obligations

D.2: General design and public realm considerations

D.4: Townscape considerations

ET.7 Use of agricultural land

GB.1: Control of development in the Green Belt

GB.2: Visual amenities of the Green Belt

GB.4: Safeguarded land

CF.1: Contributions from new development to community facilities

CF.2 Provisions of new or replacement community facilities

SR.1A Protection of playing fields and recreational open space
 SR.3: Provision of recreational facilities to meet the needs of new development
 S9 Retention of local needs shops outside of the identified centres and development of new small scale local shops
 ES14 Unstable land
 HG.1: Meeting the District housing requirement
 HG.7: Minimum housing density
 HG.8: Affordable Housing on allocated and large windfall sites
 HG.10: Housing outside settlements (agricultural and other essential dwellings)
 NE.1: Landscape character
 NE.4: Trees and woodland conservation
 NE.10: Nationally important species and habitats
 NE.11 Locally Important Species and their habitats
 NE.12: Natural features: retention, new provision and management
 BH12 Important archaeological remains
 T.1: Overarching access policy
 T.24: General development control and access policy
 T.25: Transport assessments and travel plans
 T.26: On-site parking and servicing provision
 Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007

Planning Obligations Supplementary Planning Document - adopted July 2009

Bath and North East Somerset Submission Core Strategy (May 2011) is out at inspection stage and therefore will only be given limited weight for development management purposes. The following policies should be considered:

DW1: District wide spatial strategy
 RA1: Development in the Villages meeting the listed criteria
 CP2: Sustainable construction
 CP6: Environmental quality
 CP8: Green Belt
 CP9: Affordable housing
 CP10: Housing mix

Policies IMP1, D.2, D.4, ET7, GB2, GB4, BH.2, HG.8, HG10, T.24, T.26, NE1, NE4, NE11, NE12, BH12, T1, T24, T26 are Saved Local Plan Policies

OFFICER ASSESSMENT

PRINCIPLE OF DEVELOPMENT: Farmborough is identified as an R1 village within Policy SC.1 of the Bath and North East Somerset adopted Local Plan. Policy HG.4 states that proposals for residential development within the Housing Development Boundary in R1 villages will be permitted provided other criteria are met. The proposed development site is however outside of the Housing Development Boundary but it is identified in Local Plan Policy GB.4 as safeguarded land in the context of Planning Policy Guidance 2 (PPG2), to meet demands for development beyond 2011. Policy GB.4 has been saved until its review through the Local Development Framework process.

Policy GB4 states 'Land defined on the Proposals Map between the existing limits of development and the Green Belt at Whitchurch and Farmborough is safeguarded during the period of the Plan to meet the demands for development beyond 2011. In the meantime Policy GB.1 will be applied.' It should be noted however that the site is, in fact, not within the Green Belt.

PPG2 (Annex B) Green Belts provides more detail on safeguarded land. This highlights that permanent development on safeguarded land should only be allowed following local policy review that proposes the development of the land. Of particular relevance is paragraph B6:

'Development plan policies should provide that planning permission for the permanent development of safeguarded land should only be granted following a local plan or UDP review which proposes the development of particular areas of safeguarded land. Making safeguarded land available for permanent development in other circumstances would thus be a departure from the plan'.

The Placemaking Plan (Site Allocations DPD) will be the vehicle for the review of the safeguarded land. Any development of this land ahead of this process would represent a departure from local planning policy and PPG2. The Bath and North East Somerset Core Strategy was submitted to the Secretary of State for independent examination in May 2011 and the Examination hearings are scheduled to commence in January 2012. This means that the Core Strategy is a material consideration, albeit with limited weight at this stage.

Emerging policy has identified Farmborough as a settlement capable of accommodating additional growth. Farmborough is identified as an RA1 Village within the Draft Core Strategy. Policy RA1 states that residential development of an appropriate scale, character and appearance will be acceptable in and adjoining the Housing Development Boundary provided that the village has at least three key facilities (i.e. post office, school, meeting place and community shop), at least a daily Monday-Saturday public transport service to main centres and local support for the principle of development can be demonstrated.

Farmborough meets the criteria of policy RA1 with the exception of key facilities (having only 2 rather than the minimum 3 out of 4). Small scale development at Farmborough under Policy RA1 would be contingent on this criteria being met through the development, in this case the provision of a sustainable transport link to local shopping facilities or demonstrated financial support for a community shop as outlined in the Infrastructure Delivery Programme. Provided this is fulfilled, small scale development within or adjoining the Housing Development Boundary (subject to other criteria) will therefore be considered appropriate in principle once the Core Strategy is adopted. The detail of this, including identifying and allocating appropriate sites in the qualifying villages, will be considered through the Placemaking Plan.

Following discussion with the agent, in order to meet the above criteria, the agent has confirmed that they would provide a financial contribution to aid in setting up a village community shop. It is apparent that a number of villagers have been actively

involved in this, and a detailed letter has been submitted by a member of the committee in support of this. This summarises their actions so far in investigating a future village shop, and the steps required to enable this. Questionnaires have been sent out to each household within the parish to gain an idea of the level of support, and establish potential opening times, and details of what services are required. The letter states that approximately 20 residents have already indicated that they would volunteer to staff the shop and the most popular locality for the facility will be the Memorial Hall, where, with some alterations there is an area within the hall which would provide sufficient area to house a community shop. Funding would be required to undertake the building, fitting out the shop and establishment of stock. This contribution could be secured through the S106 Agreement. It is therefore considered that with the funding secured through a S106 Agreement, and the village shop in place, Farmborough would have 3 out of the 4 key facilities necessary for an RA1 village.

Further to this letter, an additional letter has been submitted from a villager also involved in setting up the village shop, who states that this process has been underway since before the previous shop closed last year. There is concern that the perceived link between the development and the shop has caused people to actively stop supporting the proposed community shop which could have an impact upon its future. These letters provide conflicting information but on the basis of the information provided by the agent and a committee member, it is considered that the likelihood of a village shop coming forward is high.

The Parish are supportive of the establishment of a village shop. Although it is recognised that they have a number of concerns with the development as proposed, the Parish Council support, in principle, residential development at this site.

Under the emerging Core Strategy a scale of up to and around 30 dwellings is appropriate in those villages that meet the criteria of Policy RA1. The scale of the development at 38 dwellings is greater than that envisaged in the Core Strategy, and this will be fully considered as part of this planning application. It is also recognised that the land is identified in the Strategic Housing Land Availability Assessment (SHLAA) as having the potential for approximately 35 dwelling.

The position on safeguarded land set out in PPG2 is discussed above. A further consideration is PPS3, which at Paragraph 72. states that 'Local Planning Authorities should not refuse applications solely on the grounds of prematurity. Should prematurity be the sole reason for refusal, a pragmatic approach to the application should be considered'.

As the land is identified in the SHLAA as having the potential for approximately 35 dwellings, the Council envisages this land coming forward for development in the next 5 years and whilst there is scope for this to be achieved within the programme for the review of local policy through the Placemaking plan (and provided the criteria of policy RA1 continue to be met), the procedural delay caused by awaiting this review of policy could be avoidable in this instance. This applies to this particular site due to previous consideration of its suitability for housing through the safeguarded land designation and it need not conflict with the aspirations of emerging local policy.

Delaying the development of the site pending the outcome of the Placemaking Plan is considered to be imposing an artificial constraint on its delivery.

The draft National Planning Policy Framework does not detract from the existing national policy position and retains the position of PPG2 on safeguarded land as well as the sentiment of PPS3 on prematurity, stating that local authorities should 'approach development management decisions positively looking for solutions rather than problems so that applications can be approved wherever it is practical to do so.

Consideration needs to be given to Policy GB1, as in the current plan period Policy GB4 (which is also saved within the Core Strategy) states that ' in the meantime Policy GB.1 will be applied. '

Policy GB.1 has been drafted with PPG2 in mind and lists the criteria for which development is considered to be not inappropriate in the Green Belt. Point i reflect the provisions of paragraph 3.4 of PPG2 and list the following circumstances for when the construction of new buildings is considered to be not inappropriate;

- a) agriculture or forestry;
- b) essential facilities for outdoor sport and recreation, for cemeteries and for other uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) limited extensions, alterations or replacement of an existing dwelling provided it is in accordance with Policies HG.14 and HG.15;
- d) infilling in accordance with Policy HG.6 in the villages defined by Policy SC.1 as R3 villages;
- e) affordable housing to meet local needs in accordance with Policy HG.9; or
- f) limited infilling or redevelopment of major existing developed sites identified in Policy GB.3.

The proposed development fails to meet the criteria set out in Local Plan Policy GB.1 and very special circumstances would therefore need to be demonstrated to allow for a departure from the normal policies of constraint.

The above 'prematurity' argument, which takes into account that the site is not within the Green Belt, is considered to contribute to very special circumstances to allow for this departure. The agent has provided further very special circumstances which are outlined below:

- The Council cannot demonstrate a 5 year supply of deliverable housing land (this will be fully discussed below)
- The site is included within the recently published SHLA as forming part of the Housing supply to be delivered over the next 5 years.
- The development would help sustain local facilities - the local primary school is operating under capacity
- The provision of a contribution towards a much needed community shop
- The provision of affordable housing
- The provision of elderly person's accommodation to meet an identified need
- The recommendation by the Local Plan Inspector that the site should be allocated for residential development

- The Planning for Growth ministerial statement and in particular that the Government's 'clear expectation is that the answer to development and growth should wherever possible be yes, except where this would compromise the key sustainable development principles set out in national planning policy

The above, particularly the fact that the development has been identified within the SHLAA and is likely to come forward for development within the next 5 years, and given the fact that PPS 3 advises that development should not be refused solely on prematurity, is considered to represent very special circumstances which outweigh the harm by reason of its inappropriateness. It should be noted that there is only one other safeguarded site within the Local Plan, and this site has specific constraints, so the proposal is not considered to set a precedent for future development.

Whilst it is acknowledged that the site is not within the Green Belt, it is located adjacent to the Green Belt. Following consideration as to whether the development is inappropriate, which is harmful by definition to Green Belt, it must now be considered whether the proposed development is harmful to the openness of the Green Belt and its rural character. The site is currently open fields, bounded with hedgerows and by nature of the scale of the development, the proposal is considered to be harmful to the openness of the Green Belt. However, as recognised by the Local Plan Inspector, the development will have a close visual link to the existing built form, and the harm to the visual amenities of the Green Belt is not considered to be so significant as to warrant the refusal of this application.

HOUSING SUPPLY: The agent has cited that they do not believe the LPA can demonstrate a 5 year land supply. However the LPA do not consider that the methods used by the agent to be the correct approach to calculating the 5 year housing land supply requirement at this time.

The Draft Core Strategy plans for 11,000 dwellings for the period 2006-2026, which results in an average annual rate of 550. During the first 5 years of the period, 1,967 homes have been completed at an annual rate of 393.4. This results in a residual requirement of 9,033 homes to 2026, which is a revised annual rate of 602.2. Using the annual delivery rate of 550 to the period 2006/7 -2010/11, this results in a notional requirement of 2,750 and the delivery of 1,967 homes during this period represents a shortfall against this of 783.

The applicant argues that the five year land supply should be 3,533 ($783 + 5 \times 550$), which implies that the 5,500 should be completed by halfway through the plan period i.e. 2016. The Local Planning Authority is not prohibited from annualising its historical shortfall over the remaining plan period, which is what it has chosen to do and this approach is based on the approach taken by Inspectors at various appeals.

In light of this, the 5 year land supply is calculated as 3,011. The Council's SHLAA (July 2011) shows a deliverable supply of 3,346 homes.

The examination into the Core Strategy will consider whether the Council is planning for enough houses and the weight that should be afforded to the emerging and intended to be abolished RSS.

The applicant appears to argue that, as the housing delivery in the district was 800 units behind schedule, the submission Core Strategy target should increase to 11,800. For the reasons given above, the Local Planning Authority does not consider that this is the correct approach for calculating the 5 year land supply

In the lead up to the Examination of the Core Strategy the Council considers its 5 year land supply requirement to be 3,011 and identifies 3,346 units to deliver this requirement

LOSS OF PLAYING FIELD: The access from Brookside Drive will involve the loss of a small section of the school grounds adjacent to the formal playing field. However, in order to facilitate this, a land swap agreement has been made with the school, which will be of equal value and will not compromise the ability of the school to use these facilities. Overall there will be no loss of playing field facilities for the school site and there will be no harm resulting from this arrangement.

HIGHWAY SAFETY: With regards to the development of the site the Highway Development Officer has concerns over the location of the site and its resultant accessibility and sustainability, but it is recognised that the site has been allocated as a safeguarded site for residential development. The applicants have submitted a Framework Travel Plan which sets out their objectives and initiatives to reduce the need to travel by residents of the development. It is acknowledged that the applicants have now demonstrated a commitment towards improving the sustainability of the village with contributions towards a village shop. Improvements to public transport have been also put forward.

The application has been submitted with full permission sought for access but has indicated a detailed layout of the internal access roads and housing layout, however the applicants have advised that this is indicative, and only detailed approval of the means of access from Brookside Drive is sought. If the application for outline permission is approved, the detailed arrangements can be agreed through a reserved matters submission.

The junction of the new access road with Brookside Drive is proposed with visibility splays of 2.4m x 43m to the north and 2.4m x 17m to the south, which are considered appropriate for the form of development. The proposal also includes the provision of a continuous footway from the junction of the new access road, to the north, to link with the footway by the School, at the junction of Brookside Drive with The Street.

The Transport Statement indicates that the layout would incorporate 74 parking spaces, which include 31 garages. The allocation of parking would appear to be generally a minimum of 2 spaces per dwelling, with the exception of the affordable housing units.

The plans submitted with the application do not provide details of the garage sizes, but it seems that they would not conform to minimum dimensions of 3m wide by 6m long, which are considered to be the most appropriate to accommodate car parking, with some element of storage. The driveways in front of the garages should also be

a minimum of 6m long, to ensure a car can park on the driveway and also allow for garage doors to be opened. It is clear from the layout plan, at this stage, that this may not be achieved for all driveways. This needs to be addressed at the reserved matters stage.

The access road serving the private and affordable housing is proposed to be constructed to adoptable standards for dedication as public highway, but the access road serving the retirement cottages would be constructed to adoptable standards but maintained privately by a management company. The access road leading off Brookside Drive is shown with a carriageway width of 5.5m and 2m footways to both sides for the first 65m, and then continues with a single footway on the northern side as it leads in to a shared surface road. The carriageway width then appears to vary between 3.5m and 6m, but does not include for separate service margins throughout. There are also unacceptable widths around the turning heads within the site, such that service vehicles could have difficulties manoeuvring with unacceptable conflicts with residential properties and parking areas. Again, these issues need to be addressed at the reserved matters stage.

The Agent has confirmed that during the construction stage, an access has been agreed from Tilly Lane. This is to prevent the need for larger vehicles to travel along Brookside Drive during the construction process to minimise the disruption for the users of Brookside Drive. Details of this can be secured through a construction management plan.

Any application for reserved matters stage would also deal with the need to maintain or divert the Public Rights of Way within the site. The Transport Statement refers to the two public rights of ways which are within the application site, and states that one of the routes (CL9/18) will be generally incorporated within the access road layout, and the other route (CL9/21) is proposed to be legally diverted to allow for the development on the western side of the site. The Rights of Way Team have highlighted that they do not currently have the resources to process diversion applications. The development would obstruct the current legal line of the rights of way and the Public Rights Of Way Team therefore objects to the application. The Agent has been made aware of this and they have cited that they will deal with this issue at reserved matters stage.

In relation to required contributions further information has been received from the applicants Transport Consultants, in support of their justification for a reduction in the level of highway contributions as initially requested, as a consequence of the development.

The Strategic Highway and Transport Works contribution was initially based on a straight calculation from the formula contained in the Supplementary Planning Document, but the applicants Consultants have provided census information to indicate that the proposed development would only generate 80 trips per day by residents traveling to and from work. Of the census and survey data, it has been demonstrated that of the 40 residents generating these 80 daily work related trips, only 85% travel to and from Bristol or Bath.

The Consultants have also looked at the schemes listed in the SPD and considered their relevance to the residents of the development. Clearly some residents from Farmborough have been shown to travel to Bristol and Bath for work, and therefore the schemes for the Greater Bristol Bus Network and the Bath Package would be of some benefit.

The Consultants have therefore calculated an appropriate cost per trip for this site to be £214.40, which for the 85% of the 80 trips by 40 residents traveling to and from Bristol or Bath for work, results in a contribution of £14,579.20. This is a considerable reduction in the level of contribution originally requested, but the justification put forward by the Transport Consultants is considered to be both robust and fair by the Council's Senior Highway Development Officer. The applicants have also agreed to the local contributions of £26,000 towards improvements to public transport in the vicinity of the site, and £5,000 towards traffic management measures in the vicinity of the site.

The reductions in contributions are therefore agreed and no highway safety objections are raised subject to a legal agreement to secure the following:-

- The construction of a footway within the existing highway, from the site access to the junction of Brookside Drive with The Street.
- A contribution of £14,579.20 towards Strategic Highway and Transport Works.
- A contribution of £26,000 towards improvements to public transport facilities, in the vicinity of the site.
- A contribution of £5,000 towards traffic management measures in the vicinity of the site.

On balance, although the proposed development site is outside of the Housing Development Boundary of Farmborough, it is designated as a safeguarded site and given the commitment towards improving the sustainability of the village with contributions towards a village shop and the improvements to public transport which have been put forward, the highway sustainability concerns are considered to be outweighed. Whilst the comments of the third parties are noted, the development is considered to result in a satisfactory level of highway safety with regards to the access to the site, and is not considered to result in any undue harm to the highway users of the surrounding highway network. Whilst the indicative layout raises concerns with the layout of the streets and parking layout within the site, it is considered that this can be fully addressed at reserved matters stage, and on balance, no highway safety objections are raised.

CHARACTER AND APPEARANCE OF THE PROPOSED DEVELOPMENT:
Although the application is an outline application, indicative details of the design and layout have been put forward. There are concerns with this indicative layout in that it does not demonstrate fully how the scheme integrates with the wider context and community. It is critical that the new housing on this site will be readily assimilated into the landscape and visual context without detriment to the character of the area. Further work is needed with regards to concept development in relation to a numbers

of factors to ensure the successful integration of this development. There is concern that the retirement community appears to be segregated from the proposed development and the wider community although it is recognised that the northern dwellings address the main access route, and this is welcomed. This part of the development should be connected to the street, space and green infrastructure.

A key factor in the success of the development lies with the landscape treatment and the protection of the hedgerows. The current proposals create a more vulnerable arrangement and removes amenity and biodiversity asset from the community and these needs to be given careful consideration in any future planning application. There is scope for landscape enhancement within the scheme and this could include planting a specimen tree within a central focus space or elsewhere in the development. The entrance from Brookside Drive also has the potential for an avenue landscape treatment.

A density of 29 dwellings per hectare is proposed which is considered appropriate for this edge of settlement location. The indicative layout indicates that it is likely that this density can be achieved without compromising the overall character and appearance of the site and the rural character of the wider area. However, it is noted that this may not be in the form of the indicative layout submitted due to the concerns previously raised, including parking and access issues within the development. Any future development is likely to require changes to this indicative layout, which may include the reduction in house sizes, the omission of a number of the garages etc. in order to accommodate this number of houses successfully.

An indicative building design has also been put forward. On balance, this would seem to be acceptable, proposing a mixture of individual and grouped buildings to reflect the identified character of the village. It is stated that the materials and styles of the buildings will reflect the local character of the area, and again full consideration will be given to this during any future application. The dwellings propose a mixture of 1.5 and 2 story buildings, which will ensure that the development is in keeping with the surrounding area and does not compromise the rural character of the area.

The development will be set in close proximity to listed buildings and any development needs to be designed to ensure that the development does not impact upon their setting. The concept plan illustrates that the buildings have been positioned to minimize the disruption to the setting of the listed buildings by placing a buffer in the form of open space between the listed buildings and the proposed development. Careful consideration would need to be given to the scale of the adjacent buildings at the time of any future reserved matters application.

On balance, it is considered that the development proposed could be achieved without harming the rural character of the area, and at the density proposed would have an acceptable overall appearance, subject to the approval of the details at reserved matters stage.

TREES/LANDSCAPE: A tree survey has been submitted with the outline planning application and this has been fully assessed by the Arboriculture Officer. The Tree Report correctly identifies that the majority of trees currently within or adjacent to the

proposed development site are predominantly of poor/fair form and located within the matrix of the existing hedgerows. Any future full planning application should indicate which trees and hedgerows are to be retained and which are to be removed within the boundaries of the proposed development site.

The Tree Report indicates that trees T10-T21 located within the playing field of the adjacent school will be removed to accommodate the proposed new access road to the development. None of these trees have any individual merit with regard to visual amenity. The removal of these trees could be mitigated for by the planting of new trees elsewhere within the grounds of the school in particular within the area identified for 'land exchange' on the sketch layout. This could be included within a detailed landscaping scheme.

ARCHAEOLOGY: The submission included a desk-based archaeological assessment which concluded that the proposed housing development could lie within an area of significant archaeological interest. Given this, in line with PPS5, a pre determination field evaluation was requested in order to fully assess the archaeological impacts of the proposed development. The agent subsequently provided additional information and based on this, the Archaeological Officer has no objection to the development subject to the inclusion of a condition relating to a watching brief.

RESIDENTIAL AMENITY: The access road will pass number 14 Brookside Drive, which will result in a significant number of vehicles passing this property and its associated curtilage. It is considered that appropriate screening should be put in place, which may involve the erection of an acoustic fence, to ensure that the occupiers of this property do not suffer from an unacceptable level of noise and disturbance. This can be fully considered at reserved matters stage.

Enhanced planting is proposed along the boundaries with the existing residential boundaries and this is necessary to provide the required screening between these properties and the proposed development. It is considered, that subject to satisfactory details being submitted, in terms of proposed screening and the design of the dwellings, that the privacy of the existing neighbouring occupiers can be safeguarded.

The impact upon the neighbouring occupiers will be fully considered at reserved matters stage. It is essential to carefully consider these details to ensure that the occupiers of these properties are not unduly harmed by this development, with regards to loss of privacy, light, overbearing impact upon any other noise and disturbance.

LAND CONTAMINATION: A Ground Investigation has been submitted with the application and has been assessed by the Environmental Health Team. In view of the observations of the contamination investigation standard conditions should be applied in respect of land contamination on any planning permission granted.

FLOODING: A Flood Risk Assessment (FRA) and Drainage Strategy has been prepared for the site. The FRA concludes that as the site is located within Flood Zone 1 there is a low risk of it flooding. The Environmental Agency have raised no

objection to this development subject to the inclusion of a condition to prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal. It is requested that the surface water drainage scheme for the proposed development must meet a number of set criteria. This can be secured through the inclusion of a condition. Wessex Water has also assessed the information submitted and analysed the options put forward.

HOUSING: The development proposes 13 affordable houses

2 x 1 bedroom flats at 45m² for affordable rent
5 x 2 bedroom houses at 75m² for affordable rent
2 x 3 bedroom houses at 85m² for affordable rent
1 x 1 bedroom flat at 45m² for shared ownership sale
3 x 2 bedroom houses at 75m² for shared ownership sale

11 Open market family homes

2 x 3 bedroom houses at 83m²
6 x 4 bedroom houses at 115m²
3 x 4 bedroom houses at 130m²

14 age restricted cottages for market sale

14 x 2 bed cottages at 105m²

The 13 affordable units represent 35% of the total development and this is considered to be acceptable and compliant with policy HG.8 of the Local Plan. Further, the affordable housing unit size and mix meets the identified parish needs. The applicant has confirmed that they have been in discussions with Knightstone, a registered social landlord, regarding development at this address. It should be noted however that the Knightstone are not yet under contract with the developers, and their views may differ from other registered social landlords.

As this is an outline application, there is no detailed design at this stage, but with regards to the Design and Building Standards of the affordable housing, the agent has confirmed that they are willing to comply with the internal sizes contained within the annexes to the SPD. Any application for reserved matters approval in respect of the design & layout of the development will be expected to include details of the proposed affordable housing design standards to be applied in respect of each unit proposed to be designated as affordable housing.

All the affordable housing units must fully comply with the current Homes & Communities Agency (HCA) 'Design and Quality Standards' and that the Code for Sustainable Homes (CSH) level 4 will be achieved to ensure that internal and external storage space provision for all homes exceeds the Housing Quality Index (HQI) unit layout requirement for the designed occupancy. It is the Developers responsibility to take on board future improvements to the HCA and CSH standards and to include certification from a suitably qualified professional that design standards have been met for the designed occupancy levels. The level of design

detail to undertake the necessary assessment is not available at this stage and these standards can be met through a S106 Agreement.

The Planning Obligations SPD Affordable Housing Annexes provide further guidance on the implementation of Local Plan Policy HG.8. The SPD requires that affordable housing should not be distinguishable from the market housing in terms of location and appearance. In this instance, the inclusion of smaller market dwellings could help mitigate this. The car parking provision for the affordable housing is primarily communal parking courts with no garages provided, which allows it to be distinguished from the surrounding market housing. This needs to be fully addressed at reserved matter stage to ensure tenure blindness. On sites of more than 30 units, the Local Planning Authority will seek that not more than 8 affordable dwellings are clustered together to aid de-concentration of deprivation and prevention of social and economic segregation. This proposal has 10 units (plots 10-19) clustered together. It is therefore considered that the proposal does not comply with Local Plan Policy HG.8 and the guidance contained within the Planning Obligations SPD. It is noted that Knightstone raise no concern over the scheme design and layout of the affordable units and have commented that they would prefer the units to be located together rather than the affordable units being 'pepper potted' around the scheme. They do however state that it would be preferable to them if the parking spaces are located within the curtilage of the units.

Improved 'pepperpotting' or clustering would be achieved if the overall mix of the development was improved with a supply of smaller and more affordable market housing in lieu of the larger market houses proposed. However it is considered that if the majority of the affordable housing units were given the benefit of on plot parking then this could be a good compromise to offset the lack of pepperpotting on this site.

There are however concerns with the market housing mix and Strategic Housing Services suggest that the application contain fewer 4 bed market dwellings and instead provide a number of 1 and 2 bedroom market dwellings and maintain a local plan allocated site should deliver a market housing mix that is more in tune with local market need, rather than general market demand. This is supported by the Strategic Housing Market Appraisal (SHMA) & national guidance supporting this is contained within PPS1 & PPS3. Within any reserved matters planning application justification should be provided to demonstrate that there is a demand for the market housing mix as proposed.

ECOLOGY: An ecological assessment was submitted with the outline planning application. The main features of ecological value of the site are the boundary hedgerows with associated vegetation and scrub; and the use of these by wildlife in particular badgers, bats and birds. There is also a silted up pond in the south west corner of the site.

A significant proportion of the eastern hedgerow will be removed. From the indicative layout and the information submitted, the other hedgerows appear to be proposed for retention as rear garden boundaries. This will impact significantly in the long term on the hedgerows and their ecological value, through their future management as garden hedgerow maintained hedgerows, rather than by

management as a wildlife habitat. In the long term there is the potential for them to be removed by householders or replaced with other planting.

The site and its hedgerows, in particular the eastern hedgerow that will be affected and partially removed, are used by badgers. The location that appears to be most heavily used by badger coincides with where the proposed access road would necessitate hedgerow removal, and this access road will cross the existing badger path. Animals are likely to continue trying to use this route, crossing the access road, giving rise to impacts on wildlife in particular potential road casualties.

The proposal does not appear to consider the retention or restoration of the pond in the south west corner of the site. This is a regrettable loss and if unavoidable, should be compensated with replacement habitat.

Following the initial comments from the Council's Ecologist, the Agent has submitted additional information and have confirmed the following:

- Traffic calming will be located to address protection of badgers
- The pond will be fenced and retained
- Covenants will be incorporated into the house deeds to protect native hedgerow from removal
- There will be new native hedgerow planting and reinforcement planting of existing hedges to compensate for hedgerow removal
- New & retained native hedgerow will be appropriately managed in the future
- Bat bricks and bird boxes will be incorporated into the scheme
- The homebuyers welcome pack will contain information about the development
- Precautionary measures & appropriate timing of works will be incorporated into the scheme

It would be difficult to ensure that a covenant is incorporated into the house deeds to protect native hedgerow from removal. It is considered more practical to control this through a landscape condition which will ensure that these hedgerows are retained in perpetuity. The remaining issues can also be controlled through a condition. Details of new planting, bat and bird boxes will need to be incorporated into the landscape and planting proposals and drawings, in accordance with the submitted ecology proposals. These needs to be specified in the landscape condition to ensure landscape drawings are not finalised in isolation from ecological requirements.

Following these comments, the Ecologist has withdrawn her objection subject to the above being adhered to. On balance therefore the proposed development is not considered to have a detrimental impact upon the ecology of the local area.

SUSTAINABLE DEVELOPMENT: The Design & Access statement confirms that the affordable elements of the scheme will be designed to the Code for Sustainable Homes (CSH) level 4 and it is intended that the remainder of the scheme will achieve compliance with the Code for Sustainable Homes Level 3 as a minimum.

PLANNING OBLIGATIONS: The agent has agreed to enter into a S106 to secure financial contributions as detailed below:

£4, 202.10 - Children's Services

£83,588.91 - Parks and Open Space

£45,579.20 - Highway Contributions

£10,000 - Contributions to allow for the setting up of the village shop (as discussed above)

Affordable housing provision and details of design etc. as detailed below:

- 1 35% of the overall residential provision is affordable and grant free, with a 75/25 per cent split between Social Rent and Intermediate Market housing. (Affordability, including service charges and size mix as set out in the Housing Development Officers report).
- 2 The affordable housing obligation is secured in perpetuity through a section 106 Agreement as set out in the Development Officers report.
- 3 Lift the stair casing restrictions for New Build Homebuy Lessees and instead ring fence the released equity.
- 4 The Council has full nomination rights as set out in the section 106 Agreement.
- 5 All the affordable housing units must fully comply with the current Homes & Communities Agency (HCA) 'Design and Quality Standards' and that the Code for Sustainable Homes (CSH) level 4 will be achieved. It is the Developers responsibility to take on board future improvements to the HCA and CSH standards.
- 6 All the affordable housing units must fully comply with the B&NES SPD design, layout & construction standards.
- 7 Certification submitted showing that 60% of the affordable housing achieves lifetime home standards and be identified on plan.
- 8 Certification submitted showing that 10% of the affordable housing achieves full wheelchair user standards and be identified on plan.
- 9 To transfer the units to an approved partnering Registered Housing Provider (HP) or other Affordable Housing Provider (AHP) as approved by the Council.
- 10 The affordable housing land is transferred to a HP or AHP at nil cost.
- 11 Public subsidy (grant) will only be made available in the event that the HPs or AHPs supportable deficit is insufficient to pay for the build costs. Grant will be subject to a comprehensive financial viability assessment.

- 12 The development is tenure blind.
- 13 Phasing conditions on affordable housing triggers to be set out in the Section 106 Agreement.

CONCLUSION

The proposed development is considered to be acceptable in principle, and although the development is considered to be premature, given the advice in PPS 3, it is not considered reasonable to refuse the application on these grounds. The applicant is considered to have provided very special circumstances which allow for a departure from the normal policies of constraint. An acceptable access is to be provided for the development and the scheme is not considered to result in significant harm to highway safety. Although there are concerns with the indicative layout, the concerns can be addressed at reserved matters stage.

RECOMMENDATION

(A) Application be referred to Secretary of State as a departure from the Development Plan.

(B) Authorise the Planning and Environmental Law Manager to secure an Agreement under Section 106 of the Town and Country Planning Act 1990 as detailed in the report to Committee.

(C) Upon completion of the Agreement authorise the Development Manager to PERMIT the application subject to the following conditions:

CONDITIONS

1 The development hereby approved shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the latest.

Reason: As required by Section 92 of the Town and Country Planning Act (as amended), and to avoid the accumulation of unimplemented planning permissions.

2 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: As required by Section 92 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.

3 No development shall commence on the site until the Public Rights of Way within the site have been legally diverted.

Reason: In order to protect the users of the Public Rights of Way.

4 Before the access hereby permitted is first brought into use the area between the nearside carriageway edge and lines drawn between a point 2.4m back from the carriageway edge along the centre line of the access onto Brookside Drive and points on the carriageway edge 17m to the south and 43m to the north of the centre line of the access shall be cleared of obstruction to visibility at and above a height of 150mm above the nearside carriageway level and thereafter maintained free of obstruction at all times.

Reason: In the interests of highway safety.

5 No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

6 Finished floor levels should be set no lower than 300 mm above surrounding ground level.

Reason: To protect the development from flooding.

7 The hedgerows as marked on the 'concept plan' or as otherwise agreed in writing by the Local Planning Authority shall be retained in perpetuity. In the event that they die or become seriously damaged or diseased they 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.

Reason: To safeguard the rural character of the area

8 No development shall take place until full details of a Wildlife Management and Enhancement Scheme have been submitted to and approved in writing by the local planning authority. These details shall be in accordance with submitted proposals including the letter from Malford Environmental Practice dated 27th July 2011, and shall include:

- (i) Wildlife-friendly habitat management practices that shall be implemented for all native hedgerows, pond, and all other wildlife habitat, to include frequency, timing, locations and methods
- (ii) The information that shall to be included within the homebuyers welcome pack about ecology
- (iii) Details of precautionary measures & appropriate timing of works will be incorporated into the scheme for protection of wildlife
- (iv) Details of new planting, bat and bird boxes
- (v) Details of all enhancements

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: In the interests of safeguarding the local ecology and wildlife.

9 No development shall commence until a construction method statement has been submitted to and approved in writing by the Local Planning Authority and shall include details of the access for construction vehicles. The development shall thereafter be carried out/occupied in accordance with the approved method statement/operational statement.

Reason: To ensure the safe operation of the highway.

10 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.

11 An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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.

12 Submission of Remediation Scheme (Where applicable)

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.

13 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 (referred to in PPS23 as a validation 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.

14 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 in accordance with the requirements of condition 13, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 14, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in any 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 15.

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.

15 No materials arising from the demolition of any existing structure(s), the construction of the new dwelling, nor any material from incidental works shall be burnt on the site.

Reason: In the interests of neighbouring amenity

16 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 extension, external alteration or enlargement of the dwelling(s) or other buildings hereby approved shall be carried out unless a further planning permission has been granted by the Local Planning Authority.

Reason: Any further extensions require detailed consideration by the Local Planning Authority to safeguard the amenities of the surrounding area.

17 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.

18 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.

19 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.

20 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 The developer should 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 and should be fully complied with during demolition and construction of the new building. (copy attached.)

In all cases the best practicable means of minimising noise on the site must be adopted. (In this respect guidance is given in British Standard BS 5228:2009 Code of Practice for Noise Control on Construction and Open Sites.)

2 REASONS FOR GRANTING APPROVAL:

1 The proposed development is considered to be acceptable in principle, and although the development is considered to be premature, given the advice in PPS 3, it is not considered reasonable to refuse the application on these grounds. Although the development is not within the Green Belt, policy GB1 applies. The applicant is considered to have provided very special circumstances which allow for a departure from the normal policies of constraint. An acceptable access is to be provided for the development and the scheme is not considered to result in significant harm to highway safety. Although there are concerns with the indicative layout, the concerns can be addressed at reserved matters stage. The development is not considered to result in an increase in flooding, or significantly harm residential amenity. Subject to a satisfactory design, siting and scale, it is considered that the development will integrate successfully with the surrounding area.

2. The decision to grant approval has taken account of the Development Plan, relevant emerging Local Plans and approved Supplementary Planning Guidance. This is in accordance with the Policies set out below at A.

A.

IMP1, D2, D4, ET7, GB1, GB2, CF1, CF2, SR1A, SR3, S9, ES14, HG1, HG7, HG8, HG10, NW1, NE4, NE10, NE11, NE12, BH12, T1, T25, T26, of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007.

Bath & North East Somerset Council	
MEETING:	Development Control Committee
MEETING DATE:	14th December 2011
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.

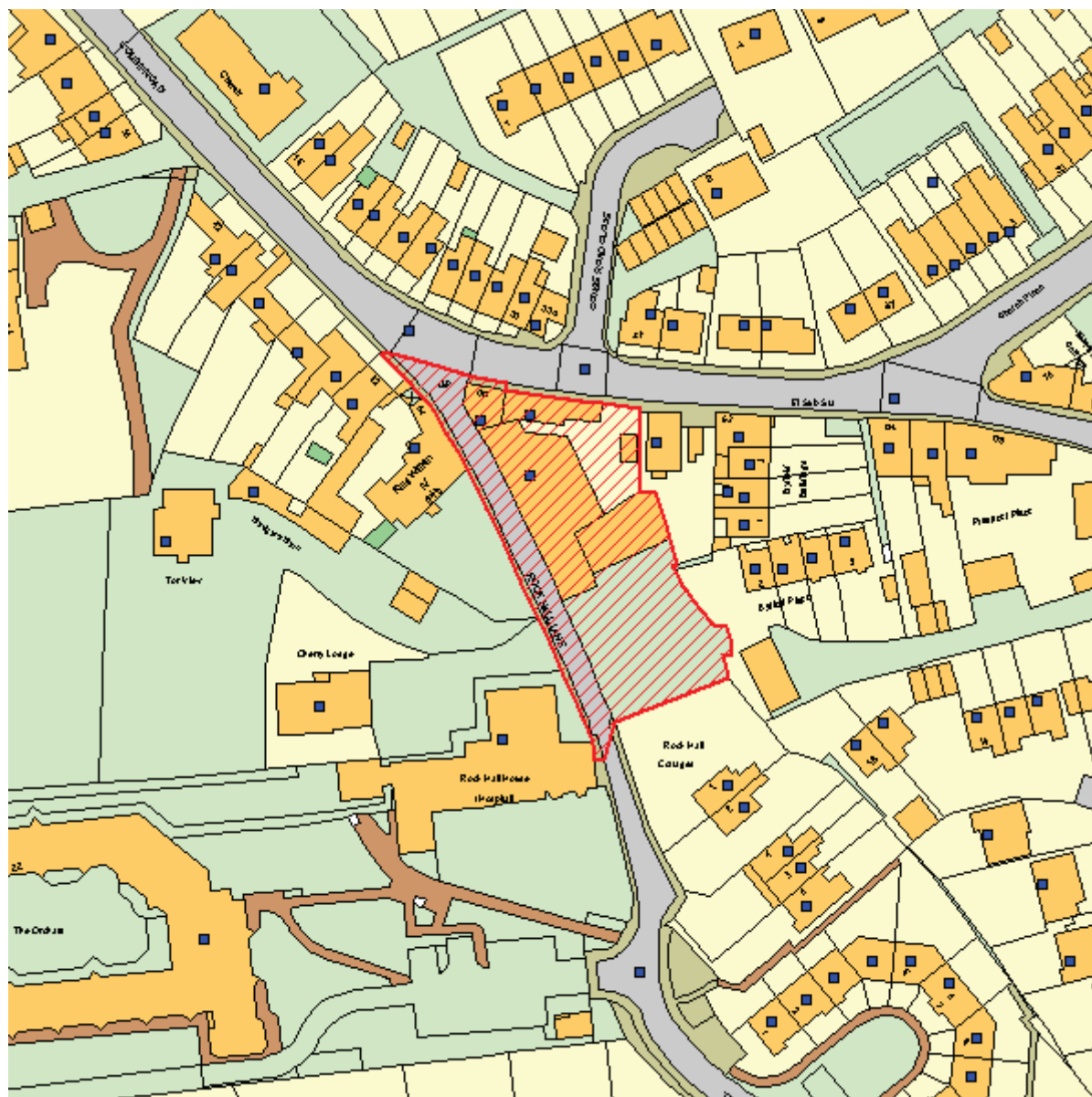
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ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	11/04166/FUL 22 November 2011	Ian Cox Development Partners Ltd Gammon Plant Hire, Rock Hall Lane, Combe Down, Bath, Bath And North East Somerset Erection of 1no. Mining Interpretation Centre (rated BREEAM Excellent), 8no. Eco-Homes (rated Code 5 zero carbon), 1no. Apartment (rated Code 5 zero carbon) and all associated hard and soft landscaping following demolition of all existing properties, with the exception of a portion of historic stone wall to Rock Hall Lane (resubmission).	Combe Down	Tessa Hampden	REFUSE
02	11/04167/CA 22 November 2011	Ian Cox Development Partners Ltd Gammon Plant Hire, Rock Hall Lane, Combe Down, Bath, Bath And North East Somerset Demolition of all existing properties with the exception of a portion of historic stone wall to Rock Hall Lane.	Combe Down	Ian Lund	REFUSE
03	11/04300/OUT 6 January 2012	Somer Community Housing Trust Parcel 0006, Maynard Terrace, Clutton, Bristol, Bath And North East Somerset Erection of 43no. dwellings and associated works.	Clutton	Suzanne D'Arcy	REFUSE
04	11/04325/FUL 12 January 2012	Deeley Freed (Charlton Road) Land At Rear Of 2-20, High Street, Keynsham, , Erection of three storey building to provide fourteen residential apartments and associated landscaping and car parking (inc. re-provision of car parking for existing high street properties)	Keynsham North	Sarah James	PERMIT

05	11/03843/OUT 22 November 2011	Mr Peter Wood Fairash Poultry Farm, Compton Martin Road, West Harptree, Bristol, BS40 6EQ Erection of 7no. dwellings following demolition of existing poultry farm.	Mendip	Alice Barnes	REFUSE
06	11/03987/OUT 12 January 2012	Mr & Mrs David and Elizabeth Bates 69 Haycombe Drive, Southdown, Bath, Bath And North East Somerset, BA2 1PG Erection of a detached 2 storey dwelling on land to the rear of 69 Haycombe Drive	Southdown	Richard Stott	PERMIT

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

Item No: 01
Application No: 11/04166/FUL
Site Location: Gammon Plant Hire, Rock Hall Lane, Combe Down, Bath



Ward: Combe Down **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Cherry Beath Councillor R A Symonds
Application Type: Full Application
Proposal: Erection of 1no. Mining Interpretation Centre (rated BREEAM Excellent), 8no. Eco-Homes (rated Code 5 zero carbon), 1no. Apartment (rated Code 5 zero carbon) and all associated hard and soft landscaping following demolition of all existing properties, with

	the exception of a portion of historic stone wall to Rock Hall Lane (resubmission).
Constraints:	Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, Local Shops, Water Source Areas, World Heritage Site,
Applicant:	Ian Cox Development Partners Ltd
Expiry Date:	22nd November 2011
Case Officer:	Tessa Hampden

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE

This application was deferred from Development Control Committee 23 November 2011 to allow further time for third parties to comment on the EI screening assessment.

This application has been referred to Committee the Development Manager due to the sensitive nature of the development.

SITE DESCRIPTION AND PROPOSAL

The application site is located on corner of Rock Hall Lane and Combe Road in the village of Combe Down. The site comprises a former 19th century maltings, and a large open yard to the east and the south of the buildings. A modest vacant retail unit is located on the north west corner of the site, adjoining Malthouse Cottage to the east, with a further open yard, all at a higher level to the main yard and buildings. A significant stone wall forms the boundary of the site with Rockhall Lane.

A number of listed buildings surround the site including Rockhall House on the west side of Rockhall Lane. Higher up on the same side is the King William IV public house, then the range of dwellings 42 through to 50 Combe Road. To the east of the site lies 62 Combe Road, and then set back are Nos. 1 - 3 Byfield Buildings, and No.s 1-5 Byfield Place.

The site is within the City of Bath Conservation Area and set within the wider World Heritage Site. Number 56 Combe Road is designated as a Local Shop in the adopted Local Plan.

The application seeks planning permission for the erection of a Mining Interpretation Centre (rated BREEAM Excellent), eight eco-homes (rated Code 5 zero carbon), one apartment (rated Code 5 zero carbon) and all associated hard and soft landscaping following the demolition of all of the existing properties, with the exception of a portion of historic stone wall to Rock Hall Lane. The development also includes the widening of the footpath to Rockhall Lane and further highway improvements. There is a parallel Conservation Area Consent which covers the demolition of the buildings.

The application is a resubmission of a recently withdrawn application. The most significant changes from this previous scheme include: reduction of the lower terrace from 3 stories to 2 stories; use of Bath stone on all of the build rather than render in parts; changes to the roof of the upper terrace to include a mansard roof design feature; alterations to the detailing of the upper terrace so it takes on a more traditional approach including changes to the fenestration and introduction of a stone string course. A further Historic Report has also been submitted with this application in order to justify the loss of the buildings.

The eight town houses are arranged in two terraces of four, orientated east west along the north and south ends of the site. The upper terrace faces onto Combe Road, and although three stories, will appear as a two storey building from the road. The upper houses are set back from the pavement allowing a lightwell to the lower ground floor level. The lower terrace is formed of two storey dwellings, which comprises living accommodation on the first floor and bedrooms at ground floor level. The houses have incorporated a number of environmental measures as a result of the sustainable brief. The dwellings will be constructed from coarse rubble stone on the upper/lower ground floor and gable ends and smooth sawn ashlar on the first floor, under a single grey ply membrane roof.

The two bedroom apartment is sited at right angles to the terraces, and is elevated above the site entrance. This part of the development will be clad with a light weight timber under a sedum roof.

The development also includes the erection of the Combe Down Stone Mines Interpretation Centre which will be located on the corner of Rockhall Lane and Combe Road. The submission explains that in order to secure the long-term future of the centre, the building will be held by The Ecos Trust which is a Somerset based educational charity. They will lease it to the Community Trust and support them with set up and management. A Trust is being formed to represent the community and run the Centre with locally elected trustees. The Centre will present the story of Combe Down, and the influence of stone in its development from prehistory to the present day. It will also provide a resource centre for the use of Combe Down residents for meetings, lectures and leisure activities.

The Interpretation Centre proposes a variety of material treatments. The existing rubble stone wall is retained to Rock Hall Lane and a new glazed facade created to Combe Road with elements of timber/stone. A series of mono-pitch roofs are proposed above the existing historic wall. These are designed to let in light on the north (glazed) side, whilst offering an array of solar PV panels on the south side. The roofs are made from Cross Laminated Timber and support is offered in the form of Glu-laminated Timber columns, which are inclined at the top to follow the line of the roof. A lightwell is created between the Mining Interpretation Centre and the pavement.

A combined disabled parking space / bus drop-off point will be provided to Combe Road in order to serve the Mining Interpretation Centre. A car park for residential properties will be provided in the centre of the site, accessed from Rock Hall Lane, providing 14 on-site car parking spaces for the occupiers of the development.

PLANNING HISTORY:

DC - 11/02810/FUL - withdrawn - 22 September 2011 - Erection of 1no. Mining Interpretation Centre (rated BREEAM Excellent), 8no. Eco-Homes (rated Code 5 zero carbon), 1no. Apartment (rated Code 5 zero carbon) and all associated hard and soft landscaping following demolition of all existing properties, with the exception of a portion of historic stone wall to Rock Hall Lane.

DC - 11/02811/CA - withdrawn - 22 September 2011 - Demolition of all existing properties with the exception of a portion of historic stone wall to Rock Hall Lane.

DC - 11/04167/CA - pending consideration - Demolition of all existing properties with the exception of a portion of historic stone wall to Rock Hall Lane.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

HIGHWAY DEVELOPMENT: No highway objection is raised subject to the prior completion of a legal agreement to secure the highway works, comprising the footway widening, vehicle passing bay and any associated Traffic Regulation Orders. Conditions are also recommended to be attached to any planning permission granted.

ECOLOGY: No objection subject to a plan for a Wildlife Protection and Enhancement Plan being produced. This can be secured through a condition on any permission.

ARBORICULTURE: No objection subject to the protection of a Silver Birch during construction

ARCHAEOLOGICAL OFFICER: Welcomes the proposed Combe Down history centre, removal the below ground mine experience, which formed part of earlier designs, will deny residents and futures visitors what was planned as a lasting legacy and physical connection with the village's mining heritage; Demolition of the main historic building on the site (the former maltings) to make way for a history centre seems to be defy logic, and should to be reconsidered; Retention and reuse of the maltings as the history centre with other community uses would be better approach, allowing the historic building to form part of the narrative told about the village and its industrial heritage.

CHILDREN'S SERVICES: Total contribution sought for £33,005.28

ENGLISH HERITAGE: Do not consider that they represent a significant enough improvement or provide sufficient additional meaningful information or evidence necessary to prompt a review of their previous position. The previous advice should therefore be considered as the formal position on the application. This can be summarised as follows; the existing buildings have a sufficient degree of significance to make a positive contribution to the Conservation Area and the replacement development will generate harm to designated heritage assets. A case for the proposals has not been made in accordance with the statutory provisions of PPS 5 on the Historic Environment.

WESSEX WATER: general advice offered but no specific concerns raised.

BATH PRESERVATION TRUST: Do not support the revised designs out-right but consider that the scheme is broadly of a sufficient quality to warrant the demolition of the yard buildings as proposed as to provide much needed local housing on the site. The retention of the historic stonewall to Rock Hall Lane is of local importance and must be retained in the interest of local character and distinctiveness and serves a reminder of the former use of the site. The amendments make a considerable difference whilst not compromising the overall design concept and philosophy. The balcony features and conservatories are considered more appropriate to the character and setting of Combe Down and will not have the abrupt and conspicuous impact upon the streetscene and wider views across Combe Down that the previous passive-glazing proposals did. The height reduction of the lower housing-block reduces visibility of the block in the local townscape, its impact upon Byfield Terrace and responds much better to the local topography and descent downhill.

There are still concerns with some aspects of the design scheme. The choice of red cedar cladding upon the suspended apartment is ill-fitting, given its unsympathetic colour, and would give the development an incongruous element. An indigenous and untreated timber would be a preferable material choice. Further, the glazed L-shaped projection which is angled north-west is particularly prominent, and potentially excessive.

HOMES AND COMMUNITY AGENCY

£150million has been investigated in the Combe Down Mines Restoration Project. Ralph Allen Yard was identified and acquired with the intention to finalise this project with a legacy development.

It is of great concern that the planning application is recommended for refusal. An opportunity exists for the Interpretation Centre to form the centre piece of an exemplar project including low energy homes. The development partners have worked tirelessly over the last three years to bring forward comprehensive development proposals of an exemplar nature.

The achievement of Code 5 for sustainable homes and zero carbon is unprecedented in Bath and North East Somerset and rare in the UK. The benefits should be considered proportionately against the disadvantages of the loss of existing non-listed building deliver well beyond the policy requirements for off-site financial contributions and again should be a material consideration when looking at the balance of the proposal.

If this development is not possible the HCA will have no reason to retain ownership of the land and it will be sold on the open market. Alternative proposals could include space being provided elsewhere in the City but the opportunity to create a locally based community facility as an integral part of the Interpretation Centre would be lost.

JOHN BETTY - STRATEGIC DIRECTOR - DEVELOPMENT AND MAJOR PROJECTS

An Interpretation Centre in the village was, and remains the approach most enthusiastically championed by local interest groups, and would provide supplementary community use.

Professional advice, however, had suggested financial sustainability of any such stand-alone Centre was in doubt. This doubt has been overcome through the present proposals, which use the development of the balance of the site for residential use, together with the significant development subsidy from HCA.

The proposals are the culmination of extensive consultation and responsive modifications by the developer, enabling the project to provide a fitting legacy of benefits to the area, which include comprehensive off-site highway improvements; a meeting space for the community; management of the facility by ECOS trust whose principle objective is to promote design and build techniques that give a better quality of life and reduced impact on the environment; a minimum of Code Level 4 environmental and quality standards of the Code for Sustainable Homes.

The Combe Down Stone Mines Project believe that the considerations set out above should be given significant weight in evaluating the benefits and issues of this application, and would ask for the application to be approved and the project delivered, thereby creating a legacy for the Combe Down Stone Mines Project.

THIRD PARTY REPRESENTATIONS:

23 objection comments have been received, and a petition signed by 60 people (It should be noted some of those who have signed the letter have also sent in individual representations). The comments can be summarised as follows:

- Interpretation centre of an inadequate size for its purpose and unsustainable over time
- Overbearing impact upon Byfield Place and subsequent impact upon the residential amenity of this terrace and the setting of these listed buildings
- Inappropriate mass, and design of proposed development
- Highway safety issues/inadequate parking for dwellings and centre.
- Density of development and overdevelopment of the site
- Loss of existing buildings and the lack of justification for this
- Increase in noise and vehicular pollution
- Loss of light to neighbouring gardens/properties
- Detrimental impact upon the character and appearance of this part of the Conservation Area
- Deflection of wind creating a wind tunnel
- Loss of privacy/overlooking to neighbouring gardens
- Relationship to previous refusals at adjacent sites
- Detrimental impact upon the setting of the listed buildings
- Inappropriate flat roofs
- Inappropriate fenestration/detailing
- Objections to the use of the photovoltaic panels due to their inappropriate appearance
- Inappropriate materials including timber and glazing, textured stone, sedum roofs
- Loss of views
- System and installation issues of the biomass boilers
- Risk of damage to properties
- Inappropriate layout if proposed buildings including lack of storage and access to gardens

4 supporting comments have been received. These comments can be summarised as follows:

- Welcomes the storage area of the Interpretation Centre to allow for a greater use of the building
- Encourages the retention of the maltings tank
- The Centre will enable the story of Combe Down and its stone to be presented in a way that is accessible and understandable by all ages and levels of education
- The Centre will be an excellent facility for the benefit of the village and the wider area which will outweigh the heritage loss of the old malthouse building
- Design of the dwelling will strongly identify the Interpretation Centre with its theme

- Architects have listed and responded sympathetically to what they have heard

POLICIES/LEGISLATION

Bath and North East Somerset Local Plan (including minerals and waste) October 2007

IMP.1: Planning obligations

D.2: General design and public realm considerations

D.4: Townscape considerations

ET.3 Core Employment Areas

CF.1: Contributions from new development to community facilities

CF.2 Provisions of new or replacement community facilities

S8 Retention of shops in district, local and village centres

HG.1: Meeting the District housing requirement

HH4 Residential development in the urban areas and R1 settlements

HG.7: Minimum housing density

NE.1: Landscape character

NE.4: Trees and woodland conservation

NE5 Forest of Avon

NE9 Locally important wildlife sites

NE10 Nationally important species and habitats

BH1 World Heritage Site and its setting

BH2 Listed Buildings and their setting

BH5 Locally important buildings

BH6 Demolition within or affecting Conservation Areas

BH7 Demolition in Conservation Areas

BH12 Important archaeological remains

T.1: Overarching access policy

T.24: General development control and access policy

T.25: Transport assessments and travel plans

T.26: On-site parking and servicing provision

Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007

Planning Obligations Supplementary Planning Document - adopted July 2009

Bath and North East Somerset Submission Core Strategy (May 2011) is out at inspection stage and therefore will only be given limited weight for development management purposes. The following policies should be considered: B1, B4, IMP, D.2, D.4, ET.7, CF.1, CF.2, S8, HG.1, HG.7, NE.1, NE.4, NE5, NE9, NE10, BH2 , BH5, BH6 , BH7 , BH12, T.1, T.24, T.25,T.26

OFFICER ASSESSMENT

PRINCIPLE OF DEVELOPMENT: The application site is located within the built up area of Bath where in principle new residential development can be considered to be broadly acceptable provided it complies with the relevant policies of the adopted Local Plan. Further, the site is located in a sustainable location, in close proximity to local facilities and public transport provisions. There is therefore no objection in principle to new residential development on this site.

The main part of the site was last used by Gammon Plant Hire. There is no objection to the loss of this use, and a use more compatible with the surrounding residential properties would be welcomed. The lawful use, in close proximity to residential properties is likely to perpetuate unacceptable environmental and traffic problems. Further, the agent cites that the site is very expensive to develop in terms of the constraints and complexity of technical difficulty and it is therefore unlikely to be an attractive opportunity for those seeking a new commercial property.

Although the former shop unit is designated as a local shop, it is detached from the visual core of the local centre of Combe Down Village. Its loss is not considered to harm the vitality and viability of the local centre. It has been empty for some time and it has been cited that when it was operational it was largely used for storage. The new large Sainsbury's Store in Odd Down is likely to have reduced the potential for this store to continue to be in use. The replacement with a community building will ensure that the vitality of the area is maintained. On balance therefore, the proposed loss of the shop unit is considered to be acceptable and there is no objection to the change of use of the site.

The proposed Combe Down Stone Mines Interpretation Centre will provide an educational facility for the wider area and a community facility for Combe Down Village. Given the siting of this unit within an existing settlement, this part of the development is considered to be acceptable. There have been concerns with regards to the limited size of the building and the impact of this on the future viability of the development. It has been confirmed that this building will be taken on by the Eco Trust which is a registered charity. The building will then be leased to the Combe Down Community Trust. It is considered that this building, although smaller than some would have been wished for, will still serve a suitable purpose for the local and wider community.

Given the above, overall the proposed development is considered to be acceptable in principle.

CHARACTER AND APPEARANCE:

Demolition of the existing buildings

The loss of the existing buildings remains a of significant concern as the standing structures are considered to contribute positively to the character and appearance of this part of the Conservation Area and are considered to represent an undesignated heritage asset. The parallel Conservation Area Consent application has been recommended for refusal, and this recommendation is explained in the corresponding committee report.

A Historic Building Report was submitted with the previously withdrawn planning application and a further revised and expanded report forms part of the current submission. A condition survey report has also been submitted as part of the application to justify the loss of the existing buildings and a further Structural and Engineering Report has also been submitted. The agent cites that the submission comprehensively demonstrates that the retention of the buildings is inappropriate given their unsafe and poor condition, and suggests that their demolition is fully justified in terms of Planning Policy Statement 5.

However, there are concerns that detailed options have not been presented that consider the possibility of retaining these significant buildings. In additional information which was submitted after the preparation of the last committee report, the agent outlined the problems with reusing the existing building, including using the shop area for the Interpretation Centre. The impracticalities include the lack of space, access issues, need for an adaptable and flexible centre, and the need of a building capable of being run economically and remain sustainable in the long term. The HCA require the highest environmental standards. Further, the provision of the building within the shop building would result in a loss of two of the proposed dwelling, and if the cottage building is retained, would result in the loss of 4 of the dwellings. In that event the HCA's gap funding would have to increase substantially, which is not a feasible consideration at this point.

The Historical Building Report provides archival evidence, backed up by English Heritage and by the opinion of local people making representations that the site has considerable local importance and it is considered that their loss has not been fully justified.

The main malting buildings have undergone a number of alterations including the removal of the upper malting floor, the pyramidal kiln roof, and the blocking up of a number of the windows. The interior has been largely stripped out but the external envelope of the buildings and boundary walls remain of considerable heritage significance. They are testament to the history of Combe Down as an important centre for stone mining and brewing. As noted in the Bath City-wide Character Appraisal it is the C18 and C19 buildings that give Combe Down its strong sense of identity.

The maintenance of the Maltings in particular has been poor, rain water goods appear to have been removed and holes in the roof covering have been left unrepaired. However, as PPS5 advises any neglect in the hope of obtaining consent to demolish should be disregarded. Furthermore, it is not considered that the condition of the Cottage and the Maltings are so poor that they could not be restored.

As English Heritage note, although the existing complex of buildings has seen much interior change, the exterior of the buildings retain sufficient of its historic form, fabric and architectural character to allow for a ready recognition of its heritage value and historical role.

The Malthouse Cottage was probably formed from buildings erected originally in the early years of the 19th century but there has been significant reconstruction and alteration during the 20th century. The Cottage itself is therefore of less significance and need not be regarded as a heritage asset.

The proposed scheme retains a section of the historical stone wall fronting Rockhall Lane. This section is characterful and its retention is welcomed. The applicant's structural engineer advises that this can be preserved in situ without rebuilding. With the existing buildings the roof structures of the buildings would require wholesale reconstruction if the buildings were to be reused. It is acknowledged that much of the site is presently unused and the Maltings are redundant for their original use but demolition is irreversible and should only be considered as a last resort. The fact that the present applicant has not put forward a viable use of the existing buildings does not mean that there is no such use, and alternative options need to be considered.

On balance therefore, notwithstanding some alterations, and poor maintenance, the former maltings and attached corner shop make a positive contribution to the character of Combe Down and are considered to be heritage assets as defined by PPS 5: The proposals contain insufficient evidence or justification to warrant extensive demolition.

Character and appearance of the new development

Notwithstanding the above issues relating to the loss of the existing buildings, the impact of the proposed development also needs to be assessed. As previously discussed significant alterations have been made to the previously withdrawn scheme in an attempt to overcome earlier concerns raised by the case officers, English Heritage and various third parties. It is acknowledged that the applicant has made significant compromises to the scheme, which has included reducing the level of accommodation offered by dropping the lower terrace from three stories to two, and replacing the render sections with Bath Stone.

There is no objection to residential development on this site, and the introduction of small terraces is considered to be applicable and reflects the character of the area. The siting of these buildings is also considered to be appropriate and respects the existing loose building grain of Combe Down Village. The concept of a centre focusing on the history of the village is welcomed in the heart of Combe Down Village. The Interpretation Centre will occupy a prominent position on the corner location, but given the use of the building its prominence is intentional.

The development will retain a section of the historic boundary wall to Rockhall Lane. Although there are concerns with how this will be retained without it having to be rebuilt the retention of this is in the interest of local character and distinctiveness of the site and acts as a reminder of the historical use of the site. This section of the wall is considered to contribute positively to the character and appearance of this part of the Conservation Area.

The development is considered to reflect the topography of the site, with the built form being stepped down in line with the slope of the site. This has been improved with the reduction in height of the lower terrace and is considered to reflect the historical character of Combe Down village. This reduction in height of the terrace also reduces the impact of the development when looking north along Rock Hall Lane.

However, although the alterations to the scheme are noted there is still concern with the development, and objections have been raised by the Historic Environment Team, English Heritage and various third parties. There are significant concerns with the overall scale of the development, particularly the width of the housing blocks. The widths are considered to be too great in relation to the established village context of the site. The deep front to back distances represents an inflation of traditional terraced forms found nearby. The block gable ends onto Rockhall lane, are considered to be overly dominant in the street scene and impinges upon the setting of the adjacent Grade II listed Rockhall House and Byfield Place.

The use of flat roofs in order to minimise height and maximise energy efficiency is recognised, but there is concern that this, coupled with the elongated gable ends results in blocks that appear out of character. It is acknowledged that the roof lanterns

have been extended to form the visual perception of a pitched mansard roof behind a parapet which is an attempt to reference other properties in the Combe Down area which have a parapet with a pitched or mansard roof behind it. From direct street level, there are limited views of the pitched roof with the parapet forming the main character of the skyline. The flat roof allows for the housing of photovoltaic panels, with the parapet screening them from view. The provision of the panels is critical if the development is to achieve the zero carbon status. There is no objection to the roof design as such, but when coupled with the inappropriate scale of the development, the dwellings are considered to appear to conflict with the prevailing character of the area.

The finer details of the upper terrace now takes on more traditional approach as a result of the changes which include alterations to the fenestration and introduction of a stone string course. This ensures that the development more closely respects the local vernacular.

Notwithstanding the concerns already raised, the use of appropriate materials is essential to ensure that the development has a satisfactory overall finish. It is recognised that the render elements proposed in the previous application has been replaced by Bath stone, and this change is considered to represent an enhancement to the scheme and more closely reflects the character of the area and the history of the site. The Design and Access Statement explains that Ralph Allen Yard was established in order to produce prefabricated rectangular Bath stones. Up until that point only rubble stone was offered in any quantity. In reference to this, two types of stone are proposed to the terraced houses; coarse rubble stone on the upper/lower ground floor and gable ends (possibly retaining saw marks) and smooth sawn ashlar on the first floor. Further details of this can be secured through a condition on any future planning permission, but in principle is considered to be acceptable.

Timber is proposed for a section of the roof of the Interpretation Centre and as the main cladding for the single flat. Although this material is not common within the local vernacular, it is considered to be acceptable on this contemporary development. The material will ensure the flat element does not appear overly bulky in this location and is considered to contrast successfully with the Bath stone proposed. Again, it is critical to ensure that the timber used is appropriate and a condition should be requested on any future permission.

Solar panels are proposed to the pitched roofs of the Interpretation Centre and to the northern and southern parts of the roofs of the dwelling houses which will cover a large portion of these roofs. A sedum roof will be used for the single flat and part of the Interpretation Centre. A dark grey single ply membrane will be used on the roof of each dwelling beneath the photovoltaic panels. Again, these materials are considered acceptable, and the future maintenance of the sedum roof can be secured through the inclusion of a condition.

Whilst the changes to the scheme are considered to be a significant improvement on the previously withdrawn scheme, they are not considered to outweigh the overall concerns previously identified. On balance, given the concerns with the overall design and scale of the development, the quality of the scheme is not so great as to justify the harm caused by the demolition. The development is considered to result in harm to the setting of the adjacent listed buildings and as result the character and appearance of this part of the City of Bath Conservation Area.

HIGHWAY SAFETY: When assessing the previous planning application which was withdrawn, concern was expressed regarding access for refuse collections to the proposed recycling area, and with the servicing of the site in general, due to the restrictive nature of Rock Hall Lane. The construction of the development, and the proposed highway works, was also raised as a concern, with regard to how access could be maintained for vehicular and emergency access at all times, bearing in mind the restrictive nature of the footway and carriageway off Rock Hall Lane. This is particularly critical given the sheltered housing on Rockhall Lane.

Although the application site has been vacant for a number of years, the previous uses on the site would have generated a significant amount of vehicular movements, and particularly in respect of the garage, council depot and tool hire workshop, there would have been HGV movements. The site has historically had the benefit of three access points, one onto Summer Lane and two onto Rock Hall Lane. Rock Hall Lane is a narrow lane with a 1m footway on the west side and no footway on the east side, across the frontage of the site, and therefore access to, and egress from, the site would have been restrictive, and visibility from the access points very poor.

The development scheme proposes a vehicular access off Rock Hall Lane serving parking for 14 cars, and with access to a refuse/recycling area for the dwellings. The footway on the west side of Rock Hall Lane is proposed to be widened over the length of the site from 1.0m to 1.4-1.7m, together with a minimum 0.5m rubbing strip to the east side, which also serves to provide improved visibility for the proposed single point of access into the site. The proposal also includes the widening of the footway at the junction of Rock Hall Lane with Summer Lane and outside of the proposed Mining Interpretation Centre. A vehicle passing place is also proposed in the vicinity of the vehicular access to the site.

The site is well served by public transport for journeys into the City, and having regard to the availability of some local services nearby and options for modes of travel, the site is considered to be in a sustainable location. Whilst there is no specific data for the traffic that was generated by the former uses on the site, it is not considered that the proposed development would generate an increase in the level of traffic. However it is considered that it would reduce the level of HGV traffic that would otherwise have been generated by the former uses, if the site were to be brought back into those uses. The submitted Transport Statement considers the impact of the development on traffic movements and concludes that there would be likely to be a reduction in the level of traffic associated with the development, compared to the former uses on the site. On this basis, the development proposal would not generate a need for an SPD contribution to strategic schemes.

The proposal includes for 14 car parking spaces within the site, including disabled bays, with any additional demand for parking having to take place on the adjoining highways. The dwellings are also to be provided with 2 cycle hangers each to allow for cycle storage, and to encourage alternative modes of travel for residents. Having regard to the location of the site, the level of car and cycle parking is considered to be appropriate.

The construction of the development will require that emergency access is available at all times, and access to properties served off Rock Hall Lane will need to be maintained for pedestrians and vehicles. The applicants Transport Consultants have submitted details of Working Zones which identify how the highway works can be carried out in phases in

order to maintain access, and these have been discussed with the Street Works Manager, who is happy with the principles. A Construction Management Plan will be required in order to agree the details of the timings and method of deliveries, storage of materials, contractors parking, emergency access, vehicular and pedestrian access and any traffic management.

The Transport Consultants have also provided swept path analysis to satisfactorily demonstrate the ability for a car to pass a refuse vehicle within Rock Hall Lane, with the provision of the proposed passing bay to the frontage of the development. A road condition survey should also be carried out and agreed between the Developers and the Local Planning Authority, to establish the existing condition of the surrounding highways. Any damage caused to the highways can be assessed against the pre-start survey, and any defects that are considered to be attributable to the development traffic will then be required to be rectified by the Developers.

It is noted that development works are proposed adjacent to, and below, the highway, including the provision of a light well between the Mining Centre and the footway, and these works could have implications for the structural stability of the highway. Structural drawings and calculations will be required, by condition, to be submitted and approved prior to the commencement of any works.

Having regard to the above no highway objection is raised subject to a number of conditions, and the prior completion of a legal agreement to secure the highway works, comprising the footway widening, vehicle passing bay and any associated Traffic Regulation Orders.

It is proposed to widen the Rock Hall Lane footpath along the full length of the site, significantly improving pedestrian crossing and improving highway safety at the road junction for all residents. The footpath is also to be widened directly outside the Mining Interpretation Centre on Combe Road. A vehicular passing place is to be provided at the entrance to the site, in addition to a larger passing bay just South of the entrance on Rock Hall Lane

RESIDENTIAL AMENITY: The application is in close proximity to neighbouring properties and careful consideration therefore needs to be given to the impact of this development on the residential amenity currently enjoyed by the occupiers of these dwellings. The agent has submitted an analysis of the impact of the development on the end terrace of Byfield Place, but the comments within the representations in relation to this drawing are noted. The lower terrace has been reduced to two stories partly in an attempt to mitigate the impact upon these neighbouring occupiers. It is acknowledged that the development will still impact upon the occupiers of the end property in Byfield Place in particular, but whether this is to a level as to warrant a refusal needs to be considered.

Number 2 Byfield Place benefits from French windows to its side elevation, and the view from this window will be affected. However although the outlook from this window and other windows of this and neighbouring dwellings will be altered, the development is not considered to dominate the outlook to an unacceptable level as to warrant a refusal. The lower building profile of the lower terrace minimises the amount of building that will be visible from the neighbouring property and the development is no longer considered to have the overbearing impact on the neighbouring occupiers. The loss of view has been

cited within representations, but this is not considered to be a planning consideration that can be given considerable weight.

The development however will result in loss of light to the neighbouring occupier and this has been illustrated through the Solar Shading diagram submitted by the applicant. It is noted that this diagram focuses on 2 Byfield Place, as this is again the property that will be most impacted upon, but consideration has also been given to the impact of the development on the other nearby properties including Rockhall House. Byfield Place has a raised terrace area between its side elevation and the proposed gable end of proposed dwellings of the lower terrace. The diagram submitted has shown that the proposed area will suffer from a shading affect as a result of this development. The property also benefits from a further garden area to the front of the property which appears to be well used. Although it is accepted that this terrace area will suffer from a degree of loss of light, the front garden area is considered to benefit from an acceptable level of sun light, and as such the harm caused by the development is not considered to result in significant harm.

It is also recognised that the development will result in a degree of noise and disturbance in particular from vehicular and pedestrian movements. However given the lawful use of this site which has the potential to generate a higher level of noise, this harm is not considered to be significant enough as to warrant a refusal.

Concern has been raised with regards to the overlooking of neighbouring properties. Blinker screens are proposed to minimise the overlooking of neighbours and their garden areas, and this, and any further screening can be controlled though the inclusion of a condition. Further, given the siting of the proposed balconies and windows, they are at a level and a distance away from the property that would ensure that the loss of privacy is not significant harmed.

The use of the building as an Interpretation Centre is not considered to result in undue levels of noise and disturbance for the neighbouring occupiers given the size of the unit and its location adjacent to the public house. However this building is likely to be used in the evening and the operational hours can be controlled through a condition on any planning permission.

The development is considered to result in satisfactory living conditions for the future occupiers of the development. Whilst the comments of the third parties are noted with regards to the unacceptable layout, in particular the lack of storage, the living conditions, including the level of outdoor amenity space offered is considered to be acceptable.

On balance, although it is recognised that the development will have an impact upon the neighbouring occupiers, in particular No.2 Byfield Place, the impact is not considered to be so significant as to warrant a refusal.

ARBORICULTURE: The existing Silver Birch tree is to be retained and protected during the construction process. Further it is proposed to plant six new trees as part of the new development. There are no objections to the development from the Senior Arboricultural Officer subject to the inclusion of a condition on any planning permission. The location of these trees can be fully considered through the inclusion of a landscaping condition.

ECOLOGY: This site lies in close proximity to parts of the Bath & Bradford on Avon Bats SAC, the closest of which lies 65m to the west, to the rear of neighbouring buildings. Another component part of the same Bats SAC lies a further 75m beyond. The buildings on site also have potential for use by bats and birds.

Two ecological reports have been submitted; an Ecological Appraisal & Bat Inspection (Engain, June 2008) and a bat survey of the buildings and yard (Bat Pro, June 2011). The 2008 survey found pipistrelle droppings on the west side of the northern wall of a lean-to garage on the site. Further emergence surveys for bats were recommended. The 2011 bat surveys provides summary findings of completed bat surveys for the site, and found no bats roosting within buildings on the site. Pipistrelle bats were recorded flying across the yard. The 2011 survey concludes that no roosts are currently present and that a licence is not required prior to demolition of buildings.

In line with the recommendations of the June 2008 report and due to the previous survey findings (2008) of pipistrelle bat droppings on a wall on the site, a plan for a Wildlife Protection and Enhancement Plan should be produced. This can be secured through a condition on any planning approval. The plan should provide details of measures to protect wildlife, and details of wildlife enhancements to be provided through the planting scheme and provision of replacement roost features. The plan should include a method statement for precautionary working methods for bats, during demolition works (eg removal of roof tiles by hand; briefing of site workers regarding bat protection & what to do if a bat is found). The plan must be approved prior to the start of demolition or other works.

A licence is not considered necessary and the three tests do not need to be applied for this application. If the buildings are not demolished within 12 months however, bat surveys would need to be repeated / updated. Given the findings of the bat report which did not record any use of the site by the Greater Horseshoe Bat, and given the location of the site beside a lit highway and between buildings to the north, east and west, the LPA can be confident that the proposals will not have a significant effect on the SAC. No further assessment should be required under the Habitats Regulations. This is provided that no new outdoor lighting is proposed that would cause light spill beyond the boundaries of the site.

However, since the last meeting of the Committee a third party representation has been received which states that there are tunnels underneath the site that link it with the SAC and as a consequence this application should be referred to Natural England. This information has been passed to the applicant who will carry out further investigations and the findings of these and any consequences will be reported to Committee through a written or verbal update report.

SUSTAINABILITY: A pre assessment report has been submitted with regards to the Interpretation Centre. On the basis of this pre assessment it is anticipated that the overall rating for the proposed development will be an 'Excellent' BREEAM ((Building Research Establishment Environmental Assessment Method) rating. The percentage score achieved in the pre assessment BREEAM Offices analysis is 71.06%. This method analyses the environmental performance against criteria set by BRE, awarding 'credits' based on the buildings individual performance.

The Code for Sustainable Homes (CSH) level 5 'zero carbon' rating is targeted with a minimum of level 4 being stipulated by the HCA. To this end, a number of environmental measures are incorporated into each house. These include:

- South-facing conservatories and glazing - to maximise solar gain. - The sun room also has a balcony on top of it to make the most of distant views.
- Reduced openings to north facade - to minimise heat loss
- Central staircase with partially glazed 'Roof Lantern' - to allow - natural ventilation and light into the middle of the building.
- Pre-fabricated construction - to minimise disruptive on-site - processes.
- High-levels of insulation - to minimise heating / cooling - requirements.
- Integrated Cycle Parking - for 2 cycles per house

A Code for Sustainable homes and Zero Carbon Homes Report has been submitted as part of this planning application. The report summarises that the 8 town houses can achieve CSH level 5 with a small margin of comfort. Further work will need to be done on a number of the design details and on the other aspects of the procurement and construction processes to ensure all criteria are met. They can also achieve Zero Carbon Home status with the addition of approximately 3.8kw peak of additional on-site micro-generation.

With regards to the single flat, this can easily achieve CSH level 4 but it will be more difficult to get it to meet CSH level 5. It can be achieved but will require the use of even better fabric standards, changes in materials, some PV generation, combined with details that either allow a reduced thermal bridge Y value of 0.06 to be employed in the SAP calculations. Zero Carbon status due to the physical form of the building is also harder to achieve.

PLANNING OBLIGATIONS: Financial contributions have been requested by Childrens' services as follows: total for Early Years provision £0 (Sufficient provision in the area), total for school places £31,405.28, total for Youth provision £1,600.00; therefore a total contribution sought of £33,005.28.

The agent has however raised significant concerns about these contributions for the following reasons:

Though the current application is submitted by Cox Development Partners, it is submitted on behalf of The Homes and Communities Agency- a distinctly public sector organisation. The Homes and Communities Agency has invested in the order of £120m in Combe Down, for the benefit of the community, the Stone Mining Interpretation Centre intended to become the visible and sustainable legacy of that significant initiative and very much part of that already and aspirational publicly funded project. The scale of this investment in the Combe Down Community remains huge. Within this current planning application, the viability of the proposal as a whole, with the provision of the Interpretation Centre community resource as an integral part of the application remains dependent on gap funding through the Homes and Communities Agency. Exemplar levels of sustainability are integral with the proposal, being zero-carbon. the current application has taken on board a number of issues as a result of extensive public consultation which have already adversely affected the viability of the proposal, not least of which the removal of an entire floor of accommodation from the four houses on the lower terrace. Significant Highways improvement works are already proposed within the application, aimed at overcoming

existing problems particularly experienced by elderly residents. The applicant cites that the development proposals are providing a significant quantity of on and off site improvements that go far beyond policy requirements.

The applicant has provided a development appraisal summary which outlines the level of investment required by the HCA. This concludes that without public subsidy this development proposal is not viable. The agent therefore considers that for the above reasons it would not be necessary in the case of this unique and aspirational project to apply additional conventional levels of community contribution in order to make the proposal acceptable in planning terms.

Whilst detailed consideration has been given to the argument put forward by the applicant, limited figures have been provided and without full financial details, the economic viability of the scheme cannot be fully assessed. Whilst the comments of the HCA, the applicant, and other third parties are noted, these funding issues are not considered to be exceptional circumstances to allow a departure from the relevant policy which relates to planning obligations. As cited in the Planning Obligation SPD, a change in the Councils standard obligations will be considered as an unusual exception. The applicant has therefore been asked to provide full financial details in accordance with the SPD which will then, at the applicant's expense, be independently be assessed.

CONCLUSION

The applicant has been asked to provide further information about the potential existence of tunnels at the site and how this may affect the nearby SAC. In addition more information about the viability of the scheme has been requested as currently it is not considered acceptable. It is anticipated that further information on these issues will be received in time for consideration by Committee but nevertheless the scheme is not considered to be of a high enough quality to outweigh the harm caused by the loss of the existing buildings and as a consequence this application is recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

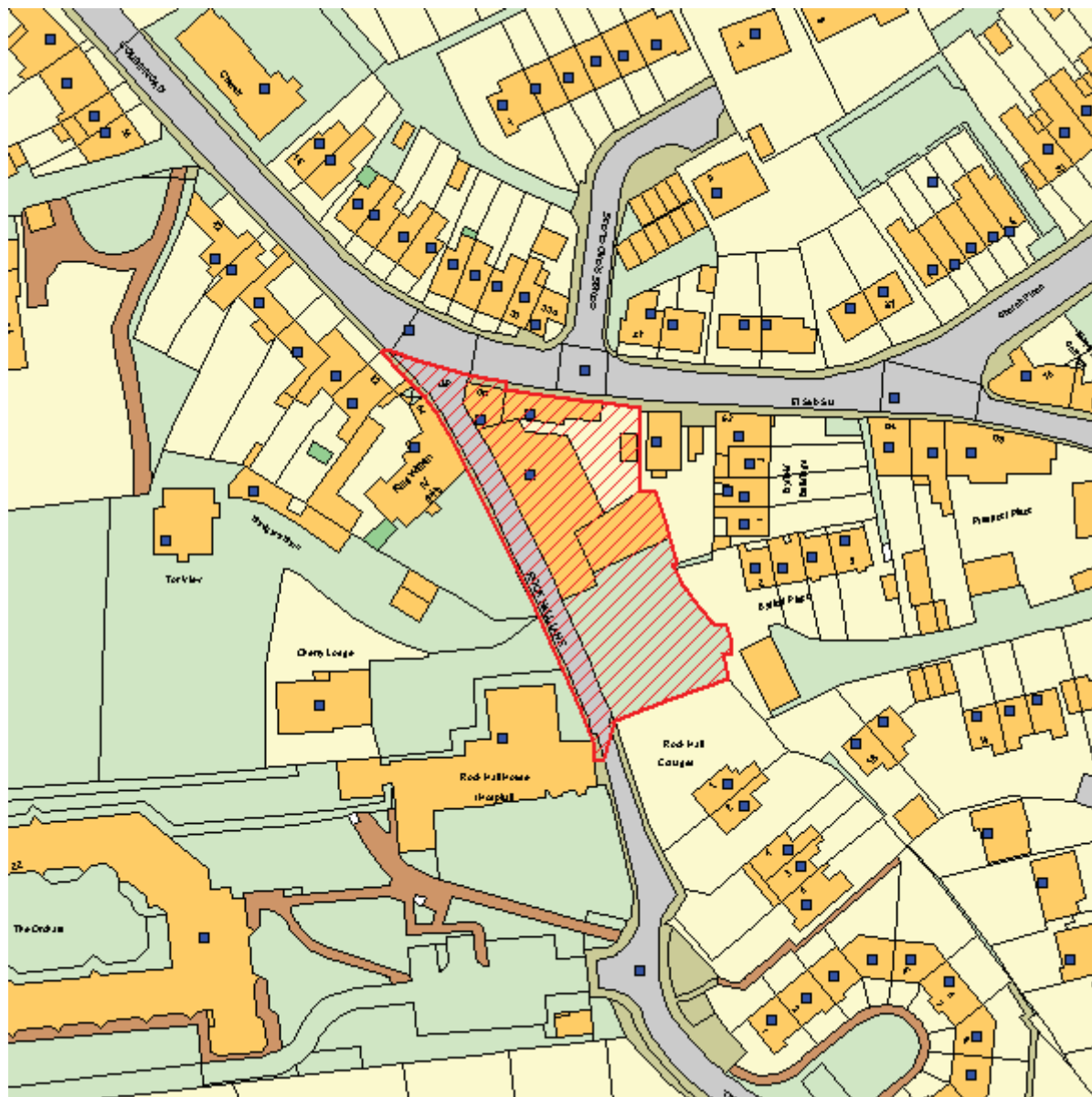
1 Notwithstanding some alterations, and poor maintenance, the former maltings and attached corner shop make a positive contribution to the character of Combe Down, the designated Conservation Area and the wider World Heritage Site, and are considered to be heritage assets as defined by Planning Policy Statement 5: 'Planning for the Historic Environment'. The demolition of these buildings would not preserve or enhance the character of the conservation area as required by S 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act. The proposals contain insufficient evidence or justification to warrant extensive demolition and are also therefore considered to be contrary to the general intentions of Policies HE6, 7, 9, 10 and 11 of Planning Policy Statement 5 and Policy BH5, BH6, BH. 7 of the Bath & North East Somerset Local Plan including minerals and waste policies adopted October 2007, and the Bath City-wide Character Appraisal Supplementary Planning Document.

2 The proposed development, by reason of its inappropriate scale and design, in particular the excessive widths of the dwellings, is considered to result in undue harm to the setting of the listed buildings at Byfield Place, and Rockhall House, and the character and appearance of this part of the Conservation Area. This development is therefore considered to be contrary to policies D2, D4, BH2 and BH6 of the Bath and North East Somerset Local Plan (including minerals and waste) adopted October 2007.

3 The applicant has failed to fully justify not providing the financial contributions to Childrens' Services and as a S106 securing these contributions has not been signed, the development is contrary to Policy IMP1 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted 2007 and the adopted Planning Obligations - Supplementary Planning Document

PLANS LIST: This decision relates to plans: HS101/001B, 02 Rev B, 03B, 004B, 005B, 006B 008B, 009B, 010, 011C, 012C, 013B, 014, 015 A, 016E, 017A, 018B, 019A, 021A, 024B, 023A, 027A, 031A, 032B, 033B, 040B, 041A, 042A, 044B, 047B, 049, 050, 051A, 052, 053, 054, 055, 056, Design and Access Statement, Ecological Appraisal, Combe Down Character Assessment, Bat Survey Summary, Sustainable Design Strategy, Pre assessment report and action list, Figure 4-1 Ecological Plan, Geotech indicative services layout plan, CSH and Zero Carbon Report, Condition Survey Report and Transport Statement, all date stamped 27th September 2011, 007C, 027A, date stamped 30th September 2011, 010A, revised structural survey, revised Historic Building Report, date stamped 3rd October 2011.

Item No: 02
Application No: 11/04167/CA
Site Location: Gammon Plant Hire, Rock Hall Lane, Combe Down, Bath



Ward: Combe Down **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Cherry Beath Councillor R A Symonds
Application Type: Conservation Area Consent
Proposal: Demolition of all existing properties with the exception of a portion of historic stone wall to Rock Hall Lane.
Constraints: Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, Local Listing, Water Source Areas, World Heritage Site,
Applicant: Ian Cox Development Partners Ltd
Expiry Date: 22nd November 2011
Case Officer: Ian Lund

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE

This application was deferred from Development Control Committee 23 November 2011 to allow further time for third parties to comment on EI screening assessment.

The Development Manager has referred this application to Committee as it relates to proposals of a sensitive nature.

DESCRIPTION OF SITE AND APPLICATION

The site lies at the junction of Rockhall Lane and Combe Road within Combe Down. The submitted application documents give the address as Summer Lane but technically this terminates about 100m to the east. Four main parts of the site can be identified: an open yard at the lower, southern end of the site, the former maltings belonging to the Combe Down Brewery, a small shop near the road junction, and a dwelling known as Malthouse Cottage.

A number of listed buildings surround the site. On the west side of Rockhall Lane is Rockhall House. Higher up on the same side is the King William IV public house, then the range of dwellings 42 through to 50 Combe Road. To the east of the site lie 62 Combe Road, and then set back are Nos. 1 - 3 Byfield Buildings, and No.s 1-5 Byfield Place. The most westerly cottage in the Byfield Place terrace has a frontage to the application site.

There is no doubt that the whole site is included within the Bath Conservation Area, and the wider World Heritage Site. It should be noted the implication contained in the submitted Hydrock report that the site lies beyond the designated area is potentially misleading.

In places the application refers to the site as Ralph Allen Yard. The application however is headed up as Gammon Plant Hire which is a reference to the last user of part of the site. The site was within the same ownership as the listed pub at one time, however, ownership had been separated prior to 1975 and therefore a need for listed building consent does not apply. As demolition of the maltings, the shop and Malthouse Cottage are proposed, there is of course a need to obtain conservation area consent.

The proposal is to clear the whole site with the exception of a portion of a stone wall fronting onto Rockhall Lane.

RELEVANT PLANNING HISTORY

Pre-application enquiries have twice been considered by the Council's Development Team, and planning and conservation area applications (11/02810/FUL and 11/02811/CA) for redevelopment of the site with 8 new dwellings, an apartment, and a small interpretation centre were submitted during 2011. However, these were withdrawn before a formal decision was reached.

There is a current parallel planning application for the same development under ref 11/04166/FUL.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

ARCHAEOLOGICAL OFFICER: Whilst broadly welcoming the proposed Combe Down history centre as part of a residential development scheme at Ralph Allen Yard the following concerns are noted:

The removal of the below ground mine experience, which formed part of earlier designs, will deny residents and future visitors what was planned as a lasting legacy and physical connection with the village's mining heritage.

Demolition of the main historic building on the site (the former maltings) to make way for a history centre seems to be defy logic, and should to be reconsidered.

Retention and reuse of the maltings as the history centre with other community uses would be better approach, allowing the historic building to form part of the narrative told about the village and its industrial heritage.

ECOLOGY OFFICER: A number of detailed conditions are recommended in order to safeguard protected species in the event that consent is granted.

ENGLISH HERITAGE: Please refer to our earlier objections; The site has connection with the operations of Ralph Allen and is therefore of associative relevance to the World Heritage Site.

The site is a defining feature of Combe Down, and despite internal changes, the complex retains sufficient historic form and fabric and architectural character to allow ready recognition of its heritage value. The buildings are of townscape value and play a positive role in defining the character of the area.

The starting point should be to see how the existing structures could be retained. There is little evidence of substance to justify the proposed demolition. The proposals do not satisfy the provisions of PPS 5, especially Policies HE6, 7, 9, 10 and 11.

REPRESENTATIONS: At the time of drafting this report the statutory period for representations on the current application has not elapsed. Any further comments received before the date of the committee will be provided in an update report.

At the current time the following written representations have been received:

- Loss of historic village brewery buildings which, in my opinion should be Listed, is unacceptable.

- I am writing to object to this application. My objection is concerned solely with the proposed demolition of the former maltings:

The suggestion that a building which is an important part of the area's heritage should be demolished to make way for a 'heritage interpretation centre' would be too risible for comment had it not been submitted as part of a serious planning application.

The importance of the maltings both in its own right and as part of Combe Down's heritage is amply dealt with in the comprehensive historical survey which accompanied the original application. The loss of ancillary equipment after the building ceased to be used for

malting, while regrettable, is of little account compared with the preservation of the building's external and internal integrity. It is not only a remarkable survival, but a well-constructed building which would be suited to a wide variety of uses, a heritage centre being one of them. Other malthouse conversions in Bath and beyond give ample evidence of the uses to which such buildings can be put.

The location of the maltings, which forms part of a group with the King William IV Inn, is a sensitive one, being at the axis of two of Combe Down's oldest thoroughfares, on a main route through the village. It is one of the most visually sensitive sites in the area. I believe that the replacement of the existing building with that proposed would have a negative impact both in terms of architectural context and visual amenity. The character of this corner of Combe Down would be irrevocably altered and the feeling of continuity achieved by the buildings erected in this area over the past two centuries disrupted. The primary object of maintaining built heritage is not to preserve the past in aspic but to respect the contextual environment within which people live and work, and to ensure that any modifications or additions that need to be made enhance rather than diminish it.

The pictures accompanying the historical report suggest the potential of the internal spaces of the building. Externally, too, there would seem to be clear scope for adaptation, not in slavishly copying elements of the original building but by imaginative dialogue with them, so that twenty-first century design and nineteenth-century engineering can combine to create a positive contribution to the character and heritage of the area.

- A wide ranging objection has been submitted on behalf of three residents of Combe Down. In summary, in respect of the proposed demolition, it is stated that it is disturbing that this development, purportedly being undertaken to provide a mines interpretation centre to celebrate the very significant mining heritage of Combe Down, is actually destroying this important historic site and the buildings on it with 90% being taken up by housing and parking. No effort has been made to find a more suitable way to develop this site or to try and bring back at least some of the existing historically significant buildings into use. This site is the most important remaining evidence of the industry that built Bath as we know it today. We are appalled at the way the site is being treated and the cynical manner in which the provision of a tiny mines interpretation centre is being used as an excuse to build expensive housing.

- The demolition of an historic building to make way for a building to commemorate local history is a completely farcical concept and should be rejected without a second thought. If we want to remember our local heritage we should preserve this building and incorporate it into any development on this site.

- Bath Heritage Watchdog: An extensive critique has been submitted. It concludes, we are extremely disappointed that the applicants have chosen to tweak the original proposals rather than take on board previous comments made, especially relating to the retention of the heritage assets. It is clear from the visualisations provided that the proposed development would have a detrimental impact on the adjacent listed buildings and their settings, especially the view from the bottom of Rock Hall Lane, and the Conservation Area. The view from Combe Road clearly illustrates the almost brutal impact on the locality and shows just how incongruous the design is.

We do not believe that there is adequate justification for the demolition of the historic buildings on the site which contribute positively to the Conservation Area. We also do not believe that the proposed residential development is either appropriate or of sufficient quality to outweigh the harm that would be caused by demolition.

The works, by virtue of their design, mass, scale, bulk and materials used are considered to be detrimental to the setting of listed buildings and the conservation area contrary to S16 and S72 of the Planning (Listed Buildings & Conservation Areas) Act 1990, PPS5: Planning for the Historic Environment and Local Plan Policies D2, D4, BH1, BH2 and BH6 and the Citywide Character SPD and should therefore be refused.

- Bath Preservation Trust: We previously objected to the demolition at this location, since we felt that the proposed redevelopment was unsympathetic to the character of Combe Down. Whilst we do not support the revised designs out-right, we consider that the scheme is broadly of a sufficient quality to warrant the demolition of the yard buildings as proposed as to provide much needed local housing on this sustainable brownfield site. Again we welcome the retention of the historic stonewall to Rock Hall Lane which is of local importance and must be retained in the interest of local character and distinctiveness and serves a reminder of the former use of the site.

- The LPA does not appear to have adopted an EIA "Screening opinion" - (Nb. an EIA screening opinion has been issued in connection with the redevelopment scheme, and as the submitted information is adequate to assess the environmental effects of the scheme, including its impact on the WHS, it was concluded that the proposal is not classified as EIA Development).

A number of people have telephoned to express their annoyance at being expected to set out their objections to the previous application a second time. As the previous application was unexpectedly withdrawn before those comments could be taken into account, and because the expiry date for the current application has not elapsed, a summary of the earlier comment (but not mentioned above) is set out below:

-Bristol Industrial Society: The existing buildings are visible evidence of the role industry played in Combe Down. The maltings in particular retain much of their original significance and should be incorporated as a tangible element of the site's history in the village.

-National Association for Industrial Archaeology: The site has significance due to its association with Ralph Allen and his stone mines, and as a surviving part of the Combe Down Brewery. The maltings retain distinctive features - the regularly spaced windows, the semi-basement and tie bar bosses in the kiln, the steep and couch tanks, and the malthouse cottage. The whole site is a heritage asset. The scale of the replacement development is also inappropriate and it is most unfortunate that a heritage centre should be proposed at the expense of existing heritage.

-Amber Patrick: Is a qualified archaeologist with published work on the English maltings, and has submitted a detailed commentary on the Combe Down maltings which puts them in local and national context

-Prof Richard Irving: Is extremely disappointed at the quality of the submitted Historic Building Report which fails to emphasise sufficiently the strength of connection between

Ralph Allen's stone quarrying business and the site. Also, insufficient attention is given to quarrying in the 19th century and the distribution of Bath stone around the remainder of the country, and its importance to Combe Down and remainder of the World Heritage Site. Also concern expressed over various aspects of the proposed redevelopment with the proposed demolition and re-shaping the land surface considered an act of vandalism at such an historic site.

-Property Services: The submitted condition survey was in fact prepared by Property Services but it was never intended as a full survey, and it is now out of date. It was intended simply as a walk over survey and was prepared for internal Council purposes only and should not be used for the purposes of this application.

LOCAL RESIDENTS: Fourteen letters of objection were received. The following main points of concern emerge -

National Policy for the Historic Environment seeks to protect undesignated heritage assets

The importance of the maltings is made clear in the submitted historical survey, they are a remarkable survival

The maltings are well constructed and suitable for a variety of new uses, comparisons need only be made with other malthouse conversions in Bath and beyond

Malthouse Cottage is highly desirable accommodation, the present stewardship is poor but original charm could easily be restored

It is absurd to consider replacing real heritage with a weak alternative, heritage seems to have lost its meaning in this application

No efforts have been made to consider alternative forms of re-use, the developers have not listened to the local community

This is a visually sensitive site on the main route through the village

The replacement of historic Bathstone construction by significant amounts of rendering, timber cladding and glass would be detrimental to the site's historic context

The proposals would disrupt the continuity achieved over the past two hundred years

The redevelopment represents a serious over development

New development should reflect established character, not conflict with it

The amended plans show only trivial and cosmetic changes and do not overcome objections to loss of historic buildings, followed by massive overdevelopment

Additional points have been made in respect of a loss of residential amenity, and the problems of additional traffic but these are best considered in relation to the parallel planning application.

POLICIES/LEGISLATION

The main consideration is the duty placed on the Council under S 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding Conservation Area.

There is also a duty placed on the Council under S 16 of the Listed Buildings Act to have special regard to the desirability of preserving the setting of any listed building affected by the proposal.

Planning Policy Statement 5: Planning for the Historic Environment sets out government policy towards heritage assets and new development in conservation areas. A consultative draft of a new National Planning Policy Framework has been issued in respect of new development, although this has limited weight at the present time.

Appendix 2 to the EH Guidance on conservation area appraisals suggests criteria to be used in assessing whether unlisted structures make a positive contribution to a Conservation Area's special interest.

The Bath & North East Somerset Local Plan including minerals and waste policies adopted October 2007 - Policy BH.7 is relevant in cases where buildings are considered to make a positive contribution to the special character or appearance of a conservation area.

Bath City-wide Character Appraisal SPD.

OFFICER ASSESSMENT

Pre-application advice was offered in 2008 and again in 2011. The main point was that on the face of it, the maltings represent an undesignated heritage asset and as the submissions were totally lacking, an assessment of the heritage significance of the standing buildings was needed before redevelopment designs could be contemplated.

The conservation advice stated that the assessment should then be used to inform the design process. Options should include the possibility of retaining the standing buildings with significance. Attention was also drawn to the absence of gutters which appear to have been removed from the maltings.

Advice concluded with the statement that it is not at all clear how demolition of a key historic building would help preserve the character of the Conservation Area. It seemed ironic that a scheme that included provision for interpretation of local history should request the removal of a real part of the area's heritage. The failure to use the existing malting and portal to the mines is a serious lost opportunity. As things stand the grant of Conservation Area Consent for the demolition would be opposed.

The concept of a centre focusing on the history of the village however was considered to be highly commendable. Certainly the site has potential to accommodate it. It was recommended that the large open volume of the former malting should be used for this purpose. This would avoid damaging wholesale demolition.

If residential development is required to support the initiative this might be incorporated elsewhere on the site. In view of the failure to justify demolition the redevelopment

sketches were not considered in any detail but it did seem that the proposals may represent over development of a constrained site. Also, that the building blocks, particularly those closest to Rockhall Lane, contrast unacceptably with the established village atmosphere.

In the meantime a Historic Building Report was submitted as part of the first formal application. This was dated May 2010 and it is most unfortunate this was not declared with the last pre-application submission. This would have allowed clearer advice to be tendered. Furthermore, it is not at all clear how the content of the report has been used to inform the design process and no options have been presented that consider the possibility of retaining the standing buildings with significance.

The Historic Building Report submitted with this second application has been revised and expanded. The Report provides archival evidence, backed up by the opinion of local people making representations on the formal application, and national experts, that the site has considerable local importance. Some of the representations received also make the point that the Report could have gone further in drawing attention to the national significance of the site. In particular, it is relevant to note that the history of the open yard can be traced back to Ralph Allen's quarries opened up during the first half of the 18th century, and that the portal to Allen's mine remains although it is blocked.

The Malthouse Cottage was probably formed from buildings erected originally in the early years of the 19th century but there has been significant reconstruction and alteration during the 20th century. I would advise that the Cottage itself is of limited significance and need not be regarded as a heritage asset.

The corner shop was used as a dairy in the first half of the 20th century. By 1941 however it was in use as a fishmongers and poultry shop. Almost certainly however the stone reservoirs in the basement are the tanks for steeping the grain in readiness for the malting process, rather than for the storage of fish as had been suggested by some. The shop became a TV and radio repair premises until its closure in 2010.

The main ranges forming the maltings, kiln and shop building had been built by the middle of the 19th century. The maltings supported the Combe Down brewery which formed part of the King William PH premises opposite. The maltings remained in operation until the 1920s when they were acquired by Georges and Co of Bristol. Eventually they were used by the corporation as a depot at which time the links with the King William PH were severed.

Since the 1920s the main malting buildings have undergone a number of alterations including the removal of the upper malting floor, the pyramidal kiln roof, and the blocking of a number of windows. The interior has been largely stripped out but the external envelope of the buildings and boundary walls are of considerable heritage significance. They are testament to the history of Combe Down as an important centre for stone mining and brewing. As noted in the Bath City-wide Character Appraisal it is the C18 and C19 buildings that give Combe Down its strong sense of identity.

The condition the Malthouse Cottage seems to be fair but the maintenance of the maltings in particular has been unsatisfactory. Rain water goods appear to have been removed and holes in the roof covering have been left unrepaired. However, as Policy HE 7 to PPS 5

makes clear any neglect in the hope of obtaining consent to demolish should be disregarded. Furthermore the condition of the Cottage, and even the maltings themselves, are not so poor that they could not be restored. The brief underlying the proposals seems to be mis-guided when the emphasis should have been on repair and creative re-use. There are good local examples at Midford, and Lower Bristol Road of malting buildings being brought back into beneficial new uses.

CONCLUSION

The proposal does retain a small section of the stone wall fronting Rockhall Lane. This section is characterful and its retention may be regarded as better than nothing although there must be doubts that a section could realistically be retained without substantial amounts of rebuilding. Essentially therefore the scheme would result in almost the total loss of the site's significance. It is acknowledged that much of the site is presently unused and the maltings are redundant for their original use but demolition is irreversible and should only be considered as a last resort. The fact that the present applicant has not conceived a viable use of the existing buildings does not mean that there is no such use, and alternative options need to be considered. It is recognised that the bringing back of the maltings and corner shop into life requires a degree of creative imagination. Although the applicant has gone through the motions of pre-application discussions, the demolition of the maltings seems to have been pre-ordained. The failure to test alternatives is a major disappointment. The best way forward would be for the site to be marketed at a valuation that reflects its condition and limitations to see if an imaginative and viable re-use can be achieved.

In weighing up the proposals, although the revised redevelopment scheme is slightly more respectful of the amenities of the locality, there has been too much emphasis on maximising the scale of the new development at the expense of the bringing a local heritage asset back into use. There is also concern that the desirable interpretation centre may not be fit for purpose as it would lack space to receive school visits, or have scope for craft demonstrations and the like.

As regards the design of the replacement development the scale, particularly the width, of the housing blocks is too large in relation to the established village context of the site. The deep front to back distances (10 or 11m) represents an inflation of traditional terraced forms found nearby. The use of flat roofs in order to minimise height is understood but it results in blocks that appear out of character. The design of the proposed houses also seems to lack the vertical emphasis typically found in the vicinity. Furthermore, as pointed out by English Heritage, the proximity of the proposed contemporary housing blocks to adjacent traditional cottage dwellings at Byfield Place and Rockhall House will impinge upon their settings. Overall therefore the quality is not so great as to justify the harm caused by the demolition, or the setting aside of the usual requirements of PPS 5.

On the eve of the last committee meeting some additional comments were submitted by the applicant in respect of the parallel planning application. These have now been considered but do not outweigh the problems outlined above and the recommendation to refuse consent for the proposed demolition of the maltings is re-affirmed.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 Notwithstanding some alterations, and poor maintenance, the former maltings and attached corner shop make a positive contribution to the character of Combe Down, the designated conservation area and the wider world heritage site, and are considered to be heritage assets as defined by Planning Policy Statement 5: 'Planning for the Historic Environment'. The demolition of these buildings would not preserve or enhance the character of the conservation area as required by S 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act. The proposals contain insufficient evidence or justification to warrant extensive demolition and are also therefore considered to be contrary to the general intentions of Policies HE6, 7, 9, 10 and 11 of Planning Policy Statement 5 and Policy BH. 7 of the Bath & North East Somerset Local Plan including minerals and waste policies adopted October 2007, and the Bath City-wide Character Appraisal Supplementary Planning Document.

PLANS LIST:

Relating to existing structures:

Drawings HS/101/001 B, /002 B, /003 B, /004 B, /005 B, /023 A, 0605s006K issue 001, and Figure 4-1 and

Documents Historic Building Report (September 2011), Condition Survey Report (September 2006), Bat Building Inspection (June 2008), Summary of Bat Survey, and Hydrock Report.

Relating to proposed redevelopment:

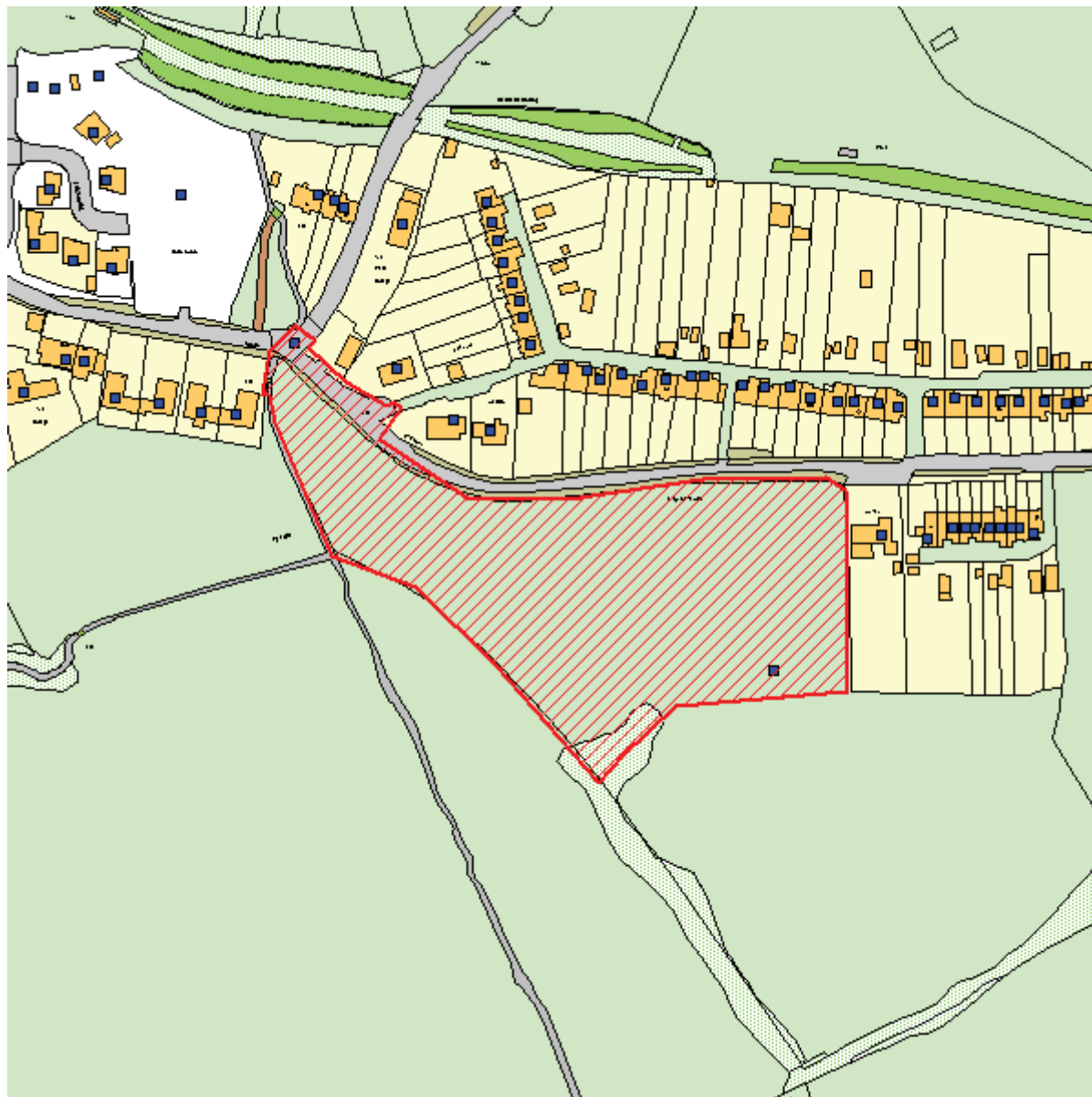
Drawings HS101/006 B, /007 C, /008 B, /009 B, /010 A, /011 C, /102 C, /013 B, /014 D, /015/016 E, /017 A, 018 B, /019 A, 021 A, 024 B, /027 A, /031 A, /032 B, /033 B, /040 B, /041 A, /042 A, /044 B, /047 B, /049, /050, /051 A, /052, /053, /054, /055, and /056 and

Documents Design and Access Statement, Character Assessment, Ralph Allen Yard Interpretation Centre and Sustainability Design Strategy.

The following do not relate closely to the proposal to demolish the historic buildings and have not been considered in depth

Wessex Water map, GI Findings Report, Transport Statement, Brilliant Futures Consulting Report, and Stroma Technology Pre Assessment Report

Item No: 03
Application No: 11/04300/OUT
Site Location: Parcel 0006, Maynard Terrace, Clutton, Bristol



Ward: Clutton **Parish:** Clutton **LB Grade:** N/A
Ward Members: Councillor Jeremy Sparks
Application Type: Outline Application
Proposal: Erection of 43no. dwellings and associated works.
Constraints: Airport Safeguarding Zones, Coal - Standing Advice Area, Coal - Referral Area, Cycle Route, Flood Zone 2, Flood Zone 3, Forest of Avon, Housing Development Boundary, Public Right of Way,
Applicant: Somer Community Housing Trust
Expiry Date: 6th January 2012
Case Officer: Suzanne D'Arcy

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

The Development Manager has referred this application to Committee as the proposal raises policy issues for Members to consider in relation to the proposed provision of affordable housing above the required levels to be weighed against the siting of the development outside the housing development boundary.

There has also been a request from Cllr Jeremy Sparks for the proposal to be considered at Committee as this is a large development outside of the housing boundary. Furthermore, he comments that the applicant is a registered social landlord linked to the Council and there is a lot of local interest on both side of the application.

DESCRIPTION OF SITE AND APPLICATION

The site is located on land to the south of Maynard Terrace. The site is currently a green field site, which is used for agriculture. The site approx. 1.5 hectares.

The site is located outside of the Housing Development Boundary of Clutton. The site is an undulating site, which is higher to the north and east, and then slopes down towards the south western boundary. There are hedgerows marking the north, south west and eastern boundaries of the site.

Maynard Terrace is characterised by two storey terraced properties to the north of the site. There is a detached property, adjacent to the eastern boundary of the site, with a further row of terraced properties beyond.

This is an outline application for the erection of 43 dwellings. Access and layout are to be considered as part of this application, with other matters reserved. It is proposed to reconfigure the access with a new road serving the development being formed off Clutton Hill and Maynard Terrace being accessed from this new road.

The proposed scheme will have 21 market dwelling, with a mix of 2, 3 and 4 bedroom houses and 22 affordable dwellings, with a mix of 2, 3 and 4 bedroom houses. This represents 51% of the scheme as affordable housing. The affordable housing will consist of the terrace marked as plots 4-7, the terrace marked as plots 15 to 22, the terrace marked as plots 28-31, and three pairs of semi-detached properties.

Plots 15-22 will front onto Maynard Terrace and individual pedestrian accesses will be formed, thus much of this hedgerow will be lost. The remaining properties will be accessed from the new access road.

Plots 1-12 will front onto the proposed access road, with Plots 13, 14 and 23-31 facing towards the south east. The remaining dwellings form a cluster on the east side of the site.

The applicants have provided scale parameters of the proposed dwellings, and they will be predominantly two storey dwellings with some two and a half storey dwellings towards the rear of the site. The sections indicate that the dwellings will vary in height from approx 7m to approx 10m.

The hedgerow on the south western boundary will remain with a green area adjacent and a balance pond to the southern corner of the site.

RELEVANT HISTORY

None

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

BUILDING CONTROL: No comments

HIGHWAYS: Object to the proposal and raise the following points;

- The site is currently used for agriculture though the Planning Statement states it is not presently used for any beneficial purpose
- The application proposes a new 5m wide carriageway to serve as a vehicular access to 27 of the dwellings with a 2m wide footway on its northern side.
- The existing length of Maynard Terrace will serve as vehicular access to the remaining 16 dwellings and a new footway appears to be proposed across the frontages of plots 15-21 but does not extend across the frontages of plots 31-33.
- The proposed turning head does not conform to appropriate standards, and would need to be increased to provide an acceptable arrangement.
- The application indicates 78 parking spaces have been provided
- It is suggested that the parking provision accords with the maximum standards with 2 spaces for the 2 and 3 beds units and 3 spaces for the 4 bed units but the layout plan indicates only a single space for plots 7, 15, 17, 20, 29 and 30.
- There are instances where the parking for some plots is located remote from their corresponding dwellings and therefore could discourage their use. The most effective plots are 35 and 36.
- The provision of parking is therefore not considered appropriate.
- The Council applies a policy of only 5 properties being served by a private driveway and the layout shows plots 12-14 and 23-25 to be served by a single driveway, with no turning and it is assumed this is to be a private drive. If this was proposed for adoption, it would not be acceptable in its current form.
- Plots 15-22 are proposed to be served by a private parking court off Maynard Terrace and the access width is approx. 4m.
- Plots 26-30 are to be served by a shared driveway, as is the case for plots 32-33.
- Plot 31 is shown to have two parking spaces served directly off Maynard Terrace.
- Maynard Terrace currently serves as access to approx. 60 dwellings with a high proportion of these dwellings having parking served by a private access road, leading off Maynard Terrace at an oblique angle, close to the junction with Station Road.
- This means of access is narrow and has severely restricted visibility to the south-east.
- Maynard Terrace is approx. 430m long and terminates without any standard turning head and a gated access leading to an old roadway off to the east. This former roadway is not part of the public highway or a public right of way.

- The proposed to realign Maynard Terrace, such that the main part of this road forms a priority junction with the new access road, would result in the private access road forming a junction with the realigned Maynard Terrace, in close proximity to the new priority junction of Maynard Terrace with the new access road, and also in close proximity to the junction with Station Road.
- The realignment proposals would appear to provide a footway to the western side of the private access road, there are no alterations proposed to the eastern side, where emerging vehicles onto Maynard Terrace would do so with virtually no visibility.
- The proposed development would introduce additional traffic movements along the length of Maynard Terrace, which would result in additional conflicts with users of the private road.
- It is not considered that the proposals for the means of access serve the site to be acceptable in highway safety terms.
- The existing junction of Maynard Terrace with Station Road is located on a bend in the road, such that forward visibility from, and of, vehicles waiting to turn right into the Maynard Terrace junction is restricted.
- The proposed development would almost double the level of traffic using this junction, thereby increasing the likelihood of conflicts.
- The layout does not propose a footway on the south side of the proposed access road and therefore pedestrians would need to cross the realigned junction of Maynard Terrace and across the road close to the junction with Station Road.
- There is a lack of footways of Station Road, and other village roads, with only limited sections providing safe segregated pedestrian facilities for pedestrians to access the village centre and public transport facilities.
- The Transport Statement considers that whilst there are roads within the village that are without separate footways, the pedestrian infrastructure is considered to be of an adequate standard, whether on roads with footways, or those roads operating as a "shared space".
- The development proposes to fund a new "virtual" footway link between the site, Maynard Terrace and the village centre, which would comprise on-carriageway markings to indicate a pedestrian route.
- Clutton village has a Primary School, Post Office/General Stores, Butcher/Local Shop, Public House, Village Hall and a Church, however the village does not offer a wide range of facilities that could be considered to provide for the general needs of all residents, and clearly access to a wider range of services and employment would be required.
- Clutton has the benefit of bus services, which mainly operate from the A37, and located approximately 1.2km from the site. This distance exceeds the recommended distance of 400m, but also involves walking on carriageways without separate footways.
- The development proposes to provide a financial contribution for the enhancement of the local 768 bus service.
- The assessments of the A37 Upper Bristol Road/Station Road junction and the Station Road/Clutton Hill/Maynard Terrace junction indicate that both junctions would operate well within capacity post development. The junction of Station Road/Clutton Hill/Maynard Terrace has other shortcomings,

particularly the restricted forward visibility that affects the suitability of the junction to serve access to the development.

- In view of the above, the proposal does not provide an acceptable and safe means of access to serve the development, and the layout proposed for the access roads, dwellings and car parking do not conform to appropriate standards for adoption.

HIGHWAYS DRAINAGE: Make the following comments;

- Applicant to confirm preferred drainage method
- Section 12 states that development will increase flood risk to third parties. Assume this is a mistake but the applicant is required to clarify.
- If this is the case, Drainage object until this issue is address. (Officer note: The applicant has confirmed that this is an error)
- Clarification is required whether the swells will overspill to the balancing pond (Officer note: The applicant has confirmed that the ground levels do not permit overspill and the swlae will outfall to the existing watercourse via a hydro break control chamber).
- Applicant to confirm whether the pond will connect with the existing culvert or if they will seek a connection/discharge to the adjacent watercourse (Officer note: The applicant has confirmed that it is proposed to discharge to the existing culvert).
- Applicant to confirm the exact location of the culvert by undertaking onsite investigation works (trial pits) (Officer note: The applicant has confirmed this will be undertaken).
- Point 3 of the FRA references the Flood and Water Management Bill and this has been superseded by the Flood and Water Management Act 2010.
- The applicant is required to provide details of adoption and maintenance of SUDS systems.

CONTAMINATED LAND: No objection, subject to conditions

ENVIRONMENTAL PROTECTION: No comments received

PLANNING POLICY: Object to the proposal, raising the following points;

- Clutton is identified as a R1 village in Local Plan Policy SC.1.
- Policy HG.4 states proposals for residential development within the housing development boundary will be permitted provided other criteria are met.
- The proposed development is outside the housing development boundary and therefore the development is considered to be inappropriate.
- The Draft Core Strategy makes provision for 800 new homes and 500 new jobs in the Rural Areas.
- The 250 homes that are not already committed are to be primarily directed to the most sustainable villages through Policy RA1.
- Clutton currently fails to meet the criteria of Policy RA1 based on criterion c, which relates to community support as demonstrated by the view of the Parish Council.
- The village and this proposal are therefore considered under Policy RA2, where development is acceptable if it is within the housing development boundary and "of a scale, character and appearance appropriate to the village".

- The site is outside the housing development boundary and therefore remains inappropriate in relation to the emerging Core Strategy.
- The Council considers that it can demonstrate a 5 year housing land supply and therefore considers that PPS3 paragraph 71 does not apply.
- The Core Strategy plans for 11,000 dwellings for the period 2006-2026 and this equates to an annual rate of 550.
- The revised annual rate is 602.2 dwellings, which equates to a 5 year requirement of 3011.
- Using the average annual delivery rate of 550 to the period 2006/7 - 2010/11, this results in a notional requirement of 2750 (5 x 550).
- The delivery of 1967 homes during this period represents a shortfall against this notional requirement of 783.
- The Council is not prohibited from annualising its historical shortfall over the remaining plan period and has chosen to do so.
- The Council's SHLAA (July 2011) shows a deliverable supply of 3346 units.
- The examination of the Core Strategy will consider whether the Council is planning enough housing and the outcome will affect the 5 year supply requirements

PUBLIC RIGHTS OF WAY: Public Footpath CL6/7 runs along the corner of the site. The line of the path must not be obstructed or affect during or after the works.

LANDSCAPE: Object to the proposal, raising the following points;

- This is a pleasant, open and undulating field lying between Maynard Terrace and the brook.
- The Landscape Appraisal rightly states that this site provides a part of the landscape context of the village.
- The development of a residential development on this site does not conserve or enhance the character and local distinctiveness of this area and is not in line with B&NES Policy NE.1.
- Whilst the retention of the existing vegetation along the stream may be in line with Policy NE.2, this does not override Policy NE.1.
- The existing hedge along Maynard Terrace will have a number of holes cut through it to form pedestrian access to the houses and a significant portion would appear to be lost to visibility splays.
- It is also probable that the management of the hedge would be changed and this would change its rural appearance. This would not be in line with Policy NE.2.
- The Landscape Appraisal describes the field as being a typical field of moderate to good quality, related to the wider rural landscape on the edge of the built up area of Clutton.
- I do not agree with the general assumption in the report where they appear to be arguing that the relationship between the existing housing and the wider rural landscape can be improved with the introduction of additional housing on this site.
- The entrance road will also have an adverse impact on the landscape and there will be an inevitable pressure to alter and 'improve' the brook to make it into a recreational asset or feature.

- The creation of 'multi-functional landscapes' may be an asset in certain areas but it will not conserve and enhance this site or the landscape its sits within.
- The local topography is an important feature and is described as gently undulating. The need for flat development plots and an estate/access road will inevitably change this irrevocably.
- In conclusion, the development would have an adverse effect on the landscape and should not be supported.

ARBORICULTURE: No objection to the proposed development, raising the following points;

- The submitted Arboricultural Report is comprehensive and assess the merits of the existing trees on site.
- There are some good semi-mature specimens predominantly on the boundary of the site.
- These have the potential to be valuable landscape features to be integrated into the proposed development.
- The proposed plan appears to acknowledge the findings of the Tree Constraints Plan.
- An Arboricultural Implications Assessment, Tree Protection Plan and Preliminary Arboricultural Method Statement must be submitted to confirm which trees are to be retained and demonstrate how the retained trees are to be successfully protected during site preparation and construction phases of the project.

ECOLOGY: Object to the proposal, raising the following points;

- A comprehensive ecological survey and assessment has been submitted.
- The report find considerable ecological value at the site and on adjacent land (part of the same field, but outside the development boundary), including botanically species rich grassland, species rich mature hedgerows, including hedgerows that would qualify as 'important' under the Hedgerow Regulations, badger activity, breeding populations of grass snake and slow-worm and bat flight routes, including records of at least six different species and possible records of use of the south west boundary by the very rare Barbastelle bat.
- The site qualifies as a Site of Nature Conservation Interest, and as such, policy NE.9 applies.
- Insufficient data to show the differing levels of botanical diversity and species present in different parts of the fields.
- It is clear that areas of species rich grassland may be impacted, there would be loss of hedgerow, there may be impacts on bat flight routes, loss of reptile habitat and loss of an area of badger forging habitat.
- Sufficient detail is needed to demonstrate that even where impacts are relatively low-key, that mitigation would sufficiently compensate for losses and impacts and that additional ecological benefits would be provided.
- The proposal is different to that which was subjected to ecological assessment, so information and mitigation proposals are not provided in sufficient detail for the proposed development boundary.

- Given the level of additional detail required, it is very difficult to draw conclusions about the acceptability of ecological impacts that will result from the current scheme.
- Based on the submitted information, it has not been demonstrated that this proposal can be achieved without causing unacceptable ecological harm.
- Compliance with policies NE.9, NE.10, NE.11 and NE.12 has not been demonstrated.

URBAN DESIGN: Object to the proposal and raise the following points;

- The site is located outside the housing development boundary.
- Clutton is defined as a Policy RA2 settlement in the Core Strategy
- There is a presumption against residential development outside the housing development boundary.
- The site forms a highly visible and legible urban edge to Clutton.
- The pasture, hedgerow and ridgeline of Maynard Terrace form a strong and legible landscape feature from across the valley to the south.
- Maynard Terrace has a distinct and strong character of a continuous terrace and high hedgerow boundaries with narrow access points.
- The limitations of the submitted information imposed by the scope of this outline application are not considered sufficient to demonstrate the development would not harm the setting of Clutton and the character of Maynard Terrace
- Furthermore, it does not create urban design benefits that would outweigh the presumption against development outside the housing development boundary.
- The submitted site plan indicates a development form that would extend the development of the village into the valley.
- It would introduce detached development cluster forms that are alien to the distinct linear character of Maynard Terrace.
- The proposal, by reason of its plan form and lack of necessary details, will have the potential to harm the setting of Clutton and character of Maynard Terrace and is unacceptable in urban design terms

HOUSING: Make the following comments;

- This application assumes the additional affordable housing above 35% will only be brought forward if Somer Housing Trust is the final land owner and developer.
- This additional affordable housing cannot be secured if subsequent to granting planning permission, the landowner does not enter into a contract and transfer the land to Somer Housing Trust.
- The affordable housing must be secured as per Policy HG.8 at the 35% level and any affordable housing above this can only be delivered if the applicant wishes.
- The comments are based on the 35% affordable requirement.
- To fall within the remit of Policy HG.9, the Parish Council would be required to lead a very detailed and transparent parish wide affordable housing needs survey, which has not taken place.
- Subsequent to this, a sequential site appraisal is needed to identify in planning terms the most appropriate site for development and this has not taken place.

- Assuming a suitable site was located and secured, an application of such as this would be considered in excess of a small-scale local needs development and includes a significant amount of market housing, which is not permitted.
- The applicant has provided a wealth of information detailing Clutton's need for additional market housing.
- Housing Services are not comfortable that the proposed mix of market is correct mix to address the actual market needs and aspirations identified by the local community.
- If there is support for limited growth provision at Clutton, there is possibly a case that market and affordable housing should be in tune with local needs.
- Market housing on this site should seek to support the sustainability of Clutton, such as provision for first time buyers or housing for older people looking to downsize and wanting to remain within the village.
- It is anticipated that local market housing needs will require an element of one and two bedroom houses and a lesser percentage of three and four bed houses to ensure a range of affordable market housing to address local needs.
- It is accepted this is a cross subsidy approach, the market housing subsidising the affordable which enables a proportion of affordable housing to be delivered free of public subsidy well in excess of Policy HG.8.
- Although 51% affordable housing is proposed, and if planning permission is granted, the Council must ensure that a minimum of 35% (15 units) of the total provision is identified as the housing secured via Policy HG.8 at a tenure split of 75% social rent (11) and 25% (4) as intermediate housing.
- This is to secure the affordable housing contribution in the event that Somer fail to become the site owner and development and the site is sold to market.
- Whilst the application proposes a higher number of affordable homes, it is unfortunate that it fails to provide a mix of affordable housing types that respond to the identified local need.
- The application fails to deliver any one bed affordable homes despite this being an identified need.
- The location of the affordable housing fails to enable a sufficient level of social integration between the market and affordable dwellings.
- It is unclear what constitutes the public open space.
- The SPD requires that at most a cluster of 8 affordable houses but for the most part, these clusters have been presented contiguously and this is not acceptable.
- PPS1 places an emphasis that affordable housing is well integrated into the overall scheme and is not readily identifiable from the market dwellings and this has not been achieved.
- It is assumed that the substantive detail regarding house design in accordance with the SPD will be dealt with at the reserved matters stage.

ARCHAEOLOGY: No objection, subject to conditions

PARKS AND OPEN SPACES: Comments that the proposed open space is not sufficient and contributions of £28,466.04 would be required.

CHILDREN'S SERVICES: Contributions for school places and youth provision for £38,486.96 would be required (Officer note: These figures are based on an s106 Agreement being completed prior to 31st March 2012.)

CLLR JEREMY SPARKS (Local Member): Requests the application is considered by the Development Control Committee as it is a large development outside the housing boundary, the applicant is a registered social landlord linked to B&NES and there is a lot of local interest from residents on both sides of the application.

CLUTTON PARISH COUNCIL: Object to the proposal, raising the following points;

- Site is outside the housing development boundary and impinges on the buffer zone between Temple Cloud and Clutton
- Not in keeping with the rural aspect of the village
- Village infrastructure cannot support such a development, as recognised by Clutton being an RA2 village in the Core Strategy
- In conflict with the Clutton Parish Plan
- No identified need for large scale development in Clutton
- Fails to meet RPG10 criteria for distances to facilities
- Many roads in Clutton have no footways
- Increase in traffic would compromise health and safety
- Access onto Clutton Hill is dangerous
- Similar development on the north side of Maynard Terrace was refused due to highway safety and poor access
- The local school is thriving and would have difficulty in accommodating extra pupils as a result of this development
- Health risk due to additional loading on Paulton Sewage works
- Majority of those surveyed by Campaign to Protect Rural Clutton do not favour developments such as this
- Parish Council supports the view of the Urban Designer, Vaughan Thompson
- Errors in the submitted information

WESSEX WATER: No objection, subject to condition

ENVIRONMENT AGENCY: No long standing objection to the proposed development as the developed area is in Flood Zone 1. Further information is required prior to the granting of any permission.

THE COAL AUTHORITY: No objection, and make the following comments;

- Within the application site and surrounding area, there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.
- The applicant has obtained appropriate and up-to-date coal mining information for the site and this informs the Phase 1 Geo-Environmental Assessment Report
- The Coal Authority concurs with the recommendations of the Phase 1 Geo-Environmental Assessment Report
- A condition should be imposed on any planning permission requiring these site investigation works prior to commencement of development

- If these investigations confirm the need for remedial works, this should be conditioned to ensure any remedial works identified by the site investigation are undertaken prior to commencement of the development.
- The Coal Authority considered the content and conclusions of the Phase 1 Geo-Environmental Assessment Report are sufficient for the purposes of the planning system and meets the requirements of PPG14 in demonstrating that the application site is or can be made safe and stable for development.

AVON AND SOMERSET POLICE: No objection to the proposal from a crime prevention point of view. Please to see such a detailed account of safety, security and crime prevention are to be addressed within this development.

REPRESENTATIONS: 157 letters of objection (from 102 households), raising the following issues;

- Proposal does not accord with Core Strategy
- Does not accord with the proposed revision to Strategy and Clutton's designation
- Does not conform with Parish Council's village plan
- No Parish Council support
- Outside the village boundary
- More suitable brownfield sites in Clutton
- Would set a precedent
- Dangerous for pedestrians
- Highway safety issues
- School's future is secure
- School is unable to cope with any increase
- Statement of Community Involvement misrepresents public consultation
- Negative impact on the environment
- Flooding issues
- Field contains rare wildlife
- Loss of view
- Spoil Maynard Terrace and ruin its history
- Security issues for existing dwellings
- No jobs in Clutton to support people in social housing
- Why would people buy houses in Clutton?
- Wholly inappropriate for Clutton
- This size of development on green belt land will significantly impact on the infrastructure of the village (Officer note: The site is not within the green belt)
- Where is the rationale for this decision and who has been involved in its development?
- No public transport to Bath or Midsomer Norton
- Limited public transport to Bristol
- Other areas of social/affordable housing in the village
- Contrary to Local Plan policies
- No housing needs survey has been conducted
- Development out of character with Maynard Terrace
- Unsustainable location
- No need for large scale housing
- Lack of local amenities
- No support for the development
- Not against small scale development on brownfield sites
- Loss of rural character

- Loss of amenity as the development would be seen from large parts of the village
- Development is too large on a green field site
- Proposal is not infill
- What is affordable housing?
- Loss of privacy to St Briavels
- Loss of visual amenity to St Briavels
- Devaluation of property
- Density of development is out of character with Maynard Terrace
- Limited sewage capacity
- Increase in traffic
- Excessive disturbance to properties on Maynard Terrace from additional traffic
- Loss of privacy to 18 Maynard Terrace from access
- Possible mine works on the site
- Development is too big for Clutton
- Previous application in 1988 was refused
- Site is currently agricultural
- Inadequate parking provision
- Many of the statements in the application need to be challenged publically
- Much of the development at Paulton remains unsold
- Survey was conducted in a biased way
- Proposed affordable housing is just to get round the planning restrictions
- Inadequate consultation by developers
- Lack of visibility from the proposed access
- Promised sums of money seem large and unrealistic
- Access from plots 15 to 22 will be difficult
- Litter from proposed development
- Overlooking to 16 Maynard Terrace
- Term "affordable housing" is meaningless
- Long way to walk to the bus services
- Development should be closer to cities
- Loss of privacy to gardens of 48-56 Maynard Terrace
- Land for farming is needed to support the village in the future
- Other housing developments have been built
- Volume of traffic passing 147 Greensbrook
- Loss of habitat
- Proposed housing opposite 9-15 Maynard Terrace are in front of the established building line and are too close to the existing houses
- Location and access to Plots 15-22 would have a severe impact upon access to Maynard Terrace
- Loss of privacy to 11 Maynard Terrace
- Proposed housing mix will not meet local needs
- No mention of other appropriate sites
- Overlooking to properties in Maynard Terrace

189 letters of support received, from 109 households, raising the following points;

- Affordable housing is needed
- Site is well suited to development
- Fits in well with Maynard Terrace
- It will improve the existing terrace
- Nice mix of housing designs

- Local tie for affordable housing is important
- Houses are too expensive in Clutton
- Site is in easy walking distance of school and centre of the village
- Not too visible or intrusive
- In keeping with older parts of the village
- Development will bring jobs and affordable housing to the village
- Benefits to the school, footpath, bus services and other community facilities
- Site is not used for agriculture
- Most Clutton residents welcome more development
- Give residents more space
- The site is not green belt
- Design has a village feel to it
- Well-designed development
- Local need for affordable housing
- Application is concerned with the community
- There are other areas for walking
- Young people cannot afford to stay in the village
- Maynard Terrace end of the village has not been developed
- Villages need housing for young people or they will be unsustainable
- Rural areas need affordable housing
- Shortage of housing in this area
- 50% affordable housing is a benefit to the village

5 letters of comment received, from 4 households, raising the following points;

- No objection in principle
- 50% seems a little excessive for affordable housing
- If this is allowed, no further development should be allowed in the village
- How can planning inducements be secured?
- How can B&NES ensure that one or both parties fulfil their obligations?
- Empathise with those trying to get on the property ladder
- What is the cost of the affordable housing?
- Support does not prove need
- Support letters appear to be standard letters

POLICIES/LEGISLATION

Planning Policy Guidance/Statements

PPS1: Delivering Sustainable Development (2005)

PPS3: Housing (2011)

PPS7: Sustainable Development in Rural Areas (2004)

PPG13: Transport (2011)

PPG14: Development on Unstable Land (1990)

PPS25: Planning and Flood Risk (2010)

Draft National Planning Policy Framework (2011) (Officer note: As this is a consultation stage, limited weight is attached)

Draft Revised Regional Spatial Strategy for the South West (incorporating the proposed changes) - July 2008

SD1 The Ecological Footprint

SD3: The Environment and Natural Resources
Development Policy C: Development at Small Towns and Villages
Development Policy E: High Quality Design
HMA1: West of England HMA
HD1: Sub-Regional Distribution of Housing 2006-2026
RTS3: Parking
H1: Housing Affordability
H2: Housing Densities
H3: Mix of Housing
ENV1: Protecting and Enhancing the Region's Natural and Historic Environment

Joint Replacement Structure Plan - adopted September 2002

Policy 1
Policy 2
Policy 17
Policy 18
Policy 33
Policy 35
Policy 59

D.2: General design and public realm considerations
D.4: Townscape considerations
IMP.1: Planning obligations
CF.3: Contributions from new development to community facilities
ES.2: Energy conservation and protection of environmental resources
ES.5: Foul and surface water drainage
ES.14: Unstable land
ES.15: Contaminated land
HG.1: Meeting the District housing requirement
HG.7: Minimum housing density
HG.8: Affordable Housing on allocated and large windfall sites
HG.9: Affordable Housing on rural exception sites
HG.10: Housing outside settlements (agricultural and other essential dwellings)
SR.3: Provision of recreational facilities to meet the needs of new developments
NE.1: Landscape character
NE.4: Trees and woodland conservation
NE.9: Locally important wildlife sites
NE.10: Nationally important species and habitats
NE.11: Locally important species and their habitats
NE.12: Natural features: retention, new provision and management
NE.14: Flood risk
T.1: Overarching access policy
T.23: Airport/Aerodrome Safeguarding Areas
T.24: General development control and access policy
T.25: Transport assessments and travel plans
T.26: On-site parking and servicing provision
Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007

Planning Obligations Supplementary Planning Document - adopted July 2009

Bath and North East Somerset Submission Core Strategy (May 2011) is out at inspection stage and therefore will only be given limited weight for development management purposes. The following policies should be considered:

DW1: District wide spatial strategy

RA2: Development in the Villages outside the Green Belt not meeting Policy RA1 criteria

CP2: Sustainable construction

CP6: Environmental quality

CP9: Affordable housing

CP10: Housing mix

OFFICER ASSESSMENT

PRINCIPLE OF DEVELOPMENT: The site is located outside of the housing development boundary of Clutton. Clutton is identified as an R.1 village under Policy SC.1 of the Local Plan. Policy HG.4 states that proposals for residential development within the housing development boundary will be permitted, subject to other material considerations. As the site is outside of the housing development boundary and as such, the development is considered inappropriate.

Local Planning Policies HG.9 and HG.10 make provision for affordable housing sites and other houses outside of the housing development boundary. The proposed development includes 49% market housing and consists of 43 dwellings. Policy HG.9 states that to be an exception to other housing policies the development should be 100% affordable housing and comprise of a small group of dwellings within or adjoining the built up area of the village. In view of the size and amount of development and the inclusion of market housing, the development is not considered to be a rural exception site and is contrary to Policy HG.9. Policy HG.10 makes provision for new dwellings outside settlements that are essential for agricultural or forestry workers. As this is not the case for this development, it is contrary to this policy.

The Bath and North East Somerset Core Strategy has been submitted to the Secretary of State for independent examination in May 2011 and the Examination hearings are scheduled to commence in January 2012. This means that the Core Strategy is a material consideration, albeit with limited weight at this stage.

The Draft Core Strategy makes provision for 800 new homes and 500 new jobs in the rural areas. The 250 homes that are not already committed are to be directed to the most sustainable villages under Policy RA1. Clutton fails to meet the criteria of Policy RA1 based on criterion c, which relates to community support as demonstrated by the Parish Council. The village and this proposal should therefore be considered under Policy RA2.

Policy RA2 makes provision for residential development if the proposal is within the housing development boundary and "of a scale, character and appearance appropriate to the development." As the site is located outside of the housing development boundary, the proposal remains inappropriate in relation to the emerging Core Strategy.

HOUSING LAND SUPPLY: The Local Planning Authority considers it can demonstrate a 5 year land supply and therefore considers that PPS3 paragraph 71 does not apply.

The Draft Core Strategy plans for 11,000 dwellings for the period 2006-2026, which results in an average annual rate of 550. During the first 5 years of the period, 1,967 homes have been completed at an annual rate of 393.4. This results in a residual requirement of 9,033 homes to 2026, which is a revised annual rate of 602.2. Using the annual delivery rate of 550 to the period 2006/7 -2010/11, this results in a notional requirement of 2,750 and the delivery of 1,967 homes during this period represents a shortfall against this of 783.

The Local Planning Authority is not prohibited from annualising its historical shortfall over the remaining plan period, which is what it has chosen to do and this approach is based on the approach taken by Inspectors at various appeals.

In light of this, the 5 year land supply is calculated as 3,011. The Council's SHLAA (July 2011) shows a deliverable supply of 3,346 homes.

The examination into the Core Strategy will consider whether the Council is planning for enough houses and the weight that should be afforded to the emerging policy and intention to abolish RSS.

ACCESSIBILITY: The site is located outside of the housing development boundary. Clutton is not considered to offer a wide range of facilities that could be considered to provide for the general needs of all residents, and clearly access to a wider range of services and employment would be required.

Clutton does have the benefit of bus services, which mainly operate from the A37, and located approx. 1.2km from the site. This distance exceeds the recommended distance by RPG10 of 400m and also involves walking on carriageways without separate footways, which means it is unlikely to be an attractive pedestrian route.

In view of this, the site is not considered to be in the most sustainable location and will result in a high reliance on the private car as the main mode of travel. This is contrary to the key aims of PPG13, which seeks to reduce growth in the length and number of motorised journeys, Policy 1 of the JRSP and Local Plan Policy T.1.

CHARACTER, APPEARANCE AND SITE LAYOUT: Maynard Terrace has a strong and distinct character of continuous terraced properties with high hedgerow boundaries and narrow access points. The site itself forms a highly visible and legible urban edge to Clutton. The pasture, hedgerow and ridgeline of Maynard Terrace form a strong and legible landscape feature from across the valley to the south.

The proposed development will extend the development of the village beyond the housing development boundary and into the valley. Plots 15-22 form what appears to be a terrace with a narrow access on Maynard Terrace. The remainder of the proposed development appears as detached clusters of development which is alien to the distinct character of Maynard Terrace. The proposed layout fails to respect this character and fails to respond to the local context, which will be harmful to the character of the area.

The internal layout of the site is dominated by the access road that follows the western boundary and the smaller access road. The layout of the proposed dwellings and their relationship with the access road and parking areas creates significant amounts of

residual space. The application refers to an area of informal on-site green space of 0.4 hectares. The areas open space is not explicit on the plans and as such, it appears that the open space is the verge adjacent to the access road. As a result, this land appears as an area of undevelopable land and is not very useable area of open space.

It is therefore considered that the proposal fails to respect the local context and the character of Maynard Terrace by the introduction of an alien form of development and is contrary to Local Plan Policies D.2 and D.4.

As appearance is a reserved matter, the applicant has not submitted details of the design at this stage and therefore Officers are unable to comment on it.

RESIDENTIAL AMENITY:

Impact on existing occupiers

The only adjacent neighbour to the site is An-Yah, which is to the east. Plots 32 and 43 are adjacent to this boundary. As appearance is reserved, no detail has been provided of the internal layouts of the properties. However, the rear of Plot 43 is approx. 10m from the rear of An-Yah and faces towards its private amenity space. Due to the orientation of the property in relation to An-Yah, it is likely that there would be first floor windows on the rear elevation, and these will directly overlook into the private amenity space of this property. It is considered that this will have a significant adverse impact on the residential amenity of this property due to the loss of privacy and this is contrary to Local Plan Policy D.2.

Plots 42 and 43 are adjacent to the boundary with An-Yah. It is likely that these properties will be two storeys in height. It is acknowledged that there will be some overshadowing into the garden of An-Yah from these dwellings but it is unlikely that will have a significant impact on the private amenity space.

Representations have raised concerns about overlooking and loss of privacy to 48-56 Maynard Terrace from Plot 43. This property is over 20m from the boundary with 47 Maynard Terrace and as such, it is not considered that there would be a significant amount of overlooking. Furthermore, conditions could be imposed to ensure windows are not clear glazed in the side elevation of this property.

St Briavels is sited on the junction of Maynard Terrace and the access road to the rear. The amenity space is afforded some screening by existing vegetation but there is currently a high level of overlooking to this area. It is not considered that the situation would be significantly worsened as a result of this proposal.

Plots 15 to 22 front onto Maynard Terrace and as such, it is not considered that there will be any significant adverse impacts on residential amenity to the properties opposite.

Impact on future occupiers of the proposed dwellings

The gardens of plots 9 to 20 and 23-24 will face inwards onto the parking courtyard for these properties. As landscaping is reserved, no details of the screening have been provided. Whilst this is not an ideal situation, Officers are satisfied that with appropriate screening, this would not warrant a reason for refusal.

There is sufficient separation distance between the rears of plots 24-37 and 39-41, approx. 15m, so it is not considered that there will be an adverse impact on the residential amenities of these properties.

The rear of An-Yah is approx. 10m from the rear of Plot 43. Due to the relationship between the rear projection of this property and the adjacent neighbour, it is considered that the angle of overlooking will be too acute to result in a significant loss of amenity to future occupiers.

It is not considered that there will not be an unacceptable level of overlooking to the private amenity space of the proposed dwellings from the adjacent proposed dwellings due to the relationship between the properties. The fronts of plots 26 and 27 face towards the fronts of plots 34-37. The separation distance is approx. 15m and this is not considered to result in an unacceptable level of overlooking between the properties.

The proposed size of the amenity space is considered acceptable.

Based on the above, it is not considered that there will be any significant adverse impacts on residential amenity of future occupiers.

LANDSCAPE AND TREES: The site is currently an open and undulating field, laying between Maynard Terrace and the brook to the south of the site. The local topography of the site is considered to be an important feature. The need for flat development plots and an access road will inevitably lead this topography being irrevocably changed and an erosion of the rural character of this area.

There is an existing hedge that marks the boundary of the site with Maynard Terrace. It is proposed to cut through this hedge to form pedestrian accesses to the plots fronting onto Maynard Terrace. Furthermore, a significant amount of the hedge will be lost to enable the visibility splays to be created. As much of the hedge will be in private ownership, it is likely that this will result in a variety of different management styles which will put the hedge at risk and lead to an erosion of the rural character.

The application proposes an access road along the western boundary of the site. The introduction of this access road will have an adverse impact on the appearance of the landscape by introducing a suburbanising feature into the rural landscape.

In view of the above, it is considered that the proposed development will not conserve or enhance the natural landscape or the local distinctiveness of the area and is contrary to Local Plan Policies NE.1 and NE.12.

The application was submitted with an Arboricultural Report and this is comprehensive in assessing the merits of the trees onsite. There are some good semi-mature trees on site, predominantly on the site boundaries. These trees have the potential to be valuable landscape features and to be integrated into the proposed development. The proposed layout appears to acknowledge the findings of the Tree Constraints plan. As landscaping is reserved, the detail of the tree protection and the trees to be retained could be dealt with at that stage.

HIGHWAYS: Maynard Terrace currently serves approx. 60 dwelling with a high proportion of these dwellings having parking served by a private access road leading off Maynard Terrace at an oblique angle, close to the junction with Station Road. This means of access is narrow and has severely restricted visibility.

The application proposes the realignment of Maynard Terrace, so that the main part of this road forms a priority junction with the new access road, would result in the private access road forming a junction with the realigned Maynard Terrace, in close proximity to the new priority junction of Maynard Terrace with the new access road, and the junction with Station Road.

The realignment proposal does appear to provide a footway to the western side of the private access road but there are no alterations proposed to the eastern side. This means emerging vehicles onto Maynard Terrace would do so with virtually no visibility.

The proposed development would introduce additional traffic movements along Maynard Terrace and this would result in additional conflicts with users of the private access road. The proposed means of access to serve the site is not considered to be acceptable due to the impact on highway safety.

The existing junction of Maynard Terrace with Station Road is located on a bend in the road and this results in the forward visibility from, and of, vehicles waiting to turn right into the Maynard Terrace junction being restricted.

The proposed development would almost double the level of traffic using this junction, thereby increasing the likelihood of conflicts.

The layout does not propose a footway on the south side of the proposed access road and therefore pedestrians would need to cross the realigned junction of Maynard Terrace and across the road close to the junction with Station Road. There is a lack of footways on Station Road, and other village roads, with only limited sections providing safe segregated pedestrian facilities for pedestrians to access the village centre and public transport facilities.

The Transport Statement considers that whilst there are roads within the village that are without separate footways, the pedestrian infrastructure is considered to be of an adequate standard, whether on roads with footways or those roads operating as a "shared space."

Clutton village has some services but does not offer a wide range of facilities that could be considered to provide for the general needs of all residents and access to a wider range of services and employment would be required. There are bus services in the village and these mainly operate from the A37, which is located approx. 1.2km from the site. This exceeds the recommended distance of 400m and also involves walking on carriageways without separate footways.

In view of the above, it is likely that the private car is likely to be the primary mode of transport, as the alternatives will be unattractive. This is contrary to the key aims of PPG13, which seeks to reduce the length and number of motorised journeys.

The application suggests that parking provision accords with the maximum standards in the adopted Local Plan, with 2 spaces for the two and three bed units and 3 spaces for the four bed units, with a total of 78 spaces in the development. However, the layout indicated single parking spaces for Plots 7, 15, 17, 20, 29 and 30. There are also instances where the parking is remote from their corresponding dwellings, and this could discourage their use. Plots 35 and 36 are the most affected by this. In view of this, the parking provision is not considered to be acceptable.

The Council applies a policy of only 5 dwellings being served by a private driveway, and the layout shows Plots 12-14 and 23-25 to be served by a single driveway, with no turning head and it is assumed that this is proposed to be a private driveway. This is would not be suitable for adoption in its current form.

The proposed layout includes a new 5m carriageway, to serve as vehicular access to 27 dwellings, with a 2m footway on its northern side. The existing length of Maynard Terrace will serve as vehicular access to the remaining 16 dwellings with a new 2m wide footway proposed across the frontages of Plots 15-21 but does not appear to extend across the frontages of Plots 31-33. The proposed turning head does not conform to appropriate standards and would need to be increased to provide an acceptable arrangement.

The application includes proposed Heads of Terms for a Section 106 Agreement to include the provision of a footway/cycleway link to the village centre, provision of a footway/cycleway within the development, bus service revenue support and a strategic highways contribution. However this is not considered to outweigh the issues outlined above and as such, the proposal is considered contrary to Local Plan Policies T.1, T.24 and T.26.

ECOLOGY: It is acknowledged that the application is accompanied by comprehensive ecological surveys. However, the proposed development site boundary and ecological survey boundary differ and the ecological assessment appears to have been based on a masterplan concept that is quite different to the submitted proposals.

The site and the adjacent land, which forms part of the same field but outside the development boundary, are of considerable ecological value. This includes botanically species-rich grassland; species rich mature hedgerows, including hedges that would qualify as "important" under the Hedgerow Regulations; badger activity; breeding populations of grass snake and slow-worm; and bat flight routes, including records of at least six different species and possible records of use of the south west boundary by the very rare Barbastelle bat.

The ecological surveys find there is significant ecological value at the site and that this is sufficient for it to qualify as a Site of Nature Conservation Interest (SNCI).

Due to the disparity between the development boundary as proposed and the boundary in the ecological survey, it is considered that insufficient data has been submitted to show differing levels of botanical diversity and species present in different parts of the field. Furthermore, there is insufficient detail about the ecological value of the development site itself and the proposed mitigation to draw conclusions regarding the ecological impact.

It is clear that area of species rich grassland would be impacted; there may be an impact on bat flight routes; loss of reptile habitat; loss of hedgerow and loss of an area of badger foraging habitat. Sufficient detail is needed to demonstrate that, even where impacts are relatively low-key, the mitigation would sufficiently compensate for losses and impacts, and that additional ecological benefits would be provided.

In view of the above, the application fails to demonstrate that the proposal can be achieved without causing unacceptable ecological harm and therefore fails to comply with Local Plan Policies NE.9, NE.10, NE.11 and NE.12.

HOUSING: For a proposal to be considered as a rural exception site, falling under the remit of Policy HG.9, the Parish Council would need to support a detailed and transparent parish wide affordable housing needs survey. This has not been undertaken. Subsequent to this, is the need for a parish led sequential site appraisal to identify in planning terms the most appropriate site for development and has not taken place. Notwithstanding this, if the required studies had been undertaken, it is likely that the proposal would be considered in excess of small-scale local needs development and includes a significant amount of market housing which is not permitted under this policy.

The Housing Development Officer has raised concerns that additional affordable housing above the 35% required by Policy HG.8 can only be brought forward only if Somer Housing Trust is the final land owner and developer. However, it is considered that this could be secured through a Section 106 Agreement.

The information submitted alongside the application contains details of Clutton's need for additional market housing. PPS3 recommends the mix of market housing should provide choice by ensuring a range of house types, having regard to the existing mix of dwelling in the locality and the character and accessibility of the location. This means providing a wide choice of housing to meet the needs of the whole community in terms of tenures and prices ranges. This is underpinned by PPS1, which requires that development supports existing communities and contributes to the creation of mixed communities.

Market housing on the site should seek to support the sustainability of Clutton, such as provision for first time buyers or housing for older people looking to downsize from family housing and wanting to remain within the village. It is anticipated that local market housing needs will require an element of one and two bedroom houses and a lesser percentage of three and four bed dwellings in order to ensure a range of affordable market housing options to address local needs.

In view of the above, the market housing mix is not considered to address local needs as there is a lack of smaller units in the village.

It is unfortunate, that whilst the application proposes a higher number of affordable homes than policy requires, it fails to provide a mix of affordable housing types that respond to the identified local need.

The proposal fails to deliver any one bed affordable homes, despite the applicants supporting housing statement identifying a high one bed need, determining there are very few one bed affordable dwellings within the affordable housing stock and that no turnover within the existing one bed affordable housing stock has occurred since 2009.

The Planning Obligations SPD Affordable Housing Annexes provide further guidance on the implementation of Local Plan Policy HG.8. On sites on more than 30 units, the Local Planning Authority will seek that not more than 8 affordable dwellings are clustered together to aid de-concentration of deprivation and prevention of social and economic segregation. Whilst it is acknowledged that the proposed split of market to affordable housing is roughly 50/50, meaning the effective integration of the affordable units requires some thought. However, the locations of the affordable housing as proposed fails to enable a sufficient level of social integration between the market and affordable dwellings. The clusters of affordable units have, for the most part, been presented contiguously.

It is therefore considered that the proposal does comply with Local Plan Policy HG.8 and the guidance contained within the Planning Obligations SPD.

OTHER ISSUES: It is acknowledged that the applicant has offered to provide 51% affordable housing, which is in excess of the percentage required by the Policy HG.8. This has been put forward as a material consideration by the applicants to warrant a departure from the adopted Development Plan.

The site is located within the defined Coal Mining Development Referral Area as there is evidence of coal mining hazards and features in the site or its surrounding area. The application has submitted a Geo-Environmental Assessment Report to accompany the application. This Assessment sets out recommendations for further investigation works to be conducted prior to the commencement of development to enable mitigation measures to be designed. Conditions could be imposed on any permission to ensure the appropriate mitigation and works are undertaken.

At the time of writing, the Environment Agency had requested further information to address points relating to surface water attenuation, flow routes, the culvert and fluvial flood risk. They state that there is no long standing objection to the proposals as the majority of the site is within Flood Zone 1 and development is steered away from the small area that is shown to be in Flood Zones 2 and 3. Discussions with the applicant conclude that further information is to be submitted to the Environment Agency and any further comments will be reported to Members in an Update Report.

There is a shortfall of primary school places and youth services provision in the local area. Contributions of £38,486.96 would be sought to ensure there is adequate provision. The Council's Education Department is satisfied that that there is room for the school to expand, subject to the above contributions. The proposed open space is not considered to be acceptable and contributions of £28,466.04 would be sought for off site provision of open space to replace that lost by the development and allotments.

It is acknowledged that the application includes a Draft Heads of Terms to form the basis of a Section 106 Agreement in relation to the above contributions.

Representations have made reference to how the obligations can be secured. Should permission be granted for the site, the applicants and other interested parties would enter into a Section 106 Legal Agreement with the Council. The s106 would include trigger points for when the contributions would be required to be paid, and the Local Planning Authority monitor schemes to ensure the contributions are being paid. If the land is sold,

the s106 Agreement is transferred to the new owners and any contributions become their responsibility.

CONCLUSION:

The development is located outside the housing development boundary and, as such the development is considered to be inappropriate. The size, scale and proposed market housing mean the site cannot be considered as a rural exception site in terms of Policy HG.9 and therefore is contrary to Policy HG.4. The proposed development is contrary to Policy HG.10, which restricts new dwellings outside of settlements to essential for agricultural or forestry workers. Due to the location outside of the housing development boundary, the site is considered to be in an unsustainable location, so will result in an increased reliance on the private car.

Maynard Terrace has a strong character of continuous terraced properties. The proposed development is dominated by the siting of the access road and much of the development is detached clusters of development, which introduces an alien form of development into Maynard Terrace. The proposed development therefore fails to respect the local context and distinctiveness of the area and is contrary to Local Plan Policies D.2 and D.4.

It is likely that there will be a first floor window in plot 43 and this is likely to directly overlook into the private amenity space of the adjacent property to the east of the site, An-Yah. This is contrary to Local Plan Policy D.2.

The proposed development will result in the removal of the elements of the hedgerow that runs along Maynard Terrace. The hedgerow will be put at risk from different management styles as it will be in different, private ownerships and this will lead to an erosion of the rural character of the area. Furthermore, the introduction of the development will have an adverse impact on the landscape as it will introduce a suburban feature into this rural landscape.

The proposed development would introduce additional traffic movements along Maynard Terrace and this will result in conflicts with other road users, which will be prejudicial to highway safety. The proposed parking provision is not considered to be appropriate to the development as some spaces are remote from their corresponding dwellings. Furthermore, the proposed turning head and driveway serving 12-14 and 23-25 do not conform to the appropriate standards.

The submitted ecological reports identify the site as being of considerable ecological value. Insufficient detail has been submitted as to which areas of the site are of ecological value, the impact the development will have on it and possible mitigation.

The proposed affordable housing is sited in continuous terraces and as such, is not sufficiently integrated into the development. There is no proposed one bed dwellings, despite this being recognised in the application as a local need. This is contrary to Local Plan Policy HG.8 and the guidance in the Planning Obligations SPD.

It is acknowledged that the application proposes 51% affordable housing, which is in excess of the 35% requirement of Policy HG.8. However, this is not considered to outweigh the harm caused by the development, which is detailed above.

Other than the relationship with An-Yah detailed above, it is not considered that there will be any significant adverse impacts on the residential amenity of other existing occupiers, due to their relationship with the site. Furthermore, the relationship between the proposed dwellings is not considered to result in a significant adverse impact on the residential amenity of future occupiers.

In light of the above however, it is considered that the proposed development would represent a departure from the adopted Development Plan and there are no planning merits that outweigh the conflicts with the Development Plan Policies. The application is accordingly recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed residential development of this site located in the countryside outside of any housing development boundary, remote from services and employment opportunities, and poorly served by public transport, is contrary to the principles of sustainable development and would be likely to result in unsustainable transport movements in the private car. Due to the size and inclusion of market housing, it is not a rural exception site. The proposed development is considered to be contrary to Policies HG.4 and HG.9 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted October 2007 and the advice contained within PPS 3, and PPG 13.

2 The proposed development fails to respond the local context of the area, due to it being dominated by the access road and the introduction of detached development clusters, which are an alien form of development. This is contrary to Policies D.2 and D.4 of the Bath and North East Somerset Local Plan - adopted October 2007 and PPS1.

3 Plot 43 is likely to directly overlook the private amenity space of An-Yah, due to its proximity to the boundary and orientation. This will lead to a significant loss of privacy and is contrary to Policy D.2 of the Bath and North East Somerset Local Plan - adopted October 2007.

4 The proposed development will remove parts of the hedgerow fronting onto Maynard Terrace and other parts will be at risk due to it being in different ownerships resulting in pressure for maintenance. Combined with the introduction of the access road, this will lead to an erosion of the rural character of the area and is contrary to Policies NE.1 and NE.12 of the Bath and North East Somerset Local Plan - adopted October 2007.

5 The Local Planning Authority and the Local Highway Authority in adopting the publication 'Residential Roads In Avon', have agreed standards for the layout of new streets. The proposed access roads do not conform to these agreed standards and are not, therefore, adequate to serve the development proposed. This is contrary to Policies T.1 and T.24 of the Bath and North East Somerset Local Plan - adopted October 2007.

6 The proposed development would result in an increase in vehicles turning right into Maynard Terrace from Station Road at a point where forward visibility from and of such vehicles is inadequate which would create additional hazards to all road users. The

proposed access road serving the development would be likely to result in the conflict of traffic movements at the new Maynard Terrace junction and the junction of the private access road, and also close to the existing junction with Station Road, resulting in additional hazard and inconvenience to all users of the road. Furthermore, the layout of the parking results in inadequate provision and some spaces are remote from their corresponding dwellings. This is contrary to Policies T.24 and T.26 of the Bath and North East Somerset Local Plan - adopted October 2007.

7 Inadequate details have been submitted to enable the Local Planning Authority to fully assess the potential impact on nationally and internationally protected species, locally important species and flora and proposed mitigation, therefore the development is contrary to Policies NE.9, NE.10, NE.11 and NE.12 of the Bath and North East Somerset Local Plan - adopted October 2007.

8 The proposed affordable housing is geographically clustered and insufficiently integrated with the market housing. This is contrary to Policy HG.8 of the Bath and North East Somerset Local Plan - adopted October 2007 and Planning Obligations SPD - adopted July 2009.

PLANS LIST: This decision relates to drawings numbered 0392/1000/1, 0392-1000-2, 0392-1004, 0392-1005 and 0392-1006 and related Planning Statement, Design and Access Statement, Preliminary Utility Study, Transport Assessment, Housing Statement, Arboricultural Report, Ecology and Protected Species Survey, Statement of Community Involvement, Flood Risk Assessment, Drainage Strategy, and Phase I Geo-environmental assessment, received by the Council on 4th October 2011 and Landscape and Visual Appraisal, received by the Council on 5th October 2011.

Item No: 04
Application No: 11/04325/FUL
Site Location: Land At Rear Of 2-20, High Street, Keynsham,



Ward: Keynsham North **Parish:** Keynsham Town Council **LB Grade:** N/A
Ward Members: Councillor Brian Simmons Councillor C D Gerrish
Application Type: Full Application
Proposal: Erection of three storey building to provide fourteen residential apartments and associated landscaping and car parking (inc. re-provision of car parking for existing high street properties)
Constraints: Agric Land Class 3b,4,5, City/Town Centre Shopping Areas, Conservation Area, Forest of Avon, General Development Site, Housing Development Boundary,
Applicant: Deeley Freed (Charlton Road)
Expiry Date: 12th January 2012

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE

The application has been requested to be reported to Committee on the request of Cllr Gerrish on the basis that there are concerns that the height of the buildings will rather dominate St John's Court there are also worries about the lack of open space for the development facing directly onto the supermarket car park.

DESCRIPTION OF SITE AND APPLICATION

The application site is located in the north western part of Keynsham town centre, immediately to the rear of 2-20 High Street. It comprises 0.22 hectares in total. It is bounded to the south and east by the rear of the properties which front Keynsham High Street and to the north and west by the recently constructed access road which serves the nearby Tesco foodstore. The site is located within the Keynsham Conservation Area. The northern end of the site is gravel and is used for unstructured parking. The remainder is vacant land. The site is fairly level. A public footpath lies at the southern end of the site partially within the site and this gives access to the high Street via an archway through the 'Old Bank' public house.

The application is supported by a Planning Statement a Heritage Statement, a Transport Statement, Land Contamination Statement, Sustainable Construction checklist, Noise Assessment , Ecology Phase 1 Study, Archaeological Study, Design and access Statement, Community Involvement Statement, Arboricultural Assessment, Planning Obligations Statement, Landscape Management and Maintenance Statement.

THE PROPOSAL: The application seeks full planning permission for the erection of a three storey building to provide fourteen residential apartments. Associated off-street car parking and landscaping is proposed. Materials proposed comprise of grey and buff brick with small render panels and aluminium windows. Twelve apartments will be 1-bed units with the other two being 2-bed units. Secure cycle parking for the apartments will be provided. Car parking is proposed for the new units at 14 spaces and car parking spaces for the High Street commercial properties that already have car parking is being re-provided within the proposals. 37 car parking spaces and 14 cycle parking spaces are proposed in total. Vehicular access to the application site will be from the existing adjacent access into the retail store. This access is not a public highway.

HISTORY: There is no relevant planning history

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

PLANNING POLICY: No comments made.

HIGHWAYS DRAINAGE OFFICER: comments made 18th October 2011 The applicant's proposal is located outside of the flood zones. The applicant has indicated that surface water will be disposed of to the main sewer. Wessex Water should provide confirmation that they are happy to receive the surface water from the site to their network. Discharge rates and connection points should be agreed with Wessex Water.

HIGHWAY OFFICER: comments made 4th November recommend refusal on the basis that the car parking layout is not considered to be acceptable or appropriate to serve the

development. If this was overcome and approval was to be recommended this would be subject to a requirement for a Strategic Highway contribution.

Further comments made 17th November 2011 - The applicants consultants have also provided further information which would reduce the level of contribution payable to £1,329.85. However, it would seem that the wards of Bathavon North, South and West were excluded, and a revised calculation to include these wards would result in the following: 25 trips x £483.58/trip x 11.6% to give a total contribution sum of £1,402.38.

URBAN DESIGN OFFICER: comments made 15th November 2011 - Not acceptable in its current form. Massing scale and rhythm are acceptable but there are some design and layout issues that could be improved upon. In particular concern is raised with regard to the highway engineering led frontage design and the failure to address the quality of the pedestrian route from the High Street.

CRIME PREVENTION DESIGN ADVISOR: comments made 4th November 2011 - object to this application on the basis that crime, security and safety have not been addressed in the Design & Access Statement

PUBLIC RIGHTS OF WAY OFFICER: comments made 21st November 2011 confirm that there is no comment

ECOLOGIST: comments made 10th November 2011 - There is a small area of scrub noted in the ecological report (a wall and strip of scrub, shown on Plate 5 of the ecological report potential habitat for reptiles & nesting birds). It has now been confirmed that this small area of habitat is outside the development site and shall be retained. The site therefore has no other features of ecological value and no mitigation measures are required.

I have no objection to the proposals.

ENVIRONMENTAL HEALTH: comments made 7th November 2011 - The applicant has submitted an acoustic report that identifies this site will fall into noise exposure category (NEC) B for the daytime and A for the night-time. Consequently there is no objection subject to a condition.

PARKS OFFICER: comments made 14th November a contribution totalling £48,503.28 toward formal, natural and allotment green space provision is required.

ARBORICULTURAL OFFICER: comments made 26th October 2011 - I agree with the general assessment of the existing trees. The proposal does not adequately allow for the retention of trees shown for retention and this needs further consideration.

LANDSCAPE OFFICER: comments made 15th November 2011 - The landscape scheme should be revised and simplified.

Further comments made 21st November 2011 - The amendments made are an improvement and there are no objections raised.

EDUCATION OFFICER: comments made 4th November 2011 No contribution is required

ARCHAEOLOGICAL OFFICER: comments dated 17th November 2011 The proposed development site lies within the historic core of Keynsham to the rear of buildings on the High Street and within a number of their medieval burgage plots. The neighbouring new food retail store site has been the subject of archaeological assessment and evaluation, which revealed the evidence of Roman and medieval occupation in this area. A desk-based archaeological assessment of the proposed development site has been submitted and is satisfactory subject to conditions which summarises its results as follows.

LAND CONTAMINATION OFFICER: comments made 27th October 2011. A Phase 1 Report has been submitted. The report identifies that elevated levels of metal and organic contaminants within made ground soils and a potential for ground gas and radon were identified on the adjacent Tesco site. The Phase 1 report recommends further site investigation in the area of the proposed development in order to ascertain site specific details on the site soils including geotechnical properties and potential contamination. Taking account of the ground conditions found during the site investigation on the adjacent site, the sensitivity of the proposed development (residential end use) and the recommendations made in the Phase 1 report the submitted conditions would be appropriate to apply to require further site investigation and assessment.

KEYNSHAM TOWN COUNCIL: Support the application.

THIRD PARTY COMMENTS:

Objection

A petition has been received raising objection to the application on the grounds that the development would dominate the locality and destroy views including that of the church. 72 people have signed the petition.

An Objection from a resident has been received on the grounds that the development would dominate, cause loss of privacy, and reduce residential amenity.

POLICIES/LEGISLATION

ADOPTED LOCAL PLAN

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

- IMP.1 Planning obligations
- BH6 Conservation area
- SC.1 Settlement classification
- GDS/K4 General development Site
- CF3 Community contributions
- D2 General Design and public realm considerations
- D4 Townscape considerations
- T1 Over-arching access policy
- T3 Promotion of walking and use of public transport
- T5 Cycling Strategy: improved facilities
- T6 Cycling Strategy
- T24 General development control and access policy
- T25 Transport assessment and travel plans

T26 On-site parking and servicing provision
ES.2 Energy conservation
ES3 Gas and Electric Services
ES.4 Water supply
ES.5 Foul and surface water drainage
ES.9 Pollution and nuisance
ES10 Air Quality
ES12 Noise and vibration
ES.15 Contaminated Land
NE11 Locally important species
NE12 Natural Features
BH22 External lighting
HG.1 Meeting the District Housing requirement
HG.4 Residential development in the urban areas and R.1 and R.2 settlements

Key National Policy
PPS1 Delivering Sustainable Development
PPS3 Housing
PPS.5 - Planning For the Historic Environment
PPS9 Biodiversity and Geological Conservation
PPG13 Transport

DRAFT NATIONAL PLANNING POLICY FRAMEWORK (undergoing a consultation exercise and should only therefore be afforded limited weight)

Bath and North East Somerset Submission Core Strategy (May 2011) is out at inspection stage and therefore will only be given limited weight for development management purposes. The following policies should be considered

CP2: Sustainable construction
CP6 Environmental Quality
CP10 Housing Mix
CP13 Infrastructure Provision
DW1 District-wide spatial Strategy
KE1 Keynsham Spatial strategy

Adopted Supplementary Planning Document - Planning Obligations

OFFICER ASSESSMENT

POLICY: The site is located within part of General development site KS4 which is for a comprehensive mixed use scheme for development/redevelopment for town centre/community uses including: Food store of 1,500-2,000 sq.m. net floorspace, community meeting place, improvements to existing parking and servicing of properties fronting Bristol Road, High Street and Charlton Road, and CCTV linking with existing provision in town centre. During the Local Plan Inquiry it was specifically raised by the Council that this might include a small amount of housing and this was agreed by the Inspector. The proposal is for redevelopment of a brown field site in a sustainable location and is therefore an appropriate Town centre use which fits within the requirements of the planning policy. The proposals are in accordance with the mix of uses that were identified

to be located on this site and the development would not prejudice any other developments.

HIGHWAYS: Comments of the Highway Officer relating to the rear layout will be superseded following amendments that are to be made to the design which will be discussed at a meeting prior to the committee. These design amendments will be made taking account of the Highway Officers view and the amended plans will be presented at the committee. The Highway officer has made a request toward Strategic contributions and the applicant has agreed the contribution sought.

DESIGN: The proposal is in the Keynsham Conservation Area within the setting of listed buildings. The development site is formed from an amalgamation of some rear plots of the historic buildings addressing Keynsham High Street that back onto the Tesco site. It also now relates to the newly created Tesco access road and the extensive car park, which has exposed the rear plots of the historic properties to public view. The site contains a new route used by the public from the High Street to Tesco via The Old Bank Public House arch.

The external appearance of the scheme has been developed following local architectural studies. The height of the development has been kept to a maximum three stories with pitched roofs, taking reference from the adjoining and neighbouring buildings on the High Street. The orientation of these roof pitches also derives from the local context, replicating the gables of the existing buildings. The gable pitched roof allows for glimpses through to adjoining buildings and to the church tower. Distant views have been kept of the church tower by allowing a small section of flat roof on the corner and not developing across the whole western boundary of the site. This flat roof also makes reference to the later additions to the historic buildings on the High Street. It is considered that the scale, mass and rhythm of development is appropriate. As the site is within the Conservation area consideration is whether the statutory test to preserve or enhance the Conservation area as set out within section 72 of the Act has been made and it is considered that the development would enhance the Conservation Area (subject to some specified amendments discussed below).

The development has been set back to provide a visibility splay and as a consequence this fails to provide a much needed street frontage. This highways dominated approach seems excessive given that the road is not public highway but merely an access into the retail car park. It is also considered that in this sustainable location parking is excessive and notwithstanding that existing parking is to be re-provided it is considered that some of the proposed units could be car free.

As it stands it is considered that the development is acceptable in principle and in terms of the general design approach however to improve the scheme further amendments are required. These would broadly reposition the development further forward on the site to provide a stronger building line, reduce parking numbers for some of the proposed units and improve the public realm at the rear of the buildings to introduce more of a shared surface to assist pedestrian movement through the site. The applicant has expressed a willingness to address these concerns further and a meeting has been arranged prior to the committee and Members will be updated as to those discussions.

RECREATION AND OPEN SPACE: Lack of open space has been identified as a concern by some residents. However in this urban site which is tightly constrained a good quality urban scheme is more appropriately to be promoted. It is considered therefore as discussed above that buildings should move forward to achieve this and the inadequate spaces in front of the buildings which make no positive contribution should be removed. As the development would generate a need for open space and that cannot be provided on this site a contribution based on the Councils adopted Supplementary Planning Document obligations has been sought and agreed by the applicant.

CRIME PREVENTION THROUGH DESIGN: Consideration has been given to the design so as to discourage crime and fear of crime. Measures taken include a balance of uses, good surveillance, ownership of spaces, physical protection, management and maintenance. These are considered acceptable to address security issues.

ECOLOGY: Information submitted with the application demonstrates to a satisfactory level that there is no significant ecology present on the site.

NOISE: The development would not be subjected to unacceptable levels of noise.

LANDSCAPE AND TREES: Landscape opportunities are limited in this urban location. However a high quality urban scheme is being promoted as the appropriate design solution and any landscaping will be secured by condition to ensure it is appropriate.

EDUCATION: The development has not generated a requirement for an education contribution. This assessment is made based upon an assessment of need at the time of the application and the number and type of dwelling units proposed.

ARCHAEOLOGY: An Archaeological assessment made has confirmed that in view of its close proximity to the High Street and Bristol Road, the application area is considered to have good archaeological potential. It is therefore appropriate to add conditions to any consent to require an archaeological written scheme of investigation, post excavation analysis and detailed drawings of any underground works. Subject to those conditions the development would be acceptable from an archaeological perspective.

RESIDENTIAL AMENITY: It is considered that the development would not dominate existing properties and would not reduce privacy taking account of the relative locations of existing and proposed buildings and distances between them. The development would provide new occupants with a good standard of accommodation in a highly sustainable location that would suit occupiers seeking an urban location.

OTHER MATTERS: The applicant suggests that the development would be preferable to the fallback position suggested to be the tarmac over of the parking area and the use of the land for parking. It is agreed that the development provides some enclosure and housing provision and tidying up of the area would be a benefit. However it is considered that the fallback position which would be a formalisation of the existing use which is informal parking is not so harmful so as to warrant the approval of a development that is not of the highest standards.

CONCLUSION

Whilst the design of the development is acceptable in terms of its overall scale and massing the design is highway led and in this location within the Keynsham Conservation Area improvements to the design are required to make it acceptable. The amendments sought have been discussed with the applicant and are agreed in principle. A meeting is scheduled prior to committee and it is anticipated that revised plans will be available to present at the committee. If suitable amendments are secured, Contributions toward Green Space and Highways will be required.

RECOMMENDATION

A. Delegate to Officers to secure the required amendments to the design which are broadly identified to be:- reposition the development further forward on the site to provide a stronger building line, reduce parking numbers for some of the proposed units and improve the public realm at the rear of the buildings to introduce more of a shared surface to assist pedestrian movement through the site.

B. Authorise the Planning and Environmental Law Manager to enter a Section 106 Agreement to cover the following

- 1) A contribution totalling £48,503.28 toward formal, natural and allotment green space provision.
- 2) A Strategic Highway Contribution based upon the Highway Officers advice of £1,402.38.

C. Subject to the prior completion of the above agreement, authorise the Divisional Director for Planning and Transport Development to PERMIT subject to appropriate conditions including the following.

RECOMMENDATION

PERMIT with condition(s)

CONDITIONS

1 The development hereby approved 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 and to avoid the accumulation of unimplemented planning permissions.

2 Prior to the commencement of development, a sample panel of all external walling materials to be used shall be erected on site, approved in writing by the Local Planning Authority, and kept on site for reference until the development is completed.

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

3 No development shall commence until samples of the roofing material to be used on the development have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure satisfactory development

4 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 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.

5 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.

6 No site works or clearance shall begin until a scheme for protection of trees and other existing or proposed landscape areas to British Standard 5837:2005 has been submitted to and approved in writing by the Local Planning Authority. The approved protection scheme shall be implemented before the development is begun and shall not be removed until the development has been completed. Protected areas shall be kept clear of any buildings, plant, material, debris and trenching. Existing ground levels maintained within protected areas. There shall be no entry to protected 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.

7 An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

a survey of the extent, scale and nature of contamination;

an assessment of the potential risks to:

human health,

property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

adjoining land,

groundwaters and surface waters,

ecological systems,

archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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 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.

9 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 (referred to in PPS23 as a validation 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.

10 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 in accordance with the requirements of condition 7 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition no. 10 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 no. 9

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.

11 A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 5 years, 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.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11.'

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

12 On completion of the works but prior to any occupation of the approved residential 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 40dBLAeq,T for living rooms and bedrooms. For bedrooms at night individual noise events (measured with F time-weighting) shall not (normally) exceed 45dBLAmax.

Reason: To protect residents from external noise nuisance

13 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 excavation of all significant deposits and features which are to be disturbed by the proposed development, and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation. Thereafter the building works shall incorporate any building techniques and measures necessary to mitigate the loss or destruction of any further archaeological remains.

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

14 No development shall take place within the site (including any site clearance or demolition works) until the applicant, or their agents or successors in title, has produced detailed drawings of all underground works, including foundations, drainage and those of statutory undertakers, which have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the location, extent and depth of all excavations and these works shall be carried out and completed in accordance with details as approved.

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

15 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.

16 Prior to occupation of the dwellings the access, parking and turning areas 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. These areas shall be kept clear of obstruction and shall not be used other than for the access, parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety.

17 Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

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

Reason: In the interests of sustainable development.

PLANS LIST: To be included based on revised plans.

Item No: 05
Application No: 11/03843/OUT
Site Location: Fairash Poultry Farm, Compton Martin Road, West Harptree, Bristol



Ward: Mendip **Parish:** West Harptree **LB Grade:** N/A
Ward Members: Councillor T Warren

Application Type:	Outline Application
Proposal:	Erection of 7no. dwellings following demolition of existing poultry farm.
Constraints:	Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Water Source Areas,
Applicant:	Mr Peter Wood
Expiry Date:	22nd November 2011
Case Officer:	Alice Barnes

REPORT

REASONS FOR REPORTING THE APPLICATION TO COMMITTEE: The application is being brought to committee at the request of Councillor Tim Warren for the following reasons; The poultry houses are outdated and if the site was to be used as a poultry farm then replacement buildings would have to be constructed. The units cannot be rented as commercial buildings.

The application has been referred to the Chairman of the planning committee who has agreed that the application should be considered by the Development Control Committee as the site is considered to be in need of redevelopment and is close to the main road with a bus route.

DESCRIPTION OF SITE AND APPLICATION

The application site is located on the main A368 between the villages of West Harptree and Compton Martin. It is an agricultural site surrounded by some housing but is largely located within the open countryside. The site is located within the Mendip Area of Outstanding Natural Beauty.

The existing site is currently occupied by agricultural buildings which are of a high density within the site. The site is surrounded by a low fence and is adjacent to an existing crossroads. It is clearly visible from the streetscene and within long range views from the surrounding area. The site is bordered by the A368 to the south and is at the corner of an existing crossroads.

This is an application for the erection of 7 dwellings at fairash poultry farm. This is an outline application with all matters reserved, but the applicant has submitted an indicative layout of the proposed development. The indicative layout shows the provision of 7 houses arranged around a cul-de-sac. The proposed housing would be accessed from the A368. The plans include approximate heights of the proposed buildings. The dwellings are proposed to range from 9m to 11m in height. This suggests that the buildings will range from between 2 and 3 stories in height.

RELEVANT PLANNING HISTORY:

09/01216/FUL - Change of use of poultry buildings to business (Use Class B1, B2 and B8), withdrawn 13/05/2009
4105/F - Erection of an extension to an existing battery chicken house, permission 5/06/1981
4105/G - Erection of an extension for a new battery chicken house for egg production, permission 18/08/1981

4105/J - Erection of an extension for a new battery chicken house for egg production, permission 23/11/1981

4105/K - Extensions and alterations, permission 09/05/1991

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

HIGHWAYS: Objection. The site access is located off the A368, close to a cross roads junction, and on a section of carriageway which is subject to a 40mph speed limit. The road is also winding and has undulations in the alignment, such that visibility is restricted.

The visibility from the point of access is restricted to the north-west by the boundary hedge to Fairash Bungalow, and the application site excludes any further land to secure any improvements.

The site falls outside of the defined Housing Development Boundary, and therefore the development of this site for housing would be contrary to Policy.

The site is located remote from the village, and its local services, and there are no footways leading from the village to the site, to provide for any pedestrian movements. The site would therefore be heavily reliant on the private car as a main mode of travel, which is contrary to national and local policies. Therefore the application should be refused.

HOUSING: Support. The council will seek 35% of the total dwellings on site for affordable housing.

ENVIRONMENTAL HEALTH: The environmental health officer has requested that the applicant submit a noise assessment as the site is likely to be significantly affected by road traffic noise. Should the assessment fall within NEC C or D then refusal would be recommended.

A noise assessment has been submitted stating the site falls within NEC B and the further commented received by the environmental health officer will be reported within the update report.

CONTAMINATED LAND: Due to the sensitive nature of the site conditions should be attached requiring a desk study and the reporting of unexpected contamination.

HIGHWAYS DRAINAGE: The applicant's proposal is locate outside of the flood zones. The applicant has indicated that surface water will be disposed of via soakaways. Ground conditions should be established and infiltration testing carried out to ensure soakaways are a feasible drainage option. If not, an alternative drainage methodology should be approved before use.

COMPTON MARTIN PARISH COUNCIL: Object in principle. Whilst the site is part of West Harptree parish it is close to Compton Martin parish. There is no need for an isolated settlement where access is along a busy A road which does not have a verge to walk along. This will result in increased traffic movements at a busy and dangerous crossroads. The application is outside of local plan policy. A scheme to realign the road was

considered some years ago and any development should include a section 106 to implement the scheme.

WEST HARPTREE PARISH COUNCIL: No objection to the development but could this opportunity be used to look at the safety of this dangerous junction (fairash crossroads).

COUNCILLOR TIM WARREN: The farm is no longer financially viable and the alternative would be to keep the site vacant. The buildings have been advertised for commercial use without success. The only credible alternative is housing.

REPRESENTATIONS: One representation has been received objecting to the application for the following reasons;

- The proposed buildings will be higher than the existing buildings, blocking the view to nearby properties.
- The road access is not suitable for the amount of traffic generated by seven dwellings.
- There is no pavement access to nearby villages.
- There has never been any visible advertisement that the property was 'up for rental or for sale' since 2009.
- Two representations have been received in support of the application for the following reasons;
- The proposed development will enhance neighbouring properties.
- Concern is raised over the access to the property.
- Comments have also been received raising the question;
- What is the proposed boundary treatment?

POLICIES/LEGISLATION

BATH & NORTH EAST SOMERSET LOCAL PLAN INCLUDING MINERALS AND WASTE POLICES - ADOPTED OCTOBER 2007: Polices D.2 and D.4 relate to the impact of the development on the character of the area. Policies T.24 and T.26 set out highway safety and parking requirements. Policy HG.10 relates to housing outside settlements. Policy Ne.2 relates to developments which relates to the impact of development on the area of outstanding natural beauty. Policy Ne.1 relates to the impact on landscape character. Policy ET.7 relates to the use of agricultural land. Policy HG.9 relates to affordable housing on rural exception sites.

SUBMISSION CORE STRATEGY, MAY 2011

Bath and North East Somerset Submission Core Strategy (May 2011) is out at inspection stage and therefore will only be given limited weight for development management purposes. The following policies should be considered:

CP6 - Environmental Quality

NATIONAL POLICY:

Planning Policy Statement 1 (PPS1): Delivering Sustainable Development

Planning Policy Statement 3 (PPS3): Housing

Planning Policy Statement 7 (PPS7): Sustainable development in rural areas.

Planning Policy Guidance 13 (PPG13): Transport

Draft National Planning Policy Framework - This document is a draft document currently under consultation and is given very limited weight at this stage.

OFFICER ASSESSMENT

PRINCIPLE OF PROPOSED DEVELOPMENT: This is an application for outline permission with all matters reserved. The application site is located between the villages of Compton Martin and West Harptree. The application site is therefore located outside the housing development boundaries of the two villages. The site is not closely connected to the two villages and is located within the open countryside. Policies HG.4 and HG.6 seek to restrict new housing developments to within settlements with adequate facilities to sustain further growth without increasing unsustainable transport movements. Therefore the principle of development is not accepted.

Policy HG.10 of the local plan relates to housing outside settlements. The policy states that housing developments will not be permitted unless they are essential for agricultural or forestry workers. In this case the proposed dwellings are market housing and would not be used for this purpose. Therefore the proposed development does not comply with this policy.

The applicant has provided a marketing report to show that the site is no longer viable as an agricultural site. The report states that the existing buildings can no longer be used as they do not satisfy modern agricultural standards. The site was marketed for a range of commercial uses including office use and holiday lets. There was a limited response to the advertising. The buildings on the site appear best suited to agriculture. Such a report does not outweigh the fact that the application does not comply with the housing policies within the local plan or the emerging core strategy.

Policy HG.9 relates to rural exception sites whereby exceptions to housing policy can be made if 100% affordable housing is being proposed. This has not been proposed in this application therefore the proposal does not comply with policy HG.9.

PPS7 seeks to locate new development close to existing service centres. It also states that if existing agricultural buildings are proposed to be replaced with new housing then this should be treated as a new housing development. PPS 3 also states that new housing development should be located close to existing community facilities and services. Therefore the proposed development is not considered to comply with national policy.

HIGHWAYS: The highways officer has objected to the application. The site is located on a busy main road between West Harptree and Compton Martin and there is no pavement access to either village centre. Therefore occupiers of the site would be heavily reliant on private cars to reach local shops and services.

The site access is located off the A368, close to a cross roads junction, and on a section of carriageway which is subject to a 40mph speed limit. The road is also winding and has undulations in the alignment, such that visibility is restricted. The visibility from the point of access is restricted to the north-west by the boundary hedge to Fairash Bungalow, and the application site excludes any further land to secure any improvements. Therefore it does not appear that improving the visibility splay is within the applicant's control.

Whilst there is a bus stop close to the site there is no pavement access to the site from the bus stop and accessing the bus stop would include crossing a busy road. Services to the

bus stop run less than hourly Monday to Saturday therefore this is not considered to offer a viable alternative to car travel.

AREA OF OUTSTANDING NATURAL BEAUTY AND LANDSCAPE IMPACT: Whilst this is an application for outline permission the applicant has submitted an indicative layout of the proposed site and given an indication of the heights of the proposed buildings. The proposed development will likely represent an increase in height from the existing buildings. The proposed development being located within the open countryside is likely to be visually prominent within the landscape. Whilst it is common to view agricultural buildings within the open landscape a housing development would appear at odds with the open rural character of the area.

The existing buildings range between are single storey buildings, but the site include food hoppers which are higher than the existing buildings. The proposed building would range between 9 and 11m in height. The increase in height will increase the prominence of the buildings from outside the site. For example when the site is approached from the north it is seen set against the Green hillsides of the Mendips. Therefore the proposed development is considered to be harmful to the character of the surrounding area of outstanding natural beauty. Policy Ne.2 states that development which adversely affects the natural beauty of the landscape of the designated Area of Outstanding Natural Beauty will not be permitted. Therefore the proposed development does not comply with policy Ne.2.

Policy Ne.1 seeks to protect landscape character. The policy states that development that does not either conserve or enhance the character and local distinctiveness of the landscape will not be permitted. For the reasons outlined above the proposed development is considered to be contrary to policy Ne.1.

AMENITY: The environmental health officer has requested a noise assessment. They have commented that should the assessment class the site in noise category C or D then refusal would be recommended. This is because the proposed development would cause harm to the amenity of potential occupiers of the site through unwanted traffic noise. The applicant has submitted a noise assessment stating the site is within noise category B. This assessment is currently awaiting further comments from the Environmental Health Officer and these will be included in the update report.

The existing site is located adjacent to the residential property of Fairash Bungalow. The existing property being currently located adjacent to a farm is likely to result in a reduction in noise levels from a proposed housing estate. As this is an outline application no elevations have been submitted. Therefore it is not possible to fully assess the impact of overlooking from the proposed dwellings onto Fairash Bungalow. It would appear from the indicative layout that the closest dwelling being plot 1 is approximately 20m from Fairash Bungalow. It is unlikely that the proposed development would harm the amenity of Fairash Bungalow from overlooking.

OTHER MATTERS: The housing officer commented in support of the application and has requested that the council will seek 35% of the total dwellings on site for affordable housing. The applicant has not proposed to provide affordable housing. Policy HG.8 within the local plan relates to affordable housing, it seeks to provide affordable housing within

settlements. In this case the site is located outside any settlements and would not fall within the requirements for affordable housing.

CONCLUSION

The principle of the proposed development is not accepted as it does not comply with policies set out within the local plan or the emerging core strategy in respect of new housing. The proposed development is considered to result in an increase in vehicle movements as the site is not connected to existing settlements and is considered to be in an unsustainable location. The proposed development is set within the open countryside and would be harmful to the rural appearance of the area of outstanding natural beauty. Therefore the proposed development is recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

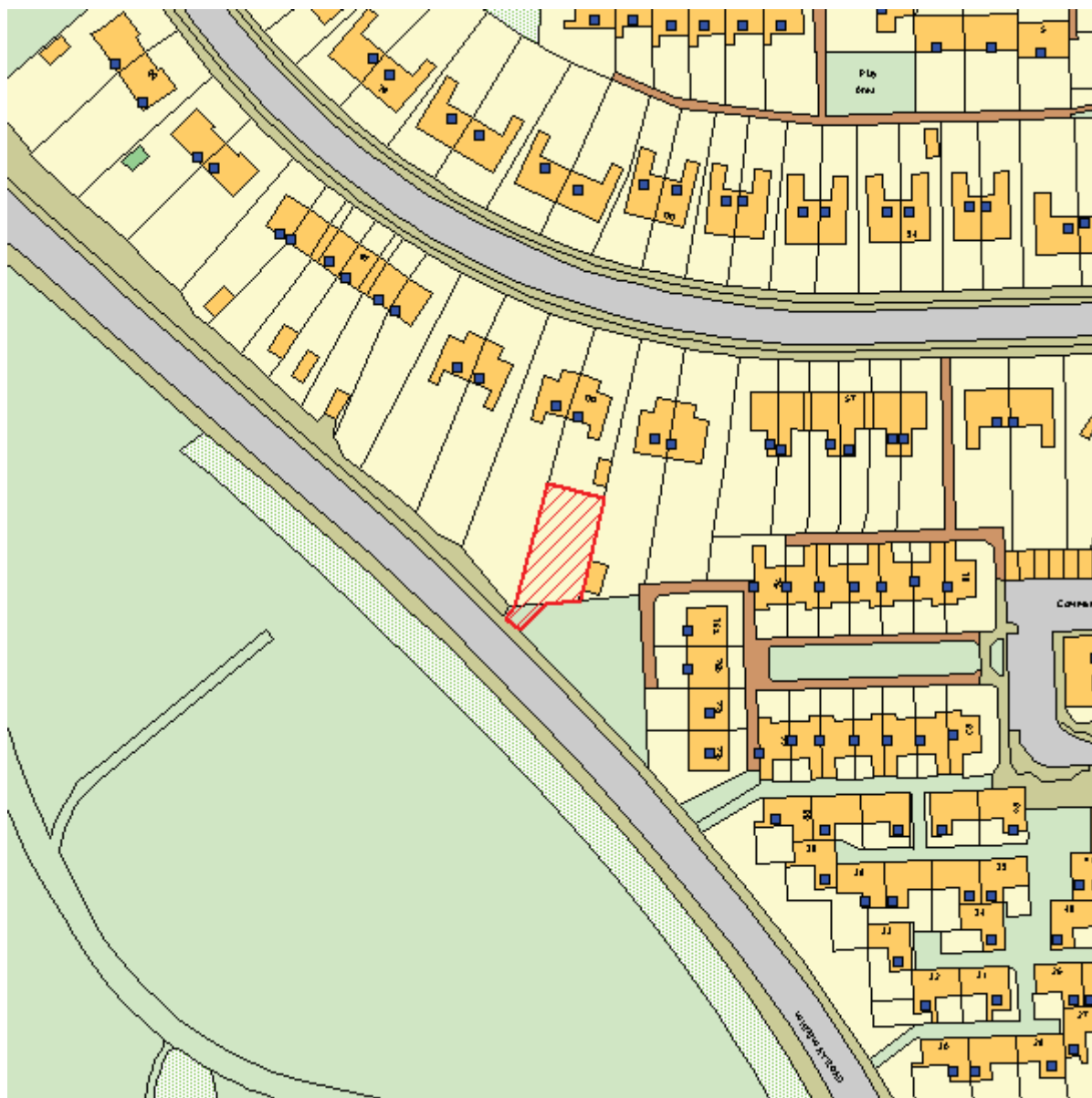
1 The proposed development has been located outside of the housing development boundary, remote from existing settlements and poorly served by public transport. The housing will not be used for either forestry or agriculture. The proposed development is therefore contrary to policy HG.10 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007. Planning Policy Statement 7 (PPS7) and Planning Policy Statement 3 (PPS3).

2 The proposal is located remote from services, employment opportunities and is not well served by public transport. It is contrary to the key aims of Planning Policy Guidance Note 13 which seeks to reduce growth in the length and number of motorised journeys. The proposal is therefore contrary to policy T.24 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007

3 The provision of housing within the open countryside will harm the natural beauty of the surrounding Mendip Area of Outstanding Natural Beauty. The proposed is therefore contrary to policies Ne.1 and Ne.2 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007

PLANS LIST: Existing and proposed site plan layouts, 3832/101, rev A, date stamped 27th September 2011

Item No: 06
Application No: 11/03987/OUT
Site Location: 69 Haycombe Drive, Southdown, Bath, Bath And North East Somerset



Ward: Southdown **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor P N Crossley Councillor D M Romero
Application Type: Outline Application
Proposal: Erection of a detached 2 storey dwelling on land to the rear of 69 Haycombe Drive
Constraints: Agric Land Class 3b,4,5, Forest of Avon, Hotspring Protection, World Heritage Site,
Applicant: Mr & Mrs David and Elizabeth Bates
Expiry Date: 12th January 2012
Case Officer: Richard Stott

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

The Application was request to be presented to the Committee by Cllr Romero and Cllr Crossley as local ward members who have raised concerns relating to access and amenity. The application was referred to Cllr Curran on the 25th October 2011 under the approved Scheme of Delegation who echoed the concerns relating to the access and agreed for the application to be presented to the Committee

COMMITTEE UPDATE

This application was scheduled for the November 2011 Committee however was deferred to the December Committee when it emerged that the applicant did not own the strip of land fronting the application site and the wrong application certificate had been signed.

The applicant has confirmed that whilst they do not own the strip of land in question (fronting the site) they have a legal right of access over the land onto their site as set out in their Title Deeds. Further to this, the applicant served notice on the land owner, Somer Community Housing Trust on the 17th November and as such the application file is considered to be in order.

In respect of the application at hand, the question of land ownership and rights of access raised during the course of this application has not affected the recommendation as set out in the following report however it is recommended that a Section 106 agreement is made in respect of securing the access so the strip of land, outside the applicant's control, is appropriately surfaced prior to the construction of a dwelling.

DESCRIPTION OF SITE AND APPLICATION:

Outline permission is sought for the erection of a detached 2 storey dwelling on land to the rear of 69 Haycombe Drive. This outline application seeks to establish whether the principle of development on this site is acceptable and seeks approval for the access only - details of the appearance, landscaping, layout and scale are all reserved and therefore do not form part of this application.

This application relates to a site situated on land to the rear of 69 Haycombe Drive on the southern fringe of Bath, the site is located within the Bath urban area and the World Heritage Site. The Bath/Bristol green belt bounds the opposite side of Whiteway Road, although the site is not within the green belt.

The plot of land was formerly within the curtilage of number 69, a mid-1960s semi-detached dwelling, however was sub-divided to create a separate plot measuring 21m x 10.5m whilst retaining a rear garden for 69 of 11.5m in length. The site benefits from independent vehicular access and a dropped curb which was installed following approval by the Highway Maintenance Department in January 2009.

To the north of the site are the 1960s semi-detached dwellings fronting Haycombe Drive, these are simply designed two storey dwellings in reconstituted Bath Stone under concrete double roman tiled hipped roofs benefiting from long rear gardens fronting Whiteway Road. To the east of the site, at a distance of c.20m and screened behind a belt of mature trees, is Blagdon Park, a mid to late twentieth century development comprised of two storey terraces surrounded by small terraces of bungalows. The southern edge of the proposed development site is in line with the northern corner of 76a Blagdon Park and

the side (blank) elevation of 76 Blagdon Park. To the south and west of the site on the opposite side of Whiteway Road is Haycombe Cemetery.

The application site itself is currently a derelict plot however benefits from a dropped curb access (approved by Highway maintenance in January 2009), adjacent to the site (to the north east) are dropped curbed accesses serving the rears of 71, 73 and 75, whilst to the rear of 77 is a detached garage exiting onto Whiteway Road. Whilst the site has highways approval for the dropped curb, there is no record of a planning consent for the formation of an access onto the classified road however if approved, this application will regularise this situation.

RELEVANT PLANNING HISTORY:

Pre-application advice was sought prior to the submission of this application offering confirmation of the suitability of the site for development in general planning terms and confirming with the highway officer that the access arrangements and visibility splays are acceptable and to the current standards.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

CLLR CROSSLEY: Object:

- The access to Whiteway Road is the only exit for this application and as the Whiteway Road is very busy this poses a Highways hazard.
- The application represents a loss of amenity for 69 and 71
- It represents the first back garden infill in the Haycombe Drive Estate and as such spoils the vernacular of the design of the Drive and poses a serious precedent for the estate as a whole.
- There is some local dispute as to whether the applicant actually owns the land that links the garden to the road and it is felt that this patch belongs to Somer Housing and fits with the triangle of trees that is just there.

CLLR ROMERO: Object:

- Concern about the access - this will be the sole access to the property.
- The dropped kerb has been put in in advance of this application but may have been put in without express permission by Highways.
- Concern that the proposal puts the house at the top end of the garden very close to the existing property; this would mean a loss of amenity especially of privacy.

HIGHWAY DEVELOPMENT OFFICER: No Objection:

- There is no objection to a residential development at this location which is accessible and convenient to local shops, schools, public transport etc.
- A vehicular access exists at this location already and is of an appropriate width, and has suitable levels of visibility to serve a single dwelling.
- Two parking spaces are considered adequate for a dwelling of this size, at this location, and the proposed is consistent with Local Plan guidance.
- The existing dwelling has separate parking available directly from Haycombe Drive
- Recommend conditions relating to the surface treatment and allocated parking and turning area.

ENVIRONMENTAL HEALTH OFFICER: Comments:

The application should be conditioned to require the submission of an assessment from a competent person to determine into which Noise Exposure Category in PPG24 the development falls and that sound attenuation measures should be installed to ensure the future residents are not disturbed by external noise from Road Traffic.

OTHER REPRESENTATIONS / THIRD PARTIES

BATH PRESERVATION TRUST: Comments:

- No objection to small bungalow provided access is available. Object to a 2 storey house on the grounds of being over development and creating overlooking.

2X LOCAL RESIDENTS: Object:

- Loss of amenity through overlooking and intervisibility
- Poor access, the plot of land does not extend to the highway.
- Poor visibility requiring the removal of more trees and bushes on site
- Catalyst for garden grabbing.

POLICIES/LEGISLATION

Legal Framework

Town and Country Planning Act, 1990

BATH & NORTH EAST SOMERSET LOCAL PLAN INCLUDING MINERALS AND WASTE POLICIES ADOPTED FOR OCTOBER 2007

D.2 General Design and Public Realm Consideration

D.4 Townscape Consideration

HG.4 Residential Development in Urban Areas

GB.2 Visual Amenities of the Green Belt

BH.1 World Heritage Site

T.24 Access

T.26 Parking

SUBMISSION CORE STRATEGY, MAY 2011 (The submission core strategy is a key material consideration but at this stage it has limited weight)

B1 Bath Spatial Strategy

B4 World Heritage Site

Policies D.2, D.4, GB.2, T.24 and T.26 of the adopted Local Plan are saved policies.

National Policy

PPS.3 Housing

PPG.13 Transport

Draft National Planning Policy Framework

Due consideration is given to the Draft National Planning Policy Framework, July 2011, however at present this carries little weight and in this case it proposes little change to the aspects of local and national policy that are relevant to this decision.

OFFICER ASSESSMENT

PRINCIPLE OF PROPOSED DEVELOPMENT: In consideration of the siting of a residential unit on this site the principle is deemed acceptable and in accordance with policy. Local Plan Policy HG.4 states that development within the built up area of Bath will

be permitted provided the proposal is appropriate to the scale of the settlement in terms of the availability of facilities and employment opportunities and accessibility to public transport, in this regard the site is deemed acceptable for development as it is within a sustainable urban location. In respect of the national policy context, PPS.3 encourages the efficient reuse of land however makes it clear that new developments should reflect the prevailing grain and characteristics of the surrounding area. It is worth noting that in the revision to PPS.3 in June 2011 the Government redefined previously developed land to exclude the curtilage of private dwellings and whilst this means that there is no longer a presumption in favour of developing sites such as this, equally there is no presumption against such sites. The implication of this change in national policy for applications such as this is that each must be assessed on its own individual merits rather than relying on the previous presumption in favour of allowing development. Notwithstanding this redefinition by the Government, it is considered that the site is still in accordance with the prevailing local policy and is deemed to be suitable for development due to its sustainable location, in this regard, and as will be explored later in this report, the proposed is not considered to be contrary to PPS.3.

It is noted that this application is for outline permission only, and whilst the specific details of the siting and design are reserved (i.e. not for consideration at this stage) the principle of development is considered against the characteristics of the immediate area. As stated in the preamble to this application, the development will be viewed against the backdrop of the two storey dwellings to the north (fronting Haycombe Drive) and the single storey bungalows situated to the east (fronting Blagdon Park). Following the advice given at the pre-application stage, a copy of which is provided in the Design and Access Statement, the application indicates the siting of a detached 2 storey chalet style dwelling with the second storey set into the roof space. Whilst the specific details of the design are not being considered at this stage, the approach indicated in the application is considered to be acceptable as such a dwelling would be viewed as a transition between the aforementioned single storey and two storey dwellings surrounding. There is ample space available on the plot and the dwelling would not conflict with the surrounding context. Subject to conditions relating to the height and style of the dwelling as well as it being constructed in appropriate and sympathetic materials it is considered that a single dwelling on this site would be appropriate to the scale of the wider area.

Objections have been raised in respect of the implications that the development of this site could have on the surrounding plots with concern expressed that this application could be the catalyst for future similar developments. It must however be stressed that this is not a material planning consideration and could not be used to justify a refusal of this application, each application is judged on its own merits and should not be influenced by the potential of future developments. To this end, whilst the comments received are noted, they are considered to be irrelevant in the determination of this application.

In addition to the above, objections have been raised in respect of the impact the proposed would have on the residential amenity of the adjacent residents. Whilst this issue is difficult to fully assess at this stage given that this is an outline application with the details of the siting and the appearance (i.e. fenestration arrangements) being reserved, it is nonetheless possible to judge how a new unit on this site could impact on the surrounding dwellings. As set out in the preamble the application plot measures 21m x 10.5m set 11.5m from the rear of numbers 67, 69, 71 Haycombe Drive. These houses are the closest affected dwellings however they are considered to be at a sufficient distance

away so that overshadowing and a general sense of encroachment should not be overly detrimental. Subject to careful consideration of the fenestration arrangements at the reserved matters stage overlooking could be avoided through careful design, however is not possible to fully evaluate this issue with this application. The impact on numbers 65 and 73 Haycombe Drive should be minimal due to their distance from the plot. To the east of the site are the bungalow terraces of Blagdon Park however these are set at a distance of c.20m and screened behind a belt of mature trees. The southern edge of the proposed development site is in line with the northern corner of 76a Blagdon Park and the side (blank) elevation of 76 Blagdon Park meaning that the site, in addition to being screened by the trees, will be set in a position that will not directly overlook the application site. On balance, it is unlikely that the development of this site would detrimentally harm the amenity of the surrounding properties however in the interest on maintaining control over the future development of this site, and in the interest of amenity it is recommended that permitted development rights are removed for extensions and outbuildings.

Overall, for the reasons set out above, it is considered that the siting of a single dwelling on this plot would be acceptable and would not compromise the setting of the Bath World Heritage Site. Having considered the impact on the openness of the adjacent green belt, given the site would be viewed against the backdrop of urban development the siting of an additional dwelling on this plot would have little or no impact on the wider open landscape.

PLANNING OFFICER ASSESSMENT OF HIGHWAY ISSUES: The crux of this application relates to the access arrangements in respect of the highway safety for both users of the site and users of Whiteway Road. Access is the single element of this scheme that is under consideration as all other matters are reserved for later consideration, however it is also the key area of objection and the reason the case is being presented to the Committee.

At the pre-application stage the applicant had proposed two 2 bed semi-detached properties however this was considered to be an overdevelopment of the site with insufficient room to turn on site and representing an intensification of the use of the access. In response to the dialogue with the highway development officer the application as submitted has been revised to reflect the comments of the highway officer and offers a single detached dwelling only with allocated space for two parking bays, the submitted plans show the bays as being orientated perpendicular to the eastern boundary retaining sufficient space on site to turn.

In response to this application, the highway development officer has confirmed that the provision of two parking spaces would be sufficient to serve a single 3-4 bed dwelling, and is consistent with the guidance set out in the Bath and North East Somerset Local Plan. In light of the indicative parking arrangements and provision on site for the scale of the dwelling proposed this application is deemed to be in accordance with policy T.26 of the Local Plan.

Turning to the concerns raised in respect of highway safety it is noted that the majority of the properties fronting Haycombe Drive with back gardens fronting Whiteway Road already benefit from well used rear access, parking and in some instances garages, indeed, as stated this site already has an access that, subject to regularisation, could be used to serve the site. In this regard access on to Whiteway Road from the rear of these properties is already well established, and whilst it is noted that the Whiteway Road is a

heavily used route, the visibility available for vehicles exiting the site is more than adequate.

In terms of the standards for visibility, Manual for Streets recommends a minimum visibility splay for an access onto a 30mph road as being 43m clear line of sight from a point set 2.4m back from the carriageway in both directions. For clarification, at the point 2.4m back from the carriageway on this site, there is clear visibility to the right for in excess of 100m and to the left, in excess of 70m, this is clearly well above the aforementioned minimum standards. Whilst it is acknowledged that the figure of 43m relates to a 30mph speed limit given the character of this road vehicles are prone to speeding, looking again at Manual for Streets it gives a stopping sight distance of 56m for cars travelling at 37mph and therefore it is concluded that even at speeds above the legal limit, there is still more than adequate visibility.

By way of further clarification of the issue of highway safety the Highway Officer has provided information relating to casualty accidents along Whiteway Road between the junctions of Poolemead Road and The Hollow (i.e. covering the section of road onto which this site exits). In the past three years there have been two recorded accidents in this area however both of these occurred at the junction of Poolemead Road involving vehicles manoeuvring from the junction. There have been no recorded incidents on the stretch of road to the rear of this application site or involving vehicles exiting the plethora of existing accesses in this area.

Overall, whilst the objections raised in respect of highway safety are noted, on balance they are not deemed sufficient enough to be upheld. To summarise the facts, firstly, there are already multiple accesses in existence serving the properties fronting Haycombe Drive which exit onto Whiteway Road, including one serving the application site; secondly, in the event that this application were to be refused, subject to regularisation, the existing access could be used to serve the site thus resulting in a net increase in traffic existing onto Whiteway; thirdly, there is more than adequate visibility in both directions for vehicles exiting the site, certainly well in excess of the minimum standards as set out in Manual for Streets; finally, in the past three years there have been no associated incidents along this section of road.

Having considered the above facts in respect of this application it is concluded that the provision of a single dwelling on this site will not adversely prejudice the safety of highway users, in accordance with Policy T.24 of the Local Plan and it would therefore be difficult to substantiate a refusal on this issue.

It is noted that whilst the site benefits from highways consent for the dropped kerb access, a planning application would have been required as the site exits onto a classified highway. In consideration of this application, if permission is granted this will retrospectively approve the access. This is not considered to be an issue as the access in this location is deemed to be acceptable and the highway development officer has raised no objection.

CONCLUSION:

Having assessed this application for outline permission against the characteristics of the site and in consideration of the third party comments received, as has been set out in the above report it is considered that the principle of development in this location is

acceptable and in accordance with policy and the impact on highway safety would be negligible. In light of the aforementioned observations it is recommended that this outline application be approved in respect of the principle of development and access and subject to the submission of an application for reserved matters to address the appearance, landscaping, layout and scale. It is recommended that conditions are attached relating to the surface treatment of the access and the retention of the parking bays and also in the interest of the size of development on the site and the amenity of adjoining neighbours, it is recommended that permitted development rights for extension and alterations are removed.

RECOMMENDATION

PERMIT with condition(s)

CONDITIONS

1 The development hereby approved shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the latest.

Reason: As required by Section 92 of the Town and Country Planning Act (as amended), and to avoid the accumulation of unimplemented planning permissions.

2 Approval of the details of the (a) layout, (b) scale, (c) appearance, and the (d) landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority before any development is commenced.

Reason: This is an outline planning permission and these matters have been reserved for the subsequent approval of the Local Planning Authority under the provisions of Section 92 of the Town and Country Planning Act (as amended) and Articles 1 and 3 of the General Development Procedure Order 1995 (as amended).

3 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: As required by Section 92 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.

4 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 extension, external alteration or enlargement of the dwelling(s) or other buildings hereby approved shall be carried out unless a further planning permission has been granted by the Local Planning Authority.

Reason: Any further extensions require detailed consideration by the Local Planning Authority to safeguard the amenities of the surrounding area.

5 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 garages or other free standing buildings shall be erected within

the curtilage of the dwelling(s) hereby approved, other than those expressly authorised by this permission, unless a further planning permission has been granted by the Local Planning Authority.

Reason: The introduction of further curtilage buildings requires detailed consideration by the Local Planning Authority to safeguard the appearance of the development and the amenities of the surrounding area.

6 Before the dwelling hereby approved is first occupied, a properly bound and compacted access (not loose stone or gravel) shall be constructed, details of which shall have been submitted to and approved by the Local Planning Authority.

Reason: In the interests of highway safety.

7 Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

8 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 road safety.

9 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 30dBLAeq, T for living rooms and bedrooms. For bedrooms at night individual noise events (measured with F time-weighting) shall not (normally) exceed 45dBLAmax.

Reason: In the interest of the residential amenity of the future occupiers

10 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: This decision relates to the Design and Access Statement, Site Location Plan and drawings 1023/01 and 1023/03 date stamped 13th September 2011.

REASONS FOR GRANTING APPROVAL

1. The decision to grant approval has taken account of the Development Plan, relevant emerging Local Plans and approved Supplementary Planning Guidance. This is in accordance with the policies set out below at A.

2. All other material considerations, including the views of third parties, have been considered and they do not outweigh the reasons for approving the proposed development.

3. The proposed siting of a dwelling on this site would be acceptable in this sustainable location being proportionate to the size, scale and grain of the surrounding area would not adversely harm residential amenity or the setting of the wider World Heritage Site. The proposed is deemed to be in accordance with the prevailing local and national policies.

4. The development of this site will maintain an acceptable level of off street parking and the site access is of an adequate size offering more than sufficient visibility so as not to prejudice the safety of highway users.

A

Legal Framework

Town and Country Planning Act, 1990

Local Policy:

BATH & NORTH EAST SOMERSET LOCAL PLAN INCLUDING MINERALS AND WASTE POLICIES ADOPTED FOR OCTOBER 2007

D.2 General Design and Public Realm Consideration

D.4 Townscape Consideration

HG.4 Residential Development in Urban Areas

GB.2 Visual Amenities of the Green Belt

BH.1 World Heritage Site

T.24 Access

T.26 Parking

SUBMISSION CORE STRATEGY, MAY 2011 (The submission core strategy is a key material consideration but at this stage it has limited weight)

B1 Bath Spatial Strategy

B4 World Heritage Site

Policies D.2, D.4, GB.2, T.24 and T.26 of the adopted Local Plan are saved policies.

National Policy

PPS.3 Housing

PPG.13 Transport

Draft National Planning Policy Framework

Due consideration is given to the Draft National Planning Policy Framework, July 2011, however at present this carries little weight and in this case it proposes little change to the aspects of local and national policy that are relevant to this decision.

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