

Bath & North East Somerset Council

MEETING: **Development Control Committee**

MEETING DATE: **6th June 2012**

AGENDA
ITEM
NUMBER

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

TITLE: **APPLICATIONS FOR PLANNING PERMISSION**

WARDS: ALL

BACKGROUND PAPERS:

AN OPEN PUBLIC ITEM

BACKGROUND PAPERS

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

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

The following notes are for information only:-

- [1] "Background Papers" are defined in the Local Government (Access to Information) Act 1985 do not include those disclosing "Exempt" or "Confidential Information" within the meaning of that Act. There may be, therefore, other papers relevant to an

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

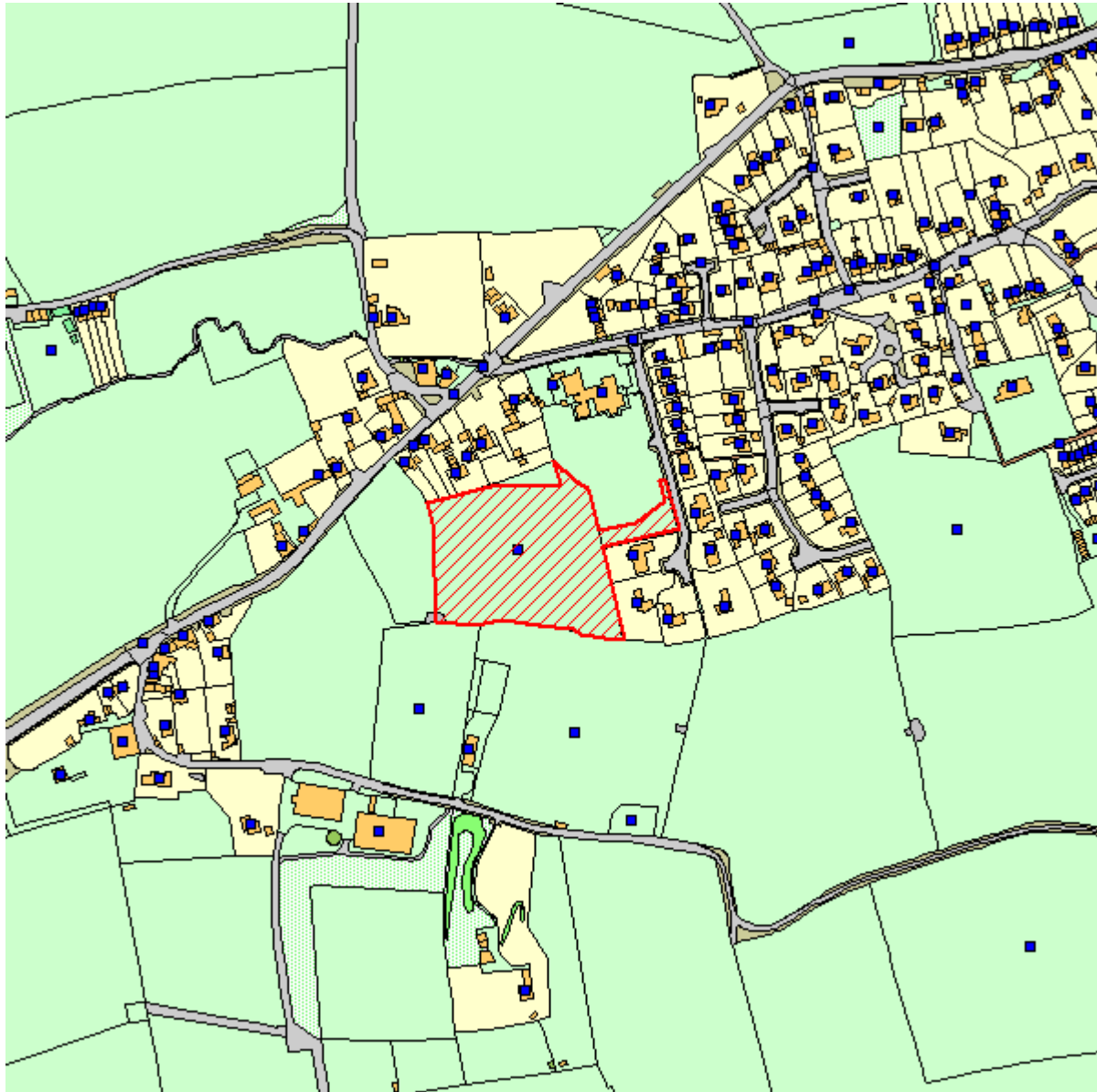
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting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

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ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	12/00722/OUT 13 June 2012	Blue Cedar Homes Land Rear Of Holly Farm, Brookside Drive, Farmborough, Bath, BA2 0AY Residential development comprising 35 dwellings with associated access, car parking and landscaping (Resubmission)	Farmborough	Tessa Hampden	PERMIT
02	12/00558/FUL 24 April 2012	Excel Tennis Ltd Bowling Green And Tennis Courts, Royal Avenue, City Centre, Bath, Erection of temporary ice rink 23rd November - 7th January for five consecutive years 2012/3 - 2017/8.	Kingsmead	Tessa Hampden	PERMIT
03	12/00426/FUL 16 April 2012	Mr Richard Curry Parcel 1100, Compton Martin Road, West Harptree, Bristol, BS40 6EQ Change of use of land from agricultural (Sui Generis) to the keeping of horses (Sui Generis) and erection of stables and formation of replacement access and track.	Mendip	Tessa Hampden	PERMIT
04	12/00107/FUL 7 March 2012	Oval Estates (Bath) Limited Designer Composites, Fosseyway, Westfield, Midsomer Norton, Radstock Erection of 4no. four bed detached dwellings, 2no. two bed detached dwellings and 1no. three bedroom detached dwelling following demolition of existing industrial buildings.	Westfield	Rebecca Roberts	PERMIT
05	12/01627/FUL 20 June 2012	Mr B Pollock 17 Lockingwell Road, Keynsham, Bristol, Bath And North East Somerset, BS31 2HG Erection of a two storey side and single storey side/rear extension (Resubmission)	Keynsham North	Jonathan Fletcher	Delegate to PERMIT

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

Item No: 01
Application No: 12/00722/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 35 dwellings with associated access, car parking and landscaping (Resubmission)
Constraints:	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenfield site, Housing Development Boundary, Public Right of Way, Safeguarded Land,
Applicant:	Blue Cedar Homes
Expiry Date:	13th June 2012
Case Officer:	Tessa Hampden

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE

Cllr Sally Davis has requested that this application is heard at Planning Committee for the following reason: to allow members of the committee to show, who are familiar with the site following a site visit with the previous application, consistency & allow them to see if the reasons they gave for refusal linked to various planning policies regarding layout & access have been addressed. Sustainability and access remain controversial issues as the application represents nearly an increase of 8% in the housing stock in the village.

Further the Parish Council object to the planning application for the following reasons: - there is a substantial local opposition to these plans which is considered to be in opposition to the philosophy laid out in the NPPF, development would represent the overdevelopment of the site, highway safety matters with regards to suitability of nearby junctions and access points near the school, and with regards to issues during the construction phase. Further concerns with the sustainability of the development, with the houses to be constructed in only the minimum building standards

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 the village of Farmborough. The land has previously been used for agricultural purposes. The site is bounded 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 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 identified in Local Plan Policy GB.4 as safeguarded land. The site is adjacent to the designated Bristol/Bath Green Belt.

The application seeks outline planning permission for residential development comprising 35 dwellings, with detailed approval being sought at this stage only 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 12 retirement cottages, 11 open market dwellings and 12 affordable homes.

Outline planning permission was refused by the Planning Committee on 20th December 2011 for the erection of 38 houses at this site. The reasons for refusal were as follows:

1 The proposed development, due to the number of dwellings proposed constitutes the overdevelopment of the site. The development is therefore considered to be contrary to policies D2 and D4 of the Bath and North East Somerset Local Plan (including minerals and waste) adopted October 2007.

2 The proposed development is located outside the Housing Development Boundary and as such is considered to be located in an unsustainable location. Further, the development is considered to have a detrimental impact upon highway safety due to the site being located close to the substandard junction of the A39 and the Street and due to the effect on parking in the surrounding area. The proposed development is therefore considered to be contrary to policies T24 and T26 of the Bath and North East Somerset Local Plan (including minerals and waste) adopted October 2007 and the key aims of PPG13.

The application has been resubmitted in an attempt to overcome these previous reasons for refusal.

RELEVANT PLANNING HISTORY

DC - 11/02432/OUT - REFUSED - 20 December 2011 - Residential development comprising 38 dwellings with associated access, car parking and landscaping.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Summary of Consultation/Representations:

Childrens' Services - a total contribution sought of £6,203.10

Sport England - No objection to the development subject to the inclusion of a condition

Urban Design - No objection subject to conditions - comments in line with previous application

Environment Agency - No objections subject to conditions

Wessex Water - analysed options put forward, and recognise that a number of the options may require access to third party land. Applicant advised to contact the development engineer to discuss the options above and to ensure that the layout of the on site sewers meet existing and imminent legislation

Arboricultural Officer - No objection subject to the inclusion of conditions and additional/updated information being submitted at reserved matters stage.

Strategic Housing - Support the application in principle subject to the issues of suitability being addressed in the full planning application and requests that the Housing Development Officer's recommendations should be included as Heads of Terms in the S106 Agreement

Ecology - No objections subject to condition

Planning Policy - The Council has a 5 year supply of deliverable housing sites including a 5% buffer and do not consider that a 20% buffer needs to be demonstrated. Brookside Drive forms part of the 5 year housing supply on account of the fact that it was identified as safeguarded land in the Local Plan for development beyond 2011 and can reasonably be expected to come forward before 2017. The Local Plan process established that Brookside Drive was the most sustainable site for development at Farmborough. Any review of that decision would likely result in the same conclusion subject to the provision of the village shop. The Core Strategy as a material consideration actively seeks to direct modest level of development to the most sustainable rural villages. A refusal would only serve to delay the development of this site until such time as a formal allocation was recommended to supersede its safeguarded status.

Highway Development - Given the outline nature of this planning application only the immediate point of access from Brookside Drive will be considered for detailed approval, and all internal access roads and driveways will be subject to further detailed approval if permission is granted on this outline application. 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.

The lack of a full range of local services within the village and the limitations in the public transport provision, would result in a heavy reliance in the use of the private car as a main mode of travel. although it is accepted that the site has been allocated as a safeguarded site for residential development. The applicants have demonstrated a commitment towards improving the sustainability of the village with assistance being offered towards the setting up of a local community shop and a contribution towards improvements to public transport.

Notes the concerns raised regarding the impact on the junction of The Street with the A39, and refer to the absence of personal injury accidents. This junction is not considered to be of an acceptable standard, but having regard to the level of development within the village, it would be difficult to argue that the proposed development would result in a material increase in the use of the junction.

Comments have also been made in respect of the concerns raised regarding the effect on existing parking, which seems to relate to the parking which takes place on Brookside Drive attributed mainly to the school. The control of such parking is within the Council's gift to restrict, if this is considered to cause highway safety problems, and therefore would not be a legitimate reason to object to the development.

It is recommend that any permission is withheld pending the completion of 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 £13,428.21 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.

It is also recommended that a number of conditions are attached to any permission granted.

Public Rights of Way Team - Public footpaths CL9/18 and CL9/21 run through the application site as shown in purple on the attached plan. The 'Concept Plan' shows these footpaths following a new alignment however a public right of way can only be diverted by legal order and the Council does not currently have the resources to process diversion applications. The development would obstruct the current legal line of the rights of way and the PROW Team therefore object to the application. If permission is granted despite this objection then a condition should be applied to the permission prohibiting any works being carried out on the line of the right of way prior to the path being legally diverted

Police - No objection but further information is requested at any full planning application

Farnborough Parish Council - Object to the planning application for the following reasons:
- there is a substantial local opposition to these plans which is considered to be in opposition to the philosophy laid out in the NPPF, development would represent the overdevelopment of the site, highway safety matters with regards to suitability of nearby junctions and access points near the school, and with regards to issues during the construction phase. Further concerns with the sustainability of the development, with the houses to be constructed in only the minimum building standards.

25 objection comments have been received (although it is noted that additional comments from the same households have also been received). Further a letter and petition signed by 127 residents has been received. The comments can be summarised as follows:

Overdevelopment of the site

Increase in car usage, and increased congestion around the A39 junction.

Community shop will not meet everyone's need

Lack of need for the development - large developments in nearby villages

Child safety

Drainage and impact upon trees

Rubbish/recycling

Distance from bus stops

Unsustainable location

Brownfield sites should be considered first

Local opposition to the development -contrary to the Localism Act

Accidents not recorded

Little change from refused application

Construction and lack of information on how this will be managed

Damage to school field through works relating to sewerage etc.
Development out of keeping with the surrounding area
Contrary to the Direction of the County Engineer and Surveyor, dated 26th October 1988, in which the development of Brookside Drive was restricted
Loss in value of existing properties
Can the school cope with the additional children_
Lack of parking and resultant issues
Loss of views
Noise disturbance
Access road in close proximity to bedroom window
Lack of facilities
Land swap inappropriate
Development out of keeping with rural character of the area
Overlooking and loss of privacy
Loss of landscaping for access road
Intrinsic value and beauty of the countryside
Arable use of land should not be changed
Emergency vehicular access
Impact upon listed buildings
Protected species
Density of development

POLICIES/LEGISLATION

The National Planning Policy Framework - March 2012

The Planning System: General Principles - 2005

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

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.3: 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, to meet demands for development beyond 2011. Policy GB.4 has been saved until its review through the Local Development Framework / Local Plan 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 not within the Green Belt.

The National Planning Policy Framework provides more detail on safeguarded land. This deals with defining the boundaries of safeguarded land. Of particular relevance is paragraph 85:

When defining boundaries, Local Authorities should, amongst other things, make it clear that safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development".

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. The Bath and North East Somerset Core Strategy was submitted to the Secretary of State for independent examination in May 2011 and is currently being examined by the Inspector. This means that the Core Strategy is a material consideration, albeit with limited weight at this stage.

Emerging policy identified Farmborough as a settlement capable of accommodating additional growth. Farmborough was identified as an RA1 Village within the Draft Core Strategy. However the informal changes to Policy RA1 removes the list of RA1 settlements. It is instead cited that there are a number of villages where access to facilities and public transport is best and there is capacity for development. These villages are now the focus for small scale development under Policy RA1.

The Housing Development Boundaries shown on the Proposals Map will also be reviewed as part of the Placemaking Plan to incorporate the sites identified in the Placemaking Plan. Residential development of an appropriate scale, character and appearance will be acceptable within the Housing Development Boundary provided the proposal is in

accordance with the spatial strategy for the District set out under policy DW1 and the village has a: at least 3 of the following key facilities within the village: post office, school, community meeting place and convenience shop, and b: at least a daily Monday-Saturday public transport service to main centres

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 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 letter has been submitted by a member of the committee in support of this. At the time of the last application it was thought that the location of the shop would be the village hall. However it does not appear that this location is now certain. However, given the level of work that has been undertaken, and the support shown for the local shop, it is considered reasonable to expect that this shop will come forward in the near future. Farmborough would therefore meet the criteria of an RA1 village. However to ensure that this comes forward before the development, it is considered necessary to ensure that a condition is added to any permission that ensures that planning permission is granted for a shop prior to the commencement of development on the residential scheme.

It is noted that the Parish Council do not support this application, and a level of local support has not been demonstrated. It should however be recognised that 'demonstration of local support' has been informally removed as a criteria from emerging policy RA1 of the Core Strategy. This change was suggested in response to the Inspector's concerns that the community support criterion in policy RA1 effectively acted as a veto on development and that the policy was therefore unsound.

The Core Strategy as a material consideration actively seeks to direct modest level of development to the most sustainable rural villages. 250 units need to be accommodated overall. 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 35 dwellings is greater than that envisaged in the Core Strategy, and this will be fully considered as part of the planning application process. It is however recognised that the land is identified in the Strategic Housing Land Availability Assessment (SHLAA) as having the potential for approximately 35 dwellings. Given this, there is no objection in principle to the number of dwellings proposed.

The position on safeguarded land is discussed above. The previous application discussed the issue of prematurity, although the NPPF appears to be silent on this issue. Prematurity is however discussed in the Planning System - General Principles. This guidance was not cancelled by the NPPF. Unlike that included in the cancelled PPS3, this guidance does

not state that Local Planning Authorities should not refuse applications solely on the grounds of prematurity. However, it follows the theme that a pragmatic approach to the application should be considered. It is not considered that any cumulative effect would be so significant, that granting permission could prejudice the DPD by predetermining decisions about the scale, location or phasing of new development which are being addressed in the policy in the DPD

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 avoided in this instance. This applies to this particular site due to the 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.

Notwithstanding the above, 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 is broadly in line with the NPPF and lists the criteria for which development is considered to be not inappropriate in the Green Belt. Point i lists 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
- c) uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- d) limited extensions, alterations or replacement of an existing dwelling provided it is in accordance with Policies HG.14 and HG.15;
- e) infilling in accordance with Policy HG.6 in the villages defined by Policy SC.1 as R3 villages;
- f) affordable housing to meet local needs in accordance with Policy HG.9; or
- g) 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 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 national guidance on refusing applications 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 that the Local Planning Authority 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 Council considers that it has a 5 year supply of deliverable housing sites i.e. a 5% buffer and do not consider that a 20% buffer (for persistent under delivery of housing numbers) needs to be demonstrated. However, this matter is still being examined by the Core Strategy Inspector.

The 5 year requirement is 3,170. Deliverable supply is 3,476 (5 years + 10%).

Brookside Drive forms part of the 5 year housing supply on account of the fact that it was identified as safeguarded land in the Local Plan for development beyond 2011 and can reasonably be expected to come forward before 2017. The Local Plan process established that Brookside Drive was the most sustainable site for development at Farmborough. Any review of that decision would likely result in the same conclusion. Nothing of a site specific nature has changed in the last 6 years.

LOSS OF PLAYING FIELD:

The main vehicular access to the site 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. There have been no objections from Sports England with regards to this development.

HIGHWAY SAFETY:

The previous planning application for 38 dwellings was partially refused on the grounds of being in an unsustainable location and due to the detrimental impact upon highway safety due to the site being located close to the sub standard junction of the A39 and the Street and due to the effect on parking in the surrounding area. This will be fully considered in the following section.

The Planning Statement cites that the internal access roads have been increased from the previous scheme, and would now be of 5.5m width, together with 2m footways/service margins on either side. 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 will require 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, as had been suggested through pre-application advice and indicated on the previous scheme.

The Transport Statement considers the accessibility of the site and concludes that the site offers access by foot, cycle and public transport. However, the lack of a full range of local services within the village and the limitations in the public transport provision would result in a heavy reliance in the use of the private car as a main mode of travel. It is noted, however, that the Transport Statement has not been updated to reflect the changes in the scale of development now proposed. 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. As the access road to the retirement cottages is to be maintained by a Management Company, it is presumed that the Travel Plan Co-ordinator will be employed through the Company, and will provide information to all residents of the site.

Through consideration of the previous proposal, a Strategic Highway and Transport Works contribution was agreed on the basis that 85% of the 80 trips generated by the former proposed development of 38 dwellings would travel to Bristol and Bath, and therefore generating an impact on the schemes listed within the SPD. The rate per trip was calculated at £214.40. If this approach were to be adjusted to relate to the reduced development of 35 dwellings, and in the absence of any further details submitted by the applicants, the contribution has been calculated as £13,428.21, which differs from the sum included in the Heads of Terms.

The applicants had previously 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, which is set out in their Heads of Terms for a Section 106 Agreement.

With regard to the development of the site, the Highway Development Officer has maintained concerns over the location of the site and its resultant accessibility and sustainability, although it is accepted that the site has been allocated as a safeguarded site for residential development.

The applicants have demonstrated a commitment towards improving the sustainability of the village with assistance being offered towards the setting up of a local community shop and a contribution towards improvements to public transport, and this was previously considered by Officers sufficient to outweigh any highway sustainability concerns.

The applicants' Transport Consultants have submitted comments on this application which address the highway reason for refusal given for the previous application. They have indicated the level of public transport services within the village, and also consider this latest proposal would generate less traffic than the previous scheme, due to the reduced number of units. Furthermore, as some of the residents will be retired within the age restricted retirement cottages, they consider this would reduce peak time movements from the development. This could be controlled through a legal agreement.

Whilst it is not considered that the public transport facilities offer the best options for alternative means of travel, due to the restricted number and frequency of services, the bus stops are well located in relation to the site and do offer connections to Bath and Bristol.

The agent has also comment on the concerns raised regarding the impact on the junction of The Street with the A39, and refer to the absence of personal injury accidents. Whilst this junction is not considered to be of an acceptable standard, having regard to the level of development within the village, it would be difficult to argue that the proposed development would result in a material increase in the use of the junction. Furthermore, having regard to the absence of any recorded accidents, there is no evidence to support a claim that the junction is unsafe.

Comments have also been made in respect of the concerns raised regarding the effect on existing parking, which seems to relate to the parking which takes place on Brookside Drive attributed mainly to the School. The control of such parking is within the Council's gift to restrict, if this is considered to cause highway safety problems, and therefore would not be a legitimate reason to object to the development.

The Transport Statement has not been updated with regard to the level of parking proposed for the development, or the allocation of such spaces. The appropriate level and allocation of spaces would, however, need to form part of any reserved matters application. The Design and Access Statement cites that dwellings with garages will provide covered storage for two bicycles, with those properties having car ports only being provided with under cover cycle stands. The plans submitted with the application do not provide details of the garage sizes, and this is acceptable as layout is not a reserved matters to be determined at this stage.

Having regard to the above and on the basis that the merits of development are considered sufficient to outweigh any highway sustainability concerns it is considered that the detailed internal arrangements can be agreed through a reserved matters submission. Given the status of the site as a safeguarded site, the highway development officer comments with regards to highway safety, the reduction in house numbers, and the additional information submitted by the agent with regards to the reason for refusal, it is not considered that the previous reason for refusal could be sustained.

The Highway Development Office recommends that any permission is withheld pending the completion of 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 £13,428.21 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. commencement of development.

PUBLIC RIGHTS OF WAY: 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.

A public right of way can only be diverted by legal order. The development would obstruct the current legal line of the rights of way and the PROW Team therefore object to the application. If permission is granted then a condition should be applied to the permission prohibiting any works being carried out on the line of the right of way prior to the path being legally diverted. The applicants are aware of the need to divert one of the rights of way, and if permission is granted, they would seek to make an application for the diversion.

CHARACTER AND APPEARANCE OF THE PROPOSED DEVELOPMENT:

It is recognised that the previous application for 38 dwellings was refused on the grounds of the overdevelopment of the site and as such the application has been submitted with 35 units. This is in line with the Council's SHLAA (May 2011) which identifies the site as having the potential to deliver approximately 35 dwellings. The density is now 27 dwellings per hectare.

Although the application is an outline application, indicative details of the design and layout have been put forward. There are some 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. 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 27 dwellings per hectare is proposed which is considered appropriate for this edge of settlement location. The previous application proposed a density of 29 dwellings per hectare. 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. The heights of the buildings will vary, reflecting the character and appearance of the surrounding development and the rural area of the application will therefore not be compromised. 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 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 minimise 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. Given the reduction in the number of units proposed, and the analysis above, it is not considered that the development would result in the overdevelopment of the site, and as such would overcome the recent reason for refusal relating to the overdevelopment of the site.

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. The layout plan is only indicative at this stage, but it is considered that, subject to satisfactory details being submitted relating to proposed screening and the design, siting and orientation of the dwellings, the privacy of the existing neighbouring occupiers can be safeguarded. In the indicative layout the larger units have generally been located away from the boundaries with the neighbouring properties, and this would be encouraged in any full planning application in order to reduce the impact on these neighbouring occupiers. It should be noted that any full planning application may need to make alterations to the proposed layout to ensure that there is no harm to the amenity of these occupiers.

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.

AFFORDABLE HOUSING:

Policy HG.8 of the Local Plan requires 35% affordable housing contribution without public subsidy. The application meets this criterion. The mix of the affordable dwellings is as follows and is considered to be acceptable meeting the requirements of the policy.

3 x 1 bed (2 person) dwellings
7 x 2 bed (4 person) dwellings
2 x 3 bed (5 person) dwellings

The applicant has proposed a tenure split of 8 social rented and 4 intermediate housing units. This does not meet policy requirements. The issue is easily resolved upon the applicant confirming a revised intermediate housing mix and this can be done at reserved matters stage. The applicant has provided a range of one & two bed open market accommodations to help serve a range of income levels and create a balanced community. This is in line with NPPF requirements.

B&NES SPD affordable housing + annexes require that planning applications provide detailed affordable housing information. This application has a supporting Affordable Housing statement within which the applicant confirms: `The applicant is aware of Bath and North East Somerset's requirement that the affordable homes be designed to accord with the minimum space standards sought within Annex B of the council's Planning Obligations SPD, Homes and Communities Agency -Design and Quality Standards, HQI,

CSH4 and confirms that these will be met through provision within the Section 106 Agreement.

The indicative layout geographically groups the affordable housing into one main section and although the section has breaks in the form of turning heads and car parks, the massing of affordable housing ensures the clustering of the affordable units is contiguous and thus considered over the 8 max grouping as required by the SPD. However this issue may be resolved by locating the Intermediate dwellings (shared Ownership) in such a way as to break up the grouping of the rented dwellings. The applicant is advised to consider this opportunity at the reserved matters stage. The car parking attributed to the affordable housing on the indicative layout is largely on plot and helps to maintain a tenure blind development.

The Strategic Housing Services support the application in principle (subject to the issues above being suitably addressed in the full application) but asks that the following recommendations are to be included as Heads of Terms in the Section 106 Agreement.

1 35% of the overall residential provision is affordable and grant free, with a 75/25 percent split between Social Rent and Intermediate Market housing. (Affordability, including service charges and size mix as set out in the Housing Development Officer's report).

2 The affordable housing obligation is secured in perpetuity through a section 106 Agreement as set out in the Development Officer's 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. In particular;

7 Certification submitted showing that 60% of the affordable housing will achieve lifetime home standards and be identified on plan &

8 Certification submitted showing that 10% of the affordable housing will achieve full wheelchair user standards and be identified on plan. (1 x two bed house)

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 HP's or AHP's supportable deficit is insufficient to pay for the build costs. Grant will be subject to a comprehensive financial viability assessment.

12 A 'pepper potting' strategy is included in the Section 106 Agreement and that the development is tenure blind.

13 Phasing conditions on affordable housing triggers to be set out in the Section 106 Agreement.

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. The developer has been advised to contact Wessex Water with regards to the development.

ECOLOGY:

An updated and revised ecological assessment has been submitted. This incorporates measures to address all the points and concerns raised arising from the previous application 11/02432/OUT and it is therefore considered that the proposal is ecologically acceptable subject to securing the implementation of all the ecological mitigation set out in the report (Ecological Appraisal, Malford Environmental Consulting 8th February 2012).

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.

CRIME:

The Crime Prevention Design Advisor has no objection to the scheme as proposed but notes that it is expected that the affordable housing element will require Secured by Design certification, part 2, as a minimum requirement. The rest of the site should not be built to a security standard below this minimum standard.

ARCHEOLOGY:

Detailed Archaeological reports have been submitted as part of this application and on the basis of these, the Archaeological Officer has no objection to the development subject to the inclusion of a condition relating to a watching brief.

SUSTAINABILITY

The agent has confirmed that the affordable housing will be built to Code Level 4 with the remaining units to Code Level 3.

PLANNING OBLIGATIONS:

The following are proposed to be dealt with via a Section 106 agreement:

Highway Works/contributions

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 £13,428.21 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.

Strategic Housing:

1 35% of the overall residential provision is affordable and grant free, with a 75/25 percent split between Social Rent and Intermediate Market housing. (Affordability, including service charges and size mix as set out in the Housing Development Officer's report).

2 The affordable housing obligation is secured in perpetuity through a section 106 Agreement as set out in the Development Officer's 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. In particular;

7 Certification submitted showing that 60% of the affordable housing will achieve lifetime home standards and be identified on plan &

8 Certification submitted showing that 10% of the affordable housing will achieve full wheelchair user standards and be identified on plan. (1 x two bed house)

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 HP's or AHP's supportable deficit is insufficient to pay for the build costs. Grant will be subject to a comprehensive financial viability assessment.

12 A 'pepper potting' strategy is included in the Section 106 Agreement and that the development is tenure blind.

13 Phasing conditions on affordable housing triggers to be set out in the Section 106 Agreement.

Parks and Open Spaces

Financial contributions of £83,588.91

Community shop - Financial contribution of £10,000 and planning permission to be granted prior to commencement of development

Retirement Housing - The dwellings hereby permitted shall be occupied only by:

- i) persons aged 65 or over;
- ii) persons living as part of a single household with such a person or persons;
- iii) persons who were living as part of a single household with such a person or persons who have since died."

CONCLUSION:

The proposed development is considered to be acceptable in principle, and, given the advice in national guidance, it is not considered reasonable to refuse the application on prematurity 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 and as such is not considered to result in significant harm. Whilst the reasons for refusal with regards to the previous application have been given weight, the application as proposed is considered to have addressed these reasons for refusal and it is not considered that these could be sustained.

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 take place until a Detailed Arboricultural Method Statement with Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority and details within that implemented as appropriate. The final method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and certificates of completion. The statement should also include the control of potentially harmful operations such as the storage, handling and mixing of materials on site, burning, location of site office, service run locations including soakaways, locations and movement of people and machinery.

Reason: To ensure that trees to be retained are not adversely affected by the development proposals

4 No development activity shall commence until the protective measures as stated in the approved Arboricultural Method Statement are implemented. The local planning authority is to be advised two weeks prior to development commencing of the fact that the tree protection measures as required are in place and available for inspection.

Reason: To ensure that the trees are protected from potentially damaging activities.

5 No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement unless agreed in writing by the local planning authority.

Reason: To ensure that the approved method statement is complied with for the duration of the development.

6 The development hereby permitted shall be carried out only in accordance with the recommendations and ecological mitigation measures described in the approved Ecological Appraisal Malford Environmental Consulting dated 8th February 2012 or any amendment to the Appraisal, as approved in writing by the Local Planning Authority.

7 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.

8 Prior to the commencement of the development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority and shall include details of deliveries (including storage arrangements and timings), contractor parking, traffic management.
Reason: To ensure the safe operation of the highway.

9 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.

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

Reason: To protect the development from flooding.

11 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

12 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.

13 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.

14 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.

15 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.

16 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.

17 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

18 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.

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

20 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.

21 PLANNING PERMISSION FOR SHOP

22 The development hereby permitted shall be carried out only in accordance with the recommendations and ecological mitigation measures described in the approved Ecological Appraisal Malford Environmental Consulting dated 8th February 2012 or any amendment to the Appraisal, as approved in writing by the Local Planning Authority

23 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.

REASONS FOR GRANTING APPROVAL:

1 The proposed development is considered to be acceptable in principle, and it is not considered reasonable to refuse the application on the prematurity 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.

The developer is advised to contact the development engineer Peter Weston (01225 522157) at Wessex Water to discuss the options above to ensure that the layout of the on site sewers meet existing and imminent legislation

Item No: 02
Application No: 12/00558/FUL
Site Location: Bowling Green And Tennis Courts, Royal Avenue, City Centre, Bath



Ward: Kingsmead **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Douglas Nicol Councillor A J Furse
Application Type: Full Application
Proposal: Erection of temporary ice rink 23rd November - 7th January for five consecutive years 2012/3 - 2017/8.
Constraints: Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, HotSpring Protection, World Heritage Site,
Applicant: Excel Tennis Ltd
Expiry Date: 24th April 2012
Case Officer: Tessa Hampden

REPORT

Site description and proposal

The application relates to the tennis courts located off Royal Avenue, which runs through Victoria Park close to the centre of Bath. The site is set within the City of Bath Conservation Area and the wider World Heritage Site. To the south-east of the site lies Queens Parade, which is a terrace of Grade II listed buildings.

The application seeks planning permission for the erection of a temporary ice rink from 23rd November - 7th January for five consecutive years. The ice rink and associated facilities would be located on two of the hard surface tennis courts located on the east side of the sports and leisure complex. The rink itself comprises of a skating area of 20 metres x 20 metres with walkways around two sides. An 'L' shaped marquee wraps around the south and west boundaries of the rink providing ancillary accommodation. The development includes a temporary cafe area to serve the customers of the proposed operation.

Relevant planning history

There is no planning history directly relevant to this planning application

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Highway Development - No objection due to the sustainable location of the development

Environmental Health - No objections subject to the inclusion of conditions

Bath Preservation Trust - Generally supportive of these proposals, and consider that this site is generally appropriate in terms of use, access and visual impact. However object to permission for five consecutive years and would prefer that this application is for one year initially, so that the impact in practice could be assessed before further renewal. Conscious of the existing issue of light pollution from the Excel Tennis and suggest that the excessive lighting at this location should be reduced before adding further lighting with the ice rink itself.

17 objection comments and 2 general comments have been received. The comments can be summarised as follows:

- Noise from customers, equipment and music
- Development should not be for 5 years
- Operation should only be in place in daylight hours
- Noise from the music
- Parking issues - demand already high at this time of year
- Increase in through flow of visitors - increase in noise and litter
- Lack of WC facilities
- Increase in traffic in the area
- Light pollution
- Safety issues - evacuation of injured skaters
- Operation times differing to those of the tennis courts
- Inaccurate information within the statement
- Impact upon wildlife

- More appropriate site within the park
- Previous problems experienced in Queen Square
- Further commercial activity close to residential properties
- Visual impact and impact upon the listed buildings
- Cafe would take business away from the Royal Pavilion Cafe

POLICIES/LEGISLATION

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

BH1 World Heritage site and its setting

BH2 Listed buildings and their settings

BH6 Development within or effecting a Conservation Area

D.2: General design and public realm considerations

D.4: Townscape considerations

NE5 Forest of Avon

NE11 Locally important species and habitats

NE13a Bath Hot Springs

ES12 Noise and vibration

S6 A3, A4, and A5 uses in Bath City Centre

S.7 Siting of tables and chairs outside of A3 or A4 uses in Bath City Centres

BH22 External lighting

T24 General development control and access policy

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

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 D2, D4, NE5, NE13A, B4, BH2, BH6, T24, S7

The NPPF which was published in March 2012 is a material consideration but is not considered to conflict with the above policies.

OFFICER ASSESSMENT

Principle of development

There is no objection to the principle of the development in the tennis court area, which is already of a commercial/leisure use. The application also proposes an ancillary cafe area which will be in place for the duration of the operation. Concerns have been raised with regards to its location in close proximity to the existing Royal Pavilion cafe. However, it is not the role of the planning system to restrict competition or preserve existing commercial interests. The development is located in close proximity to the local shopping centre, but is not considered to impact upon the vitality or viability of the nearby shopping centre. There is therefore no objection in principle objection to this part of the development.

Overall therefore there is no objection to the development in principle but a full assessment of whether this is an acceptable location needs to be undertaken as part of this application process.

Character and appearance of the development

The area in which the development is set is of a commercial nature, being used as tennis courts and a bowling green. The development is therefore not considered to be out of character with the existing use. The site is currently covered by hard surfacing and 3 metre high metal wire fencing and during the winter months two of the lower tennis courts are covered by large inflatable domes. The ice rink, marquees and associated development are considered, given their proposed use and in the context of this site, to be of acceptable design, scale and siting. The topography of the land means that the structures would have limited impact upon the street scene and would not be readily visible from the Royal Avenue.

Although the equipment and marquees would be sited in close proximity to a listed building, there is a degree of visual separation due to a mature landscape boundary. Given that the operation would be for a temporary period only and that the proposals would bring significant economic and social benefits to the local area, the proposals are considered acceptable for a limited period.

The structure of the rink 'floats' over the existing tennis court surface and will be entirely removable afterwards, returning the courts to an unaffected playing surface. It is not considered that the development will have an impact upon the character or appearance of the area once the development is removed from the site.

The development proposes additional lighting within the site. The design and access statement states that external lighting is to be provided on 3 metre high posts which extend out from the structure of the marquee and provide lighting angled down onto the rink. This is supplemented with a series of matching 3 metre high columns along the eastern edge of the rink, which also provide lighting angled down. The level of lighting will be kept to the minimum possible. Low level lighting is already provided around the footpaths and access-ways which serve the existing facilities, and provides adequate light levels. The floodlights over the four tennis courts within the bubble are in constant use during the hours of darkness at this time of year and will provide additional background lighting to the area.

It is considered that the lighting proposed is acceptable in principle and as long as the lighting is of a low level and angled so that the light is focussed on the ice rink, the development will not result in an unacceptable level of light pollution. To ensure that any proposed lighting is appropriate, a condition is recommended, which will ensure that the character and appearance of the area will be safeguarded.

Overall therefore the temporary development is not considered to have an adverse impact upon the siting of the listed buildings, or the character and appearance of this part of the City of Bath Conservation Area or the universal outstanding values of the World Heritage Site.

Highway safety

The site is set within a sustainable location, within walking distance of the city centre. The site is also located in close proximity to Charlotte Street Car Park, which is one of the main car parks within the city centre. It is recognised that the city and this car park can

become particularly busy during the Christmas period, which is when the development will be in place, but given the accessibility of this site to the city centre, the development is not considered to have a significant detrimental impact upon highway safety. The Highway Development Officer has raised no objections to the development.

Residential amenity

A number of third party objectors have suggested that the development should be sited in more appropriate locations in the park away from the properties in Queen Parade. It is recognised that other events, such as the fair, are located further into the park, where it is perceived that there will be less of an impact upon the residential amenity of any neighbouring occupiers. However, the Local Planning Authority must consider the location that is put before them.

The applicant has submitted an Environmental Noise Report which contains a background noise assessment which has assessed the existing background noise levels at the nearest noise sensitive premises. The report also includes an assessment of noise emission associated with an ice rink at Cribbs Causeway, Bristol. The assessment predicts that the cumulative noise level from the ice rink, based on the assessment at Cribbs Causeway, will not exceed 55dB(A) which the World Health Organisation has set as a trigger value for community annoyance. A condition can be included to ensure that this development will not exceed this level at the nearest noise sensitive premises.

The site, as a tennis facility within the main city centre park, can be expected to generate some noise and disturbance to the neighbouring occupiers, and the increase in this, if the site is managed properly in line with the submitted details and an approved operational statement is not considered would result in an undue increase in noise and disturbance.

Low level music will be provided, and given the existing use of the site, this is considered to be acceptable during the day time/early evening period when there is a degree of activity on this site. A condition can be attached to ensure that the music and any other amplified music is not heard from the nearest sensitive property after 7pm.

The application proposes that the operational hours will be 10.00am to 10.00pm Monday to Saturday, and 10.00am and 8pm on Sunday and bank holidays. These are considered to be reasonable opening hours, but will need to be conditioned to ensure that the applicant adheres to these times.

The agent has stated that the rink will be fully staffed with a minimum of two members of staff during quiet periods, rising to five during the busy periods. Both full time and part time staff are likely to be used. Out of the rink's operational hours, the facilities will be secured and protected by a security company to ensure protection of the equipment and safety of the area. This level of staffing should ensure that the development is effectively managed, reducing the impact of the development upon the living conditions of neighbouring occupiers.

On balance, subject to appropriate conditions, the proposed development is not considered to have a significant detrimental impact upon the residential amenity of the neighbouring occupiers. However, if the application is not carried out in accordance with the approved details or the conditions are not complied with, there is the potential for the

living conditions of the neighbouring occupiers to be harmed. The applicant has applied for a 5 year period, but it is considered that in this instance a trial period is more appropriate. It is therefore considered that a one year period would be more appropriate. Following this period of time, if it is demonstrated that the development does not result in any harm, it is unlikely that the LPA would have any objections to the renewal of planning permission

Ecology

A number of the third party have raised concerns with regards to the lighting and the resultant disturbance of bats in particular. However, given the existing lighting, and the time of year that the event will be taking place, the development is not considered to result in any ecological issues. Further, a condition can be included on any permission to reduce light spill, to ensure that the lighting is focussed on the ice rink and immediate facilities.

Other issues

Overall, subject to the inclusion of conditions, it is not considered that the development will result in any significant harm to the residential amenity of the neighbouring occupiers. Given the temporary nature of the development, there is not considered to be significant harm to the character or appearance of the City of Bath Conservation Area, the setting of nearby listed buildings, or the wider World Heritage Site. Given the sustainable location there are not considered to be any significant issues with regards to highway safety. No other significant issues have arisen as a result of the proposed development and subject to the inclusion of planning conditions, the application is recommended for approval. It is however considered appropriate to only allow this development for a one year period, to test the impacts of the development, in particular in relation to the impact of the development on neighbouring occupiers.

RECOMMENDATION

PERMIT with condition(s)

CONDITIONS

1 The use hereby permitted shall operate only between 23rd November 2012 - 7th January 2013 and the use hereby permitted shall be discontinued and the land reinstated on or before the 7th January 2013

Reason: To enable the Local Planning Authority to review the impact of the development in particular in relation to the impact of the development upon the living conditions of neighbouring occupiers.

2 Noise from any amplified music or amplified voices shall not be audible at the nearest noise sensitive property outside the hours of 1000 to 1900 hours on any day.

Reason: To minimise the effect of noise from the development on occupiers of nearby properties in the interest of amenity.

3 The use hereby approved shall not be carried on and no customer shall be served or remain on any part of the premises outside the hours of 1000 to 2200 hours any day.

Reason: To safeguard the amenities of nearby occupiers.

4 No works or deliveries required to implement this permission shall take place outside the hours of 0800 and 1800 on Mondays to Fridays and 0900 to 1300 on Saturdays. No works or deliveries shall take place on Sundays or Public Holidays.

Reason: To safeguard the amenities of nearby occupiers.

5 No development shall commence until an Operational Statement has been submitted to and approved in writing by the Local Planning Authority to include details of an emergency 24 hour contact number , a programme of works relating to the setting up and dismantling of the ice rink and other structures, and refuse collection. The development shall be carried out in accordance with the approved Operational Statement unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the residential amenity of the neighbouring occupiers

6 Noise emissions from the ice rink shall not exceed 55 dB LAeq (30min) at the nearest noise sensitive premises.

Reason: In the interest of residential amenity.

7 At all times during the operation of the ice rink, the noise mitigation measures detailed in section 9 of Environmental Noise Report dated February 2012 shall be fully complied with.

Reason: In the interest of residential amenity

8 No development shall take place on site until details of the external lighting to be installed on the site have been submitted to and approved in writing by the Local Planning Authority. The details submitted for approval shall include details of the measures to be taken in order to prevent the spillage of light beyond the site boundaries and the lighting shall thereafter be installed and maintained in accordance with the approved plans. No additional lighting shall be installed unless details have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the amenities of local residents and in order to safeguard the character and appearance of this part of the Conservation Area and World Heritage Site.

9 The external lighting approved under condition No 8, with the exception of the scheme for security lighting, shall not be used outside the hours of 1000 to 2200 hours on any day.

Reason: To protect the amenity of nearby occupiers and the character and appearance of this part of the Conservation Area and World Heritage Site.

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: Plans: 3515/002, 3515/003, 3515/010, 3515/011, 3515/15, 3515/016, design and access statement and environmental noise report date stamped 6th February 2012

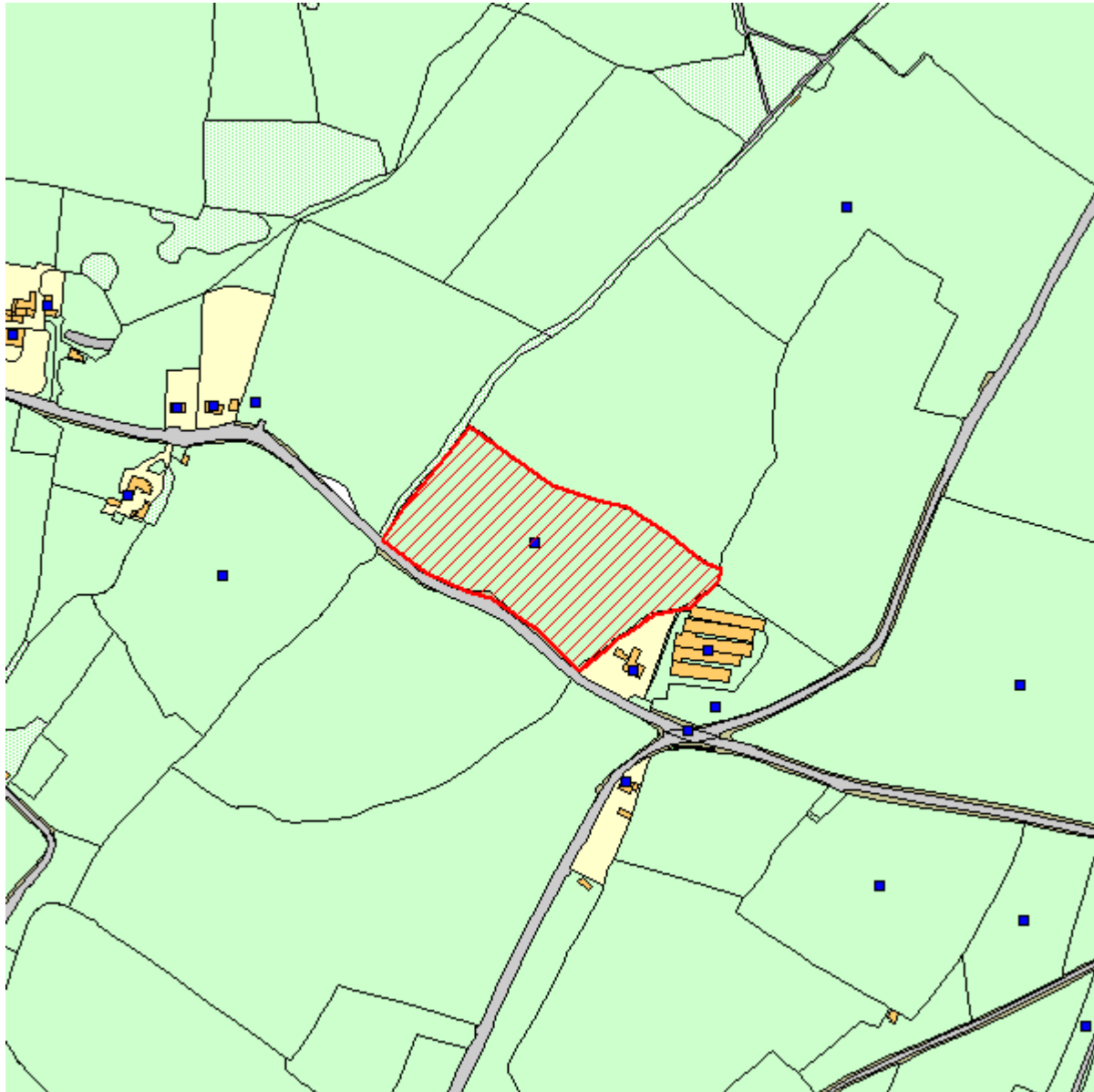
REASONS FOR GRANTING APPROVAL

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.

A Bath and North East Somerset Local Plan (including minerals and wastes) adopted October, D.2, D.4, S.6, S.7 BH.1, BH.2, BH.6, BH22, NE5, NE11, NE13a T.24, T26, ES12

Subject to conditions, the development is not considered to result in a detrimental impact upon the living conditions of neighbouring occupiers. Given the temporary nature of the development, there is not considered to be significant harm to the character and appearance of this part of the City of Bath Conservation Area, the setting of listed buildings, or the wider World Heritage Site. Given the sustainable location there are not considered to be any significant issues with regards to highway safety. No other significant issues have arisen as a result of the proposed development.

Item No: 03
Application No: 12/00426/FUL
Site Location: Parcel 1100, Compton Martin Road, West Harptree, Bristol



Ward: Mendip

Parish: West Harptree

LB Grade: N/A

Ward Members: Councillor T Warren

Application Type: Full Application

Proposal: Change of use of land from agricultural (Sui Generis) to the keeping of horses (Sui Generis) and erection of stables and formation of replacement access and track.

Constraints: Airport Safeguarding Zones, Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Water Source Areas,

Applicant: Mr Richard Curry

Expiry Date: 16th April 2012

Case Officer: Tessa Hampden

REPORT

Reason for referring application to committee

Cllr Tim Warren, Mendip Ward Cllr, requested that this is heard at Committee if officers are minded to approve the application. In addition, the Parish Council have objected to the development.

Site description and proposal

The application relates to a parcel of land located off Compton Martin Road, in between the villages of Compton Martin and West Harptree. The site is located within an Area of Outstanding Natural Beauty (AONB).

The application seeks planning permission for the change of use of land from agricultural to the keeping of horses and the erection of stables and formation of a replacement access and track

Relevant planning history

DC - 11/04357/FUL - PERMIT - 19 December 2011 - Formation of replacement vehicular access

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Highway Development - No objection to the development as long as the development is for private use rather than as a commercial enterprise. Conditions suggested

Cllr Tim Warren - Mendip Ward Cllr - requests that this is heard at Committee. His comments can be summarised as follows:

No objection to the change of use and building of stables in principle, but of the proposed location. The proposed siting of the building is in very close proximity to Fairash Bungalow, and the increased traffic movements caused by the proposed development will cause a nuisance. There is also the potential for light pollution again at unsocial hours. The proposed site position will also be very visible in the AONB.

Parish Council - Object to the planning application. The comments can be summarised as follows:

The proposed structure sited in totally the wrong place, equestrian use does not fit into the landscape and could be used for commercial use in the future, higher than the existing hedge, will increase number of flies/pets, close to farm store and egg room, increase in vehicular movements, nuisance to neighbours

One objection has been received. The comments can be summarised as follows:

Resultant vermin/flies/smell, loss of view, stables more visible if poultry buildings demolished, no info with regards to light/power, danger to highway safety if horse ridden on the road.

POLICIES/LEGISLATION

D.2: General design and public realm considerations
D.4: Townscape considerations
NE.2: Areas of Outstanding Natural Beauty
T.24: General development control and access policy
ET7 Use of Agricultural land

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

Guidelines for Horse related Development for the Mendip Hills AONB - Revised 2012

The NPPF was published in March 2012 and is a material consideration but is not considered to conflict with the above policies.

OFFICER ASSESSMENT

Use of agricultural land

The development is not considered to have an adverse impact upon the efficient operation of an agricultural enterprise, or lead to the fragmentation or severance of a farm holding. There is therefore no objection to the change of use in principle.

Effect on the Landscape

It is important to ensure that the development does not have a detrimental impact upon the landscape qualities of the Mendip AONB. The guidance with the Supplementary Planning Guidance (Guidelines for Horse related Development for the Mendip Hills AONB) has therefore been considered in the determination of this planning application.

It is considered that in terms of the impact on the AONB, the stables are sensitively sited. They will be seen in context with the existing adjacent farm buildings and the neighbouring bungalow. The visual link with the existing cluster of buildings will reduce the impact of this building upon the natural beauty of the AONB. The development is considered to respect the topography of the site and is not considered to be in located in a particularly elevated position, being sited on a lower part of ground within the parcel of land.

The stables are of a fairly standard design which is typical of stables in rural areas. The scale is considered to be acceptable ensuring that the building will not be overly dominant in this location. The materials as proposed are considered to be appropriate, with the timber frame being less visually intrusive than other materials such as concrete block.

The field access has been approved under a previous planning application, where it was not considered to have an adverse impact upon the rural character of the area. The track access leading from the field entrance to the stables is proposed as two narrow strips of scalping with a grass central core. The agent has stated that the scalpings would quickly green over with vegetation and consequently be insignificant in the field. Although the principle of limestone scalpings is considered to be acceptable, as the colour of these can vary. A condition should therefore be added to ensure that the materials chosen are appropriate in the rural landscape.

No external lighting is proposed and conditions can be included to ensure that this is not installed at a later date or to ensure that any that are installed (such as security lighting) are appropriate and do not cause unnecessary light pollution which could have a resultant impact upon the AONB.

The application relates to the change of use of the land and as such is likely that jumps etc may at times be placed on the land. As a temporary feature, the harm that this would bring is not considered to be significant. A condition can be attached to any permission to ensure that jumps should be removed after use and stored on site. Any fixed structures would require the benefit of planning permission.

On balance, the change of use of the land and the stables, and associated work are not considered to have a detrimental impact upon the rural character of the area or the character and appearance of the Area of Outstanding Beauty in which the site is set.

Highway safety

The existing access to the site is sub-standard. Whilst the replacement access (not yet implemented), permitted by way of planning permission 11/04357/FUL, affords some improvements and benefits to highway safety, it remains substandard. With or without the proposed development, the existing field and access could be used for the keeping of livestock. The agent has confirmed that the development is to be used for private equine use and a condition can be added to ensure that the development is not used as a commercial enterprise. If this is the case, it is considered that any potential intensification in use of the site is likely to be de minimis and negated by the proposed improvements to the access.

There is some concern with regards to the safety of the adjacent road in terms of a route to ride horses. However this is only a small distance from more acceptable routes off Harptree Hill. Given that this is for small scale private use rather than a larger commercial enterprise, it is not considered that any harm would be significant enough so as to warrant a reason for refusal.

On balance therefore the proposed development is not considered to result in any undue harm to highway safety and there are no objections raised on these grounds.

Residential amenity

Within the representations received, concerns have been raised with regards to the impact of the development upon the residential amenity of the neighbouring occupiers at Fairash Bungalow. It has been suggested that the stables should be sited towards the road away from the bungalow. However, the Local Planning Authority must consider the siting that has been put forward. Further the agent has, within the Design and Access Statement, justified the chosen siting.

Concerns have been raised with regards to the loss of view from the neighbouring bungalow. Whilst it is accepted that the development may alter the view from parts of the garden in particular, in planning terms there is no right to a view. The stable building is not considered to dominate the outlook from this area or any habitable windows. In this

regards, the development is therefore not considered to significantly harm the neighbouring amenity.

The development, used as private stables, is not considered to result in an unacceptable level of noise and disturbance for these neighbouring occupiers. The neighbouring bungalow is located adjacent to poultry farm buildings, and although this use has recently ceased, would have typically resulted in a level of noise and disturbance which would be greater than that of a small scale private stable facility. Given the scale of the development and the acceptable distance between the development and the neighbouring property, it is not considered that the development would have any significant detrimental impact upon the neighbouring occupiers in terms of increased flies, smells and other nuisance. Provisions have been made for the storage of dung, and this is considered to be appropriate, away from the neighbouring properties. The adjacent property is sited next to a former poultry farm and the field currently has an agricultural use. This form of development as proposed is not uncommon in a rural environment.

The proposed development is not considered to result in an undue detrimental impact upon the residential amenity of the neighbouring occupiers.

Conclusions

Overall, the proposed development is considered to be of an appropriate siting, scale and design, which will ensure that the rural character of the area, and the character and appearance of the site is safeguarded. Subject to conditions, there are not considered to be any significant issues with regards to highway safety or the residential amenity of the neighbouring occupiers. For these reasons, the application is recommended for approval.

RECOMMENDATION

PERMIT with condition(s)

CONDITIONS

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.

2 No external lighting shall be installed on the site unless details are first submitted to and approved in writing by the Local Planning Authority. Any lighting shall thereafter only be installed and retained in accordance with these approved details.

Reason: In the interest of the rural character and appearance of the area.

3 Any jumps or associated paraphernalia should be removed when not in use and stored on site.

Reason: To safeguard the character and appearance of the Area of Outstanding Natural Beauty

4 No development shall commence until details of the limestone scalplings to be used in the construction of the track have been submitted to and approved in writing by the Local Planning Authority. The development shall then only be carried out in accordance with these approved details.

Reason: To safeguard the character and appearance of the Area of Outstanding Natural Beauty

5 The development hereby permitted shall not be occupied until the proposed access has been constructed in full accordance with the requirements of and details approved in writing by the Local Planning Authority. The access shall then be maintained in accordance with these approved details thereafter.

Reason: In the interests of highway safety

6 The access, between the carriageway and the gates, shall be properly bound and compacted (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety

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 first have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

8 The access hereby permitted shall not be brought into use until the visibility splays shown on the submitted plan have been provided with no obstruction to visibility at or above a height of 900mm above the nearside carriageway level. The visibility splays shall thereafter be maintained free of obstruction at all times.

Reason: In the interests of highway safety.

9 The existing vehicular access shall be closed and its use permanently abandoned, concurrently with the provision of the new access hereby approved being first brought into use, and the verge crossing reinstated, in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

10 Prior to the commencement of the development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority and shall include a programme of the works, together with details of appropriate traffic management. The development shall then only be constructed in accordance with that approved plan.

Reason: To ensure the safe operation of the highway.

11 The use of the proposed development and site shall be limited to non-commercial equine uses for the benefit of the individual site owner, or individual tenant, and their immediate family.

Reason: In the interests of highway safety

12 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: PL 2995/2A, PL3045/1A, PL2995/5, PL3045/3A, PL2995/3A, PL2995/4 date stamped 20th February 2012 and PL3045/3A date stamped 27th January 2012

REASONS FOR GRANTING APPROVAL

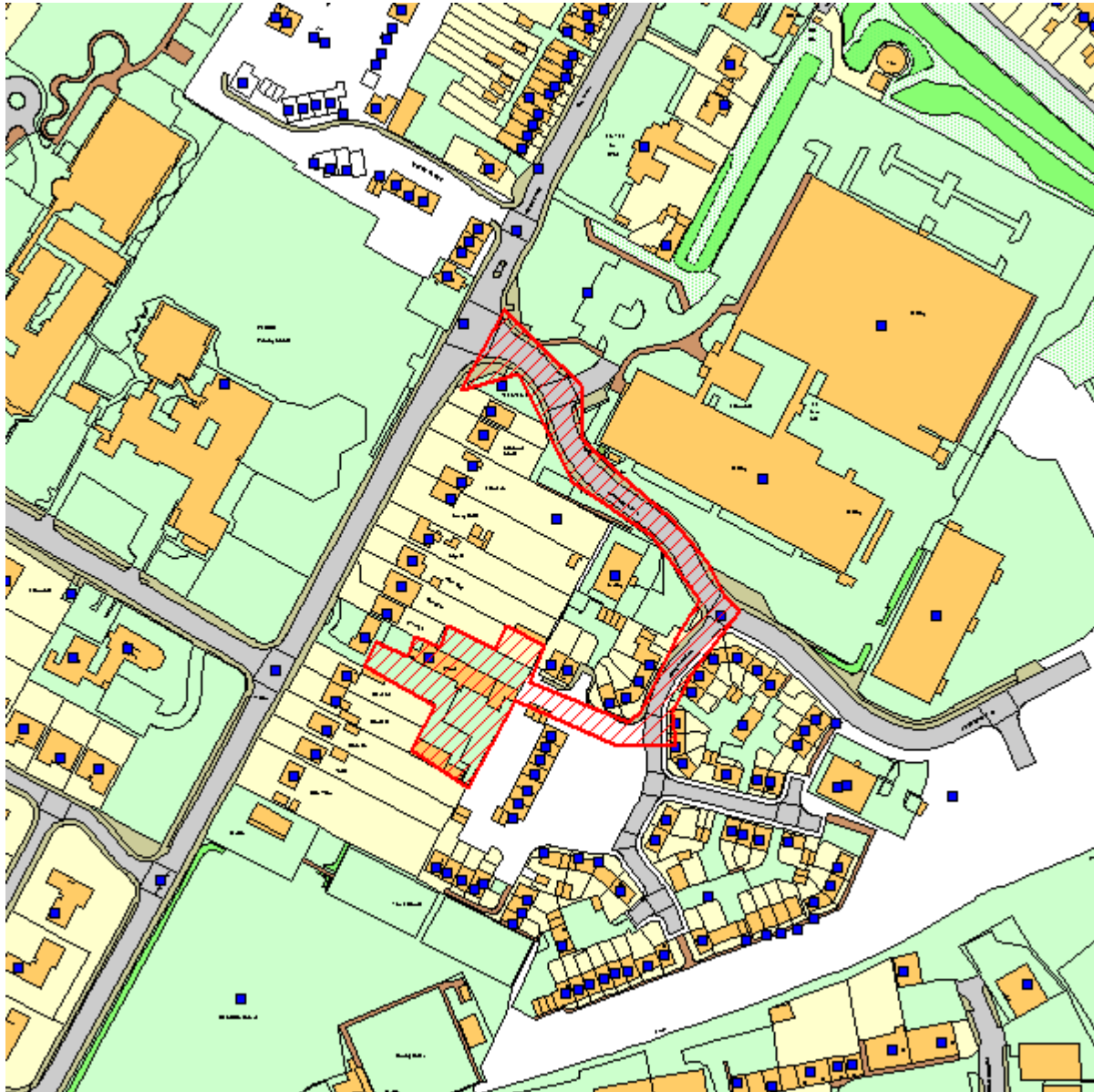
1. The decision to grant approval has taken account of the Development Plan, relevant emerging Local Plans and approved Supplementary Planning Guidance. This is in accordance with the Policies set out below at A.

A Bath and North East Somerset Local Plan (including minerals and wastes) adopted October 2007 D2, D4, NE4, T24, ET7

The change of use of the land is considered to be acceptable in principle, with the appropriate siting, scale and design ensuring that there is no resultant harm on the Area of Outstanding Natural Beauty in which the site is set. Subject to conditions, the development is not considered to result in significant harm to highway safety or the residential amenity of the neighbouring occupiers. No other significant issues have arisen as a result of this planning application.

2 The applicant should contact the Highway Maintenance Team on 01225 394337 with regard to securing a Licence under Section 184 of the Highways Act 1980 for the construction of a vehicular crossing. The access shall not be brought into use until the details of the access have been approved and constructed in accordance with the current specification.

Item No: 04
Application No: 12/00107/FUL
Site Location: Designer Composites, Fosseway, Westfield, Midsomer Norton



Ward: Westfield **Parish:** Westfield **LB Grade:** N/A
Ward Members: Councillor R Appleyard Councillor Robin Moss
Application Type: Full Application
Proposal: Erection of 4no. four bed detached dwellings, 2no. two bed detached dwellings and 1no. three bedroom detached dwelling following demolition of existing industrial buildings.
Constraints: Agric Land Class 3b,4,5, Coal - Standing Advice Area, Forest of Avon, General Development Site, Housing Development Boundary, Tree Preservation Order,
Applicant: Oval Estates (Bath) Limited
Expiry Date: 7th March 2012

Case Officer: Rebecca Roberts

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

Recommendation contrary to Parish Council comments and level of objections. Chair referred to committee.

DESCRIPTION OF SITE AND APPLICATION:

The application site is located within the Housing Development Boundary to the south east of Midsomer Norton within the Westfield area and relates to an industrial site located to the rear of a row of dwellings on the Wells Road, which back onto the St Peters Factory housing development site known as Cobblers Way.

The site comprises of multiple single to one and half storey buildings with pitched roofs. An accountancy firm occupies the front building situated between the dwellings of Owendale and Rosedale and forms part of the street scene in this locality. Access is provided off Wells Road to the rear of the site, where parking is available. The buildings are located on the north-east and south-east sides of the site separated from the adjoining gardens by a small parcel of land which appears to have been used for storage, but has been left unmaintained and become overgrown.

The site is within the Housing Development Boundary of Radstock. Under policy HG.4 there is a favourable presumption towards development.

The application proposes the demolition of the existing industrial units and the erection of 7 detached dwellings which will comprise of 4 styles of dwellings;

- 3 proposed of Type E. This is a 4 bed, two storey half hipped roof design with a two storey hipped gable projection to the facade, the dwellings will be accessed from the side elevation to create a more active elevation. The finish will be a mix of re-constituted lias stone and render with double roman tiles to the roof.
- 1 Type F is proposed. This is a larger version of type E and will be finished in re-constituted lias stone with double roman tile roof.
- 1 Type D is proposed. This is an 'L' shaped 3 bed cottage style dwelling which has a reduced eaves height with the second floor rooms situated within the roofspace and will be finished in re-constituted lias stone and double roman roof tiles with an open car port to the side.
- 2 Type P are proposed. These are hipped roof 2 bed bungalows with integral garages which will be finished in re-constituted lias stone and double roman tiles.

It is proposed to create a new access off Upper Court in the new Cobblers Way development. The Wells Road access will remain for the use of the accounts firm fronting Wells Road. The proposed access is within the ownership of the applicant. Upper Court is currently a dead end cul-de-sac which provides access and turning for the dwellings and associated garages. The existing fence will be partially removed and the road/pavement extended into the site providing access and turning space.

The application has been supported by the submission of a design and access statement.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

WESTFIELD PARISH COUNCIL: Object on the grounds that the access and egress to the development would be severely hampered by the volume of new homes.

HIGHWAYS: No objection subject to conditions. The length of driveway and car port for Unit 1 is sufficient to accommodate 2 cars, providing no doors are erected at the entrance to the car port in which case the driveway length falls below the 5.5 metres minimum length to enable the doors to be opened without a car parked in front overhanging and obstructing the highway footway. A suitable condition is therefore required to prevent the erection of doors within the driveway/car port. All remaining driveways are considered to be of sufficient length for the adequate parking of vehicles. However, the garages to plots 2, 5, 6 and 7, whilst of adequate length and able to accommodate a standard parking space of 2.4m x 4.8m, are very narrow. Regarding the proposed estate for street serving the development, this is an extension of an existing cul-de-sac. However, carriageway construction extends beyond the line of the edges of carriageway and so it is necessary to include verges/footways for adoption adjacent to all edges of the adoptable carriageway.

The contributions SPD is triggered by the proposal and a financial contribution is required as part of the proposal.

HIGHWAYS DRAINAGE: The applicant's proposal is located outside of the flood zones. Indicated that surface water will be disposed of via soakaways. We support this approach. Infiltration testing to BRE Digest 365 standards should be carried out. If infiltration rates are found to be too low for a feasible soakaway design, an alternative drainage methodology should be proposed and approved before use.

CHILDRENS SERVICES: Should this development go ahead, we estimate that the children generated by the development will create the following need and we would be seeking a Developer Contribution for Children's Services as follows.

Early Years age 0-2 places - 0.288 places at a cost of £0 (sufficient provision in the area)

Early Years age 3-4 places - 0.912 places at a cost of £0 (sufficient provision in the area)

The Childcare Act 2006 made law from April 2008 that Local Authorities have a statutory duty to ensure sufficient childcare is provided, and this was to be evaluated through a childcare sufficiency report. Bath & North East Somerset's report and an assessment of the impact of the development on existing capacity in the area identifies Midsomer Norton as an area of childcare sufficiency. Therefore total for Early Years provision = £0 (Sufficient provision in the area)

Primary age pupil places - 0.656 places at a cost of £8,523.02

Secondary age pupil places - 1.268 places at a cost of £0 (sufficient provision in the area projected)

Post 16 places - 0.445 places at a cost of £0 (sufficient provision in the area projected)

Projections for the area indicate that by 2015, all places in Primary School year groups Year R and Year 2 will be full with no surplus capacity available. Two year groups will therefore be at capacity for the next few years as they continue to move through the school. There is projected to be sufficient available capacity in the other five primary year groups to accommodate the pupils generated by the development. We are therefore seeking a contribution for two year groups of primary age pupils. The total number of

primary age pupils generated by the development is calculated to be 2.298. $2.298 / 7$ year groups = 0.328 per year group. 0.328×2 year groups = 0.656 places required. Therefore total for school places = £8,523.02

Youth Services provision places - 1.05 places at a cost of £1,400.70

This contribution applies to all new houses of 2 beds or more as existing provision in Bath and North East Somerset is sufficient to meet the needs of the current population only. Therefore total for Youth provision = £1,400.70

Total contribution sought of £9,923.72

OTHER REPRESENTATIONS: 6 x objections, 1 x general comment

- concerned over the safety of our children and their friends, who at present can enjoy a certain amount of freedom along the cul-de-sac - the addition of the houses with the amount of cars they will bring to the area will mean that we can no longer have peace of mind of the quiet street we have become used to.

- Will transform our gardens into dungeons, having 2 storey buildings either side
- May be argued that the current industrial building is unsightly, but I would rather my bedroom window looked out onto that than another house's wall
- Other companies have built new houses in the area which have remained unsold and empty for over a year so there is obviously no demand for this type of housing here
- Increased traffic
- Damage will be caused to new roads by extra traffic and construction vehicles
- Intrude on my right to privacy in my new home & garden
- Drawings show new trees in neighbouring gardens to screen the development however no permission has been given for applicant to plant in my garden.
- Existing turning for block of garages will be compromised and will result in reversing into a trafficked highway.
- Over development of the site
- Why can't the existing Wells Road access be used?

POLICIES/LEGISLATION

The planning issue in this application are whether the proposal results in the overdevelopment of the site to the detriment of the character and appearance of this locality, and whether there will be harm to highway safety and particular residential amenity.

RELEVANT PLANNING HISTORY:

11/03349/FUL - Withdrawn - 21 December 2011 - Erection of 6no. four bed detached dwellings and 1no. three bedroom dwelling following demolition of existing industrial buildings.

POLICY CONTEXT:

BATH LOCAL PLAN:

SC.1 - Settlement Classification

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

CF.3 - Contributions from new development to community facilities

D.2 - General Design and public realm considerations
D.4 - Townscape considerations
NE1 - Landscape character
T24 - General development control and access policy
T26 - On site parking and servicing provision

SUBMISSION CORE STRATEGY

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:

SV1 - Somer Vally Spatial Startegy (replaces policy HG.4)

D.2, D.4, CF.3, NE.1, T.24 and T.26 of the local plan are proposed as saved policies within the submission core strategy.

NATIONAL PLANNING POLICY FRAMEWORK

National Planning Policy Framework (March 2012) should be awarded significant weight, however this proposes little change to the polices of the Local Plan that are relevant to this application.

OFFICER ASSESSMENT

PRINCIPLE OF PROPOSED USE: This application site is situated within the urban area and on previously developed land (Brownfield site). In policy terms there is a favourable presumption towards suitable development of such land but the following issues must also be considered. It is considered that the site shown offers sufficient space to accommodate 7 dwellings.

CHARACTER AND APPEARANCE:

The requirements relating to design are that development should respond to its local context and, respect and compliment their host dwelling. It is proposed that the dwellings be constructed of a re-constituted lias stone used in other dwelling developments locally and a clay double roman tile to match those in the local area. The design of the cul-de-sac will replicate the domestic architectural style of the neighbouring properties, and the wider area, thereby responding to the local context.

The dwellings have been designed so as to provide clearly legible frontages and entrances offering a high degree of natural surveillance ('secured by design' approach). This link between the built environments contributes positively to the public realm.

Due to the linear layout and siting of the buildings along Wells Road, views between structures are constantly available which enhances the sense of spaciousness within this urban environment; the proposed development would encroach towards the boundaries, but has been designed so as to leave a gap between the structures in order to preserve this physical attribute which is a positive feature within the built environment of this locality. Furthermore the dwellings which back onto the business premises on Wells Road have been designed as bungalows to preserve the open character visible at this point within the street scene.

RESIDENTIAL AMENITY: The proposed internal and external arrangement demonstrates acceptable standards of residential amenity for future occupiers.

There is the potential for harm to the amenity of neighbouring occupiers by the increased development of this site above that currently experienced in terms of increased sense of enclosure and overbearing impact to the amenity spaces of the existing dwellings.

Concern has been raised that the proposed units in particular type E within proximity of Upper Court will result in the gardens being adversely affected. The garden areas of Upper Court which run perpendicular to the site are approximately 16 metres in length and are enclosed by close boarded fencing and screened from the development site by shrubs, hedging and mature trees, which were preserved during the development of Cobblers Way and result in overshadowing of the gardens, which are of a north-western orientation. The blank side elevation close to the rear boundary of Upper Court has the potential to cause an overbearing presence to the users of the rear amenity spaces of the houses behind. However due to the existing boundary treatment the effect will be lessened to an extent where it is not considered unacceptable.

Dwelling type E will be located approximately 30 metres from the rear elevation of Glendare on Wells Road. The garden of Glendare appears to be split into three areas, a patio area close to the dwelling which surrounds the conservatory, the middle lawn area which is enclosed by shrubs and a hard standing area to the rear which has a shed/greenhouse positioned within this area and some young trees which creates a buffer zone from the existing industrial site. The outlook of Glendare will be altered. At present the site is semi open, whilst the proposal will result in a two storey dwelling situated at the end of the garden. Concerns were raised that the proposed would result in overlooking and loss of privacy, however the two small windows on the side elevation relate to bathroom windows and will thus be obscurely glazed, reducing the potential for overlooking. However the introduction of a two storey structure on the boundary of the garden and the addition of a bungalow to the north of the garden (although of a single storey, part of the hipped roof will be visible above the fence line) will have the potential to be overbearing and result in an increased sense of enclosure. The new dwellings will result in some overshadowing of the rear end of the garden of Glendare and appear overbearing from part of the garden. However, due to the length of the garden and the distance from the house itself, the harm caused is not considered to be significant enough to warrant a reason for refusal. The bungalow to the north of the site is of a hipped roof design and will slope away from the boundary of Glendare. Although the roof will be partially visible, it will preserve the open nature of the site and is not considered, when combined with Type E to result in an unacceptably increased sense of enclosure.

The two bungalows to the rear of the existing single storey office on Wells Road will preserve the open nature of the break between the dwellings on Wells Road.

The dwelling extensions of Rosedale and Owendale have not been illustrated in the block plans. Rosedale has had a small rear extension and Owendale has been significantly extended to the rear and side in addition to a conservatory which has increased the depth of the dwelling. The existing one and half storey industrial buildings are located to the rear of the office building (on Wells Road) and run along the side boundary of Rosedale. These will be replaced by a bungalow and will be set back away from the rear line of the dwellings on Wells Road, creating a more open outlook to the south. The far end of what would have originally been Rosedale's plot forms part of the existing industrial site and has become overgrown. It is proposed to be cleared and a type F dwelling erected. This dwelling will be approximately 22.8 metres from the rear elevation of Rosedale. The

existing boundary line/fence will remain as existing and will be bordered by the garden of House type F. The main amenity space of Rosedale appears to be the area closest to the dwelling and the rear end is made up of shrubs and a garden shed. The rear windows on house Type F have the potential to cause some overlooking of the garden of Rosedale and vice versa, however due to the current open nature of the site and large gardens, overlooking of neighbouring gardens is a common characteristic. Due to the separation of the proposed and existing dwellings the level of overlooking of the habitable rooms is not considered significant and will not result in unacceptable loss of privacy to the detriment of the occupiers of Rosedale.

Part of the rear section of garden of Owendale has been included within the site and it is proposed to erect a Type D dwelling within this space. This low eaves two storey dwelling will be approximately 34 metres from the rear elevation of Owendale and does not propose any dormer windows, which would have the potential to overlook the site. Although part of the existing garden of Owendale will be developed, Owendale will still have a large rear amenity space. Due to the siting of the proposal and the open nature of the neighbouring sites, the proposal is not considered to cause loss of privacy or result in overlooking or cause an overbearing presence which would be cause unacceptable detriment to the occupiers and users of the amenity space of Owendale and Witts End.

Some harm will be caused to the living conditions of neighbouring occupiers of the development site. On balance however, due to the siting, orientation, spacing and existing boundary treatments, the level of harm caused in terms of overbearing impact, overlooking and overshadowing is not considered significant enough to warrant a reason for refusal.

HIGHWAYS:

The proposed development proposes to access the site from Upper Court within the Cobblers Way development. A highway runs to the border of the site as it provides access to garages of Upper Court. A new access will be created by removing the existing fencing and scrub and it is proposed to extend the existing highway into the site and create a hammerhead turning area for vehicles with access onto private driveways of each dwelling. An extension of the pavement is also proposed to provide safe movement for pedestrians.

Concern has been raised by local residents regarding highway safety and the potential for conflict with children using the local area. However, the highways officer has assessed the scheme and considers there to be no potential harm to the users of the local highway. Pavements have been provided for safe passage of pedestrians through the urban area.

The highway officer has raised no concerns with regards to the potential for conflict with the existing users of Upper Court and the proposed site and is considered to provide an adequate level of parking in accordance with the Council's guidelines. Furthermore, the proposed site is located within a sustainable location within walking distance of local facilities and schools and local bus stops to provide further access into the local Town Centres of Radstock and Midsomer Norton.

The proposed level of development triggers the requirements for contributions towards highway maintenance and it is proposed to request a financial contribution in accordance with the Contributions Supplementary Planning Document.

It is therefore recommended to approve this application subject to the inclusion of conditions and subject to the agent's agreement to enter into a S106 agreement in relation to financial contributions to Highways and Education.

RECOMMENDATION

A. Authorise the Planning and Environmental Law Manager to prepare an Agreement under Section 106 of the Town and Country Planning Act 1990 to secure ; - a contribution of £9,923.72 for education and £.... for Highways.

B. Upon completion of the Agreement authorise the Development Manager to PERMIT the application subject to the following conditions:-

CONDITIONS

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.

2 No development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the details so approved.

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

3 No development shall 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.

4 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.

5 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.

6 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.

7 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.

8 The garage(s) hereby approved shall be retained for the purpose of parking a motor vehicle(s) associated with the dwelling.

Reason: To retain adequate off-street parking provision.

9 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.

Item No: 05
Application No: 12/01627/FUL
Site Location: 17 Lockingwell Road, Keynsham, Bristol, Bath And North East Somerset



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 a two storey side and single storey side/rear extension (Resubmission)
Constraints: Airport Safeguarding Zones, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary,
Applicant: Mr B Pollock
Expiry Date: 20th June 2012
Case Officer: Jonathan Fletcher

REPORT

APPLICANT: Mr B Pollock

REASON FOR REPORTING THE APPLICATION TO COMMITTEE:

An objection has been received from Keynsham Town Council and consequently the proposal has been referred to the Chairman as Officers are minded to approve the application. The Chairman has confirmed that the application should be determined by the Development Control Committee.

DESCRIPTION OF SITE AND APPLICATION:

The application relates to a semi-detached property located within the Keynsham North Ward. The prevailing character of the surrounding area is residential. There are a mixture of semi-detached and detached properties in the area.

The application seeks planning permission for the erection of a part single, part two storey side extension and a single storey rear extension. The extensions to the side of the property are formed with a lean-to structure incorporating an attached garage with a hipped roof to the first floor extension above. The width of the existing single storey rear extension is proposed to be increased across the width of the proposed side extension. The extensions are proposed to be constructed with external walling and roofing materials to match the host building.

RELEVANT PLANNING HISTORY

12/00581/FUL - Withdrawn - 11 April 2012 - Erection of a two storey side extension and single storey side/rear extension.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Highway Development Officer: No objection is raised to the application subject to three conditions relating to highway safety.

Third Parties: One letter has been raised raising concern in relation to the visual impact of the development and residential amenity. Two letters have been received in support of the application as the extensions are considered to have an acceptable visual impact within the street scene.

NB: The consultation period for this application expires on 24 May 2012. Any further responses received following the submission of this report will be provided to the Committee as an update.

POLICIES/LEGISLATION

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

The following policies are relevant in this case:

D.2: General design and public realm considerations

D.4: Townscape considerations

BH.1: Impact of development on World Heritage Site of Bath or its setting.

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

Bath & North East Somerset Draft Core Strategy - December 2010

Consideration has also been given to the Bath & North East Somerset Draft Core Strategy however only limited weight can be attached to this document until it is formally adopted.

National Planning Policy Framework - March 2012

The National Planning Policy Framework was published on 27 March 2012 and has been considered in relation to this application. The NPPF guidance in respect of the issues which this particular application raises is in accordance with the Local Plan policies set out above.

OFFICER ASSESSMENT

INTRODUCTION:

The primary issues to consider when determining this application relate to the visual impact of the development, highway safety and the residential amenity of adjoining occupiers. A previous application was withdrawn following concerns from the Town Council and adjoining occupiers. The current application is a resubmission which has been revised to set the first floor element of the side extension further back from the front elevation of the host building.

VISUAL IMPACT:

The host building is a semi-detached dwelling which is formed with a gable end to the front elevation and a hipped roof above.

The proposed extensions are considered to preserve the character and appearance of the host building and the street scene. The two storey part of the side extension would be set back from the front elevation which would serve to maintain the level of separation between dwellings. This would also be achieved through the height of the extension which would be substantially set down from the ridgeline of the host building. The resulting scale of the extensions would form a subservient relationship to the host building. The extensions would be integrated within the application site and the wider street scene through the use of matching external walling and roofing materials.

HIGHWAY SAFETY:

The Council's Highway Development Officer has raised no objection to the application. The proposal demonstrates that a sufficient level of off-street parking would be provided to serve the development. Therefore, the proposal would not have an adverse impact on highway safety.

RESIDENTIAL AMENITY:

One letter has been received from an adjoining occupier which raises concern in relation to the impact on residential amenity. The host building is located to the south of the adjoining detached property and therefore there is an existing degree of overshadowing throughout the day. The two storey extension would be set down from the ridgeline of the host building and therefore the level of light would not be unduly affected by this proposal. There are no windows to the side elevation of the adjoining property and the ground floor window to the side elevation of the proposed extension would be glazed with obscure glass. The projection of the single storey rear extension which would be formed with a hipped roof would not have an overbearing impact on the adjoining property. In light of these considerations there is not deemed to be sufficient grounds to recommend a refusal of the application on the basis of residential amenity.

CONCLUSION:

The proposal is considered to the character and appearance of the host building and the street scene. The proposal would not have an adverse impact on highway safety. The proposal would maintain the residential amenity of adjoining occupiers.

RECOMMENDATION

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

CONDITIONS

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.

2 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing dwelling.

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

3 The garage hereby approved shall be retained for the garaging of private motor vehicles associated with the dwelling and ancillary domestic storage and for no other purpose without the prior written permission of the Local Planning Authority.

Reason: To retain adequate off-street parking provision.

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

Reason: In the interests of amenity and highway safety.

5 Any entrance gates erected or maintained within the site access shall be hung to open away from the highway only and shall not be capable of opening out over any part of the public highway, including footway.

Reason: In the interests of highway safety and amenity.

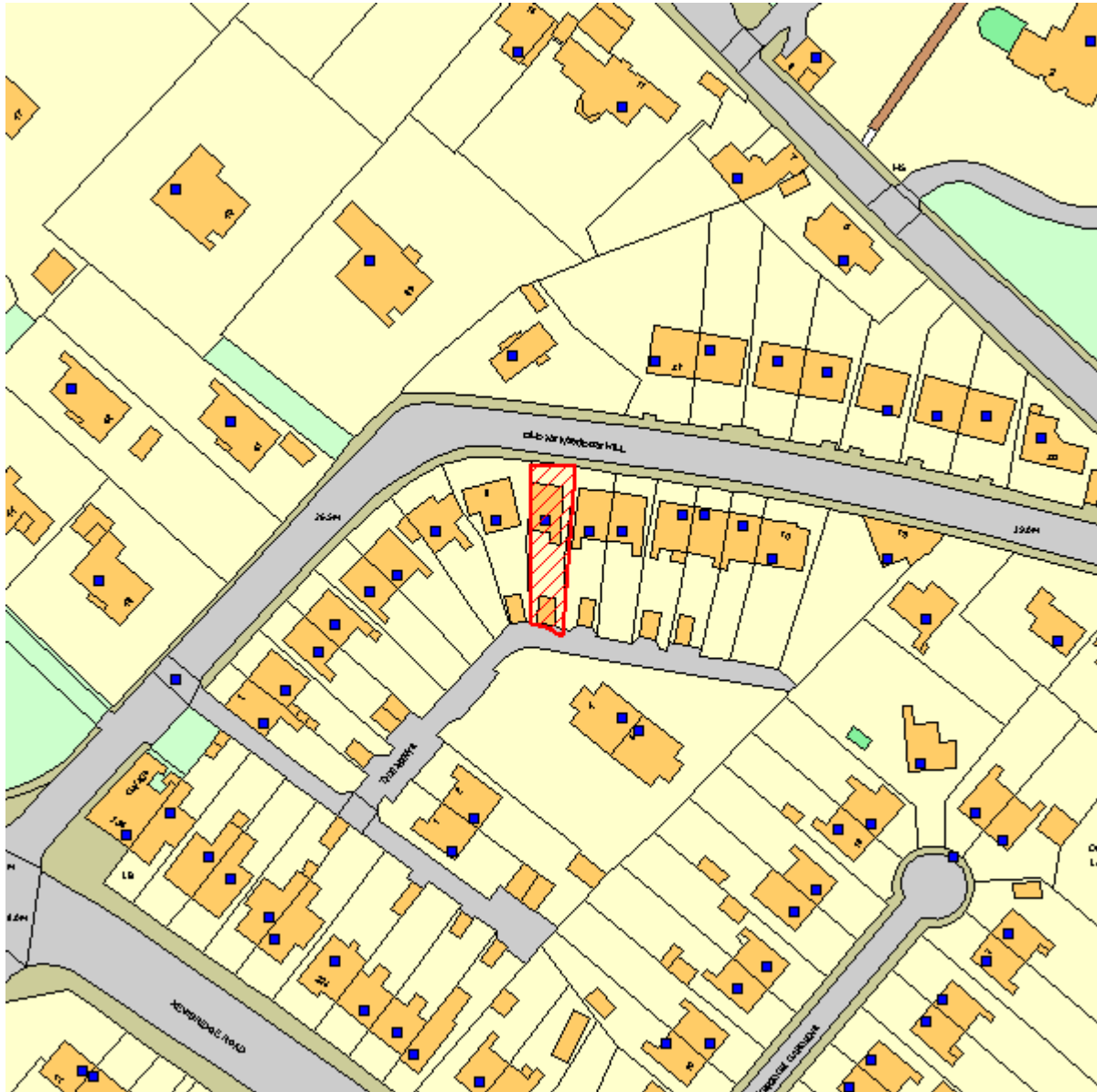
6 The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.

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

PLANS LIST: BLOCK PLAN, EXISTING AND PROPOSED ELEVATIONS, EXISTING AND PROPOSED PLANS, SITE LOCATION PLAN received 11 April 2012.

Item No:	06
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Application No: 12/01706/FUL
Site Location: 9 Old Newbridge Hill, Newbridge, Bath, BA1 3LX



Ward: Newbridge **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor L Morgan-Brinkhurst Councillor C M L Roberts
Application Type: Full Application
Proposal: Provision of a loft conversion including side dormers (revised resubmission).
Constraints: Agric Land Class 3b,4,5, Forest of Avon, Hotspring Protection, World Heritage Site,
Applicant: Mr George And Mrs Joanne Rowntree
Expiry Date: 18th June 2012
Case Officer: Jonathan Fletcher

REPORT

APPLICANT: Mr George And Mrs Joanne Rowntree

REASON FOR REPORTING THE APPLICATION TO COMMITTEE:

A request has been received from Councillor Caroline Roberts for the proposal to be referred to the Committee if officers are minded to refuse the application.

DESCRIPTION OF SITE AND APPLICATION:

The application relates to a detached property located within the Bath World Heritage Site. The prevailing character of the surrounding area is residential. The host building is located to the south side of Old Newbridge Hill within a row of properties which are constructed in the same architectural style.

The application seeks planning permission for the provision of a loft conversion with dormer windows which are proposed to be sited to both sides of the main roof. The dormer windows are designed with flat roofs and would project from the ridgeline of the host building. The vertical planes of the dormer windows would be finished with tile hanging to match the main roof.

RELEVANT PLANNING HISTORY:

11/04973/FUL - RF - 23 December 2011 - Provision of a loft conversion including a side dormer.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Third Parties: One letter has been received from an adjoining occupier raising concern in relation to the impact of the development on residential amenity.

NB: The consultation period for this application expires on 24 May 2012. Any further responses received following the submission of this report will be provided to the Committee as an update.

POLICIES/LEGISLATION

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

The following policies are relevant in this case:

D.2: General design and public realm considerations

D.4: Townscape considerations

BH.1: Impact of development on World Heritage Site of Bath or its setting.

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

Bath & North East Somerset Draft Core Strategy - December 2010

Consideration has also been given to the Bath & North East Somerset Draft Core Strategy however only limited weight can be attached to this document until it is formally adopted.

National Planning Policy Framework - March 2012

The National Planning Policy Framework was published on 27 March 2012 and has been considered in relation to this application. The NPPF guidance in respect of the issues which this particular application raises is in accordance with the Local Plan policies set out above.

OFFICER ASSESSMENT

INTRODUCTION:

The primary issues to consider when determining this application relate to the visual impact of the development and the residential amenity of adjoining occupiers. A previous application for a single side dormer window was refused as it was considered to have an unacceptable impact on the street scene. The current application seeks to overcome this reason for refusal by reconfiguring the loft conversion with two dormer windows.

VISUAL IMPACT:

The host building is a detached dwelling which is formed with a hipped roof and a two storey bay window to the front elevation. The property is located to the south side of Old Newbridge Hill.

The side dormer windows are considered to have an adverse impact on the character and appearance of the host building and the street scene. The hipped roof forms of the host building and adjoining properties are an important characteristic of the area. The proposal would introduce a large bulk of development projecting from the ridgeline of the host building which would substantially alter the shape of the roof. The two dormer windows would have the effect of creating a flat roof across the width of the host building. The dormer windows would be clearly visible to the front of the application site and would compromise the level of separation between the adjoining properties. Although there are other properties on Old Newbridge Hill which have been enlarged with side dormer windows, these structures have not been implemented on detached properties. These existing dormer windows serve to illustrate the harm caused by this type development which would be particularly pronounced if implemented on a detached property.

Whilst there is considered to be clear harm to the character and appearance of the host building and the street scene, the proposal would not affect the qualities which justified Bath's inscription as a World Heritage Site. Therefore, no objection is raised to the proposal on this basis.

RESIDENTIAL AMENITY:

A letter has been received from an adjoining occupier which raises concern in relation to the impact of the development on residential amenity. Whilst these comments are noted, there is not considered to be sufficient justification to warrant a further reason for refusal based on this issue. The windows would serve the landing area and bathroom and therefore the level of overlooking from the attic would be minimal. Although it is

recognised that the scale of the dormer windows would reduce the separation between buildings this would not unduly affect the level of light to the adjoining properties.

CONCLUSION

The design of the proposed side dormer windows would have an adverse impact on the character and appearance of the host building and the street scene. The proposal is therefore contrary to policies D.2 and D.4.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed side dormer windows, by reason of their design, scale, massing and prominent siting, would have a detrimental impact on the character and appearance of the host building and the street scene contrary to policies D.2 and D.4 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007.

PLANS LIST: 01 A received 13 April 2012.