

Bath & North East Somerset Council

MEETING: **Development Control Committee**

MEETING DATE: **20th November 2013**

AGENDA
ITEM
NUMBER

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

TITLE: **APPLICATIONS FOR PLANNING PERMISSION – SITE VISIT**

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:
001	13/03415/OUT 2 October 2013	Mr Malcolm Pearce Agricultural Haulage Building And Yard, Pinkers Farm, Middle Street, East Hartree, Bristol Erection of 8no. houses and 4no. workshops and provision of a new access road (resubmission).	Mendip	Daniel Stone	Delegate to PERMIT

Item No: 001
Application No: 13/03415/OUT
Site Location: Agricultural Haulage Building And Yard Pinkers Farm Middle Street East Harptree Bristol



Ward: Mendip **Parish:** East Harptree **LB Grade:** N/A
Ward Members: Councillor T Warren
Application Type: Outline Application
Proposal: Erection of 8no. houses and 4no. workshops and provision of a new access road (resubmission).
Constraints: Airport Safeguarding Zones, Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Water Source Areas,
Applicant: Mr Malcolm Pearce
Expiry Date: 2nd October 2013
Case Officer: Daniel Stone

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE

Councillor Tim Warren requested that if officers were minded to permit the application it should be referred to the DC committee, because the proposed development is outside of the housing development boundary, and therefore a meeting is necessary to satisfy the public interest.

DESCRIPTION OF SITE AND APPLICATION

The application site relates to a parcel of land currently occupied by hardstandings and semi-derelict agricultural buildings, having the appearance of a farmyard. The site is located on the southern edge of the village beyond the Housing Development Boundary. The site is located within the Mendip Hills Area of Outstanding Natural Beauty (AONB) and adjoins the Conservation Area.

The site is located in Flood Zone 1 (with the lowest probability of flooding) but suffers from well-documented flooding problems, arising from inadequate drainage. A drainage ditch from the fields to the south of the village flows into a culvert running along the north-western boundary of the site, then along an open drainage channel on the north-eastern boundary of the site before discharging into the highway drain on the eastern corner of the site. According to residents' comments, problems with this arrangement result in localised flooding affecting the site, the adjoining properties with waters discharging onto Middle Street itself.

The site is bounded to the north and east by houses, and to the south by a working farm. To the west of the site are residential gardens and the site fronts onto the main road through the village which provides access onto The Old Bristol Road (B3134) to the west. Middle Street, which links the site with the village centre, school and bus stop is not served by continuous pavements.

The applicants have described the site as an agricultural haulage yard, however officers have found no records to confirm that this was the authorised use and residents describe it as an agricultural contractors yard.

Outline consent is sought for the erection of 8 houses and 4 workshops and the provision of a new access road. All matters are reserved, and therefore the Council is considering the acceptability in principle of 8 houses and 4 workshops on the application site, rather than the detailed layout or appearance of the site.

The application includes an illustrative plan which shows one way in which the site could be developed. This shows a terrace of houses fronting onto the main road, with three detached properties laid out at the back of the site and 4 proposed work units located along the south-west boundary of the site. A pavement is shown along the site frontage and it is proposed that a 4-metre wide swale (open vegetated ditch) would be provided along the north-western boundary to accommodate surface water flows, which are presently conveyed along the north-eastern boundary the site via a culvert. The application is supported by a Flood Risk Assessment and Ecology report.

RELEVANT PLANNING HISTORY:

12/04534/OUT - Erection of 8 houses and 4 workshops + new access road - Withdrawn

Adjoining land:

10/05257/FUL - Change of use from garage and workshop (Agricultural) to domestic garage and workshop - approved 18.08.11

11/04447/FUL - Erection of domestic garages and workshops to replace existing garage/workshop and prefabricated garage. Approved 11.01.2012

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Summary of Consultation/Representations:

Consultation letters were sent out to 40 properties and a notice was placed in the local press. To date 32 objections have been received, raising in summary the following issues:

Principle of Development

- The site falls outside of the development boundary and therefore should not be developed.
- The development would create a significant extension to the village.
- The village is designated as an R2 settlement. The application would be contrary to policy HG4.
- The site is designated for agricultural use and is viable for this use. It is not a brownfield site and should continue to be used for agricultural purposes.
- There is no proven need for additional housing or workshops
- The site has been used for the storage of agricultural feed within the last 2 years. If the application is approved, there will shortly be another application for further farm buildings to serve Pinkers Farm.
- The poor condition of the farmyard, which is mentioned by the applicant, is caused by their neglect of the site. It should not be used as a reason for its re-development.

Sustainability

- East Harptree is now essentially a commuter village and has inadequate infrastructure to accept further development. Public transport is poor, residents need cars for everything.
- The site is in the least sustainable part of the village and would be remote from public transport and facilities. There is a site being promoted by the Parish Council at the lower end of the village that is actively being promoted by the Parish Council for Affordable Housing.
- The village shop relies on volunteers to continue running and carries a restricted stock
- The delay in finalising the Core Strategy and absence of an identified 5-year housing land supply is causing development proposals to come forward that under

the local plan would never be permitted. Surely it cannot be right that a developer could benefit from a window of opportunity when the result will be a totally inappropriate and unsustainable development.

Flooding

- There are major problems with flooding on and around the site, with frequent flooding problems in Middle Street, caused by water coming off the site and above Western Lane / Smithams Hill.
- The existing residents in the vicinity all have sandbags around their properties all the time. Additional development will exacerbate this unless significant mitigation measures are put into place.
- The nearby slurry pit overflows onto the site when it floods.
- The proposed routing of surface water under Middle Street to connect with the culvert outside Proudcross Farm house is of particular concern as this water will be carried underground, leading to concerns as to possible leakages due to the increased volume of water

Highway Safety and Parking

- The roads in East Harptree are very narrow with hardly any pavements and no street-lighting and cars ignore the 30mph limit. The pavements are not wide enough for prams or wheelchairs.
- Object to additional road traffic, which would endanger pedestrians and cyclists.
- Visibility from the site access is questionable - requiring considerable site works to the north
- There's not enough parking within the development, exacerbating parking problems on Proud Cross and the lane, and problems with farm vehicles accessing the adjoining farm.
- Planning consent 10/05257/FUL and certificate of Lawfulness 10/05261/CLEU for the erection of garaging and the use of a garage for domestic purposes, were granted to provide parking to the properties opposite (The New House and Pinkers Cottage). These garages remain unoccupied and have not been allocated to these properties, increasing the undesirable parking on Middle Street.

Design, Layout and Visual Impact

- The proposed development is too intense, are of poor design quality and will detract from the character and appearance of the Conservation Area.
- The hedge should be retained along the eastern boundary
- Object due to the site being in an Area of Outstanding Natural Beauty and adjoining the Conservation Area.
- The area around the site site has had numerous recent developments in recent years, infilling all available gap sites. Further development would ruin its remaining character.
- Would bungalows be more in keeping with the character of the open countryside
- The buildings themselves are poorly designed, with the terrace looming over the road.

- The layout is dominated by the road and is sub-urban in character and will detract from the character of the village and Conservation Area.
- The development would result in the loss of open space which contributes to the character of the village.
- Porch lights for the houses will cause light pollution. To protect the character of the village and wildlife, street lighting should not be allowed.
- The proposed vehicular entrance to the workshops would need to allow for the parking of cars outside the current garages - the current design does not appear to allow sufficient space.

Residential Amenity

- Concerned about the height of the proposed buildings which will impact on the outlook of Hill Cottage opposite.
- Loss of amenity through car headlights shining into the properties opposite the site and increased traffic noise
- The houses will overlook Ingleby, Combe Lane, to the north of the site
- The proposed dwellings would be too close to the slurry pit and well within the recommended 400 metres exclusion zone, which must raise health and safety issues.
- Impact of noise and disruption from construction process

Application Inaccuracies

- The design and access statement states the agricultural use finished some years ago, when it is still used daily by an agricultural contractor
- The site and surroundings are affected by flooding
- The site is not a redundant agricultural haulage yard, but has been in use as an agricultural contractors yard and is in agricultural use. This is important as the site should not be classed as brownfield land, and therefore be subject to less stringent planning controls.
- The site is likely to be contaminated with asbestos, fertilisers and fuel.

Need for the Development / housing needs

- There is no need for open market housing and or small industrial units in the village.
- The village recently rejected proposals for small workshops on another site, since it was speculative and there were no uptake offers.
- The village needs low-cost housing not up-market family housing.

Other

- The buildings on the site have been allowed to deteriorate and are now a haven for wildlife
- Concerned as to whether there will be sufficient sewerage capacity and capacity in the electrical grid and sewerage system.

- The proposed workshops have been included purely to provide a buffer between the housing and the slurry pit. As soon as circumstances allow (e.g. closure of the slurry pit) the workshops could be converted into even more houses.

EAST HARPTREE PARISH COUNCIL - OBJECTS for the following reasons

- 1/ The photograph on the cover of the Flood Risk Assessment, clearly shows the amount of mud that will run through the site when it floods.
 - 2/ close Proximity to livestock buildings and slurry pit
 - 3/ Visibility lines from the access road are inaccurate and cannot be implemented
 - 4/ Transportation and Highways (Drainage) have said that they do not have objections or comments. How can this be the case with the inaccurate and misleading Flood Risk Assessment?
 - 5/ The site is outside the Housing Development Boundary
 - 6/ The site is clearly not Brown Field. It is Agricultural - exempt from rates.
 - 7/ It is an 'agricultural' farm yard, not a haulage yard
 - 8/ Access is far from acceptable given the narrow width of the roads of the village, this will be exasperated by cars parked on the roads.
 - 9/ Corinne Eatwell's (Scientific Officer - Contaminated Land) email is not robust enough. It needs to be more detailed. The land is bound to be contaminated.
 - 10/ Why has there not been an Environmental Report submitted regarding the contamination? We believe that one has been done.
 - 11/ Why has not Bristol Water been consulted on building next to line of works.
- The East Harptree Parish Council suggests a site visit with the case officer so that the Council can physically show the problems in the Flood Risk Assessment. These problems are not easily conveyed on paper.

East Harptree Parish Council find that this application is totally unsustainable and inappropriate developments like this will ruin the character of a RA2 village

HIGHWAYS DEVELOPMENT CONTROL -

The former use of the site is described as an agricultural haulage yard and buildings, but there has been limited use of the site for some time. There are domestic garages on the site, which have been approved as part of application 11/04447/FUL, to serve the nearby dwellings of Pinkers Cottage, Proud Cross Cottage and Top House.

The application has been submitted for outline consent with all matters reserved, although the Design & Access Statement provides quite a bit of detail of the intended means of access and parking areas, and their proposed surface materials.

The proposed access road is located in the same position as the existing farm access, and the submitted plan details improvements to afford adequate pedestrian provision along the site frontage and visibility from the access position.

Middle Street is a rural lane without any separate pedestrian facilities, and no street lighting. The village of East Harptree has limited local services and public transport

facilities, and residents would therefore be reliant on the private car as a main mode of travel. The location of the site is therefore not considered to be sustainable. The site is also located outside of the Defined Housing Development Boundary, and is therefore contrary to Policy HG.4 of the Bath & North East Somerset Local Plan (including minerals and waste policies) October 2007.

Having regard to the above, I would feel bound to recommend that this application be refused on highway grounds for the following reason:-

The proposal, located remote from services, employment opportunities and being unlikely to be well served by public transport, is contrary to the key aims of Policy T.1 of the Bath & North East Somerset Local Plan (including minerals and waste policies) Adopted October 2007 and the National Planning Policy Framework, which seek to facilitate the use of sustainable modes of transport.

However, the development proposes workshop units, and the consultants consider this will contribute to the sustainability of the village, although the units are not tied to the residential units or residents of the village only, and therefore there is no guarantee they would employ staff from the village, or the development.

Bearing the above in mind, should the Local Planning Authority be minded to grant permission for this development then it is strongly recommended that a highway contribution of £20,000 is first secured, by way of S106 Agreement, in order to improve pedestrian infrastructure within the village/vicinity of the site, connectivity and highway safety by the provision of virtual footways to connect the site to the village centre. In these circumstances, the proposed estate street should be constructed to an adoptable standard in accordance with the specification and requirements of the Council, as Highway Authority.

HIGHWAYS DRAINAGE - no Objections

Following the withdrawal of the previous application, the developers negotiated with highways Drainage on the content of the Flood Risk Assessment and the approach to resolving the localised drainage experienced at the site over the course of 8 months. The Flood Risk Assessment and proposals follow the previous advice given, and therefore no objections are raised on flood risk grounds.

The proposed development as it now stands includes the following land drainage elements;

- o The reduction in impermeable surfaces on the site.
- o The introduction of a swale to channel overland sheet flows entering the site from the west.
- o Improvement to the channel on the NE boundary of the site.
- o A new trash screen and inlet arrangement from the channel into the watercourse.
- o A new piped section of watercourse from the site, across the highway to the existing culverted watercourse.
- o Improved highway drainage connected to the pipework from the site in the highway.

The above measures will improve how the surface runoff is collected and conveyed into the existing downstream catchment and will help to mitigate the surface flows across the site. In my view the drainage elements proposed in the new development will improve the conveyance of surface water through the site as and when it occurs. Any land drainage issues above the site should be reported and looked at separately from the proposed development.

The Parish Council raised further concerns and technical queries in respect of the Flood Risk Assessment, which have been answered by the Council's Highways Drainage Team, who maintain their assessment that the Flood Risk Assessment is acceptable. This correspondence is available on the Council's website.

HOUSING SERVICES - No objection

Attention is drawn to the fact this application proposes only 8 dwellings, just two under the threshold by which an affordable housing contribution would be generated under the current local plan policy HG.8.

Housing Services therefore ask that the accompanying Section 106 is future proofed to protect the Council's interest in the following manner:

A: planning permission should ensure the employment buildings are given a B class use.

B: If at any time the employment buildings are proposed to convert to Housing use (C class) that an affordable housing obligation is levied across the whole site (as if the whole site came forward for housing use) and that the affordable housing contribution is based upon the local planning policy of the time of conversion, and is provided onsite or at the Council's discretion as an offsite contribution in the form of a commuted sum.

ENVIRONMENTAL HEALTH - No Objections

Environmental Health commented that there were no recognised minimum stand-off distances between slurry pits and dwellings.

ECOLOGY - No objections subject to conditions

An ecological report has now been submitted. Recommendations are made for:

- o precautionary working practices for the protection of reptiles
- o precautionary measures to avoid disturbance to nesting birds and barn owl if present
- o provision of measures to enhance the site for biodiversity including native planting; mixed species seeding of lawns and gardens; provision of nest boxes and hedgehog boxes.

I do not dispute the findings of the ecological survey but the LPA should require, by condition, additional measures to those recommended in the report, as detailed

below, to compensate for the removal of hedgerows and other vegetation. This is because the ecological assessment does not include consideration of loss of the hedgerow but is based on its retention as shown in the drawing (figure 3 of the ecological assessment).

The proposal involves the removal of the south eastern boundary hedgerow (which is species poor) and other patches of vegetation. These features, although not in themselves of particularly high ecological value, collectively provide the main features of value for wildlife at the site, and are of value in provision of cover and food sources for birds, insects and small mammals, and in provision of "green infrastructure". New planting to provide replacement habitat to equivalent or greater ecological value would be a reasonable and appropriate mitigation measure. This could be achieved by incorporation of wildlife friendly and native planting across the site and within gardens: replacement of the proposed frontage wall with a mixed-species wildlife friendly hedgerow; creation of habitat within the swale through use of mixed species native grass seed mix, and mixed species native shrub planting. As much native and wildlife friendly planting as can be accommodated within this area, along boundary features, and across the site, would be expected.

ARCHAEOLOGY - No objections subject to conditions being applied to require a programme or archaeological work

CONTAMINATED LAND OFFICER - no objection subject to conditions

EDUCATION - No objection subject to the contributions of £34,550.88 being secured as follows:

- o £1,600.80 - Youth Services Provision
- o £32,950.08 - Primary Age pupil places

PARKS - no objection

I note that the application has been submitted in outline form, and so I would recommend that any S106 relating to the site includes formulas to enable the contributions to be calculated at Reserved Matters stage. The formulas will then take account of any changes to the layout submitted as part of the Reserved Matters and ensure that an appropriate level of contributions is made according to the layout of the development.

POLICIES/LEGISLATION

POLICIES

Adopted Local Plan:

- SC.1 Settlement classification
- HG.4 Residential development in the urban areas and R.1 settlements
- D.2 - General design and public realm considerations
- D.4 - Townscape Considerations
- BH.6 - Development affecting Conservation Areas
- BH.8 Improvement work in Conservation Areas
- BH.12 Important archaeological remains
- HG.7 Minimum residential density
- T.1 Overarching access policy

- T.3 Promotion of walking and use of public transport
- T.6 Cycling Strategy: cycle parking
- T.24 General development control and access policy
- T.26 On-site parking and servicing provision
- NE.1 Landscape character
- NE.2 Areas of Outstanding Natural Beauty
- NE.10 Nationally important species and habitats
- NE.11 Locally important species & habitats
- NE.12 Natural features: retention, new provision and management
- NE.13 - Water Source Protection Area
- IMP.1 Planning obligations

Bath and North East, Somerset, Bristol, North Somerset, South Gloucestershire Joint Replacement Structure Plan (Adopted September 2002)

- Policy 1 - Sustainable Development
- Policy 17 - Landscape Character
- Policy 54 - Car Parking

Emerging Core Strategy

- RA1 - Development in the Villages meeting the listed criteria
- RA2 - Development in Villages outside the Green Belt not meeting Policy RA1 Criteria
- CP2 - Sustainable Construction
- CP6 Environmental Quality
- CP9 - Affordable Housing
- CP10 - Housing Mix
- CP13 - Infrastructure Provision
- ET.4 Employment development in and adjoining rural settlements
- ET.5 Employment development in the 'countryside'
- Planning Obligations Supplementary Planning Document - Adopted July 2009
- Mendip Hills AONB Management Plan 2009 -2014
- Landscape - Character Assessment - Rural Landscapes of Bath and North East Somerset
- National Planning Policy Framework
- Planning for growth - Ministerial statement - March 2011

OFFICER ASSESSMENT

KEY ISSUES:

A. IS THE PRINCIPLE OF RESIDENTIAL DEVELOPMENT ACCEPTABLE ON THIS SITE IN POLICY TERMS?

Policy Context

Local Plan Policies SC.1 and HG.4 define East Harptree as an R2 village, where residential development within the development boundary will be permitted if it is

appropriate to the scale of the settlement in terms of the availability of facilities and employment opportunities and accessibility to public transport.

Policy RA2 of the amended Draft Core Strategy advises that within the development boundary proposals for some limited residential development will be acceptable where they are of a scale, character and appropriate to the scale of the settlement. Proposals for employment development within or adjoining the development boundary will be accepted where they are of a scale, character and appearance appropriate to the village.

The site is located outside the adopted development boundary which wraps around the site to the north and east. Ordinarily therefore, the proposals would be recommended for refusal as being contrary to the above policies.

As has been widely publicized however, at present the Council is unable to demonstrate a 5-year housing land supply, the Adopted Local Plan is out-of-date and the Core Strategy has yet to be adopted.

As a consequence, the Council accepts that a presumption in favour of Sustainable Development applies to housing proposals, with limited weight being given to the Council's strategic housing policies and the adopted development boundaries. The National Planning Policy Framework advises that in such cases, permission should be granted unless any adverse impacts of doing so would "significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework (NPPF)."

Officers therefore conclude that the fact that the site falls outside the housing development boundary is not sufficient to justify the refusal of the application, and unless there are specific, demonstrable impacts which substantially outweigh the benefits of the additional housing delivered, in principle the application could not be resisted on planning policy grounds.

In addition whilst the site is located outside the development boundary, the scale of the development is considered to be appropriate to the scale of the settlement, and could assist in promoting the self-sufficiency of the village, in terms of providing more demand for local facilities. In urban design terms too, the site is well related to the developed 'footprint' of the village, and could be an organic extension of the village.

Officers agree that as the buildings on the site were associated with an agricultural use, the site does not comprise previously developed land in the terms defined in the NPPF, however this does not alter the conclusions set out above.

B. WOULD THE APPLICATION SITE REPRESENT A SUSTAINABLE LOCATION FOR THE DEVELOPMENT PROPOSED?

The Council's highways Development Control Team originally objected to the application on the basis that the site is outside the development boundary and poorly served in terms of pedestrian infrastructure, with incomplete pavements and inadequate street lighting, and that the location is unsustainable for residential development. Some objectors have made similar comments.

Officers agree that the site does not benefit from continuous pavements linking it with the village centre, and the pavements that are present are too narrow to accommodate wheelchairs or buggies, forcing people to walk in the road. In addition the village does not have street lighting. Concerns have also been raised about the public transport provision serving the village, and it is correct that whilst it is served by public transport, a primary school and a shop, it would not be difficult to meet all household needs without having access to a private car. Consequently the proposed development does raise concerns in terms of the sustainability of this location for development.

However, it is considered that the majority of these criticisms could be laid at East Harptree as a whole, yet under adopted and emerging policies, the principle of residential development of an appropriate scale is accepted within the Development Boundary. The question therefore is whether the development is unsustainable by virtue of its location outside the Adopted Development Boundary.

A recent appeal ruling on a similar site in Farmborough, where the Council refused a residential development on sustainability grounds considered just this point (application reference 11/02432/OUT relates).

The Inspector commented that the Council considered Farmborough to be an unsustainable location by definition in that development that is likely to increase the number of journeys made by private vehicle. The scale of the development proposed is therefore not material to this 'in principle' position but there is a recognition that, for other planning reasons, the HDB has been defined with a presumption in favour of residential development within it.

The inspector found this 'in principle' position difficult to reconcile with the Council's overall housing strategy (in saved LP policy SC.1), which classified Farmborough as a R.1 village, where development of an appropriate scale within the housing development boundary would be accepted.

The inspector commented that the supporting text (to policy SC.1) clearly referred to the concept of settlement clusters where a range of services may be shared and specifically identifies Farmborough as a village that contributes to the provision of services for village clusters. The Local Plan therefore assumes a certain amount of travel between places to access the full range of services. The inspector found that the proposed development did not conflict with Local Plan policy SC.1 and resolved that the appeal should be allowed.

This reasoning is directly applicable to the situation in East Harptree. The background text to policy SC.1 does discuss villages sharing facilities, and therefore acknowledges that such settlements will not be entirely self-sufficient.

The NPPF further reinforces this approach, stating (paragraph 55):

To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example,

where there are groups of smaller settlements, development in one village may support services in a village nearby.

In this case, it is considered that it would not be possible to justify refusing the application as an unsustainable form of development solely because of its location just outside of the development boundary, when the majority of these criticisms could be equally leveled at sites within the Development Boundary. However, it is reasonable to consider whether the development can make reasonable provision to improve the pedestrian infrastructure between the application site and the village centre.

C. ARE THE PROPOSALS ACCEPTABLE IN TERMS OF HIGHWAY SAFETY?

The application is in outline with means of access as a reserved matter, and therefore means of access would be considered in detail in subsequent reserved matters applications, however as detailed in the transport comments, the details that have been submitted are considered to be acceptable in terms of transport and highway safety considerations.

Notwithstanding these considerations, given the poor pedestrian infrastructure within the village, it would be reasonable to request contributions of £20,000 as suggested in the highway safety comments, in order to fund measures to pedestrian safety and traffic management measures in East Harptree.

In similar circumstances elsewhere in the district the Authority has introduced "Virtual" pavements on roads with insufficient space for pavements, which are painted sections within the carriageway where pedestrians can walk. Clearly this is not as good as providing a dedicated pavement, but such provision can assist in slowing traffic speeds and improving safety conditions for pedestrians.

Officers note the concerns that have been raised in respect of parking provision for the proposed development. This is a matter that would be considered at reserved matters stage, but the proposals appear to be in compliance with the Council's adopted maximum standards, offering at least two spaces per dwelling.

D. ARE THE PROPOSED WORKSHOPS ACCEPTABLE IN POLICY TERMS?

Local Plan policy ET.4 gives support for office, industry or storage uses will be permitted within or adjoining settlement such as East Harptree (R2 settlements) provided that such development is appropriate in scale and character to its surroundings. The proposed workshops would be appropriate in scale to the settlement and could be designed to be sympathetic to its rural character.

It is correct that there is no guarantee that they would be occupied by residents of the development or indeed the village. However in terms of increasing the self-sufficiency and sustainability of the village, the provision of employment units (and potentially employment opportunities) within walking distance of village residents can only be seen as a positive step.

Given the proximity to nearby dwellings, it would not be appropriate to use the workshops for general industrial uses, or at least such uses would require detailed information, mitigation measures that has not been provided within this application, and detailed consideration by the Local Planning Authority. Given the character of the roads that lead to the site, it may also not be appropriate for the buildings to be put to storage and distribution uses, as could happen under permitted development rights if an open B1 use were allowed. Therefore, were consent to be granted, it should be subject to a condition restricting the permitted uses to within Use Class B1 (c).

E. ARE THE PROPOSALS ACCEPTABLE IN TERMS OF FLOODING ISSUES?

Whilst the site is high land and falls within Flood Zone 1, the site is well documented as being prone to flooding. As addressed in the comments from the Highways Drainage team, the Flood Risk Assessment submitted has been developed in co-ordination with the Councils drainage team and has followed their advice.

The Flood Risk Assessment offers the following improvements within the site

- o A reduction in impermeable surfaces on the site, therefore encouraging on-site infiltration, and reducing surface runoff flows
- o The introduction of a swale to channel overland water flows entering the site from the west.
- o Improvement to the channel on the NE boundary of the site.
- o A new trash screen and inlet arrangement from the channel into the watercourse.

The development also offers to implement the following off-site improvements:

- o A new piped section of watercourse from the site, across the highway to the existing culverted watercourse.
- o Improved highway drainage connected to the pipework from the site in the highway.

In principle these measures, in particular the proposed swale (which is not vulnerable to being blocked in the way the culvert is) and reduction in impermeable surfaces within the site offer the potential to lessen some of the localised flooding problems that have been experienced around the site and guide and direct the path of overland water flows when they do occur. Based on the comments from our Highways Drainage team, there is certainly no evidence that the proposed development would worsen existing flooding problems.

The detailed design of the site and its drainage system, for instance the design and capacity of the swale, the ground levels within the site and therefore the path of overland surface water flows, the finished floor levels of the dwellings will all be important to ensure that the solution proposed is effective in addressing the problems on the site. This level of detail is not present in the outline application put forward, however the flood risk assessment application offers a high level of confidence to demonstrate that the site is capable of being drained effectively, that the dwellings will be safe and that flood risks will not be exacerbated elsewhere.

Planning conditions and clauses within the Section 106 agreement can ensure that the required details are included in any subsequent reserved matters application and to ensure that the proposed off-site drainage works are carried out at the right time.

F. ARE THE PROPOSALS ACCEPTABLE IN TERMS OF THE GENERAL SCALE AND APPROACH TO DEVELOPMENT?

The application is in outline and therefore the layout, appearance, landscaping and detailed access design are all reserved for later consideration, however the illustrative layout plan suggests that this number of dwellings could be accommodated on the site in a satisfactory manner, with adequate external space standards and relationships between properties.

Fronting houses onto the main road as is suggested in the illustrative plan would be sympathetic to the character and form of other nearby dwellings in the village, and the inclusion of a pavement is welcome in addressing highway safety concerns. Objectors have commented that the proposed pavement would give the development a suburban character. Officers do not consider this to necessarily be the case, provided a sensitive design approach and appropriate materials are used, for instance stone pavement edges rather than concrete.

The illustrative plan suggests that the front boundary would be formed by a stone wall. It would be much more appropriate to the context to instead define this boundary by means of a low hedge or vegetated bank, and as referred to in the ecology comments, this is needed to form part of the ecological mitigation for proposed development. Given the prevalent materials found in the Conservation Area, officers also consider that facing the dwellings in natural stone, or stone and render would be more appropriate than stone and brick. The internal access road at 7 metres in width appears too wide for the number of vehicles using it, and could be revised so as provide better landscaping and garden layouts and a less suburban character. Officers also consider that subject to detailed drainage considerations it would be preferable (from an ecological perspective, and in terms of its appearance) to naturalise the concrete water channel passing along the northern boundary of the site. However, these are all matters that can be taken up through a subsequent reserved matters applications.

Notwithstanding these detailed concerns, in its current condition, the existing farm yard does detract from the setting of the Conservation Area, whatever the causes of its dereliction. From the illustrative plans the proposed development has the clear potential to enhance and improve the setting of the Conservation Area.

G. SHOULD THE PROPOSED DEVELOPMENT PROVIDE AFFORDABLE HOUSING?

Policy CP9 of the Core Strategy requires that affordable housing is to be provided at a rate of 35% on schemes of over 10 dwellings or on sites of 0.5 ha or more, with higher or lower percentages sought taking into account viability considerations and market values.

The application being considered seeks consent for only 8 dwellings and the residential part of the proposed layout would comprise less than 0.5 hectares in area, and therefore on the face of it, affordable housing would not need to be provided. Officers are concerned that were the workshops to be subsequently converted to dwellings, it could result in more than 10 dwellings being developed on the site without providing affordable housing, and that there may be the intention, or potential to circumvent the Council's Affordable Housing policies. Officers are considering potential additional clauses to be included within the Section 106 agreement to secure the Council's position in this regard.

H. D. ARE THE PROPOSALS CONSIDERED TO BE ACCEPTABLE IN TERMS OF THEIR IMPACT ON THE AMENITY OF EXISTING AND FUTURE RESIDENTIAL OCCUPIERS?

As the application seeks consent only for the principle of the proposed development, these issues are matters for detailed consideration at reserved matter stage, however the illustrative layout suggests that the development would not give rise to insurmountable problems in terms of overshadowing, overlooking or noise nuisance.

Objections have been raised regarding the proximity of the proposed dwellings to a slurry pit, located in the adjacent farm to the south-west of the site. Environmental Health have commented that there are no technical standards for minimum separation distances between slurry pits and dwellings and planning officers are aware of no minimum distances. The 400 metre "exclusion zone" referred to in the objections is simply that where a slurry pit is proposed within 400 metres of a dwelling, full planning permission is required. It would not be possible to apply a Grampian condition to a potential consent requiring the slurry pit to be closed or cease operation, as it is not within the ownership of the applicant.

The proposed workshops would be a buffer between the dwellings and the slurry pit, and overall, officers consider that this would be an issue for would-be purchasers to consider in decided whether to buy one of the dwellings. The site is in a clearly rural context with adjoining agricultural uses and there are already dwellings a similar distance from the slurry pit as those proposed.

Clearly at present there is the potential for flooding to wash slurry across the site and this clearly needs to be dealt with if the site is to be developed. The Flood Risk Assessment submitted with this outline application demonstrates that there is the potential to address and overcome these problems. The reserved matters application will fully detail the design of the site, include the finished floor levels of the dwellings and (through the proposed site levels) guide the overland flow of water through the site in the event of a severe storm. These measures to address flood risk issues, will also address this eventuality.

CONCLUSION

Subject to the recommended planning conditions and the signing of a legal agreement to secure the required transport, education, and parks contributions, the

off-site drainage works and to secure the Council's position in respect of Affordable Housing, officers consider that the proposals are acceptable. Officers have identified no areas of harm that would significantly and demonstrably outweigh the benefits of the development, in terms of housing provision, and therefore the proposed application is put forward for approval.

RECOMMENDATION

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

CONDITIONS

0 A. Authorise the Planning and Environmental Law Manager to enter into a Section 106 Agreement to secure:

1. Education

Contributions £34,550.88 to fund the need for primary school places and Youth Services provision places arising from the development. The agreed contributions shall be provided prior to the commencement of development.

2. Open Space and Recreational Facilities

Contributions towards the provision of public open space, the exact sum to be calculated according to the detailed layout of the site, incorporation of communal open space within the development and housing mix put forward at reserved matters stage.

3. Transport

Contributions of £20,000 for the introduction of a Traffic Regulation Order to provide a virtual footways to connect the site to the village centre and thereby improve pedestrian infrastructure within the vicinity of the site, connectivity and highway safety.

4. Off-site Drainage works

Replacement off-site drainage works beneath Middle Street (downstream of the site) linking the amended on-site drains to the downstream stone culvert. Off-site drainage works to consist of a 500 mm pipe and gully connections to site outfall, receiving chamber and connections to the downstream stone culvert

5. AFFORDABLE HOUSING

The Owner to covenant with the Council not to permit the change of use of more than one Workshop Building from a workshop within use class B1 to a dwelling-house under use class C3 unless an Affordable Housing Scheme for the provision of 35% affordable housing units as part of the Development on the Land has been submitted to and approved in writing by the Council or a financial payment in lieu of such provision of 35% affordable housing has been agreed in writing by the Council

B. Subject to the prior completion of the above agreement, authorise the Development Manager to PERMIT subject to the following conditions (or such conditions as she may determine):

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

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

2 Approval of the details of the (a) layout, (b) scale, (c) appearance, (d) means of access and (e) landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority before any development is commenced.

Reason: This is an outline planning permission and these matters have been reserved for the subsequent approval of the Local Planning Authority under the provisions of Section 92 of the Town and Country Planning Act (as amended) and Articles 1 and 3 of the General Development Procedure Order 1995 (as amended).

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

Reason: To ensure that the development is served by an adequate means of access.

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

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

5 No development shall commence until the applicant, or their agents or successors in title, has presented the results of the archaeological field evaluation to the Local Planning Authority, and has secured the implementation of a subsequent programme of archaeological work in accordance with a written scheme of investigation which

has first been agreed and approved in writing by the Local Planning Authority. The agreed programme of archaeological work shall be carried out by a competent person and completed in accordance with the approved written scheme of investigation.

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

6 The development shall not be brought into use or occupied until the applicant, or their agents or successors in title, has secured the implementation of a programme of postexcavation analysis in accordance with a publication plan which has been submitted to and approved in writing by the Local Planning Authority. The programme of post-excavation analysis shall be carried out by a competent person(s) and completed in accordance with the approved publication plan, or as otherwise agreed in writing with the Local Planning Authority.

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

7 Full details of on-site drainage shall be submitted with any subsequent reserved matters application, including but not restricted to the following:

- o Full details of the construction and cross sections of the proposed swale, the existing on-site water channel and the culverted watercourse in the highway (Middle Street).
- o A before and after CCTV condition survey of the existing culvert on the site.
- o Finished site levels.
- o The proposed 1-in-100 year storm-flow overland flow routes through the site (rear of plots 1-5).
- o Details of pre and post-development discharge rates (the proposed surface water system should seek the betterment of existing surface water discharge rates).
- o Drawings showing the size, type and location of drainage features (Swale attenuation) with their connection and discharge points.
- o Electronic modelling (calculations) of the performance of the system up to the 1 in 100 year (+30% for climate change) return period event.

The above details shall be agreed in writing by the Local Planning Authority prior to the commencement of development and the agreed works shall be completed prior to first occupation of the workshops or dwellings.

Reason: In the interests of Flood Risk Management.

8

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

- (i) details of planting and habitat creation to be incorporated into the planting scheme, front boundary treatment and swale area, to demonstrate equivalent or greater ecological value to vegetation being removed by the proposal

(ii) details of further measures to enhance the site for biodiversity, to include provision of bird / bat / hedgehog boxes; provision of barn owl roosting box; provision of species rich grassland and incorporation of wildlife features within gardens and boundary vegetation; provision of new hedgerow planting where applicable; all specifications and details including numbers and locations are to be incorporated into landscape scheme and planting plans

(iii) details of all other necessary measures that shall be implemented to protect wildlife including reptiles and nesting birds

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

Reason: To ensure that the development does not result in a diminution in the ecological value and biodiversity of the site.

9 A Desk Study and Site Reconnaissance (walkover) survey shall be undertaken to develop a conceptual site model and preliminary risk assessment of the site. The Desk Study shall be submitted to and approved in writing by the Local Planning Authority. Should the Desk Study identify the likely presence of contamination on the site, whether or not it originates on the site, then full characterisation (site investigation) shall be undertaken in accordance with a methodology which shall previously have been agreed in writing by the Local Planning Authority. Where remediation is necessary, it shall be undertaken in accordance with a remediation scheme which is subject to the approval in writing of the Local Planning Authority and a remediation validation report submitted for the approval of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the current and future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

10 In the event that contamination is found at any time when carrying out the approved development, work must be ceased and it must be reported in writing immediately to the Local Planning Authority. The Local Planning Authority Contaminated Land Department shall be consulted to provide advice regarding any further works required. Unexpected contamination may be indicated by unusual colour, odour, texture or containing unexpected foreign material.

Reason: To ensure that risks from land contamination to the current and future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

11 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, (or any order revoking and re-enacting that Order with or without modification), the workshops hereby approved shall be used only for purposes within Use Class B1 a (office) or B1 b (research and development) and for no other purpose in Class B of the schedule to that Order.

Reason: In the interests of the amenity of nearby residential occupiers and in the interests of highway safety. Other such uses require further detailed consideration by the Local Planning Authority in terms of their amenity and traffic impacts.

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:

1 Drawing 5062W-04 REV. A - SITE AS EXISTING
DESIGN & ACCESS STATEMENT
ECOLOGICAL SURVEY
FLOOD RISK ASSESSMENT

2 This permission does not convey or imply any civil or legal consents required to undertake the works. Further consents may be needed to carry out the off-site drainage works and to close the road in order to implement these works.

3 This permission is accompanied by an agreement under Section 106 of the Town and Country Planning Act 1990.

4 The applicant is advised to ensure that there is provision within the site for the disposal of surface water in accordance with the requirements of the Flood and Water Management Act 2010.

Condition Information: The applicant has indicated that surface water will be disposed of via soakaways. The applicant should carry out infiltration testing to BRE Digest 365 standards to ensure that a feasible soakaway design is possible. The test results should be submitted in support of the discharge of the above condition along with the soakaway design. If infiltration rates are found to be too low to support a feasible soakaway design, an alternative strategy for the disposal of surface water incorporating SuDS principles should be submitted.