

Bath & North East Somerset Council

MEETING: **Development Control Committee**

MEETING DATE: **12th March 2014**

AGENDA
ITEM
NUMBER

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

TITLE: **APPLICATIONS FOR PLANNING PERMISSION (SITE VISITS)**

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

Item No: 001

Application No: 13/04303/FUL

Site Location: 22 Rotcombe Vale High Littleton Bristol Bath And North East Somerset BS39 6LA



Ward: High Littleton

Parish: High Littleton

LB Grade: N/A

Ward Members: Councillor L J Kew

Application Type: Full Application

Proposal: Erection of a two storey 3no. bedroom house in front garden.

Constraints: Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary,

Applicant: Mr Jonathan Cowley

Expiry Date:	13th December 2013
Case Officer:	Daniel Stone

REPORT

The application comes to committee at the request the committee Chair. It was deferred at the last meeting of the Committee to allow Members to visit the site.

SITE CONTEXT

The application site is within the Housing Development Boundary and consists of the front garden of a residential property in High Littleton. The property is in a modern estate of terraced, semi-detached and detached properties, typically faced in render and re-constituted stone with tiled roofs. There is a mature oak tree to the east of the site. The site is within the housing development boundary, but is not subject to other planning designations. The property has been extended with a two storey side extension, reference 09/02420/FUL relates.

PROPOSALS

Consent is sought for the erection of a two-storey dwelling, constructed in materials to match those of the rest of the street. The proposed dwelling is designed with a low roofline and dormers set into the roof to reduce its height and visual impact. A parking space and garden would be provided to the east of the new property.

RELEVANT PLANNING HISTORY:

09/02420/FUL - Erection of a two storey side extension, front porch and rear conservatory and provision of new driveway, 22 Rotcombe Vale - approved

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

HIGHWAYS DEVELOPMENT CONTROL - No objection subject to conditions

There is no objection to a residential development at this location which is in the heart of an existing residential area and close to the centre of High Littleton.

The access is in a reasonable position however to ensure visibility exists to the left a condition is recommended below to limit the height of the front wall. There is therefore no highway objection, subject to conditions being attached.

HIGHWAYS DRAINAGE - NO OBJECTION SUBJECT TO CONDITIONS

TREE OFFICER - No Objection subject to conditions

The key tree in relation to this full application is the mature oak tree adjacent to the site.

Subsequent to the pre-app response, a comprehensive Arboricultural Method Statement has been produced by B J Unwin Forestry Consultancy. I am satisfied

that the key issues regarding tree protection and the wider implications of the proposed development in relation to the oak tree have been addressed in this document.

The two apple trees to be removed within the site are insignificant specimens and are not worthy of a TPO.

REPRESENTATIONS

Consultation letters were sent out to 11 adjoining properties and a press notice was displayed. To date 5 objections, including one objection from 6 addresses in Rotcombe Vale have been received, raising the following issues:

- the building would look out of character to the rest of the estate and would breach the building line.
- The development would have a cramped and awkward relationship with the existing properties to rear and adjacent
- Overdevelopment
- The garden is substandard in size.
- Access for emergency vehicles and bin lorries. Will they be able to turn if vehicles parking in the turning head?
- inadequate parking. The development would take up space previously used as parking for the existing dwelling.

HIGH LITTLETON PARISH COUNCIL - OBJECT

The Council consider this application to be overdevelopment, overlooking other properties. There are parking issues and it is not in keeping. The council object in principle due to its dominance as demonstrated in policy D2 and D4 of the Local Plan.

Previous application 09/02420/FUL (erection of a two storey extension was permitted subject to conditions stipulating that it must retain adequate off-street parking provision, and stating that the area allocated for parking should be kept clear of obstruction and should not be used for other than for the parking of vehicles.

POLICIES/LEGISLATION

Policy context

Adopted Local Plan:

- D.2 General design and public realm considerations
- D.4 Townscape considerations
- ES.12 Noise and vibration
- T.1 Overarching access policy
- T.6 Cycling Strategy: cycle parking
- T.24 General development control and access policy
- T.26 On-site parking and servicing provision

- NE.4 Trees & woodland conservation

Emerging Core Strategy:

- SV1 Somer Valley Spatial 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

National Planning Policy Framework

OFFICER ASSESSMENT

Officer Assessment:

Principle of Development

Local Plan policies SC.1 and HG.4 define High Littleton as an R.1 settlement where residential development will be permitted if it is within the defined housing development boundary and it is appropriate to the scale of the settlement in terms of the availability of facilities and employment opportunities and accessibility to public transport.

Draft Core Strategy Policies SV1 and RA2 support the principle of housing development on sites within the Housing Development Boundary provided they are of a scale, character and appearance appropriate to the village.

The site is within the Housing Development Boundary; therefore officers consider the proposals to be acceptable in principle, subject to consideration of design, amenity and parking issues.

As part of its work on the emerging Core Strategy the Council considers that it has a 5 year supply of deliverable housing land against the emerging Core Strategy requirement of around 13,000 homes. The Core Strategy Examination Inspector has agreed, through his note ID/44, that the strategic housing requirement is around 13,000 homes or less. However, the Inspector has not yet considered 5 year land supply issues which remain subject to significant unresolved objections. In accordance with NPPF, para 216 only limited weight can be attached to the 5 year land supply position. The Council has also accepted that the Adopted Local Plan is out of date and the Core Strategy has yet to be adopted.

Taking into account the guidance in the National Planning Policy Framework (that LPA's should meet the housing needs in their areas, and have up-to-date plans) at present housing applications are to be considered against the guidance in the National Planning Policy Framework, with a presumption being applied in favour of development, the assumption being that such applications should be approved unless the adverse impacts of development significantly and demonstrably outweigh the benefits.

Amenity Impacts

There would be a 7.5 metre facing distance between the proposed dwelling and the host dwelling (22 Rotcombe Vale) to the rear of it. Whilst close, the dwelling would be set at a much lower level than the host property and would not intrude on its light levels. The proposed dwelling would be fitted with rooflights at the rear to overcome overlooking conflicts with this property. Due to the lower level of the new proposed dwelling, there is the potential for an overlooking conflict between these rooflights and the front ground and first floor windows of the host property, however this can be overcome by a planning condition requiring these rooflights to be obscure glazed.

The proposed dwelling would principally look towards the north towards 10 Rotcombe Vale at a distance of 18 metres. This property has a first floor window in its gable wall looking towards the dwelling. Taking into account the distance between the proposed dwelling and this property, and the fact that this relationship is across a public road, it is not considered that the proposed dwelling would cause unacceptable harm to the privacy levels of this resident.

The proposed dwelling would have oblique views towards 6 Rotcombe Vale at a distance of approximately 15 metres, however this property has no windows looking towards the site and therefore an overlooking conflict would not arise.

Design and Building Line

It is correct that there is a consistent building line to the row of semi-detached properties to the rear of the site (8 - 22 Rotcombe Vale) however as a whole the estate is informal in terms of the placement of buildings, due to the layout of the roads, which is a series of curving cul de sacs. Additionally due to the significant change levels of approximately a storey in height between the application site and 22 Rotcombe Vale (and its neighbouring semi's), the dwelling would read as a separate element to the row of semi's behind it, and would roughly align with the building line formed by no.s 2, 4 and 6 Rotcombe Vale. As a result it is not considered that the proposed dwelling would harm the character of the street by virtue of its building line.

The proposed dwelling would be constructed in matching materials to its surroundings, but the design of the windows would differ from that in the surroundings with what appear to be cottage-style casement windows rather than the large picture windows seen in the surrounding properties. Additionally the roof pitch would be steeper than the surrounding dwellings, however these differences are not considered to be unacceptable, and would not justify the refusal of the application.

Parking and Highways Safety

As detailed in the highways comments. there is no objection to the proposals from the perspective of highway safety or sustainability.

Regarding parking provision, the proposed development would result in the loss of subsidiary parking serving the existing dwelling, shown in the proposed site layout for the two storey extension and referred to in condition 3 of consent 09/02420/FUL as being reserved for parking. However even with this parking being lost, the

existing property would still be served by 3 to 4 parking spaces on the driveway in front of the property, and there is on-street parking available in the street. The parking schedule attached to policy T.26 sets out a maximum standard of 3 spaces for houses of 4-bedrooms and larger, and a maximum of 2 spaces for 3-bed houses. The proposals are in full accordance with this policy, and the refusal of the application could not be justified by adopted or emerging policies.

The proposals are considered to be acceptable in terms of the retention and protection of the adjoining oak tree.

Recommendation:

The proposed dwelling is considered to be acceptable in terms of its design and appearance, would not result in unacceptable overlooking or overshadowing impacts and the proposals are considered to be acceptable in terms of parking provision and impacts. The application should be approved.

RECOMMENDATION

PERMIT

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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and/or re-enacting that Order) the proposed first floor rear rooflights shall be glazed with obscure glass and shall be permanently maintained thereafter as such.

Reason: To safeguard the amenities of the future and residents of the adjoining property from overlooking and loss of privacy.

3 The gradient of the driveway shall not exceed 1 in 15.

Reason: In the interests of highway safety.

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

Reason: In the interests of amenity and highway safety.

5 Before the dwelling hereby permitted is first occupied the area between the nearside carriageway edge and a line drawn 2.0m parallel thereto over the entire

frontage shall be cleared of any obstruction to visibility at and above a height of 1050mm above the nearside carriageway level and thereafter maintained free of obstruction at all times.

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

7 The tree protection shall be carried out strictly in accordance with the approved Tree Protection Method Statement prepared by B J Unwin Forestry Consultancy. A notification of completion shall be submitted to the Local Planning authority when the tree protection measures are in place.

Reason: To protect the mature oak tree adjacent to the development site.

8 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 or other buildings hereby approved shall be carried out unless a further planning permission has been granted by the Local Planning Authority.

Reason: As a result of the constrained size of the application site and proximity to surrounding dwellings, any further extensions require detailed consideration by the Local Planning Authority to safeguard the amenities of the surrounding area.

PLANS LIST:

1 Decision Taking Statement

The Council has worked proactively and positively with the applicants by determining the application as submitted.

2 Plans:

TOPOGRAPHICAL SURVEY

Drawing DD/JC/PLN/001 A PROPOSED GROUND FLOOR PLAN

Drawing DD/JC/PLN/002 A PROPOSED FIRST FLOOR PLAN

Drawing DD/JC/PLN/003 A PROPOSED ELEVATIONS

Drawing DPD/JC/PROP_SL/001 PROPOSED SITE LAYOUT

Drawing DPD/JC/PROP_SL/002 SITE SURVEY & PROPOSED DWELLING OVERLAY

Drawing DPD/JC/PROP_SL/003 BUILDING FOR LIFE 12 ASSESSMENT

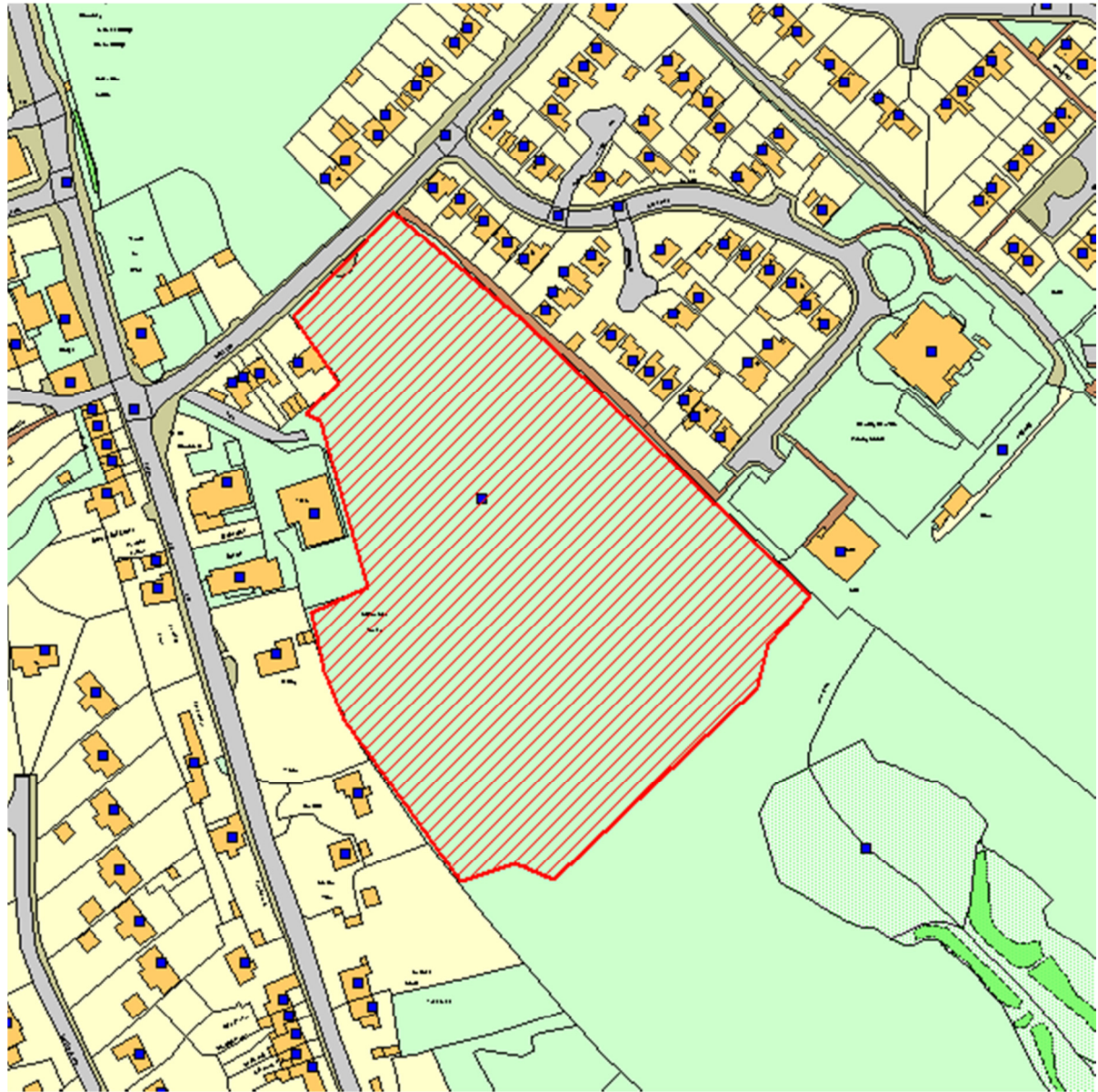
Drawing DPD/JC/PROP_SL/003 SITE CROSS SECTION AND PROPOSED LEVELS OF NEW DWELLING

SITE LOCATION PLAN

DESIGN & ACCESS STATEMENT

TREE PROTECTION METHOD STATEMENT
SUSTAINABLE CONSTRUCTION CHECKLIST

Item No: 002
Application No: 13/03562/OUT
Site Location: Parcel 3300 Temple Inn Lane Temple Cloud Bristol



Ward: Mendip

Parish: Cameley

LB Grade: N/A

Ward Members: Councillor T Warren

Application Type: Outline Application

Proposal: 0.Development of the site for residential purposes (approximately 70 dwellings), with associated public open space, landscaping and parking. Primary vehicular access from Temple Inn Lane to be determined, (internal access, layout, scale, appearance and landscaping reserved for subsequent approval).

Constraints:	Airport Safeguarding Zones, Agric Land Class 1,2,3a, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenfield site, Public Right of Way, Tree Preservation Order,
Applicant:	Mr E Bruegger
Expiry Date:	29th November 2013
Case Officer:	Daniel Stone

REPORT

This application was deferred from the committee meeting held on 12th February in order for a site visit to take place.

At the request of Councillor Tim Warren with the agreement of the Chair, the application is to be considered by committee as the application represents a major development which would affect the whole village.

SITE CONTEXT

The application site consists of a 2.5 hectare agricultural field to the south of Temple Inn Lane, sitting centrally between the main body of the village and the Meadway and Goldney Way housing estate, to the East of the A37 which bisects the village. The site would be accessed off Temple Inn Lane, which in turn has a junction onto the A37.

To the north the site fronts onto Temple Inn Lane. To the east and west, the site backs onto existing residential development. To the south is open countryside and a copse of woodland.

From details submitted by residents the field has been in arable agricultural use for many years, and the land is recorded on the Council's GIS system as being Grade 3 agricultural land, meaning the land is of good to moderate quality in terms of its agricultural production potential.

Public footpath CL 1/3 crosses the site from north-west to south-east. An additional public footpath crosses the field (from east to west) to the south of the proposed development before passing along the eastern boundary of the site with the Meadway housing estate. Aside from the public footpaths the field as a whole appears to be well used by dog walkers, albeit on an informal basis.

The site is located outside the Housing Development Boundary, which closely follows the existing built footprint of the main village to the west and of the Meadway estate to the east. In terms of other designations, the site falls within Flood Zone 1.

Officers note that a planning application is also being considered for the renovation of the existing Temple Inn pub, erection of 9 dwellings and a building comprising 10 letting rooms. This would include vehicular accesses onto Temple Inn Lane and onto the A37.

PROPOSALS

Outline planning permission is sought for the erection of approximately 70 dwellings with associated public open space. Access would be obtained from Temple Inn Lane, which in turn has a junction onto the A37 which passes through Temple Cloud.

The application seeks consent for the means of access, but the Appearance, Layout, Landscaping and Scale of development proposed are reserved matters. This means that the Council is considering the principle of 70 dwellings being erected on the site, and issues connected with the proposed access arrangements, but all other issues to be considered by means of a subsequent planning application for the "reserved matters".

Issues connected with planning obligations do however need to be considered at this stage.

EIA SCREENING

As the proposal relates to a site that exceeds the 0.5ha threshold under the second column of Schedule 2 of the EIA Regulations 2011 an EIA screening opinion is required.

In accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations, 2001, an EIA screening was carried out and the applicant was formally notified of the decision.

The EIA screening opinion concluded that the proposed development fell well below the threshold of 1000 dwellings and at 1.15 ha is under the threshold of 5ha and that the significance of the impact of the development would be localised.

Based on an assessment of the relevant regulations and guidance it was considered that the proposed development is not classified as EIA Development and a Scoping Opinion would not therefore be required.

RELEVANT PLANNING HISTORY:

16905 - Outline application for 123 houses, Land north of Temple Inn Lane and east of A37. Refused and Dismissed at Appeal, 14.09.95

13/04456/FUL - Mixed use development comprising a 10 bed letting rooms building, 9 residential dwellings, and renovation of the existing public house - Temple Inn, Main Road, Temple Cloud - Pending

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

PLANNING POLICY - No objection in principle

The proposed greenfield development of approximately 70 dwellings is outside of the Temple Cloud housing development boundary and lies within the open countryside

and within the Forest of Avon. Therefore the provisions within the National Planning Policy Framework and the presumption in favour of sustainable development are applicable.

HIGHWAYS DEVELOPMENT CONTROL - No objections subject to conditions and subject to a planning obligation securing off-site highway improvements.

The adequacy (in terms of road safety and capacity) of the A37 / Temple Inn Lane junction to cater for the additional traffic associated with the potential development has been considered in detail, and options for improvements have been reviewed. Although the applicant originally promoted a signalised junction improvement, this was not deemed to be appropriate due to the potential adverse impact on traffic travelling along the A37 and the close proximity of the existing pedestrian crossing. Following this decision, the sightlines available at the existing junction and also the traffic speeds of vehicles travelling along the A37 were examined. This exercise has demonstrated that the available sight lines at the junction "stop line" are adequate for motorists joining the A37. This is, however, dependent on motorists obeying the "stop line" order and the 30mph speed limit that applies on the A37 at this location. To ensure that speeds on the A37 are maintained at or below the 30mph speed limit, a contribution of £75,000 is sought to fund speed reactive signs and the installation of a speed camera on the A37 in the vicinity of the A37 / Temple Inn Lane junction. This funding would need to be secured as part of any Section 106 agreement.

There is a significant amount of "street clutter" immediately adjacent to the junction and steps will need to be taken to ensure that the signing is rationalised. This will provide clearer sight lines and reduce potential distraction. Historically, it is also known that vehicles parked on the footway at this location. A contribution of £10,000 is sought to resolve this issue. Again, this funding would need to be secured as part of any Section 106 agreement.

It is noted that a single personal injury accident has recently occurred in the vicinity of the A37 / Temple Inn Lane junction, however, this single incident does not indicate that there is an established road safety problem and it is not possible for the highway authority to object on these grounds in this instance.

I note that a requirement for a footpath link from the site to connect with the existing footpath PROW CL1/4 was previously discussed, and this is a requirement of any permission. This requirement to provide a footpath connection should be secured as part of the Section 106 agreement

The Councils Highways Team clarified in response to a query from the Parish Council that government guidance restricted the emplacement of fixed speed cameras to locations where there was evidence of accidents and additionally withdrew funding for the camera Safety Partnership in 2010/11, and consequently there is no mechanism currently in place for operating fixed road safety cameras.

There is no evidence of a significant speed related accident issue on the A37 in Temple Cloud which would be needed to justify a new fixed camera in this area. Indeed the accident casualty record in Temple Cloud is comparatively low.

COLLISION INVESTIGATION UNIT - AVON AND SOMERSET CONSTABULARY -
Raised concerns regarding highway safety.

The main A37 through the village used to be safeguarded by a Gatso speed camera; in line with recent policy changes this is no longer operational. I have been told by residents that the speed along the A37 has noticeably increased since the camera removal, thus making the emergence from Temple Inn Lane more difficult.

On the northern side of Temple Inn lane there is the Temple Inn, this is situated very close to the main carriageway and does obstruct the view to the north of approaching vehicles. The view south is obscured further by an abundance of street furniture and a large stone wall of an adjoining premises. The road drops down over a brow and then continues downhill and the road also narrows at this point.

The A37 is already a busy route with a significant proportion of the vehicles using the road being large goods vehicles. Temple Inn Lane leads to Cameley Primary School. There is a collection point for secondary school age children on the main A37 just north of Paulmont Rise which is close to the junction of Temple Inn Lane.

I have attended and viewed the traffic using this road junction at various times of the day and have found that traffic emerging from Temple Inn Lane has great difficulty in identifying gaps and merging with traffic on the main road. Large Goods Vehicles turning into Temple Inn Lane do so using the entire width of the road to the detriment of others approaching the junction with the main road.

From my observations and concerns raised by residents I believe that any increase in volume and size of vehicles using this junction would greatly increase the risks to pedestrians and other road users. Vehicles supplying any buildings sites from this junction would greatly increase the risk to pedestrians and other road users with the potential to create a collision hotspot. If the planning application was to succeed then remedial works to improve the junction of Temple Inn Lane and the main A37 should be considered.

A safety audit should be carried out with a view to making recommendations about the junction before any planning application is approved. I understand that there have been concerns previously identified by planning officers on a separate application.

EDUCATION

No objection to the proposed housing development subject to the contributions of £84,324.45 being secured as follows:

- £71,718.15 - to fund 5.52 Primary age pupil places
- £12,606.30 to fund 9.45 Youth Services provision places

The calculation given above is based on the indicative layout. The exact contribution would differ according to the housing mix put forward at reserved matters stage.

HOUSING - No objections in principle.

The outline application proposed 35% affordable housing in accordance with policy. Concerns were raised about the proposed housing mix and lack of 4 bed affordable dwellings. The housing mix should serve the housing needs of the district, not just of the host parish.

PARKS TEAM

No objection subject to the inclusion of a formula within the Section 106 legal agreement to secure contributions to formal green space and allotment provision, depending on the housing mix and numbers and amount of on-site open space provision proposed through any subsequent reserved matters application.

LANDSCAPE ARCHITECT - (Advice at pre-application stage)

I agree with the general findings of the outline Landscape and Visual Impact Assessment in terms of the attributes of and effects on the local landscape. I do not think that there would be any significant landscape (physical or character) or visual impacts. I would not object to the overall principle of development on this site.

Sensitive design, in respect of those few important aspects of the site, is the key to a successful development. In that respect, the PROW, the Oak tree, perimeter hedges and the south-eastern boundary appear to me to be the main elements and I do not think the submitted layout has dealt with these appropriately.

I would prefer to see perimeter hedging excluded from private gardens where possible. Ongoing Management of these hedges is very important and needs to be unified and not left to individual owners. The SE boundary is a fictional line and the development seems to end abruptly and with no real and appropriate edge or buffer to the countryside beyond. It would appear to me to be more sensible to properly incorporate the Oak tree, which is the only main feature, within the site as a focal point and have the open space provision acting as the buffer and setting for the tree.

HIGHWAYS DRAINAGE - No objection subject to conditions.

ARCHAEOLOGY - No objection subject to conditions.

During construction of the neighbouring Tiledown housing estate a Roman stone coffin burial was discovered (B&NES Historic Environment Record: MBN1103), indicating that this is a possible area Roman-British activity/occupation.

PUBLIC RIGHTS OF WAY TEAM

Public footpaths CL1/3 and CL1/17 run across and along the proposed site (please see the attached plan). It is noted on the Transport Assessment that the developer acknowledges the public rights of way. In order for the development to go ahead as shown in the plans, these two footpaths must be legally diverted. Public Rights of Way will object if the definitive line and widths of the paths are affected by the development without a diversion order

ECOLOGY - No objection subject to conditions.

Further to my advice of 21st Nov additional clarification has been submitted to confirm the minimum width that shall be provided for the retained hedgerow.

Whilst this solution would still not provide the optimal ecological solution at this site I consider on balance it is potentially acceptable, subject to the submitted details being implemented, and I do not object to the proposal. The submitted details of hedgerow protection dated 26th November and all the recommendations of the ecological survey report should be implemented and I would recommend this is secured by condition.

ARBORICULTURE - No objection

I refer to previous arboricultural comments made on 15th October 2013. I withdraw my objection on the basis that the comments related to the Illustrative Masterplan whereas this application is for access with all other matters reserved.

The Masterplan has since been revised (drawing 13130/3200 C) to address comments made concerning the trees and hedging along the north eastern boundary. The proposal is to place fencing along the rear boundaries between the gardens and hedge. The location of one of the garages remains close to the boundary and consideration should be given to moving this to the west.

The applicant should revisit the relationship between the dwellings and gardens in the proximity of T7 of the tree survey. Any future applications should also demonstrate that the positioning of the first plot has adequately taken into account the above and below ground constraints for T2.

A full application would need to include a plan accurately positioning the existing trees to be retained and incorporating the tree numbers as used within the tree survey. An arboricultural impact assessment will also be required.

ECONOMIC REGENERATION - No objection subject to a targeted recruitment and training target and a financial contribution of £10,000 being secured through the Section 106 agreement.

COAL AUTHORITY - NO OBJECTION

The application site does not fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted.

ENVIRONMENT AGENCY - no objection subject to conditions

CONSULTATION

Consultation letters were sent out to 143 adjoining properties, a notification appeared in the local paper and a site notice was displayed. To date 113 objections have

been received, 5 letters of support and 4 letters with general observations. Additionally a petition was received objecting to the proposed development from 347 signatories, and 75 additional standard letters of objection. An additional petition was received against the development from 49 signatories. In summary, the objections raised, the following issues:

Traffic Congestion / Highway Safety

- The development will cause further traffic congestion on the A37, which is already heavily trafficked, with daily queues on Temple Inn Lane to get onto the A37, and tailbacks caused by the traffic lights at White Cross / Hallatrow and Farrington Gurney.
- Large vehicles cannot pass on the A37 to the south of Temple Inn Lane as it is - if two lorries meet in the queue for the traffic lights the road will be gridlocked.
- The traffic through Temple Cloud is not speed checked and the speed limit signs do nothing to slow traffic speeds.
- The A37 is a dangerous road for pedestrians, with the wing mirrors of lorries and coaches coming perilously close to the heads of pedestrians
- The additional traffic lights would complicate children's walking routes to school and routes to the secondary school pick-up on the A37.

- The traffic camera suggested by the Highways officer would slow the traffic down to 30mph it will not have any effect on the junction with its limited visibility, especially northbound, as detailed in correspondence received from Avon and Somerset Police.

- It is not possible to put in traffic calming measures i.e. speed humps / road narrowing along this section of Temple Inn Lane due to it being a recognised HGV route.
- Two vehicle activated speed signs will have no impact on the speed of traffic as can be seen in other locations where such signs have been installed

- The application refers to a convenient route to the school to the rear of the telephone exchange. This would require children to cross Temple Inn Lane / A37 in a very unsafe position, with no traffic light and is not a safe route to school.
- The nearby country lanes cannot cope with existing traffic volumes and will be used as a rat run.
- The assessment should take into account traffic from the new developments at the Old Glass factory, the new housing at Tiledown and the old Goldney House development.
- Object to loss of parking in Temple Inn Lane.
- A bypass is needed to take traffic (and HGV's) away from the Village centre, and to make this development safe.
- In 2000, planning permission was refused for a housing application on highway safety grounds.
- The traffic queues on the A37 will exacerbate air pollution.
- How would agricultural vehicles access the remaining field south of the proposed development? Would agricultural vehicles be expected to drive through the new "estate" to gain access to the remainder of the current field?

Safety of Temple Inn Lane Junction and road

- There is no right hand turn filter lane into Temple Inn Lane.
- Temple Inn Lane is too narrow - HGV's have to take up the full road width to exit onto the A37 and often mount the pavement.
- There are frequent near misses on the Temple Inn Lane Junction. The problem has been made worse since the speed camera and the pedestrian control officer have been withdrawn.
- Since 2000 the amount of commercial vehicles and HGVs using Temple Inn Lane to access the Trident Works and other businesses has increased significantly.
- The local company 'Oakus' has recently moved their business to Trident Works, Marsh lane business Park and already causing problems getting out from Temple Inn Lane onto the main A37.

Principle of Development

- There is no need for 70 homes - Temple Cloud is doing well on fulfilling its requirements for the Core Strategy (which requires 50 dwellings to be built over the period to 2029), and now needs to provide just 8 more homes to meet this requirement, which could be fulfilled by the 9 dwellings proposed at the Temple Inn pub site.
- Taking into account this application, the Temple Inn Pub development, and other recent approvals, the total of new dwellings in Temple Cloud would be circa 115 dwellings, far in excess of the Core Strategy requirements.
- The proposals are out of scale and proportion with what is a small village, increasing total village dwellings by 14% in one hit.
- Temple Cloud has had large scale development recently with 24 "Affordable Homes" developed in Goldney Way with no extra amenities given to the village,
- The proposals are unsustainable, will increase the need to travel and generate additional greenhouse gases
- The proposals will bring no employment to the village
- Object to these speculative developments, taking advantage of the loophole created by the lack of an Adopted Core Strategy.
- There is no direct bus route to Bath. The bus service to Bristol is overcrowded in peak hours.
- Despite this particular application only referring to 70 houses the remainder of the field has been identified as a candidate for further development for an additional 170 homes.

Affordable Housing

- The village already has 91 affordable dwellings, more affordable housing than any other village in the surrounding area

Infrastructure

- The development will overload the services in the village: the school (which is near capacity) and doctors surgery. The village shop is small, with limited and expensive stock.
- The contributions offered to provide school spaces under-estimate the likely impact. BANES also needs to take into account the impact of the Maynard Terrace development in Clutton. When Clutton Primary school is oversubscribed these children will most likely attend Cameley primary school.
- A £50,000 contribution to public transport is insufficient to provide long term support to public transport where there is at present no direct link between Temple Cloud and Clutton with Bath.

Urban Design considerations + Visual Impact

- Impact on the rural character of the village
- Loss of view and outlook over the undeveloped fields
- Development is too dense and would be too close to neighbouring properties in Meadway and Ashmead.
- This land forms the transition zone between building and open countryside - the proposals should not extend so far into the field
- The development of the fields will harm the rural character of the village
- Indicative layout/ form - Should outline consent be granted, at reserved matters stage, the layout and form of development should be devised to generate greater opportunities for natural/ passive surveillance of the village hall car park and open space beyond.

Residential Amenity

- Object to traffic lights outside my house, with a constant queue of traffic causing noise and fumes
- Overlooking, overbearing effects on 3 Temple Inn Lane and 7 Ashmead.
- Concerned about the impact of roots affecting our foundations, 3 Temple Inn Lane.

Loss of Agricultural Land

- Object to loss of agricultural land which is needed for crop growing and is well used. The land is in long-term arable use for a variety of crop production including wheat, barley, maize and oil seed rape and Natural England record the land as being grade 2 land (very good quality agricultural land).
- The development is a direct contravention of the NPPF (paragraph 112), which advises that local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

Trees and Ecology

- Object to the effect on local wildlife, including deer, badgers and slow-worms.

- How would the hedge on the northern boundary be maintained if planning were to be approved as the proposed back gardens of the new houses are backing straight on to it?
- The Arboricultural report is inaccurate.

Planning Obligations

- Open Space provision - 2 areas have been provided within the site, including formal and informal provision. Opportunities should be explored to secure S106 contributions for the formalised children's play area (sited to the rear of the school). The existing facilities are of a very poor quality. Given the quantum of additional housing within this proposal and the proximity between the application site and the play area, it is likely that there would be a significant demand from the new housing which would require direct mitigation.
- Education Contributions - £68,859 (on the basis that additional space for approximately 6 pupils needs to be found). This does appear a low contribution for a major development of 70 residential units. Has the assumption that there is additional capacity within the school been fully explored with Education?
- Employment/ skills initiatives - Whilst not an employment use, can opportunities be explored for local labour initiatives given the quantum of residential development proposed?
- The entrance to Temple Inn Lane from the A37 is cluttered with highways signage, which would be exacerbated with additional traffic light control systems. Have discussions been explored to secure benefits to the setting of this proposal and the historic buildings at the entrance to Temple Inn Lane.
- Open Space provision - 2 areas have been provided within the site, including formal and informal provision. Opportunities should be explored to secure S106 contributions for the formalised children's play area (sited to the rear of the school). The existing facilities are of a very poor quality. Given the quantum of additional housing within this proposal and the proximity between the application site and the play area, it is likely that there would be a significant demand from the new housing which would require direct mitigation.

Other

- The field has had coal mining activities occur beneath it and is unstable. Two nearby dwellings have already suffered from subsidence.
- Impact on the setting of the Mendips Area of Outstanding Natural Beauty
- Will the building work go to local contractors?
- The site floods, and the development will increase flood risk elsewhere.
- Teenagers in the village have nothing to do. The proposals make no provision for teenagers.

The letters of support can be summarised as follows:

- Temple Cloud easily has the capacity to accommodate 70 new properties
- I support this development provided houses aren't crammed in, there is sympathetic landscaping and land is provided for allotments for villagers.

- The school needs more children to go back up to 5 classes as it was a couple of years ago.
- Additional homes will improve the village, supporting local business.
- I do not believe that improved traffic control system will cause grid lock as we have similar traffic control to the south of the village

CLUTTON PARISH COUNCIL - Object

Clutton Parish Council considered the above proposed development in Temple Cloud at its last meeting, and instructed me to express its concern at the considerable increases in traffic likely to arise from this development, if permitted, both on the A37 - which is as you will know already VERY busy and frequently congested at exactly the junction where most of this increased traffic is likely to join it - and on the Marsh Lane route into and through Clutton to which, as you may know, my Council has repeatedly asked B&NES to give very serious thought before permitting any development which is likely to increase traffic on it.

CAMELEY PARISH COUNCIL - Object

There are concerns over the additional traffic that would be generated by this proposed development using Temple Inn Lane which is already a designated H.G.V. route. The additional traffic will cause problems for pedestrians especially children.

- There are concerns over the proposed traffic light controlled junction where Temple Inn

Lane meets the A37. At the moment the road south of the junction is too narrow for lorries to pass in places. The proposed Traffic lights would be likely to cause more traffic jams and cause consequent pollution to houses lining the A37 and to pedestrians using the pavement.

- The additional 70 houses is in excess of the figure suggested for Greenfield sites in the emerging Core Strategy
- The Parish Council has concerns that existing village amenities such as the school and the doctors surgery will not be able to cope with the additional numbers of people.

HIGH LITTLETON PARISH COUNCIL raised concerns about the lack of infrastructure, in particular access via Hart's Lane.

CLLR THOMAS HEMMINGS - Object

Councilor Hemmings raised concerns about the sustainability of the site, about a housing development of this scale in a settlement with few facilities and little employment and about the impact of the development on road safety and congestion. The Temple Inn Lane / A37 junction is flawed, as is the A37 south of it (due to HGV's being unable to pass each other), but currently just about copes due to the sensibilities of drivers. Should light control be introduced, drivers will be forced into scenarios which will result in gridlock.

The Core Strategy states that rural villages must accommodate 50 new homes during its lifespan.

Temple Cloud has already accommodated 35, and should be allowed to fulfil the remainder of its quota by growing at a slow rate, as villages always have done, without destroying its dynamic forever.

Councilor Hemmings full comments are available on the Council's website.

POLICIES/LEGISLATION

POLICIES

Bath and North East Somerset Local Plan Including Minerals and Waste Adopted 2007

- 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.4 Residential development in the urban areas and R.1 settlements
- HG.7 Minimum residential density
- HG.9 Affordable housing on rural exceptions sites
- 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

Bath and North East Somerset Draft Core Strategy

- DW1 District Wide Spatial 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

- National Planning Policy Framework

OFFICER ASSESSMENT

KEY ISSUES:

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

Policy Context

Local Plan Policies SC.1 and HG.4 define Temple Cloud as an R1 village, where residential development within the housing 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 RA1 of the Draft Core Strategy advises that within or adjoining the housing development boundary proposals for residential development will be acceptable where they are of a scale, character and appropriate to the scale of the settlement, provided that 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.

Draft Core Strategy policy RA1 advises that such settlements will receive approximately 50 dwellings over the Plan period.

In terms of the criteria set out above in draft Policy RA1, Temple Cloud has reasonable access to community facilities, with a primary school, church, petrol station and convenience store, plus a village hall and a frequent bus service to Bath and Bristol in southwards to Midsomer Norton, Wells and Clutton. The majority of these facilities are within easy walking distance of the site. Whilst the village is relatively accessible in terms of public transport provision, the village is not well provided for in terms of employment provision. Additionally, for a village of its size, the shop within the petrol station is limited in size.

The site lies outside the existing Housing Development Boundary. Ordinarily therefore, the proposals would be recommended for refusal as being contrary to the above policies.

As part of its work on the emerging Core Strategy the Council considers that it has a 5 year supply of deliverable housing land against the emerging Core Strategy requirement of around 13,000 homes. The Core Strategy Examination Inspector has

agreed, through his note ID/44, that the strategic housing requirement is around 13,000 homes or less. However, the Inspector has not yet considered 5 year land supply issues which remain subject to significant unresolved objections. In accordance with NPPF, para 216 only limited weight can be attached to the 5 year land supply position

For the purposes of this application the Council therefore accepts that it is unable to demonstrate a 5 year supply of deliverable housing land as required by NPPF, para 47. In addition the Adopted Local Plan is out of date and the Core Strategy has yet to be adopted.

Taking into account the guidance in the National Planning Policy Framework (that LPA's should meet the housing needs in their areas, and have up-to-date plans) at present housing applications are to be considered against the guidance in the National Planning Policy Framework, with a presumption being applied in favour of sustainable development, the assumption being that such applications should be approved "unless the adverse impacts of development significantly and demonstrably outweigh the benefits". This is the key test which must be applied in determining whether the application should be approved or refused.

Whilst there are concerns about access to nearby sources of employment, for a rural location the site has all the facilities discussed in policy RA1, is within walking distance of the school and is readily accessible by public transport, albeit with no direct access to Bath by bus. 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.

B. IS THE PROPOSED DEVELOPMENT ACCEPTABLE IN TERMS OF TRANSPORT AND HIGHWAY SAFETY CONSIDERATIONS?

Highway Safety

The overwhelming majority of objections to the application have raised concerns about highway safety conditions on the A37 and on the Temple Inn Lane junction and also the safety of pedestrians walking along the A37, and officers consider these to be the most significant issues in the determination of the application.

The NPPF advises (para 32.) that decisions should take account of whether the opportunities for sustainable transport modes have been taken up, to reduce the need for major transport infrastructure.. and whether safe and suitable access to the site can be achieved for all people. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

In this case the application originally the application proposed off-site highway works consisting of the installation of a fully signalised junction where Temple Inn Lane joins the A37, with traffic lights provided on all junction arms and with the traffic lights at the pedestrian crossing integrated into this system. Residents and the Council's

Highways team raised concerns that whilst this might resolve the immediate safety problems in respect of the Temple Inn Lane junction, it would give rise to unacceptable delays traffic using A37.

Highways Officers have instead suggested that contributions are provided to fund the installation of a Vehicular Activated Signs, a keep clear yellow box around the Temple Inn Lane junction and other road safety measures. The Vehicular Activated Sign is a blinking red sign which activates if motorists exceed the speed limit, thereby reducing average traffic speeds and increasing the time in which motorists can exit Temple Inn Lane onto the A37. Additional traffic calming measures consist of the installation of a raised table on Temple Inn Lane at the new junction into the site from Temple Inn Lane.

Contributions of £10,000 are also sought to rationalise the signage immediately to the south of the Temple Inn Lane junction, which at the moment blocks visibility to the south. The same contribution is sought on application 13/04456/FUL (for 10 dwellings at Temple Inn). The planning obligation would be written so that if both developments were to go ahead, each would pay half of the costs.

Given the number of objections from residents, and volume of traffic utilising the A37, Highways officers have considered the application in depth and have visited the site to survey average speeds on the A37 and to measure the visibility splays. This confirmed that the average speed at the junction was below 30 miles per hour (27.8 mph) and that at this speed the visibility splays are adequate.

They confirm that in combination the measures offered will resolve the highway safety concerns set out above and lessen traffic speeds and that overall the proposals are acceptable in highway safety terms.

Accessibility

As detailed in the highways comments, the site offers the potential for convenient access to the adjoining primary school which is located in the adjoining Meadway development, and the public footpaths that cross the site will offer good access to this, both for residents of the development and existing residents, and the illustrative plan shows public footpath CL1/3 being diverted to allow direct access through to the school. However, there is 3rd party land between the application site and the school, and the footpath needs to be diverted, and compensation paid to the 3rd party owner to ensure that a legal and convenient route can be provided. The public rights of way team advise that including the costs for the legal order, the 3rd party compensation and the costs of the physical work, contributions of £13,000 should be provided, with any unused funds returned to the developer.

From a similar perspective, the development relates poorly to the route of public footpath CL1/4 which crosses the field from south-west to north-east to the south of the residential development. Whilst this offers good access for existing residents from the village walking to the school or village hall, the layout shown doesn't respond well to the desire line of residents of the development wishing to use this footpath to walk towards the southern end of the village, in that the formal, legal

route of the public right of way goes across the field from the eastern edge of the proposed development, with no short cut from the south-western corner.

Should the application be approved, it is recommended that an additional clause be written into the Section 106 agreement to require a pedestrian link to be provided in perpetuity linking from the south-western corner of the development to public footpath CL1/4. As footpath CL1/4 is not hard surfaced there would be no reason for the link path to be hard surfaced.

Contributions of £50,000 are also offered to improve public transport. These funds would be used to extend Somer bus route 169 (which has been funded to run from Clutton to Bath and would run 6 services per day) to instead begin its route at Temple Cloud. These funds will subsidise the expansion of this service for 4 years.

Subject to the required obligations being entered into, the proposals are considered to be acceptable in highway safety and accessibility terms.

C. IS THE LOSS OF AGRICULTURAL LAND ACCEPTABLE?

The NPPF advises (paragraph 112) that Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

Whilst the applicants describe the agricultural fields as underused, residents have submitted numerous photos showing the fields in arable production and report the fields as being consistently used for arable crop production. On the basis of the details received, the fields look to have been well used for agricultural production.

The council's records show the land being Grade 3 agricultural land (of good to moderate quality) whilst objectors comment that Natural England record the land as being grade 2 land (very good quality). It is not clear which record is correct.

Whilst the proposed development would result in the loss of agricultural land of moderate to very good quality, given the presumption in favour of sustainable development, officers do not consider that this adverse impact would demonstrably or substantially outweigh the benefits of the additional housing delivered.

D. ARE THE PROPOSALS ACCEPTABLE IN TERMS OF THEIR LANDSCAPE IMPACTS, TREE IMPACTS, DESIGN AND RELATIONSHIP WITH ADJOINING RESIDENTIAL AREAS?

Landscape Impact

The site was assessed as part of the Strategic Housing Land Availability Assessment, which provided commentary on the likely landscape impact arising from the development of the site.

This commented that the impact of the development on landscape character would be low given the current influence of development around much of the area. The development would have a low visual impact from the wider countryside in that it is visually enclosed by development and the landform. There would be a moderate effect from surrounding houses due to the loss of the semi-rural aspect and a moderate effect from public footpaths which are already running along the developed boundary. The development could be successfully mitigated by allowing sufficient room in the development for large growing specimen trees as features and provision of a native hedgerow along the boundary with the countryside which should not be incorporated into garden boundaries.

In respect of this specific application Planning and Landscape officers would back up this assessment. The proposed development would have a locally significant impact, due to the loss of the semi-rural outlook for surrounding dwellings and also the significant change to the setting of public footpaths passing through the site. The wider impacts would however be relatively limited, in that the fields are significantly influenced and contained by the existing residential areas to the east and west.

Landscape Officers commented at pre-application stage that the housing development ended arbitrarily and logically should have included the oak tree in the centre of the field, which is the main landscape feature. Planning officers agree, and also consider that the development could have a better relationship with the public footpath CL1/4 which would be a logical south-eastern boundary to the development. However this is not considered to be supportable as a reason for the refusal of the application. If approved the planning obligation package would include a commitment to provide a pedestrian link between the south-west corner of the site and footpath CL1/4 which would resolve this concern.

Given the need to find additional housing land, and presumption in favour of sustainable development, officers do not consider that the application could sustainably be refused on the grounds of its landscape and visual impacts.

Design, Layout and Tree Impacts

The application is in outline and therefore the layout plan is an illustration of how the development could look, but is not submitted for formal consideration. Officers consider that there is sufficient space within the site for a development of 70 dwellings to be designed without resulting in unacceptable harm to adjoining residents through overshadowing or overlooking effects.

Further design work is needed to resolve the layout, and in particular to ensure that the public rights of way that pass through the site influence the design of the roads and spaces through which they would pass, however these issues can also be discussed and resolved at reserved matters stage, at which point the detailed design of the individual buildings and spaces will also be considered. Issues such as overlooking and overshadowing would also be addressed at this time.

The proposals take measures to protect the hedgerow on the northern boundary of the site, which is of ecological importance, and which would be retained within a buffer zone beyond residents gardens, with a hit and miss fence constructed inside

the line of the hedgerow. This would enable residents to cut back the hedge to the line of the hit and miss fence, but would leave it unaffected beyond this boundary.

It is not considered that there are any design issues that would justify this outline application being refused, or that are not capable of being addressed through amendments to the layout and design of the scheme at reserved matters stage.

E. ARE THE PROPOSALS ACCEPTABLE IN TERMS OF THE DELIVERY OF PLANNING OBLIGATIONS?

The development would provide all of the planning obligations required of it, as set out in the Supplementary Planning Document entitled Planning Obligations, providing affordable housing, contributions to enhance educational provision and recreational provision to meet the needs of the increased population and transport enhancements.

The contributions towards education and public open space will depend on the housing mix and extent of public open space to be provided within the site, but neither of these variables are fixed at present. Therefore, whilst officers in these departments have indicated the scale of contributions that would be justified on the basis of the indicative details submitted, the planning agreement will provide security that contributions will be provided to mitigate these impacts, with the exact amount of the contribution being agreed at reserved matters stage according to the housing mix and exact number of dwellings.

A £10,000 contribution has been requested by the Council's Economic Regeneration team to fund a training and work experience initiative during construction works. Whilst undoubtedly beneficial, adopted planning policy lends no support to requiring such a contribution, and therefore this cannot be made a requirement of the planning obligation, however the applicants have agreed to accept a condition requiring a local employment and training scheme to be put forward during the construction of the development. This would achieve some of the same objectives, albeit without requiring a financial contribution on the part of the developer.

Residents have requested that contributions be set aside towards the repair of the play equipment located to the back of Cameley School which would be more intensively used as a result of the development going ahead. The latest information is that this playground has been repaired and is now in full working order, and therefore no funds are necessary to bring it back into working order, however officers are currently seeking clarification from the Parks department as to whether contribution should be required to upgrade this facility, which is well related to the application site.

Whilst the development offers to deliver affordable housing at a rate of 35% the Council's housing department has raised concerns about the overall housing mix and type of some of the affordable housing proposed (which would not meet local needs), and that affordable housing would be grouped together rather than pepper-potted across the development as is council policy. The applicant has confirmed that they would be willing to include a clause in the legal relating to affordable housing, requiring that eligible individuals have a connection to the Council area.

As is noted in the application however, the application is in outline, and therefore these matters will be considered in due course as part of the reserved matters application, and can also be controlled through the Section 106 Planning Agreement.

CONCLUSIONS

As stated earlier in the report, due to the policy situation in BANES, the application is to be considered against national guidance set out in the National Planning Policy Framework, with a presumption that the local authority should grant permission unless there are any adverse impacts in doing so that would significantly or demonstrably outweigh the benefits of the scheme. This is the key policy test against which the proposals must be considered.

Whilst outside the housing development boundary, the site is relatively accessible, with the primary school, village hall, shop and bus stop within 400 metres. The site is however not well served in terms of provision of employment within walking or cycling distance of the site.

The Councils Highways department advise that the proposals are acceptable in terms of highway safety.

The development would provide housing which would help to meet the shortfall within the district, would incorporate affordable housing and would provide the appropriate contributions to off-set the impact of the development, both in terms of the capacity of the school, pedestrian and public transport infrastructure and public open space.

Whilst there are significant public objections to the scheme, and officers consider that the development would cause some landscape harm and harm through the loss of moderate to good agricultural land this degree of harm would not substantially and demonstrably outweigh the benefits of the development, which in the main would consist of providing additional housing to meet the shortage in the district.

RECOMMENDATION

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

Transport and Accessibility

1. £75,000 towards the cost of speed restraint measures and safety schemes (including vehicle activated signs) on the A37 which will help improve the operation of the Temple Inn Lane junction;
2. £10,000 to fund the rationalisation of signage on the junction of Temple Inn Lane with the A37; or part thereof should planning application 13/04456/FUL be approved.

3. £50,000 towards the enhancement of public transport to serve the proposed development;

4. The provision of a direct public footpath link to Cameley Church of England Primary School (diverting Public Footpath CL 1/3) and contributions of £8,000 to fund any associated admin costs and construction costs, any unused funds to be returned to the developer.

5. The provision in perpetuity of a pedestrian link between the south-west corner of the site and footpath CL1/4 to provide a continuous and convenient legal route towards the southern edge of the village for residents of this part of the development. This link shall be available for public use at all times; and

6. The implementation of the site access works shown in drawing 12001/200 the works to be completed prior to the first occupation of the development.

Affordable Housing

7. The provision, on site, of 35% Affordable Housing the housing mix to be agreed in writing with Bath and North East Somerset Council

Open Space and Recreational Facilities

8. Contributions to fund the provision of formal open space and allotments off-site to serve the population, and fund the maintenance of any open space provided within the development, the amount of the contribution to be calculated prior to reserved matters consent being granted in accordance with the Supplementary Planning Document entitled Planning Obligations, adopted July 2009, or any equivalent subsequently adopted Document. The agreed contributions shall be paid prior to the occupation of the development.

9. Details of the arrangements for the on-site maintenance of public open space, local food production area and existing/proposed trees, hedgerows and landscaping.

Education

10. Contributions to fund the need for primary school places and Youth Services provision places arising from the development, the amount of the contribution to be calculated prior to reserved matters consent being granted and calculated in accordance with the Supplementary Planning Document entitled Planning Obligations, adopted July 2009, or any equivalent subsequently adopted Document. The agreed contributions shall be provided prior to the commencement of development.

Community Facilities

11. Contribution of £80,000 towards the upgrading of Village Hall facilities (extensions and resurfacing of car park)

Protection of northern Hedgerow

12. The applicant and subsequent house owners backing onto the north-eastern hedge boundary shall commit:

a. To not cut back the hedgerow on the north-eastern boundary of the site beyond the line of the post and wire fence forming the boundary of the Property and not to reduce the height of such hedgerow below [x] nor the width of it below [x].

b. To maintain the hedgerow [shown [] on the Plan] in so far as it forms the boundary of the Property and carry out such pruning or cutting as may be necessary (subject always to the covenants in clause [] above) and where within a period of five years from the date of the development being completed such hedgerow dies, is removed, becomes seriously damaged or diseased to replace the same within 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.

These commitments are to be written into covenants to be placed on each of the plots abutting the hedgerows.

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, 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 development hereby permitted shall be carried out only in accordance with the recommendations of the approved Ecological Survey dated August 2013 and the approved note entitled Protection of Hedgerow on North Eastern Boundary dated 26 November 2013.

For the avoidance of doubt, prior to the commencement of development a plan shall be submitted plotting the alignment of the hit and miss fence in relation to the hedgerow and northern site boundary. The fence shall be erected in accordance

with this plan prior to the occupation prior to the first occupation of the development, and shall thereafter be retained.

Reason: to avoid harm to wildlife and the retained northern boundary hedgerow

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

- (i) Findings of all necessary update surveys including update survey for badgers
- (ii) Outstanding details of all necessary ecological mitigation including exclusion zones for the protection of retained habitats and fencing specifications for exclusion zones
- (iii) Details of all proposed external lighting including lux level contour plans demonstrating retention of dark corridors for wildlife and light spill of zero lux onto wildlife habitat and no greater than 1 lux on adjacent vegetation
- (iv) Specifications and planting schedule for all proposed habitat creation and specifications for long term wildlife-friendly management of all retained and created habitat areas
- (v) Additional information as applicable for all other ecological measures and details to be shown on plans and drawings as applicable

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

Reason: to avoid harm to wildlife and protected species including bats and for long term retention and management of ecological value and habitats at the site

5 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.

6 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.

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

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

8 Details of the on-going maintenance of the underground rainwater storage tanks, including the body responsible for maintenance and a maintenance schedule shall be submitted to and approved in writing by the Local Planning Authority prior to construction. Therefore maintenance shall be carried out in accordance with the agreed details.

Reason: To ensure satisfactory maintenance arrangements are made in the interests of flood risk and highway safety.

9 No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority (LPA). The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

REASON: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

10 Prior to the commencement of development a local employment and training scheme identifying measures to recruit local people during the construction process, together with an associated skills and training programme, shall be submitted to and approved in writing by the LPA. The approved scheme shall then be implemented and maintained unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of ensuring the development benefits local employment provision.

11 Prior to the commencement of works to form a breach in the northeastern hedgerow to form a pedestrian link to Meadway, details shall be submitted to and approved by the Local Planning Authority of the natural hedgerow arch or similar structure to be constructed over the breach. The hedgerow arch shall be completed

prior to the occupation of the development and thereafter maintained in line with the hedgerow mitigation report submitted to the Council on 29th October 2013.

Reason: To provide a convenient link to the school whilst maintaining the continuity of this habitat, to facilitate continued use by bats, birds and mammals.

12 The proposed estate roads, footways, footpaths, verges, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be submitted to and approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: To ensure that the roads are laid out and constructed in a satisfactory manner.

13 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.

14 No part of the development hereby permitted shall not be occupied until parking has been provided to serve that part of the development, in accordance with details submitted to and approved in writing by, and to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety and public amenity.

15 Before the dwellings are first occupied, new resident's welcome packs shall be issued to purchasers which should include information of bus and train timetable information, information giving examples of fares/ticket options, information on cycle routes, a copy of the Travel Smarter publication, car share, car club information etc., together with complimentary bus tickets for each household member to encourage residents to try public transport. The content of such packs shall have been approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development.

16 Prior to the occupation of the development a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with that Travel Plan.

Reason: In the interests of sustainable development.

17 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.

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

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

PLANS LIST:

This decision relates to drawing nos

- Drawing 01 Nov 2013 TEMPLE CLOUD HEDGE MITIGATION
- Drawing 131031 3200 REV C Illustrative Masterplan
- 130816 1001 A SITE LOCATION PLAN
- PROTECTION OF HEDGEROW ON NORTH EASTERN - 26 Nov 2013
- 04 Nov 2013 TEMPLE CLOUD HEDGE MITIGATION
- SUPPLEMENT TO ECOLOGICAL REPORT - NORTH-EASTERN HEDGEROW - 28TH OCTOBER 2013
- STATEMENT OF COMMUNITY INVOLVEMENT
- ARCHAEOLOGICAL DESK BASED ASSESSMENT
- TRANSPORT STATEMENT
- AFFORDABLE HOUSING DELIVERY STATEMENT
- LANDSCAPE AND VISUAL IMPACT ASSESSMENT
- ECOLOGICAL SURVEY
- EXISTING LAYOUT - A37 / TEMPLE INN LANE LAYOUT- DRAWING 12001/300 REV O
- PROPOSED SITE ACCESS - DRAWING 12001/200 REV O
- PROPOSED ILLUSTRATIVE SITE SECTIONS - DRAWING 13130/2100
- FLOOD RISK ASSESSMENT
- PLANNING STATEMENT
- ARBORICULTURAL CONSTRAINTS REPORT

2 ADVICE NOTE:

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

3 Diversion of Footpath

Further consents will be necessary to divert footpath CL 1/3 which passes through the site.

4 Surface Water Drainage

The surface water drainage scheme for the proposed development must meet the following criteria:

1. Any outflow from the site must be limited to 10l/s as agreed with Wessex Water or the Qbar Greenfield rate whichever is less, as per the agreed Flood Risk Assessment.
2. The surface water drainage system must incorporate enough attenuation to deal with the surface water run-off from the site up to the critical 1% Annual Probability of Flooding (or 1 in a 100-year flood) event, including an allowance for climate change for the lifetime of the development. Drainage calculations must be included to demonstrate this (e.g. Windes or similar sewer modelling package calculations that include the necessary attenuation volume).
3. If there is any surcharge and flooding from the system, overland flood flow routes and "collection" areas on site (e.g. car parks, landscaping) must be shown on a drawing. CIRIA good practice guide for designing for exceedance in urban drainage (C635) should be used. The run-off from the site during a 1 in 100 year storm plus an allowance for climate change must be contained on the site and must not reach unsafe depths on site.
4. The adoption and maintenance of the drainage system must be addressed and clearly stated.

We would expect to see the following details when discharging condition 9:

- o A clearly labelled drainage layout plan showing the pipe networks and any attenuation ponds, soakaways and drainage storage tanks with volumes marked on. This plan should show any pipe node numbers referred to in the drainage calculations and the numbers invert and cover levels of manholes.
- o A manhole schedule.
- o Model runs to demonstrate that the critical storm duration is being used.
- o Calculations showing the volume of attenuation provided, demonstrating how the system operates during a 1 in 100 critical duration storm event. If overland flooding occurs, a plan should also be submitted detailing the location of overland flow paths and the likely depths of flooding. A 30% allowance for climate change should be incorporated into the scheme in accordance with the National Planning Policy Framework.

5 Decision Taking Statement

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The Council has worked proactively and positively with the applicants by determining the application as submitted, whilst resolving outstanding issues through planning conditions and Planning Obligations.

Item No: 003
Application No: 13/04456/FUL
Site Location: Temple Inn Main Road Temple Cloud Bristol Bath And North East Somerset



Ward: Mendip **Parish:** Cameley **LB Grade:**
Ward Members: Councillor T Warren
Application Type: Full Application
Proposal: Mixed use development comprising a 10 bed letting rooms building, 9 residential dwellings, and renovation of the existing public house
Constraints: Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary, Listed Building,
Applicant: Red Oak Taverns Limited

Expiry Date:	30th December 2013
Case Officer:	Heather Faulkner

REPORT

Reasons for reporting the application to Committee

The application is being reported to Committee as the Parish Council has objected to the proposals and a ward Councillor has also requested that the application be determined by committee, which have been agreed by the Chair of the Committee.

The application was deferred from the 12th February committee to allow the members to conduct a site visit.

Site Description

The Temple Inn is a Grade II Listed Public House in the centre of Temple Cloud. The pub building itself directly fronts onto Main Road (A37) and Temple Inn Lane. There are currently other buildings on the site including an annex building providing additional facilities to the pub as well as other smaller outbuildings. Just over half of the site is covered in hard standing with areas to the north east of the site being grassed. The site is bounded on two sides by fields.

The public house has been closes since around December 2012.

The site is within the Housing Development Boundary of Temple Cloud and is not within a Conservation Area or the Green Belt.

There is no recent relevant planning history associated with the site. There is however an outline application (13/03562/OUT) currently under consideration for approximately 70 houses on a parcel of land on the other side of Temple Inn Lane to the south east of the site (13/03562/OUT).

Development Proposals

The application seeks to redevelop the site introducing housing and guest accommodation. The application includes the provision of 10 letting rooms and 9 houses. It is proposed that the Listed Pub building would be retained and refurbished. At the front of the site adjacent to the main building but slightly set back would be a new building which would contain the 10 letting rooms. A terrace of 5 houses would be constructed to the north east of the site with a grassed court yard being provided in the centre of the site as well as a parking area. The existing annex building would be converted into two dwellings. A further pair of semi-detached houses would be constructed fronting onto Temple Inn Lane.

Prior to the application being submitted pre-application discussions have taken place between the applicant and the Planning Department. As part of these discussions it was recommended to the applicant that they carried out a Community Consultation Exercise, this took place back in July 2013 and gave the local community opportunity to comment on the proposals prior to the application being submitted.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

CAMELEY PARISH COUNCIL - OBJECT due to attempts to overdevelop the site with too many buildings and insufficient parking. The Parish supports the principle of refurbishing/renovating the Public House and associated building, constructing letting rooms and sensible redevelopment of the whole site including residential accommodation. Comments are summarised as follows:

- The site lies on a dangerous busy road junction and Temple Inn Lane is a designated HGV route and parking is not sensibly available on this road.
- The increase in on street parking would have irresolvable implications for road safety or seriously detract from amenities of local residents. Maximum parking spaces should be provided on the site.
- Outside space should be available at the pub to make it a successful village pub.
- Community Consultation - there was general approval of the idea of reopening the pub and additional housing but concerns about the lack of parking and this has not been addressed.
- S106 agreement should include contributions to recompensate for loss of village recreational facilities in the function room, demand for maintained footpaths, formal open spaces and children's play areas, additional demand for allotments, additional demand for public transport, additional demand for facilities such as the primary school and village hall and the additional traffic generated along Temple Inn Lane.
- Design - concerns that three storey buildings are out of keeping with central village local and could detract from Listed Buildings. The houses have an urban rather than rural design.

LISTED BUILDING OFFICER - no objections subject to conditions. Listed Building application recommended for approval.

HIGHWAYS - Initially a holding objection was given subject to further information being provided. Further information was supplied and assessed and the objection was removed. The scheme is acceptable in terms of highway safety and parking provision and contributions are sought in a Section 106 agreement.

LANDSCAPE - NO OBJECTION - initially concerns raised relating to small elements of the layout which could be altered - alterations made by applicant and these are accepted. Conditions required in respect of landscaping scheme.

AVON AND SOMERSET POLICE - Comments summarised as follows:

- Limited mention of safety and security
- Concerns raised in respect of boundary treatments
- Concerns regarding natural surveillance
- Through route for pedestrians reduces defensible spaces
- Secure cycle storage provision should be available.

PARKS AND OPEN SPACE - NO OBJECTION - financial contribution towards allotments required of £1909.17 and provision in S106 for on going maintenance of the open space within the site.

ENVIRONMENTAL HEALTH - A Noise Impact Assessment has been submitted and has proposed suitable indoor noise criteria for living rooms and bed rooms and also

appropriate plant noise criteria, conditions are requested accordingly. In respect of odour further information is required in respect of the exhaust from the kitchen of the pub - this was provided and considered to be acceptable.

CONTAMINATED LAND - Comments made on the Phase 1 Site Investigate report, no objection subject to conditions.

ARCHAEOLOGY - no objection subject to a watching brief condition.

EDUCTAION - Contributions for education to include £6132.42 for school places and £1,800.90 for Youth Provision.

ARBORICULTURE - NO OBJECTION - there are concerns with the proposals including the retention of trees which the tree survey recommends removal. These species may dominate in residential gardens and therefore retention would not be practical. Development does not demonstrate due consideration of the adopted Green Space Infrastructure Strategy.

HIGHWAYS DRAINAGE- NO OBJECTION - conditions recommended.

ECOLOGY - NO OBJECTION - comprehensive ecological and bat surveys have been completed. The site supports a roost of single/low numbers of Leisler bat within the Annex building. A European Protected Species licence will be required for this proposal which involves works to and conversion of this building. Prior to any decision to permit, the LPA will need to be confident that the "three tests" of the Habitats Regulations are likely to be met. An outline mitigation strategy is submitted which makes appropriate mitigation and roost replacement proposals. Final details of this mitigation package and its subsequent implementation can be secured by condition. Subject to this, I am confident that the "third test" of the habitats regulations will be met. No objection subject to condition.

NATURAL ENGLAND - Statutory nature conservation sites - no objection. Not assessed application on the impacts on protected species.

Representations

Cllr Tim Warren requested the application be determined by the Planning Committee on the basis that the development represents over development of the site and there is insufficient parking available leaving vehicles to park on a dangerous junction.

A site notice was erected and local residents were notified. Four letters were received in response and the comments raised are summarised as follows:

- No objection to principle but too much development in a small space.
- Concerns over level of parking provided being insufficient for requirements
- The new carpark with access onto Temple Inn Lane will be noisy for local residents and increase traffic flow on this lane.
- The new access on Temple Inn Lane is too wide
- Overlooking from rooms in the annex building
- Temple Inn Lane is an designated HGV route so there will be problems with overflow vehicles parking in this area.

- The new houses on Temple Inn Lane do not match any existing properties and are out of keeping and too tall. The buildings are out of keeping with the surrounding area.
- Loss of the skittle alley/meeting room as a community facility.

POLICIES/LEGISLATION

LOCAL PLAN

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

- IMP.1 Planning Obligations
- GDS.1 Site Allocations and development requirements
- SC.1 Settlement Classification
- ET.4 Employment Development in and adjoining rural settlements
- CF.1 Protection of land and buildings used for community purposes
- CF.7 Loss of public houses
- SR.3 Provision of recreational facilities to meet the needs of new developments
- ES.9 Pollution and nuisance
- ES.10 Air Quality
- ES.12 Noise and vibration
- ES.15 Contaminated Land
- D.2 General Design and public realm considerations
- D.4 Townscape considerations
- BH.2 Listed Buildings and their settings
- BH.4 Change of use of a Listed Building
- HG.1 Housing Requirements
- HG.4 Residential Development in Urban Areas
- HG.8 Affordable Housing
- HG.7 Minimum Residential Density
- HG.12 Residential development involving dwelling subdivision, conversion of non-residential buildings, re-use of buildings for multiple occupation and re-use of empty dwellings
- NE.4 Trees and Woodlands
- NE.10 Nationally Important species and habitats
- NE.11 Locally important species and habitats
- NE.14 Flooding
- T.20 Loss and provision of off-street parking and servicing
- T.24 General development control and access policy
- T.26 On-site parking and servicing provision

CORE STRATEGY

The Council has prepared a draft Core Strategy, which has been the subject of an Examination in Public. However, it is still in the process of examination and can only be given weight in accordance with the NPPF. However, the following policies are relevant:-

DW1 - District-wide Spatial Strategy
RA1 - Development in Villages meeting the listed criteria
CP1 - Sustainable construction
CP6 - Environmental Quality
SD1 - Presumption in favour of sustainable development
CP9 - Affordable Housing
CP10 - Housing Mix

NATIONAL PLANNING POLICY FRAMEWORK

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

Presumption in favour of sustainable development

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

Core Planning Principles

Amongst the core planning principles set out in the Framework are that planning should:-

proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings

Economic Growth

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

Providing Housing

The Framework places particular emphasis on the provision of an adequate quantity of housing. It says that local planning authorities should aim to boost the supply of housing and housing land. It says that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant

policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. The Council cannot currently demonstrate a five year supply of housing land. This means that limited weight can be attached to the urban area boundaries.

Good Design

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

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

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

OFFICER ASSESSMENT

Principle of development

The proposal for the development of the Temple Inn public house requires the consideration of a number of issues including the impact on the Listed Building and the construction of dwellings on the site.

In land use terms the site is considered to be a brownfield site as it is previously developed land. The redevelopment of brownfield site is preferable to green field sites. The site is within a central location within the village which is considered to be sustainable. The provision of new housing within the settlement is also considered to be appropriate. The letting rooms element of the scheme would also introduce wider employment benefits.

The core principle of the National Planning Policy Framework is the presumption in favour of sustainable development which is seen as a golden thread running through decision taking. The Framework includes Core Planning principles which included high quality design and standards of amenity, supporting the transition to low carbon future, contribution to and enhancing the natural environment, effective use of land by reusing land that has not previously been developed, promoting mixed use development, conserving heritage assets, actively managing patterns of growth to sustainable locations and improving health and wellbeing. The specific issues will be

discussed in relevant sections below. However, the general conclusion is that the proposed development complies with the core aims of the NPPF and that approval should be granted unless and other material considerations outweigh these benefits.

Housing Provision

There is a presumption in favour of housing developments particularly in locations such as this where it is in a central village location and inside of the Housing Development Boundary. The application includes the provision of a total of 9 dwellings. Five of the houses are arranged in a terrace three with three bedrooms and two with four bedrooms. A pair of semi-detached houses each with four bedrooms is proposed fronting onto Temple Inn Lane. The existing annex building on the site would be converted into a further two three-bedroom houses. Overall there is a reasonable mix of family housing on the site. It might have improved the balance if some two-bedroom properties were proposed however the mix is acceptable.

Policy HG.7 relates to housing densities and the proposed development is around 45 dwellings per hectare which is in accordance with this policy.

In respect of the conversion of the annex building HG.12 applies. This policy requires development to be compatible with the character of adjacent and established uses, not harming the amenities of adjoining occupiers or future occupiers and that it does not result in the loss of accommodation which affects the housing mix in the area. The impact on the existing and future occupiers will be considered in detail below. There is an issue of the compatibility of the use in relation to the existing pub. Whilst the combination is not necessarily ideal given the relatively close proximity of the pub the need to retain this building also has to be considered. The building is considered to be curtilage Listed and there were concerns in respect of its removal. The retention of the building is considered to be an important element of the scheme and on balance its conversion to housing is not considered to be unacceptable.

The proposals fall below the threshold for providing affordable housing. The application also includes the provision of 10 letting rooms. These letting rooms are to be proposed in association with the public house and therefore do not affect the level of affordable housing to be provided. However, it may be the case in the future that there may be a request for the letting rooms to be converted to residential properties. If this were the case it could result in the level for affordable housing being triggered. Therefore the S106 agreement will include a clause to the effect that the affordable housing is included in the site or a commuted sum is paid. The S106 is still in the process of being drafted and therefore the wording of this clause is yet to be agreed.

Highways

Initially the Highways Team raised a number of concerns in respect of this development and additional information has been provided by the applicant. The Council has also obtained speed traffic information for the A37 and the scheme was considered to be acceptable subject to a number of requirements.

There are several existing vehicular accesses to the site and the scheme will help to rationalise the number and location of access junctions. Drawings were requested

from the Highways Teams showing the available visibility splays provided at both access locations.

In terms of the access at Temple Inn Lane to the proposed public house car park this measured at over 10 metres in width and which raises a number of issues. It was suggested that a much narrower width would be more suitable. It was requested that the access width is reviewed and that a tracking assessment is undertaken to demonstrate that a delivery vehicle can enter and exit the site in a forward gear. The wide vehicular access has been explained and a swept path showing a delivery vehicle accessing the site. It is agreed by Highways that the low frequency of movements should not result in a significant road safety concern.

Concerns were raised in respect of the turning area within the carpark accessed of the A37 however following the receipt of revised drawings this issue was addressed.

The A37 Main Road / Temple Inn Lane junction will provide the access route to the repositioned public house / lettings car park and also two of the new residential dwellings, this will result in an intensification of traffic movements through the junction. Due to the amount and type of traffic (a high percentage of heavy goods vehicles) using the A37 and the presence of the public house building immediately to the north, a "stop line" is provided at the junction. The available visibility at the junction does accord with the latest guidance provided in Manual for Streets, although this is dependent on motorists conforming with the stop line order and vehicles on the A37 Main Road travelling at or below the signed 30 mph speed limit. However, the existing visibility splay would not accord with the requirements provided within the Design Manual for Roads and Bridges (DMRB) and given the status of the route, and the number and type of vehicles that the road carries, it is requested that opportunities to improve the visibility splay along the public house frontage are investigated so that the DMRB standard can be met.

A drawing showing the proposed sight lines to each of the car parks has been submitted and it is agreed that this information shows that appropriate visibility can be provided. Highways have undertaken speed surveys on the A37 at the junction with Temple Inn Lane and this demonstrates that the visibility splays according to Manual for Streets guidance are appropriate in this case.

It is also noted that the street furniture adjacent to the location results in a possible distraction and the junction would benefit from this being rationalised. Due to the increase in traffic movements through the Temple Inn Lane / A37 Main Road junction a financial contribution of £10,000 towards local safety measures has been requested to fund the de-cluttering of the street furniture adjacent to the junction and will include measures to deter parking on the footway at this location (which has occurred in the past). This will provide improved visibility for vehicles approaching the junction.

It is noted that the other application in Temple Cloud for 70 houses (13/03562/OUT) requires similar works to be completed at the junction and a £10,000 contribution has also been requested from Highways. It is therefore assumed that if both application are approved that the costs of these improvements would be shared by both of the developments.

Within the Transport Statement the level of parking has been reviewed against the adopted standards, and the operation of how the public house and letting rooms would operate has been considered. It is accepted that there may be some overlap between the use of the public house and letting rooms, and that this could limit the overall parking demand. It is noted that the number of residential spaces being provided is under the maximum standard as some four 4 bedroom spaces are proposed. A total of 20 spaces to serve the nine dwellings are shown in the submitted drawings. Whilst there is room on Temple Inn Lane to accommodate some overspill parking that may occur it would be unacceptable for parking to occur on the A37 Main Road or on Temple Inn Lane close to the A37 junction. Additional parking close to or at the Temple Inn Lane junction has the potential to be a significant road safety concern and overspill parking from the public house and / or dwellings could occur in this area. Highways have requested a contribution of approximately £4,000 which would be needed to fund this and it has been suggested that this would only be implemented should a parking problem develop once the public house is open for trade. The wording and trigger for this arrangement within the S106 is under consideration by Highways and Legal.

There was initially consideration in respect of adopting the footpaths within the site but this has been reviewed and is no longer required.

A number of conditions have been requested by Highways and are attached.

In conclusion the level of parking provision on the site is considered to be acceptable. Further to amendments being made and additional information being provided by the applicant the development is considered to be safe in terms of highway safety. Contributions will be required towards improvements and parking restrictions if required.

Supporting the Local Economy and Community Uses

Chapter 3 of the NPPF is 'Supporting the rural economy' and requires planning policies to support economic growth in rural areas in order to create jobs and prosperity. The policy supports the growth and expansion of all types of business in rural areas including the construction of new buildings. It is also in favour of sustainable rural tourism and the expansion of tourist facilities. Furthermore it promotes the retention of community facilities such as public houses.

The proposed development includes the retention of the public house and the application seeks to bring it back into use as it has been closed for some time. The proposed development will enable the pub to be renovated and re-opened for community use. There is clearly an economic and social benefit to the pub re-opening. The development of the letting rooms to support the pub business is seen as a positive and is supported by both local and national policy. The application proposes a building at the front which would provide accommodation. Policy ET.4 in the Local Plan as refers to the provision of small scale purpose built visitor accommodation. The policy states that small scale visitor accommodation will be permitted at rural settlements which are R1, R2, or R3 and Temple Inn is classified as R1 in policy SC.1. The policy stipulates that developments of this nature must be

of an appropriate scale and in character with the surroundings and within or adjoining the settlement. In respect of the scale 10 letting rooms is considered to be appropriate and proportionate to the size of the area and the pub to which they relate. In terms of the visual character this will be addressed in further sections of this report. The development is within the settlement boundary so is acceptable in that regard.

Part of the development would result in the conversion of one of the pub buildings into residential use. Given that the remaining pub building is of a reasonable size the loss of some detached function rooms is not considered to have a significant impact on the pub's future viability. As such the application is not contrary to policy CF.7 which protects public houses as community facilities. One of the objections to the development from a local resident as well as the Parish has been the loss of the annex building as a community facility. The ground floor of the annex building was not in use however the upper floor was previously in use as a bar with a skittle alley. The floor area of the main usable area is around 73 square metres. The loss of this space does need to be considered and policy CF.1 is relevant as it relates to a loss of a site used for community purposes. This policy states that the loss will only be permitted where there is adequate existing provision of community facilities. Temple Cloud Village Hall is only a short distance from the site and is a good quality facility and it is also of relevance that the existing pub is being retained. Whilst the provision of small scale community spaces can be of value to the local community so is the overall redevelopment of this site and the viability of bringing the existing pub back into use. Therefore the loss of this small scale space is balanced against the overall benefit of the rest of the pub re-opening.

Impact on Listed Building

The proposal includes works to the principal Listed Building as well as buildings within the curtilage of the Listed Building which are covered by the Listing (although they are not mentioned in the List Description). The application has been submitted with a detailed Heritage Impact Assessment. The Listed Building consent application has also been recommended for approval.

This development has been the subject of extensive pre-application negotiations which included ensuring the repair and retention of the listed building and respect for its setting. The building is empty and 'at risk', and the site is currently used for car parking which harms its setting. In this context the new development is welcomed as the opportunity to have the building repaired and occupied.

The Temple Inn is currently visually isolated. Historically it was part-characterised by its grouping with a large range of outbuildings in close proximity, and the new development will reintroduce this historic form. It is considered that adequate space has been allowed around the building.

The layout and form of the proposed development will result in attractive groupings of built form enclosing spaces to create a distinct character. It is refreshing to see a site specific design proposed which responds to local distinctiveness, rather than "off-the-peg" house types and layouts generally used by the volume house builders with little regard to local character.

The retention of the annex building is an important part of the scheme. It is acknowledged that other outbuildings which are in a poor state of repair will be lost from the site however the overall benefit is greater. The Heritage Impact report submitted with the application concludes that overall the form of development proposed meets that legislative requirements (as set out in 1990 Act) in that it will preserve the special interest of the building. The report acknowledged that the form of the development will have a 'harmful' impact on the listed building as a result of the alterations to the curtilage listed building (the annex) and the demolition of one of the structures on the site. However, none of these are considered to be greater than 'slight moderate' effects making them 'non-significant' in EIA terms. Therefore it is concluded that the development would constitute 'less than substantial harm'. Therefore the relevant test is against paragraph 134 of the NPPF which states that where a development leads to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal which includes securing its optimum viable use. The benefits of this development are bringing the public house back into use, the provision of houses in a sustainable location on a brownfield site and the provision of employment opportunities. Therefore the development is considered to be compliant with the NPPF in this regard.

It will be important to ensure use of high quality materials, detailing, landscaping and boundary treatments, and this should be covered by appropriate conditions.

There have been no objections to the development from the Listed Building Officer. It will be important to ensure that the works to the listed building are carried out and it is suggested that a condition should be included to ensure that these works are completed prior to the first occupation of the dwellings proposed on the site. Rather than use a condition it was considered that this needed to be included in the Legal agreement in case of a future change of ownership of part of the site. The wording in the legal agreement is currently proposed that the occupation of no more than two of the units should take place until the works to the public house have been completed.

Design, Character and Appearance

The overall design and layout of the site has developed through the pre-application process. The site at present is dominated by parking providing an unattractive view into the site. The proposed development although retaining some parking areas creates some attractive groupings. The parking arrangements whilst not ideal are better laid out and include areas of landscaping making the site more attractive than at present.

The building at the front of the site comprises the letting rooms. This will be one of the most prominent new buildings on the site. The form of the building has been kept low so that it is subservient to the pub itself. The front of the building is punctuated with windows to retain an element of active frontage onto the road. Whilst the form of the building is fairly traditional and in keeping with other similar buildings in the area details such as the windows add an element of modern design. The materials proposed for this building include stone to match with the surrounding buildings and clay tiles to tie in with the pub. Details such as the brick surrounds around the

windows reflect the detailing in the annex building as well as other buildings in the locality.

To the rear of the site is the terrace of five dwellings and to the south east of the site is a pair of semi-detached properties fronting onto Temple Inn Lane. These buildings take on a contemporary form. In the consideration of what style of building would be appropriate the buildings in the local area have been considered. It seems that it would neither be suitable or appropriate for a pastiche of the traditional building to be considered. The other surrounding houses in the area are of modern construction with limited architectural merit that it would be inappropriate to recreate. The houses proposed for the development of this site have been specifically designed to complement the site embracing modern design whilst aiming to reflect some of the character features of the surrounding areas for example, as noted in the Design and Access Statement, asymmetrical window and door openings, upper floors of accommodation being included within the roof space, buildings with gables facing the street including double gables and asymmetrical forms and strongly expressed window openings.

In respect of the terrace whilst this does introduce a relatively tall building the change in height improves the overall articulation of the building.

The material proposed for the houses has been an element of debate. Brick is not a common feature within the area but there are some examples of its use. The use of natural stone was not considered to be a viable consideration for the whole of the development and a reconstituted stone may not reflect the high quality design. The colour of the brick was chosen so that the tone and texture complement the existing buildings on the site. Overall its use is accepted.

The retention of the annex building has been an important part of retaining character features on the site and the position of this building has informed the layout of the site. The retention of this building and its residential use has been challenging. The result is that the houses proposed would have small gardens to the rear which would back onto the carpark. Whilst this is not an ideal arrangement it is balanced against the need to retain the building.

The development also includes an open courtyard element within the centre of the site which introduces an additional green space.

Overall the proposal present a bold and interesting design which is bespoke and has carefully considered the design characteristics of the local area and re-presented them in a contemporary style which is considered to be appropriate.

Building for Life Assessment

The application has been submitted with a Building for Life Assessment completed by the Architect. Whilst it is not known whether the Architect is a registered Building for Life Assessor it is still a worthwhile exercise to complete. The Building for Life methodology includes three main headings 'Integrating into the neighbourhood', 'Creating a place' and 'Street and home', each of these sections has four

subsections. The assessment of the scheme is reasonably thorough and the development appears to score well.

Sustainability and Energy Efficiency

The application has been submitted with Sustainably Construction Checklist as well as a Sustainability Statement which has been compiled with reference to the Sustainable Construction and Retrofitting Supplementary Planning Document. Whilst the development does not include any renewable energy solutions the information provided demonstrates how issues of sustainability have been considered within the overall design. The reuse of existing buildings also demonstrates a sustainable element to the scheme.

Impact on existing and future residents.

The development needs to be assessed in terms of the impact the proposals have on the existing neighbours to the site as well as the living conditions provided for future occupiers.

Firstly, in terms of neighbouring properties the closest to be affected are those on the opposite side of Temple Inn Lane. In terms of physical development the semi-detached pair would be opposite 2 and 3 Temple Inn Lane. In terms of distance there would be at least 22 metres between the new dwellings and the existing dwellings at the closest point. This distance is considered to be sufficient that any overlooking would not be harmful and the physical form of the building would also not be overbearing. Similarly the change of use of the annex and the inclusion of habitable room windows in the elevation facing Temple Inn Lane is not considered to result in harmful overlooking.

Neighbours have raised concerns in respect of additional noise from the use of the parking area to the south of the site. There is an existing parking area here however it is acknowledged that this is smaller than as proposed. As a result of the entrance to the enlarged car park being directly opposite the houses there may be additional noise and disturbance that does not currently occur. However, it is not uncommon for dwellings to be opposite road junctions and given the level of background noise from the adjacent A37 it is difficult to argue that this impact would result in serious harm being caused that would warrant the refusal of this application.

With regard to the future occupiers of the properties there will be an element of consumer choice involved. At the pre-application stage concerns were raised with regard to the noise impact of the A37 which is one of the reasons why the terrace houses are set back away from the road. A Noise Impact Assessment was submitted with the application which concluded that the development would be acceptable provided that sufficient sound installation measures were included in the development. Conditions have been recommended in respect of this issue.

The properties in the terraces and semi-detached pairs are all considered to have adequate levels of outlook and access to light as well as reasonable levels of privacy.

As mentioned above one of the areas of concern has related to the accommodation to be provided within the annex building. The part of the scheme has always been somewhat of a compromise. The retention of this building has been important however it does not provide the best living environment for its future occupiers. The properties have limited private space and this is adjacent to the car parking area. Whilst not an ideal arrangement the conversion has been designed so that there is some defensible space between the windows and the public areas. Overall the compromise is considered to be acceptable due to the overall benefit of retaining the building.

The letting rooms at the front of the site will be the most affected by the noise from the road. However, as these are not permanent residences it seems reasonable that less strict tests should be applied. However, some care has been taken with the design of the internal layout. The rooms on the ground floor will be separated from the road by an internal corridor to help reduce the impact from road noise.

In terms of any impact from odour from the cooking facilities from the pub the Environmental Health officer is satisfied that this can be adequately dealt with.

Trees

The site is not within a conservation area and none of the trees on the site are covered by Tree Preservation Orders or considered worthy of such protection. The application has been submitted with an Arboricultural Impact Assessment and the proposals would result in the need for the removal of most of the trees on the site. However, the trees are considered to be of low quality. There has been no objection from the Arboricultural Officer however concerns have been raised in respect of the information provided and the logic in retaining some of the trees where they are not in suitable positions. There is no objection to the trees being removed a condition in respect of a landscaping plan will ensure that additional trees are replanted on the site.

Ecology

The application has been submitted with an Extended Phase 1 Habitat Survey (including Further Bat Survey). The report concluded that there was the potential for the following protected species to be present: bats, bird and reptiles. However, the annex building was found to be used as a roost by Leisler's bats although it was considered that it was unlikely that it was a maternity roost. Mitigation measures would be required as well as a license from Natural England. Natural England were consulted and did not object to the application and neither did the Council's Ecologist provided conditions in respect of mitigation are attached.

Bats are protected by European law which means that the Council, in its function as the local planning authority, must have regard to the requirements of the Habitats Directive when considering whether to grant planning permission and listed building consent. The Regulations contain 3 tests, and case law in the last few years has established that these are for a local planning authority to consider at the application stage. All three of these tests must be capable of being met for a permission to be granted.

The three tests are:-

1. The proposal must be for the purposes of preserving public health or public safety or other imperative reasons of overriding public interest including those of social or economic nature and beneficial consequences of primary importance for the environment.
2. There is no satisfactory alternative.
3. The action authorised will not be detrimental to the maintenance of the population of the species at a favourable status in their natural range.

Test 1

In terms of the Overriding Public Interest (IROPI) the scheme as a whole provides a number of benefits. Firstly the proposals will result in the re-opening of a public house which serves the local community. Secondly, the buildings on the site are Listed and could fall into disrepair without improvement works. The works to the annex building and the development of the rest of the site would ensure that the Listed Buildings are restored and brought back into use rather than falling into further disrepair. The project as whole also involves the development of a brownfield rather than a greenfield site providing much needed homes and employment in a sustainable location. Overall it is considered that there are a number of overriding public benefits to the scheme.

Test 2

The annex building is an integral part of the scheme and currently in a state of disrepair. If nothing was done to the building it would affect the cohesion of the development. The applicant has argued that the existing use of the building is no longer viable or suitable. Doing nothing to the building would eventually lead to the structure collapsing either due to dereliction or vandalism which would result in the loss of the bat roost. This would also have a negative impact on the Listed Building. The conversion of the building means that bats can continue to use the building in a long term secure environment.

Other options of renovating the building or converting it to an alternative use are not necessarily likely to have any less impact on the bat roost.

Test 3

Mitigation measures have been considered in the protected species report and the Ecologist accepts that these are sufficient to pass this test. This will be conditioned.

In conclusion, officers consider that the derogation tests are met and, subject to the mitigation being secured by condition.

It is therefore considered that the requirements of the Habitats Directive are met in this case and the development complies with policies NE.11 and NE.12.

Flooding and Drainage

The proposal will result in more of the site being covered by buildings. The Drainage Report submitted with the application concluded that the development provides reduced flood risk to the site and the local area. The Drainage Report also describes the SuDS based scheme using permeable paving and soakaways, and describes

how the two main car park areas will be constructed using permeable surfacing such as porous asphalt. The sub-base below this material will be of sufficient depth to attenuate surface water from the car parks and some of the adjoining roof areas.

There has been no objection to the proposals from the Drainage Team subject to appropriate conditions.

Archaeology

The Council's Archaeology Officer reports that during construction of the neighbouring Tiledown housing estate a Roman stone coffin burial was discovered (B&NES Historic Environment Record: MBN1103), indicating that this is a possible area Roman-British activity/occupation. However, given the size and scale of the proposed development site and its distance from the Tiledown estate (over 300m), it is recommended that an archaeological monitoring (watching brief) condition is attached to any planning consent.

Contaminated land

There are no serious concerns in respect of this matter and conditions are recommended accordingly.

Crime and security

The application was commented on by the Crime Prevention Design Officer of the Avon and Somerset Police. A number of concerns were raised and improvements recommended. Where possible these comments were addressed by the applicant. Although not all issues were resolved none were considered to result in the applications refusal on that basis.

Parks and opens spaces

The quantum of development proposed would generate demand for formal green space and allotment provision of 405m² and 81m² respectively. It should be noted that the proposed 10no. letting rooms have not been considered as a part of the development from which demand for open space would be generated. The reasoning for this is that the nature of the use indicates that the occupiers of the rooms would be occupants for a relatively short time compared to occupiers of residential dwellings and it would therefore be unreasonable to request contributions on this basis.

The Council's data shows that there is a deficit of formal green space and allotment provision within Cameley of 0.37ha and 0.39ha respectively. The applicant is therefore required to provide either on-site or off-site provision to meet the demand generated by the development, or to make a capital contribution so that the Council can provide such provision. It should be noted that there is no requirement to provide natural green space, by reason of the site's rural location and resultant ease of access to this type of provision.

The proposed site plan details an area of formal green space of sufficient scale to meet the demand generated by the development. Further, it is well located between the proposed built form to ensure that the area will benefit from natural surveillance. It is proposed that the space will not be publicly accessible, which would ordinarily be unacceptable, however in this instance, given the relatively small scale and self-contained character of the site, it is considered acceptable and meets the demand that will be generated. The consequence of this situation is that, whilst the developer would normally have the option of transferring the provision to the Council after maintaining it for 12 months and paying a commuted sum to cover maintenance for a 10 year period, in this instance the provision must be maintained in perpetuity to the satisfaction of the Council by the developer or a management company, this will form part of the S106 agreement.

There is no on-site or off-site provision proposed to meet the demand generated by the development. As such, the developer is required to make a contribution to the Council in order that such facilities can be provided this totals £1909.17.

Children and Young People Financial provision.

As the development would result in addition children in the area financial contributions are requested which include £6,132.42 for school places and £1,800.90 for Youth provision.

Section 106

In total the Draft Heads of Term for the development include the following which have been agreed by the applicant.

Parks and open spaces:
£1,909.17

Highways:
£10,000 (or a proportion thereof) + £4,000 (where the £4,000 is refundable if no "traffic problems" occur - quantification of which will need clarifying)

Education:
£7,933.32

Provision will also be made in the Section 106 for the future maintenance of the open space on the site and well as a clause in respect of affordable housing.

Conclusions

The proposed development is considered to be an acceptable mixed use scheme providing housing and employment on a brownfield site as well as bringing a public house back into use.

The impact on the Listed building is considered to cause less than substantial harm and the setting is considered to be improved.

Matters in respect of highways safety are considered to be satisfactorily resolved.

The Habitat Regulations have been considered and the 'Three Tests' have been passed.

A Section 106 agreement will need to be signed prior to consent being granted and this will include financial contributions towards highway works, education and allotments. The agreement will also include the management of the open space.

RECOMMENDATION

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

1. Education

Contributions £7,933.32 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 of £1,909.17 to fund provision of allotments off-site to serve the population. The agreement shall also include the provision of arrangements for the maintenance of the site by a management company. The agreed contributions shall be paid prior to the occupation of the development.

3. Transport

Contributions of

- £10,000 contribution towards improvements including the de-cluttering of the street furniture adjacent to the Temple Inn Lane junction and include measures to deter parking on the footway at this location or part there of depending on the approval of application 13/03562/OUT
- £4,000 towards the cost of the parking restrictions on Temple Inn Lane

4. Affordable Housing

- A clause in the Section 106 Agreement that triggers the need for an affordable housing contribution should the letting rooms ever be converted into residential accommodation.

B. Subject to the prior completion of the above agreement, authorise the Development Manager to PERMIT subject to the following conditions:

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

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

2 On completion of the works but prior to any occupation of the approved development, the applicant shall submit to and have approved in writing by the Local Planning Authority, an assessment from a competent person to demonstrate that the development has been constructed to provide sound attenuation against external noise in accordance with BS8233:1999. The following levels shall be achieved: Maximum internal noise levels of 30dBLAeq,16hr and 30dBLAeq,8hr for living rooms and bedrooms during the daytime and night time respectively. For bedrooms at night individual noise events (measured with F time-weighting) shall not (normally) exceed 45dBLAmax.

Reason: To protect occupants of residential properties from external road traffic noise

3 The Noise Rating Level from installed plant on the public house or letting rooms shall not exceed 30 dB LAeq(5mins) (free-field) at the nearest noise sensitive premises.

Reason: To protect occupants of residential properties from external plant noise

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

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

5 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:

o human health,

o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

o adjoining land,

o groundwaters and surface waters,

o ecological systems,

o 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.

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

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

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

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

8 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 5, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 6, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 7.

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

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

10 Prior to the demolition of any boundary walls details of the repairs to existing walls (including making good) and construction to new walls shall be submitted to any approved in approved in writing by the Local Planning Authority. The works shall be completed prior to the first occupation of any of the new dwellings on the site.

Reason: In the interests of the appearance of the development.

11 Where an offence under Regulation 41 of the Habitat and Species Regulations 2010 is likely to occur in respect of this permission hereby granted, no works of site clearance, demolition or construction shall take place which are likely to impact on bats unless a licence to affect such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been submitted to the local planning authority. This shall be accompanied by all outstanding details of proposed bat mitigation. The development shall be carried out only in accordance with the approved bat mitigation scheme or any amendment to the scheme as approved in writing by the Local Planning Authority.

Reason: to safeguard bats and their roosts

12 The area of open space to the rear of the proposed letting rooms shall not at any time be used by customers of the public house or letting rooms.

Reasons: To protect the amenity of the occupiers of the surrounding houses.

13 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 dwellings within the converted annex building 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.

14 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 any part of any roof 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: In the interests of the appearance of the development and the character of the area.

15 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.

16 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.

17 No development shall commence until a sample panel of all external walling and roofing materials to be used has been erected on site, approved in writing by the Local Planning Authority, and kept on site for reference until the development is completed.

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

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 fences, gates, walls or other means of enclosure shall be erected or placed within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a highway without a further planning permission being granted.

Reason: In the interests of the visual amenity and character of the area.

19 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 letting rooms proposed within the building at the front of the site shall only be used in association for the Temple Inn public house for bed and breakfast purposes and not be any other use.

Reason: The approved use only has been found to be acceptable in this location and other uses within the same use class may require further detailed consideration by the Local Planning Authority.

20 No development shall commence until details of refuse storage have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the refuse storage has been provided in accordance with the details so approved, and thereafter shall be retained solely for this purpose. No refuse shall be stored outside the building(s) other than in the approved refuse store(s).

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

21 An operational statement relating to the public house shall be submitted to and approved in writing by the Local Planning Authority and shall include details of cooking equipment, odour mitigation and extract layout. The development shall thereafter be carried out in accordance with the approved operational statement.

Reason: Protect residential amenity.

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

Reason: In the interests of flood risk management and highway safety

Condition information: The applicant has indicated that they will dispose of surface water via soakaways and permeable paving and we would support this approach. To support the discharge of the above condition, infiltration test results and soakaway design calculations to BRE Digest 365 standard should be submitted to this office.

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

Reason: In the interests of highway safety.

24 The access, parking and turning areas shall not be brought into use until these areas have been 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.

25 The development hereby permitted shall not be occupied until the visibility splays shown on the submitted plan have been provided with no obstruction to visibility at or above a height of 600mm 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.

26 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.

27 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:

The application relates to the following drawings and documents:

463TE_E_2010_A	EXISTING SITE PLAN
463TE_P_2022	SITE PLAN AREAS
463TE_2101_B	PUB - EXISTING PLANS 01
463TE_2102_B	PUB - EXISTING PLANS 02
463TE_2103_B	PUB - EXISTING PLANS
463TE_2120_B	PUB - PROPOSED PLANS 01
463TE_2121_C	PUB - PROPOSED PLANS 02
463TE_2130_C	ANNEX - PROPOSED PLANS
463TE_2140_C	LETTING ROOMS - PROPOSED PLANS
463TE_2150_C	TERRACE - PROPOSED PLANS 01
463TE_2151_C	TERRACE - PROPOSED PLANS 02
463TE_2160_C	SEMI-DETACHED - PROPOSED PLANS
463TE_2201_B	PUB - EXISTING ELEVATIONS 01
463TE_2202_B	PUB - EXISTING ELEVATIONS 02
463TE_2203_B	ANNEX - EXISTING ELEVATIONS 01
463TE_2204_B	ANNEX - EXISTING ELEVATIONS 02
463TE_2220_C	PUB - PROPOSED ELEVATIONS 01
463TE_2221_C	PUB - PROPOSED ELEVATIONS 02

463TE_2230_C ANNEX - PROPOSED ELEVATIONS
463TE_2240_C LETTING ROOMS - PROPOSED ELEVATIONS
463TE_2250_C TERRACE - PROPOSED ELEVATIONS 01
463TE_2251_C TERRACE - PROPOSED ELEVATIONS 02
463TE_2260_C SEMI-DETACHED - PROPOSED ELEVATIONS
463TE_P_2030_C SIDE ELEVATION 01
463TE_P_2031_D SIDE ELEVATION 02
463TE_P_2501_B PROPOSED DETAILS
463TE_P_2020 REV E PROPOSED SITE PLAN
463TE_2000 REV A SITE LOCATION PLAN
DESIGN AND ACCESS STATEMENT
DESIGN & ACCESS STATEMENT - ADDENDUM
PLANNING STATEMENT
EXTENDED PHASE 1 HABITAT SURVEY
GROUNDSURE GEOINSIGHT FIND 36469 AND FIND 36470
HERITAGE IMPACT ASSESSMENT
SITE WASTE MANAGEMENT PLAN
NOISE IMPACT ASSESSMENT
PHASE 1 SITE INVESTIGATION
TRANSPORT STATEMENT
TREE REPORT (APPENDIX A - TREE SCHEDULE TABLE and APPENDIX B -
TREE CONSTRAINTS PLAN)
SUSTAINABLE CONSTRUCTION CHECKLIST
DRAINAGE STRATEGY
CARBON FILTER DETAILS
CRIME PREVENTION DESIGN REPORT
SUSTAINABILITY STATEMENT

DECISION TAKING STATEMENT

In determining this application, the Local Planning Authority has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. Pre-application advice was sought and provided and amendments made to the proposals. For the reasons given, a positive view of the revised submitted proposals was taken and permission was granted subject to a legal agreement.

2 ADVICE NOTE:

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

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

4 The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Your attention is drawn to the Coal Authority policy in relation to new development and mine entries available at www.coal.decc.gov.uk

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is available on The Coal Authority website www.coal.decc.gov.uk

5 Inform the applicant that the Local Planning Authority should be consulted before any external signs are displayed on the property.

Item No: 004
Application No: 13/04457/LBA
Site Location: Temple Inn Main Road Temple Cloud Bristol Bath And North East Somerset



Ward: Mendip **Parish:** Cameley **LB Grade:**
Ward Members: Councillor T Warren
Application Type: Listed Building Consent (Alts/exts)
Proposal: Mixed use development comprising a 10 bed letting rooms building, 9 residential dwellings, and renovation of the existing public house
Constraints: Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary, Listed Building,
Applicant: Red Oak Taverns Limited

Expiry Date:	30th December 2013
Case Officer:	Heather Faulkner

REPORT

Reasons for reporting the application to Committee

The application is being reported to Committee as the Parish Council has objected to the planning application for the proposals and a ward Councillor has also requested that the applications be determined by committee, which have been agreed by the Chair of the Committee. This application was deferred at the last meeting to allow Members to visit the site.

This application is for Listed Building Consent to restore and re-open The Temple Inn, a grade II listed building. The north end bay has C17 origins and there are later C18 and C19 alterations and additions. It has two C19 canted bay windows and a central door on the front elevation addressing the main road, forming a symmetrical facade. The building is stone built with clay pantile roofs.

It is also proposed to demolish a single storey outbuilding on the site and to convert the remaining two storey outbuilding to form two residential units.

The Temple Inn is a building at risk. It has stood unoccupied for a considerable length of time and this proposal for its repair and restoration is timely. This application is for the restoration of the listed building only, together with the works to the curtilage listed building. The impact on the setting of the listed building of the proposed housing development on the remainder of the site is assessed in the accompanying planning application (ref. 13/04456/FUL).

The only relevant planning history on the listed building is a consent for structural repairs to the roof trusses and alterations to the bar area in 1998 (Ref: 98/02496/LBA).

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Camely Parish Council has objected to both this listed building consent (LBC) application and the accompanying planning application on the grounds that the new build constitutes over-development of the site. It also commented on the LBC application that "outside space for customers and children is an integral part of any successful village pub in this area."

No other representations have been received.

POLICIES/LEGISLATION

The primary consideration is the duty placed on the Council under S 16 of the Listed Buildings Act to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 12 'Conserving and enhancing the historic environment' of the National Planning Policy Framework sets out the government's high-level policies concerning heritage and sustainable development. The Historic Environment Planning Practice

Guide published jointly by CLG, DCMS, and English Heritage provides more detailed advice with regard to alterations to listed buildings, development in conservation areas and world heritage sites.

If the Council is minded to grant consent there is not a requirement to notify the Secretary of State before a decision is issued.

OFFICER ASSESSMENT

A comprehensive Heritage Impact Assessment accompanies the application. It identifies the two other surviving heritage assets on the site as curtilage listed buildings. These are:

Structure 1 - a locally distinct two storey building located to the north east of the public house. This is a former stone outbuilding with brick dressings surviving from an extensive group of outbuildings which were largely removed in the mid/late C20. The building is proposed for retention and conversion in the accompanying scheme for new housing for use as two three-bedroom properties. The works involve demolition of the stone buttressed earlier building linking to it which has previously been extensively altered, damaging its significance.

Structure 2 - a single storey mid/late C19 building located towards the eastern boundary of the site of low architectural and historic significance. It is proposed to demolish this building and there are no objections to its loss.

Overall the proposed alterations to the listed building itself are relatively modest and comprise the following:

Removal of the modern lean-to porch and unsightly metal extraction flue which is welcomed.

Insertion of an air extraction grate in the north elevation.

New entrance in rear elevation and reconfiguration of the foot of the late C19/early C20 stairs, involving only minor loss of historic fabric to achieve improved access and internal circulation.

Removal of C20 inserted partitioning and bar, which part-reinstates the earlier plan form.

Removal of small section of floor to form a new cellar entrance and stairs, and closure of the existing arrangement.

These works are considered to cause less than significant harm to the internal character and appearance of the listed building and overall will provide improvements. Existing drainage and service runs will be re-used, avoiding damage to or loss of historic fabric. Details of these works are considered satisfactory, and a condition is included to clarify the structural changes resulting from the new cellar access arrangement.

The render on the south end elevation gable is a hard concrete type which will require replacing in the restoration works, and a condition is included to cover this. Internally this has caused severe problems of damp penetration.

Unsympathetic C20 inserted windows on the rear elevation will be replaced with new windows designed to respect and harmonise with the historic character of the building. Submitted window details are all considered satisfactory.

The proposed conversion works to the two storey outbuilding are welcomed. The detailed design ensures retention of character whilst clearly displaying visual evidence of the C21 alterations.

RECOMMENDATION

Consent is recommended, with conditions,

CONDITIONS

1 The works hereby approved shall be begun before the expiration of three years from the date of this consent

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

2 Prior to commencement of works a detailed method statement for the cleaning and repair of stonework shall be submitted to the local planning authority for approval in writing.

Reason: To safeguard the character and appearance of the listed building and curtilage listed building.

3 Prior to commencement of works details of the weather louvre extract grate on the north end elevation are to be submitted to the local planning authority for approval in writing.

Reason: To safeguard the character and appearance of the listed building.

4 Prior to commencement of works details of the method of opening, finishes and colours of the windows in the curtilage listed building conversion are to be submitted to the local planning authority for approval in writing.

Reason: To safeguard the appearance and character of the curtilage listed building and the setting of the listed building.

5 Prior to commencement of the works details of the proposed re-rendering of the south gable wall are to be submitted to the local planning authority for approval in writing.

Reason: To safeguard the character, appearance and historic fabric of the listed building.

6 Prior to commencement of the works full details of the closure of the existing cellar access and stairs formation of the new access and stairs are to be submitted to the local planning authority for approval in writing.

Reason: To safeguard the character, appearance and historic fabric of the listed building.

7 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:

Plan numbers

463TE_E_2010_A EXISTING SITE PLAN
463TE_P_2022 SITE PLAN AREAS
463TE_2101_B PUB - EXISTING PLANS 01
463TE_2102_B PUB - EXISTING PLANS 02
463TE_2103_B PUB - EXISTING PLANS
463TE_2120_B PUB - PROPOSED PLANS 01
463TE_2121_C PUB - PROPOSED PLANS 02
463TE_2130_C ANNEX - PROPOSED PLANS
463TE_2201_B PUB - EXISTING ELEVATIONS 01
463TE_2202_B PUB - EXISTING ELEVATIONS 02
463TE_2203_B ANNEX - EXISTING ELEVATIONS 01
463TE_2204_B ANNEX - EXISTING ELEVATIONS 02
463TE_2220_C PUB - PROPOSED ELEVATIONS 01
463TE_2221_C PUB - PROPOSED ELEVATIONS 02
463TE_2230_C ANNEX - PROPOSED ELEVATIONS
463TE_P_2030_C SIDE ELEVATION 01
463TE_P_2031_D SIDE ELEVATION 02
463TE_P_2501_B PROPOSED DETAILS
463TE_P_2020 REV E PROPOSED SITE PLAN
463TE_2000 REV A SITE LOCATION PLAN
DESIGN AND ACCESS STATEMENT
PLANNING STATEMENT
HERITAGE IMPACT ASSESSMENT

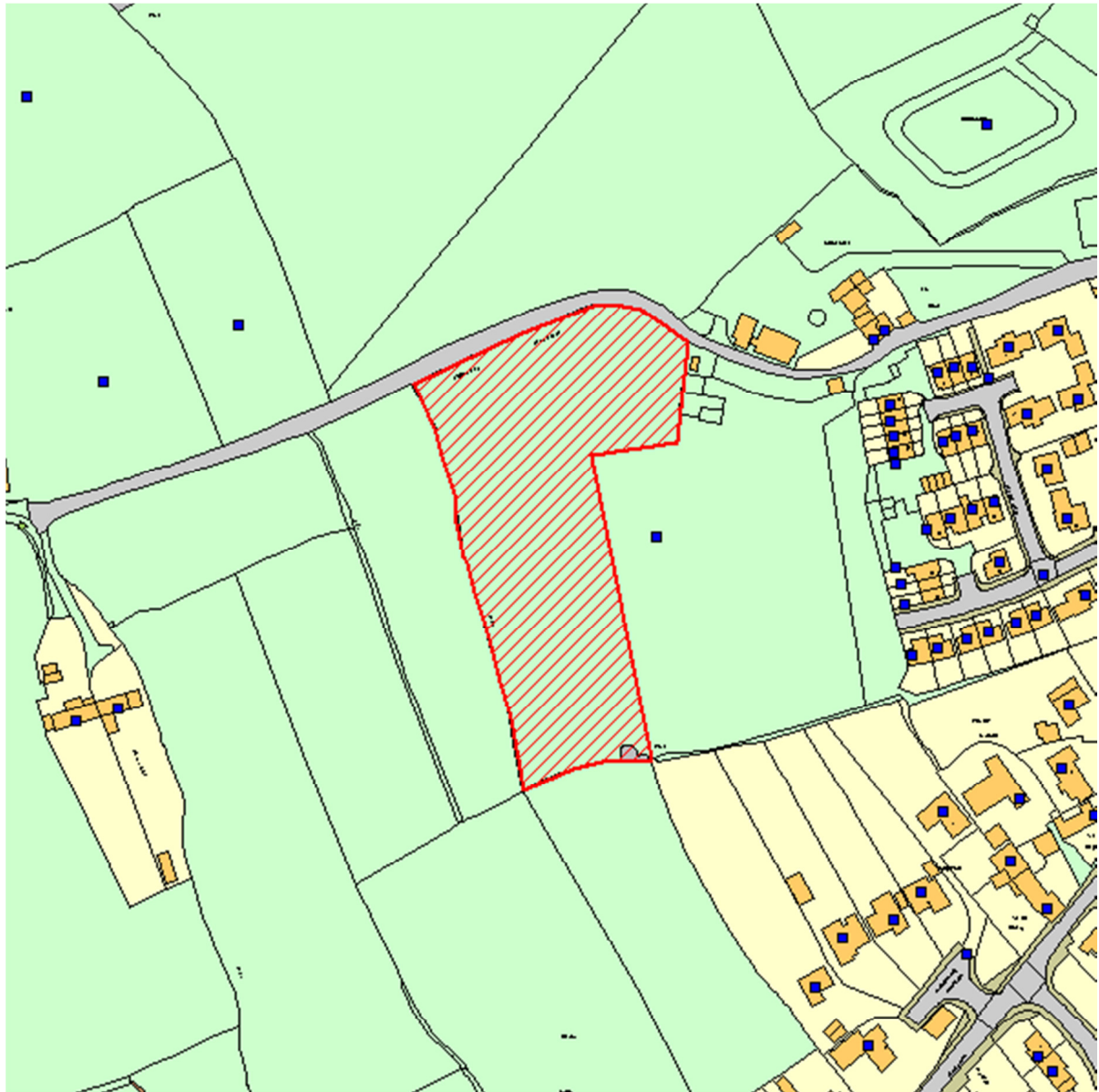
In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. For the reasons given and expanded upon in the related case officer's report, a positive view of the proposals was taken and permission was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

2 ADVICE NOTE:

When a request is made to a Local Planning Authority for written confirmation of compliance with a condition or conditions attached to an approved application, or where a request to discharge conditions is submitted, it will assist the Local Planning

Authority if the 1APP standard form is used. The form is available from the Planning Portal at www.planningportal.gov.uk. Requests can be submitted via the Planning Portal or sent direct to the Registration Team, Planning Services, PO Box 5006, Bath, BA1 1JG.

Item No: 005
Application No: 13/04975/OUT
Site Location: Parcel 3567 Stitchings Shord Lane Bishop Sutton Bristol



Ward: Chew Valley South **Parish:** Stowey Sutton **LB Grade:** N/A
Ward Members: Councillor V L Pritchard
Application Type: Outline Application
Proposal: Outline planning application for a residential development of up to 32 dwellings and associated infrastructure.
Constraints: Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Coal - Referral Area, Forest of Avon, Greenfield site, Water Source Areas,
Applicant: Charles Church Severn Valley & Edward Ware Homes Ltd
Expiry Date: 19th February 2014
Case Officer: Daniel Stone

REPORT

This application was deferred from the committee meeting held on 12th February in order for a site visit to take place. At the request of Councillor Vic Pritchard and with the agreement of the Chair the application is to be considered by Committee as the site is located outside the Housing Development Boundary.

DESCRIPTION OF THE SITE AND APPLICATION

The application site consists part of an agricultural field located on the western edge of Bishop Sutton, the remainder of the field having already had planning permission granted for residential development, subject to the completion of a legal agreement (reference 12/04238/OUT relates).

The site lies between the built up area of Bishop Sutton and Chew Valley Lake which is approximately 450 metres to the west of the site. To the west and south the field is bounded by agricultural fields and gardens, to the east by a relatively recent residential estate (the Cappards Road development) and to the north by Stitchings Shord Lane, a narrow rural lane.

The site is located outside the Housing Development Boundary, which passes along the western boundary of the Cappards Lane Development. In terms of other designations, the site falls within the Chew Valley Water Source Protection Area, and within Flood Zone 1. The site is located outside of the Green Belt and Mendips Area of Outstanding Natural Beauty, the boundaries of which run along Stitching Shord Lane to the north of the site.

The site slopes gradually from the Cappards Road development in the direction of Chew Valley lake and is drained by a drainage ditch on the southern boundary of the site. This also takes surface water from the adjoining Cappards Road development and discharges towards Chew Valley Lake. A public right of way crosses the site from Stitchings Shord Lane and emerges onto Wick Road opposite the primary school.

Outline consent is sought for the erection of 32 dwellings. The application seeks consent for the means of access, but the Appearance, Layout, Landscaping and Scale of development proposed are reserved matters. This means that the Council is considering the principle of 32 dwellings being erected on the site, and issues connected with the proposed access arrangements, but all other issues to be considered by means of a subsequent planning application for the "reserved matters".

Issues connected with planning obligations do however need to be considered at this stage.

EIA SCREENING

As the proposal relates to a site that exceeds the 0.5ha threshold under the second column of Schedule 2 of the EIA Regulations 2011 an EIA screening opinion is required. In accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations, 2001, an EIA screening was carried out and the applicant was formally notified of the decision.

The EIA screening opinion concluded that the proposed development at 32 dwellings falls well below the threshold of 1000 dwellings and at 1.13 ha is under the threshold of 5ha and that the significance of the impact of the development would be localised. Additionally, the site is not in a sensitive location in the terms defined in the EIA regulations.

The EIA regulations advise that in considering whether Environmental Impact Assessment should be required consideration should be given to whether an individual planning application should in-fact be considered as part of a larger project. It is now clear that this application is the second phase of a larger development project, the first phase comprising planning application 12/04238/OUT for 35 dwellings, and that these two applications should be considered together in determining whether EIA is required.

Based on an assessment of the relevant regulations and guidance it is considered that the proposed development (even considered together with application 12/04238/OUT) is not classified as EIA Development.

RELEVANT PLANNING HISTORY:

Cappards Lane Estate:

00/01871/FUL - Erection of 39 dwellings and new access (revised scheme), Cappards Farm, Wick Road - approved 22.11.2000

99/03128/FUL - Demolition of existing buildings and redevelopment of site to provide 39 houses, garages, access roads, play area and landscaping, Cappards Farm Wick Road - approved 12.04.2000

Adjoining site (eastern part of field)

12/04238/OUT - Erection of 35no. dwellings and associated infrastructure - approved 04.02.2014

Elsewhere in Bishop Sutton

12/05279/FUL - Erection of 41 dwellings, Wick Road, Bishop Sutton. Refused April 2013. Appeal allowed September 2013.

13/02728/OUT - Erection of 9 dwellings, Milford Head, Bishop Sutton. Pending.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

CONSULTATION

Consultation letters were sent out to 84 adjoining properties, a press notice was displayed and Parish Council were consulted. To date 47 letters of objection have been received raising in summary, the following issues

Principle of development

- o The site is a greenfield agricultural site, located outside the Development boundary and should be rejected on these grounds. There is a recent precedent for this in respect of Curo's application to build 36 homes in Clutton. (Officer note: the application was refused by the Council but the application was appealed and the appeal was allowed, enabling the development to go ahead.)
- o Planning permission has already been granted for 35 dwellings on the adjoining site and 41 dwellings at The Batch. These three applications would increase the size of Bishop Sutton by 22.6%. The level of growth is excessive, exceeding the level envisaged in the Core Strategy (which allowed 50 dwellings over the next 16 years) and vastly exceeding the Parish Council's target of 2 - 3 homes per year.
- o The application is premature, pending the adoption of the Core Strategy and Place-making Plan
- o The site is an unsustainable and car dependent location for additional development. The site is in the countryside, on the edge of a rural settlement with few facilities and an infrequent bus service. There are minimal jobs in the Chew Valley; most jobs are in Bristol, Bath or Weston-super-Mare.
- o There has to be a point at which it must be argued that this level of new housing is unsustainable in such a rural location with poor facilities.
- o The land adjacent to The Batch has already been identified by B&NES as having potential for development and is preferable to this site.
- o The small number of objections is not illustrative of support for the process but disillusionment with the consultation process, regarding it as a waste of time.
- o Object to the loss of agricultural land - the site is not redundant.
- o It would be preferable if the land adjacent to The Batch were to be developed, being further from the lake, better drained and with better access.

Landscape Impacts / Design issues

- o Impact on the setting of the AONB
- o Development is getting too close to Chew Valley Lake.
- o The combined size of this development and the adjoining consent (12/04238/OUT) would be out of scale with the rest of the village. Approval of this development would mean that the overall size of the Cappards Farm development would be in excess of 120 homes.
- o The site is within a Avon Woodland Protection Area where development must respect the existing and developed woodland setting. The illustrative details do not demonstrate compliance with this requirement.

Traffic / Highway safety / Transport

- o The access from Wick Road is unsafe, as its very close to the primary school, where parents drop off and pick up children, obscuring visibility.
- o Cappards Road, (the access road) and Stinchings Shord Lane are too narrow and congested to accept additional traffic safely. The two developments would result in approximately 140 additional cars using Cappards Road each day.
- o The additional traffic from the development would endanger children at the play area at the entrance to Cappards Road.
- o Insufficient parking in Cappards Road. The majority of homes only have 1 parking space.
- o Lengthening Cappards Road will mean cars will reach higher speeds before meeting the play park area.
- o The current bus service is limited with only 1 bus into Bristol in the morning
- o There does not appear to be enough room for waste collection vehicles to drive into the development and turn around. Can tracking be submitted to demonstrate this is possible, without vehicles having to reverse the length of the development?

Infrastructure

- o There is inadequate capacity at the school. If the application is approved, the development should make contributions to finance additional facilities.
- o The Education comments underestimate the effect on the school. Expansion of the school roll can only be accommodated by increasing the number of classrooms and the levy from new development will come too late to resolve existing problems.
- o There is also a shortage of child-minders in the area.
- o Will the development pay to upgrade the phone line between Bishop Sutton and the Chew Magna exchange? At present, internet access is too limited to support reliable home working. Fibre optic broadband is needed, but BT have no plans to install it. The development would increase internet traffic and further reduce speed.

Flooding

- o The site is underlain with clay and is vulnerable to flooding. How will the drainage ditches be maintained? The additional hard surfaced areas will increase runoff.
- o The Flood Risk Assessment ignores runoff from fields and storm drains (which occurs at least once a year).

- o Object to the proposed flats

Ecology

- o The site is of value. We have seen foxes, frogs, bats, deer, wood peckers, grass snakes and buzzards and the site is an assembly point for flocks of migrating House Martins

Amenity Impacts

- o Loss of view (Officer note: this is not a material planning consideration)
- o Overlooking of properties that back onto the site.
- o Increase in noise from traffic.
- o Impact on outlook from the dwellings in Rushgrove Gardens

Other

- o The development should be supported by an Environmental Statement.
- o Impact on house values (this is not a material planning consideration)
- o The site is unsafe due to shallow coal mine works as highlighted by The Coal Authority.
- o The development should be accompanied by an Environmental Statement.
- o The alignment of most of the properties with easterly or westerly facing roofs will reduce the efficiency of solar heating / solar pv

HIGHWAYS DEVELOPMENT CONTROL - No objection subject to conditions

In terms of the principle of residential development, the land sits outside the previous housing development boundary of Stowey-Sutton, however it has been demonstrated (through the consideration of the adjacent development) that the area is within convenient distances of local facilities and alternative travel options, and therefore that the development is not contrary to national and local sustainability policy.

Cappards Road is 5.5m wide with a 2.0m wide footway on at least one side. It currently serves 52 dwellings, and the recently consented scheme will increase this to a total of 88 dwellings. The most up-to-date design advice is not prescriptive about road widths stating that these should reflect the context of the street and its environment. However previous advice (albeit now superseded by the advice quoted above) states that roads of the dimensions of Cappards Road have capacity for up to 300 dwellings. This new development would result in a total of 120 dwellings and I am therefore of the view that the access is appropriate.

I am conscious of local concerns in this respect, however in terms of policy I could not suggest that the impact of the increased traffic would be "severe", which are the grounds on which NPPF states that refusal must be based.

While on-street parking currently occurs, there is no evidence to suggest that this has led to road-safety or capacity problems. In addition, an element of on-street parking can act as a traffic-calming feature.

It has been demonstrated that the junction of Cappards Road with Wick Road is also of an appropriate standard, with the required level of visibility. There are no recorded casualty accidents relating to the use of this junction.

PLANNING POLICY

In the emerging B&NES Core Strategy (2011-2019), Bishop Sutton has been identified as a RA1 settlement as it has three key facilities and a daily public transport service. RA1 settlements will receive approximately 50 dwellings over the Plan period.

The National Planning Policy Framework (NPPF) (2012) has a 'presumption in favour of sustainable development' (para. 14) which means that where housing policies are out of date (as they are in B&NES) development should be permitted unless the adverse impacts of development would significantly and demonstrably outweigh the benefits or specific policies in the NPPF indicate development should be restricted.

As this is outline planning permission and as the Council cannot demonstrate a five year supply of housing land against an adopted Plan, therefore, presumption in favour of sustainable development applies. I note that the application is on greenfield land and therefore I would like to refer to the comments of the Landscape Officer on any significant harm that could outweigh any benefits.

EDUCATION - No objection subject to educational contributions being provided as follows:

- Youth Services provision places - 2.74 places at a cost of £3,655.16
- Primary age pupil places - 8.50 places at a cost of £110,435.57
- Total contribution sought of £114,090.73

The village of Bishop Sutton is currently experiencing underlying population growth, attributed partly to past housing development in the village which is now estimated to be reaching full occupation. There have also recently been several previously approved new housing developments in Bishop Sutton. As a result, Bishop Sutton Primary school which is the school that serves primary age children living in the village and the surrounding rural area has seen increasing numbers on roll and this pattern is expected to continue over the coming years.

Recent numbers on roll have been as follows: October 2011 = 123, October 2012 = 127, October 2013 = 136.

The school is already currently over capacity in some year groups and close to capacity in others with pupil numbers projected to continue to increase, so that by 2017 the school is projected to be over capacity in all year groups.

As a result, none of the children calculated to be generated by this development will be able to be accommodated at the school within its current capacity and the Council would be unable to meet its statutory duty to provide a school place for every child that requires one. A developer contribution is therefore required in order to expand the primary school sufficiently so that the children generated by this development can be accommodated.

The school will need to be expanded from its current size, which is a school with a Planned Admission Number of 21 and a Net Capacity of 147. This will require

additional classroom space to be provided. Additional ancillary accommodation such as storage space, circulation space and toilets may also be required to enable the school to function efficiently with the increased numbers on roll. The developer contribution sought represents the appropriate pro-rata contribution to this new accommodation, related specifically to this development.

The contribution to youth services 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. The contribution would be used to provide suitable locally accessible services for the young people aged 13-19 generated by the development.

ADDITIONAL COMMENTS

I have requoted the Stinchings Shord Lane development 13/04975/OUT (32 dwellings) based on the indicative dwelling mix in the Outline application, excluding all 1 bed houses which would not generate children. This is also based on the latest number on roll and pupil projection data for Bishop Sutton Primary school and takes into account pupils generated from previously approved developments in Bishop Sutton.

- Early Years age 0-2 - 1.262 children £0 - sufficient provision available
- Early Years age 3-4 - 3.998 children £0 - sufficient provision available
- Primary - 11.312 pupils all requiring a place to be created - £147,760.19
- Secondary - 6.538 pupils £0 - sufficient provision available
- Sixth Form - 1.841 pupils £0 - sufficient provision available
- Youth Service Provision - 4.5 young people all requiring provision to be made available £6,003.00

Total £153,763.19

PARKS - No objection subject to the contributions being made towards the provision of formal green space and allotment provision

Formal green space provision:

Land purchase: £5,098.50

Construction costs: £40,582.00

Annual maintenance (over a 10 year period): £59,628.90 (NB - In the event that the developer opts to maintain the proposed on-site provision themselves, in perpetuity, this element of the contribution would be reduced to £43,558.70)

Allotment provision:

Land purchase: £1,395.90

Construction costs: £2,436.48

Annual maintenance (over a 10-year period): £2,814.36

Given that this is an Outline application, with an illustrative layout, the above contributions may be subject to change as the layout comes forward at Reserved

Matters stage. I would therefore recommend that any S106 agreement includes the attached formulas, to enable the correct level of contributions to be calculated at Reserved Matters stage in accordance with the submitted layout.

HOUSING SERVICES - Object to the detail of the application.

The proposed Market Housing mix is not reflective of local market needs, predominantly consisting of 4 & 5 beds dwellings with the remaining being 3 beds. There is no smaller market housing on this phase to serve the local housing market. A market housing mix consisting of approx. 1/3 one & two bed properties 1/3 three bed dwellings and 1/3 four + bed dwellings is sought to suit the full range of local income levels.

Whilst the application secured 35% affordable housing, the proposed affordable housing elements do not meet the design, layout & construction standards our supplementary planning Document requires:

- The three bed dwellings fall short of the minimum internal space standards
- No information has been submitted confirming the affordable housing will fully addresses the range of SPD design requirements.
- 60 % of the affordable dwellings are to be delivered to full internal & external Lifetime Homes standards - no details are given
- 10% of the affordable dwellings are to be delivered to full internal & external Wheelchair User standards - no details are given
- The SPD requires affordable housing should not be distinguishable from market housing in terms of location or appearance (tenure blind) - The lack of one or two bed market housing does not deliver a tenure blind development.
- Car parking attributed to the affordable dwellings should be on plot.

ARCHAEOLOGY No objections subject to conditions.

Whilst the archaeological desk based assessment suggests that "based on current evidence, this assessment has identified a low potential for archaeological activity within the study site", it also recognises that "due to the lack of previous archaeological investigation within the site or in the immediate surrounding area, a clearer understanding for the potential of Prehistoric and Roman activity for the study site remains uncertain." I agree with these conclusions, and that we cannot rule out the possibility of significant archaeological remains on this site.

AVON AND SOMERSET CONSTABULARY -

There are a few points which may need to be considered as the illustrative layout is progressed.

- o Plots 8,9,10,17,14 show gates to the rear gardens, these are recessed between the buildings and should be brought forward as close to the front of the building line as possible.
- o An additional gate should be positioned level with the building line of the houses between plots 15, 16.

- o Plots 3, 6, 7, 25, and 26 have identified parking areas in front of garages, whilst accepting that the vehicles should be parked in the garage, reality seems to indicate that they will be parked in front. Because these areas are between buildings this creates an area which is likely to be in the dark, depending upon the levels and positioning of the street lighting. Evidence suggests that this is an area vulnerable to crime, theft, damage, and potentially personal safety. It would be advantageous to either provide additional light in the area or ensure that the buildings have habitable rooms overlooking the area.
- o Adjacent to Plot 22 is shown a footpath with a 'link to adjacent development'. In the Design and Access Statement the footpath doesn't appear to line up with any recognised path in the adjacent development.
- o This footpath needs to be under natural surveillance from the property and so again habitable rooms should be in the elevation fronting the path.
- o Both developments indicate an element of Affordable Housing.

In order to achieve the pepper potting and tenure blindness as quoted above in the Supplementary Planning document and to provide a minimum standard of security for all of the dwellings within the development, all properties should meet the minimum level of security of Secured by Design Part 2. Secured by Design comprises of two different elements, section one is the layout and design of a development and section two which related to the minimum standards recommended for the physical security of the buildings.

The environmental benefits of Secured by Design are fully supported by independent research proving that SBD housing developments suffer at least 50% less burglary, 25% less vehicle crime and 25% less criminal damage. Therefore the carbon costs of replacing windows or door sets on SBD developments as a result of criminal activity is more than 50% less than that of non-SBD developments.

COAL AUTHORITY - NO OBJECTION

No specific measures were necessary to safeguard the development.

HIGHWAYS DRAINAGE - No objections subject to conditions.

The proposed development is 1 hectare in size therefore the Environment Agency should be consulted and the proposals must be supported by a Flood Risk Assessment and Drainage Strategy in accordance with the requirements of the National Planning Policy Framework.

In light of the Flood Risk Assessment sent as part of the OUTLINE application, the following matters would need to be included as part of a full application Drainage Strategy:

- o developer correspondence with sewage undertakers
- o drawings showing the proposed drainage system, including the location of the oversized surface water pipes and how these will connect with outfalls to the drainage ditch and the cellular storage tank
- o drawings illustrating how discharge rates above 1:30 will be diverted to the cellular storage tank

- o drawings illustrating how the storage tank will drain at greenfield rates and outfall to the drainage ditch.
- o supporting Windes files showing the simulated performance of the proposed system
- o drawings showing the design of the proposed hydrobrake, with calculations showing how this will limit discharge to greenfield rates
- o For any proposed adoption of surface water sewers, confirmation from Wessex Water that they are satisfied that the additional discharge into their network is acceptable must be submitted to this office. All discharge rates and connection points will need to be agreed with Wessex Water.
- o The applicant has indicated that surface water will be discharged to an ordinary watercourse (drainage ditch). Any proposed works to an ordinary watercourse will need a Land Drainage Consent from this office prior to construction. For information about how to apply for Land Drainage consent please email Engineering_Design_Land_Drainage@BATHNES.GOV.UK

ENVIRONMENT AGENCY - did not wish to comment

WESSEX WATER - no objection

The site will be served by separate systems of drainage constructed to current adoptable standards please see Wessex Water's Advice Note 16 for further guidance

There is an existing surface water sewer which crosses the site. We believe that the developer intends to divert the sewer to accommodate Phase Two of the development and again for Phase Three. We consider this a relatively costly and avoidable option and recommend further discussion with our development engineer on an upfront diversion to accommodate both sites or an alternative phased approach. All temporary works will need to be undertaken to full Sewers for Adoption standards. The applicant intends attenuating surface water flow in oversized on site sewers with detail to be agreed and discharge rate to Watercourse to be agreed with your Authority. There is adequate local spare foul sewerage network capacity to accommodate the proposed development. The downstream pumping station 14431 Bishop Sutton SPS will require improvement subject to appraisal and the rate of development within the catchment.

ARBORICULTURE - No objections

Following discussions with the Case Officer I withdraw the arboricultural objection to this outline application because all matters are reserved.

The following comments relate to the illustrative plan for the applicant to consider prior further applications. Following arboricultural comments made on 19th December 2013, a revised illustrative plan has been provided (drawing 100-1 D). The revision provides an access corridor to manage the hedge which has been retained beyond the curtilages of the dwellings on the western boundary. This revision is welcomed and more clarification regarding the width and how reasonable spacing can

be achieved by plot 13 can be provided at a later stage. The positioning will need to reflect the root protection area as shown on the submitted Tree Constraints Plan. Plot 2 remains close to the southern boundary and ideally the same treatment should apply to the southern boundary.

A revised arboricultural impact assessment will be required to reflect revisions as part of any future application relating to reserved matters.

LANDSCAPE OFFICER - Application not acceptable in its current form

I generally agree with the conclusions of the submitted LVIA in that any impacts of this scheme would be localised and generally restricted by existing vegetation. Whilst I have no primary objection to the principle of development on the site, I do have concerns with the detail of the submitted scheme. I understand that the layout is indicative, but it does highlight a key issue.

The long term protection and management of the western boundary hedge is of primary importance and I do not think that enough space has been set aside for this.

The Tree Constraints plan 130923-CFMPH3-TCP-NC-1.0) identifies a root protection area yet significant amounts of this are shown as being removed. The garage of Unit 3 sits in this zone. Unit 5 would result in the removal of a significant amount of vegetation and likewise the space between units 12-13. These issues need to be resolved. I am sure that these matters of layout can be resolved, but this vegetation is of such importance that I must conclude that the scheme is not acceptable in its current format.

(Subsequently a revised indicative plan has been received setting these buildings back from the hedgeline and setting the hedge within a maintenance corridor.)

ECOLOGY - No objection subject to conditions.

The key features of ecological value at the site are the native species-rich mature hedgerows along the northern, western and southern boundaries. Although these hedgerows are proposed for retention it will be essential for the layout to allow for sufficient width of exclusion zone, at each boundary, to enable the hedgerows to be retained without significant harm to them or the root protection zone. At present the indicative layout does not achieve this although the maintenance corridor that has been included in the latest revision is welcome. The proposal to cut the hedgerow back to the fence line is also of concern and consideration needs to be given to what height and width of hedgerow will be retained, sufficiently to retain ecological value including value of the hedgerows as a foraging and flight-line resource for bats, and long term management of the hedgerows to sustain substantive height and width accordingly. This would need to be incorporated through sufficient width of exclusion zone and can also be addressed through a long term management plan.

POLICIES/LEGISLATION

Policies/Legislation:

POLICIES

Bath and North East Somerset Local Plan Including Minerals and Waste Adopted 2007

- 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

Bath and North East Somerset Draft Core Strategy - Publication Version December 2010

- 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

OFFICER ASSESSMENT

Officer Assessment:

A. Principle of Development

Local Plan Policies SC.1 and HG.4 define Bishop Sutton as an R1 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 RA1 of the Draft Core Strategy advises that within the development boundary proposals for residential development will be acceptable where they are of a scale, character and appropriate to the scale of the settlement, provided that 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.

The accompanying text discusses allowing small scale development of up to 50 additional dwellings in RA1 villages.

The site is located outside the adopted development and officers note the weight of objections raised to the scheme on this basis. Ordinarily therefore, the proposals would be recommended for refusal as being contrary to the above policies.

As part of its work on the emerging Core Strategy the Council considers that it has a 5 year supply of deliverable housing land against the emerging Core Strategy requirement of around 13,000 homes. The Core Strategy Examination Inspector has agreed, through his note ID/44, that the strategic housing requirement is around 13,000 homes or less. However, the Inspector has not yet considered 5 year land supply issues which remain subject to significant unresolved objections. In accordance with NPPF, para 216 only limited weight can be attached to the 5 year land supply position. The Council has also accepted that the Adopted Local Plan is out of date and the Core Strategy has yet to be adopted.

Taking into account the guidance in the National Planning Policy Framework (that LPA's should meet the housing needs in their areas, and have up-to-date plans) at present housing applications are to be considered against the guidance in the National Planning Policy Framework, with a presumption being applied in favour of development, the assumption being that such applications should be approved unless the adverse impacts of development significantly and demonstrably outweigh the benefits. Taking this into account, the adopted Housing Development Boundary carries little weight in the determination of the application.

Objectors have commented that with the approved housing application at Cappards Road (35 houses) and the (now allowed) appeal at Wick Road (41 houses) the Core

Strategy housing allowance for Bishop Sutton would be exceeded prior to the Core Strategy even being adopted. This is of course correct, however as discussed above there is a presumption in favour of sustainable development, and the Core Strategy is only capable of being given limited weight at present.

The planning application at Wick Road for 41 dwellings was refused by committee, with the primary reason for refusal being that together with other development, the development would set an unsustainable trajectory of growth for a small village with relatively few facilities. The Appeal was allowed and the Inspector gave the following commentary in respect of the Parish Council's position on the Wick Road application:

"The Parish Council consulted locally on development and the outcome was a desire for infill development to provide some 30 dwellings over the plan period which could be accommodated. Its Residential Planning Policy was adopted in March 2012 but does not form part of the development plan. Reason for refusal 1 sought to raise an in principle objection to more than 50 houses in Bishop Sutton relying on emerging CS Policy RA.1. Given the continuing concerns of the Local Plan Inspector, and the significant number of objections, that policy can only be given limited weight, as confirmed in the recent Clutton decision (APP/F0114/A/2189953)...

Although a number of houses have been permitted at Cappards Road, I conclude that there is no in principle policy objection to the development of the appeal site for housing. Indeed, there is a pressing need for housing given the Council's failure by a significant degree to provide for its objectively judged housing need. The proposal would provide for 35% of the dwellings to be affordable in accordance with policy aims. Whilst any sizeable housing site would be required to make a similar 35% provision, smaller sites in the village would not be required to do so. The pressing need for affordable housing would not, therefore, necessarily be met by development elsewhere..."

Clearly the proposed 32 dwellings (plus the 9 dwellings from application 13/02728/OUT, Milford Head, if approved) would further add to the number of dwellings permitted in Bishop Sutton and would further exceed the scale of growth envisaged in the Core Strategy, however given the Inspector's reasoning on the Wick Road appeal, it is clear that the refusal of this application on similar grounds could not be defended.

Stowey Sutton Parish Council raised concerns about an apparent difference in approach between their comments on this application, where they raised no objections (referencing the NPPF presumption in favour of Sustainable Development), and their approach to application 13/05272/OUT (19 dwellings in Hinton Blewett), where they recommend the refusal of the application, in that it would prejudice the Parish Council's involvement in the B&NES Placemaking Plan and would cause unacceptable landscape harm to the setting of the village.

Officers consider that the correct approach has been taken to the determination of this application. Whilst the Core Strategy Inspector has indicated that the Core Strategy housing allocation is unlikely to exceed 13,000 dwellings, the 5-year housing land supply has yet to be independently assessed. Therefore whilst the Council considers it has a 5-year housing supply this can only be given limited

weight as a consideration at this stage. Consequently the presumption in favour of sustainable development still remains for the time being, with the test being whether the adverse impacts of development substantially and demonstrably outweigh the benefits. Adverse landscape impacts are capable of outweighing the benefits of housing deliver in certain situations, but in this case, our assessment is that the landscape impact of the development would not outweigh the benefits of housing provision.

B. TRANSPORT AND HIGHWAY SAFETY

Whilst the site is located outside the housing development boundary, it is considered to be quite well related to the facilities available within Bishop Sutton, being located within 400 metres of the primary school, Red Lion Public House, church, shop/post office and Bus stops. Other facilities are located slightly further away, but still within convenient walking distance on Wick Road.

There is a daily bus service to Bristol and less frequent services to Bath, Keynsham Midsomer Norton and Weston-Super-Mare. Whilst outside of the housing development boundary, the proposed development is considered to be in broad compliance with criteria a. and b. of draft Core Strategy policy RA.1. However, it is recognised that the site, and Bishop Sutton as a whole, is not well related to employment opportunities and would tend to be car dependent. With the frequency of bus services, it would be very difficult to commute to work by bus.

Therefore, whilst contributions are not required to upgrade the bus stops (this work already being funded by the adjacent development, reference 12/04238/OUT) contributions should be required to improve the frequency of bus services serving the site. Transport colleagues recommend that £30,000 be secured which would allow the extension of a newly planned bus route between Clutton and Bath to also serve Bishop Sutton, or to support and improve service 67/672 to/from Bristol. The detail of this can be resolved through the drafting of the Section 106 agreement.

Concerns have been raised about highway safety, in particular in terms of the adequacy of Cappards Road to accept additional traffic.

The Councils Highways engineers advise that Cappards Road is a reasonably wide access road, with good visibility along the road and on the junction with Wick Road. The transport assessment has been found to be robust and Cappards Road meets technical design standards and is able to accept the additional traffic that would result from the development without harm to highway safety. There is also no accident record associated with the use of the Cappards Road junction or on the Cappards Road estate.

Parking Provision

Concerns have also been raised about parking provision. The application is in outline, and therefore parking provision would be formally assessed as part of the reserved matters application, however the transport statement advises that parking would be provided at an overall rate of 2.3 spaces per dwelling, which is reasonably generous and is likely to accord with the Council's standards. The appropriate level

of parking provision will depend on the mix of different house sizes, which will be confirmed at reserved matters stage. It is not considered that the application could be refused on the grounds of parking provision or the impact on parking provision within the completed Cappards Road development.

C. FLOOD RISK CONSIDERATIONS

Whilst the site is located in Flood Zone 1, residents have raised concerns about potential flood risk issues, and about the poor drainage of the area in general. The applicants have prepared a Flood Risk Assessment and drainage strategy which addresses these points.

The drainage strategy acknowledges that the ground is underlain by a clay subsoil which is impermeable, with infiltration tests demonstrating it would be unsuitable for a soakaway (SuDS) drainage system.

Consequently the development would incorporate cellular storage beneath areas of public open space, permeable paving beneath parking areas and oversized pipes to provide additional storage. The drainage system would be designed to achieve a reduction on existing greenfield runoff rates, and the surface water flows would be controlled by a hydro-brake flow control device to ensure that the flow from the site does not exceed these rates. The proposed surface water drainage would outfall to the adjacent land drainage ditch running along the western boundary, and an existing 375mm diameter surface water sewer which crosses the site would be diverted along the internal roads.

The drainage scheme and levels site will be designed to ensure that any flooding from this drain in extreme weather conditions would naturally be channelled by road kerbs away from properties and directed towards the ditch on the western boundary.

More detail of the drainage strategy would be confirmed at the reserved matters stage, however the Council's Highways Drainage Team raise no objection and confirm that the details submitted are acceptable for an outline application. The Environment Agency declined to comment on the application, but raised no objections to the development of the remainder of the field (reference 12/04238/OUT) which was along similar lines.

D. LANDSCAPE IMPACT

A Landscape and Visual Impact Assessment (LVIA) was submitted with the application, assessing the likely impact of the proposals in these terms. The LVIA comments that the site lies in a low lying position, and that the surrounding landscape is characterised by frequent vegetated boundaries. As a result of this context the development would have a moderately significant visual impact from close vantage points (the footpaths to the north and south of the site), breaching a firm boundary to the built extent of the village, the western boundary of the Cappards Lane development. However there would be little inter-visibility between the site and the wider landscape and the development would not have a significant impact on the setting of the Area of Outstanding Natural Beauty. Likewise, whilst relatively close to

Chew Valley Lake, the development would not be visible in views from the opposite shores of the lake.

The LVIA comments that there would be a slight adverse impact on local views from the footpath on Burledge Hill (Viewpoint 3) but that this will mainly consist of new rooftops being seen through gaps in the surrounding vegetation, viewed in the context of adjacent built development within the village.

Landscape and Planning officers consider that in the main, the images submitted as part of the LVIA bear these conclusions out. It is however considered that the development would have a more significant, Moderate impact on the view from Burledge Hill, by extending the footprint of the settlement further out towards the lake. Officers do not consider this to be supportable as a reason for refusal, however further applications extending the footprint further to the west towards Chew Valley Lake would be of concern.

E. SUSTAINABLE DESIGN AND CONSTRUCTION

Objections have been raised to the lack of information regarding the sustainability of the development in terms of the design and construction buildings. Core Strategy policy CP2 requires that sustainable design and construction be integral to new development and that major housing applications achieve Code for Sustainable Homes Level 4 from 2013 onwards. This draft policy has no outstanding objections and is therefore capable of being given significant weight for Development Control purposes. Any subsequent reserved matters application will have to ensure that these standards are met, however as this outline application seeks approval only for the principle of development and the means of access, these detailed matters cannot be considered as part of this application.

F. RETENTION OF TREES AND HEDGEROWS

The Council's Tree and Landscape officers raise concerns about the proximity of the built development to the trees and hedgerows on the perimeter of the site. Whilst the application is in outline, with siting reserved for future determination, the applicants have submitted a revised indicative plan, re-siting buildings away from the boundary hedges and trees. Officers consider that this resolves the concern raised, however a clause should be placed within the legal agreement requiring covenants to be put on each of the dwellings abutting the hedgerows requiring the householders to maintain and protect the hedgerows forming the boundaries of their properties.

G. ECOLOGY

No objections are raised to the proposals in terms of their impact on biodiversity, subject to conditions being applied requiring the submission of ecological management plans, setting out measures for the management of the site during construction and following completion.

H. CRIME AND DISORDER

The Police raise detailed concerns about the indicative layout shown. Officer agree with the points raised, but these detailed design issues can be addressed at reserved matters stage and are not fundamental to the principle of the proposed development.

I. PLANNING OBLIGATIONS

The development would provide all of the planning obligations required of it, as set out in the Supplementary Planning Document entitled Planning Obligations, providing affordable housing, contributions to enhance educational provision and recreational provision to meet the needs of the increased population and transport enhancements.

Whilst the development offers to deliver affordable housing at a rate of 35% the Council's housing department has raise concerns about the overall housing mix and type of some of the affordable housing proposed (which would not meet local needs), the design standard of the affordable housing and that the development would not be tenure blind. The application is in outline however, and therefore these matters will be considered in due course as part of the reserved matters application, and can also be controlled through the Section 106 Planning Agreement.

The contributions towards education and public open space will depend on the housing mix and extent of public open space to be provided within the site, but neither of these variables are fixed at present, and will be fixed if and when reserved matters consent is granted. Therefore the planning agreement will need to provide security that contributions will be provided to mitigate these impacts, with the exact amount of the contribution being agreed at reserved matters stage. The Council's Education team have advised that there is capacity to extend or expand the school in order to accept the additional pupils resulting from the development and / or planning application.

CONCLUSIONS

Due to the policy situation in BANES and the lack of a demonstrable 5-year housing supply, the application is to be considered against national guidance set out in the National Planning Policy Framework, with a presumption that the local authority should grant permission unless there are any adverse impacts in doing so that would significantly or demonstrably outweigh the benefits of the scheme. This is the key policy test against which the proposals must be considered.

In these terms, the proposals would extend the village towards Chew Valley Lake, which lies within the AONB and has an attractive and largely undeveloped setting. Were development to continue unabated in this direction, it would eventually have a significant and most likely unacceptable impact on the landscape setting of the lake. However, as demonstrated in the Landscape and Visual Impact Assessment, the site and immediate surrounding landscape is flat and views are well contained by frequent field boundaries. As a result the proposed development would not be visible from the lake. The overall landscape impact of the development is considered to be acceptable.

Furthermore, whilst outside the housing development boundary, the site is relatively accessible, with the primary school, shop and bus stop within 450 metres.

In the public correspondence, highway safety concerns have been raised, however the Council's highways engineers advise that Cappards Road, which would take the traffic from the development, meets relevant design standards and could safely take the additional traffic generated.

The development would provide housing which would help to meet the shortfall within the district, would incorporate affordable housing and would provide the appropriate contributions to off-set the impact of the development, both in terms of the capacity of the school, pedestrian and public transport infrastructure and public open space. There are no technical objections to the scheme either in terms of flood risk or land stability issues.

Whilst there are significant 3rd party objections to the scheme, and officers consider that the development would cause some landscape harm, lying outside of the existing built footprint of the village, this degree of harm would not substantially and demonstrably outweigh the benefits of the development, which in the main would consist of providing additional housing, including affordable housing to meet the shortage in the district. Therefore, subject to receipt of comments from our ecologist (and possibly additional planning conditions), a recommendation is put forward to approve the application, subject to the completion of a Section 106 Agreement.

RECOMMENDATION

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

Transport

1. Contributions of £30,000 towards improvements in the bus routes serving Bishop Sutton.

Affordable Housing

2. The provision, on site, of 35% Affordable Housing the housing mix to be agreed in writing with Bath and North East Somerset Council

Open Space and Recreational Facilities

3. Contributions to fund the provision of formal open space and allotments off-site to serve the population, and fund the maintenance of any open space provided within the development, the amount of the contribution to be calculated prior to reserved matters consent being granted in accordance with the Supplementary Planning Document entitled Planning Obligations, adopted July 2009. The agreed contributions shall be paid prior to the occupation of the development.

4. A landscape management plan shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. This shall set out ongoing management objectives for any green community space and areas of retained and new planting provided within the development and not to be adopted by the Local Authority, shall indicate the areas to be managed and set out the scope, timing and frequency of specific maintenance operations to achieve these objectives.

Education

5. Contributions to fund the expansion of Bishop Sutton Primary School and Youth Services provision places arising from the development, the amount of the contribution to be calculated prior to reserved matters consent being granted and calculated in accordance with the Supplementary Planning Document entitled Planning Obligations, adopted July 2009. The agreed contributions shall be provided prior to the commencement of development.

6. The applicant and subsequent house owners backing onto the hedgerows on the perimeter of the site shall commit:

a. To not cut back the hedgerow on the north-eastern boundary of the site beyond the line of the post and wire fence forming the boundary of the Property and not to reduce the height of such hedgerow below [x] nor the width of it below [x].

b. To maintain the hedgerow [shown [] on the Plan] in so far as it forms the boundary of the Property and carry out such pruning or cutting as may be necessary (subject always to the covenants in clause [] above) and where within a period of five years from the date of the development being completed such hedgerow dies, is removed, becomes seriously damage or diseased to replace the same within 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.

These commitments are to be written into covenants to be placed on each of the plots abutting the hedgerows.

B. Subject to the prior completion of the above agreement, authorise the Development Manager to PERMIT subject to the following conditions (and such additional ecology 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, and (e) landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority before any development is commenced.

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 Plans showing access, parking and turning areas shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. All areas shall be surfaced in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority, and constructed to the satisfaction of the Local Planning Authority before the dwellings are occupied 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 Prior to the commencement of the development,

a.) 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, construction access, wheel wash arrangements and traffic management procedures. The development shall thereafter be carried out in full accordance with the physical and procedural measures set out in the approved Construction Management Plan.

b.) A photographic condition survey (annotated to a survey plan) shall be carried out recording the condition of the construction approach roads to the site (within 400 metres of the site) prior to the commencement of development. The survey shall be submitted to and approved in writing by the Local Planning Authority. All damage resulting from development shall be made good in accordance with details and a timetable submitted to and agreed in writing by the Local Planning Authority.

Reason: To minimise disruption for existing adjoining residents and ensure the safe operation and ongoing condition of the highway.

6 Any subsequent reserved matters application shall include a detailed drainage strategy including the following:

- developer correspondence with sewage undertakers

- drawings showing the proposed drainage system, including the location of the oversized surface water pipes and how these will connect with outfalls to the drainage ditch and the cellular storage tank
- drawings illustrating how discharge rates above 1:30 will be diverted to the cellular storage tank
- drawings illustrating how the storage tank will drain at greenfield rates and outfall to the drainage ditch.
- supporting Windes files showing the simulated performance of the proposed system
- drawings showing the design of the proposed hydrobrake, with calculations showing how this will limit discharge to greenfield rates
- For any proposed adoption of surface water sewers, confirmation from Wessex Water that they are satisfied that the additional discharge into their network is acceptable must be submitted to this office. All discharge rates and connection points will need to be agreed with Wessex Water.

Prior to the occupation of the development the development shall take place in full accordance with the agreed drainage strategy.

Reason: To ensure that the development is supported by an adequate drainage system in order to ensure the development does not give rise to, nor suffer from flooding problems.

7 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.

8 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.

9 Prior to the occupation of the development an ecological and landscape management plan shall be submitted to and approved in writing by the Local

Planning Authority, setting out measures for the long term management of new and retained habitats including hedgerows and drainage ditches. The hedges and ditches shall thereafter be maintained in accordance with the agreed details.

Reason: To secure the long-term ecological value of the retained habitats.

10 Prior to the commencement of development a Construction Ecological Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. This shall set out physical and procedural measures for the protection of habitats and species during construction, in accordance with the recommendations of the ecological report. This document should include information on key habitat features requiring protection as well as the measures that will be employed on site on a daily basis to ensure accidental events such as pollution are avoided wherever possible.

Reason: To secure adequate ecological protection during the implementation of the development.

11 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 include hedgerows and ditches and 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, level changes, service run locations including soakaway locations and movement of people and machinery.

Reason: To ensure that trees and other landscape features to be retained are not adversely affected by the development proposals.

12 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. A signed certificate of compliance shall be provided by the appointed arboriculturalist to the local planning authority on completion.

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

PLANS LIST:

1 PLANS LIST as informative:

This decision relates to drawing nos:

- o drawing 100-1 Revision D proposed Illustrative block plan

- o drawing 100-1 proposed block plan colour
- o drawing 102 site location plan
- o drawing 112 illustrative site sections
- o Landscape and visual impact assessment
- o Affordable housing statement
- o Archaeological desk-based assessment
- o Coal Mining risk assessment report
- o Design And access statement
- o Ecological survey
- o Flood Risk assessment
- o Planning statement
- o Statement of community involvement
- o Sustainable construction checklist
- o Transport statement
- o 130923-cfmph3-tcp-nc-1.0 tree constraints plan

2 Decision Taking Statement

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The Council has worked proactively and positively with the applicants by determining the application as submitted, resolving outstanding issues through planning conditions and Planning Obligations.

3 The applicant has indicated that surface water will be discharged to an ordinary watercourse (drainage ditch). Any proposed works to an ordinary watercourse will need a Land Drainage Consent from this office prior to construction. For information about how to apply for Land Drainage consent please email Engineering_Design_Land_Drainage@BATHNES.GOV.UK

4 ADVICE NOTE:

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

Item No: 006
Application No: 13/02728/OUT
Site Location: Milford Head Stitchings Shord Lane Bishop Sutton Bristol Bath
And North East Somerset



Ward: Chew Valley South **Parish:** Stowey Sutton **LB Grade:** N/A

Ward Members: Councillor V L Pritchard

Application Type: Outline Application

Proposal: Demolition of existing buildings and redevelopment of the site to provide 9no. dwellings (Outline with all matters reserved except access). (Resubmission of 12/05599/OUT)

Constraints: Airport Safeguarding Zones, Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Coal - Referral Area, Forest of Avon, Greenbelt, Public Right of Way, Water Source Areas,

Applicant: Keynsham Property Developments Ltd

Expiry Date:	21st August 2013
Case Officer:	Daniel Stone

REPORT

This application was deferred from the committee meeting held on 12th February in order for a site visit to take place. At the request of Councillor Vic Pritchard and with the agreement of the Chair the application is to be considered by Committee as the site is located outside the Housing Development Boundary.

SITE CONTEXT + PROPOSALS

The application site comprises land and buildings at Milford Head, Stitchings Shord Lane, on the north western edge of Bishop Sutton. The site extends to approximately 0.6 hectares of land and comprises a substantial residential garden and tennis court and the drive leading up to an existing dwelling, and an area of hardstanding and collection of storage buildings and a single storey office building, previously serving a fresh and frozen meat wholesale business which is currently not in operation. The applicants advise that this business was in operation on the site since the 1960's. Planning permission was granted for the erection of a cold store in 1996 and this served the use, as well as two mobile refrigeration containers, which received temporary consent retrospectively in 2004. There appears to be no planning consent for the office, but this structure has become lawful through the passage of time. It is understood that this use ceased some time ago with residents reporting the site last in commercial use in 2007.

The site is located on the northern side of Stitchings Shord Lane, a narrow unadopted lane, lacking pavements. To the north the site is bounded by the existing caravan park and to the south by Stitchings Shord Lane itself. To the west the site backs onto open countryside. To the south is Milford Head House.

The boundaries of the site are predominantly formed by mature hedgerows, and the hedgerow dividing the eastern part of the site from Stitchings Shord Lane is particularly prominent. There are also a number of trees within the site, predominantly forming an avenue along the access road. An existing public footpath crosses the site from the existing access point where it follows the line of the existing drive and then runs along the north eastern boundary of the site towards Chew Valley Lake.

In terms of planning designations, the site is located outside the Housing Development Boundary, which runs along Stitchings Shord lane to the south. The site falls within the Chew Valley Water Source Protection Area, and within Flood Zone 1. The land to the west of the site and to the north of Bishop Sutton generally is designated as Green Belt and the western half of the site falls within the Mendips Area of Outstanding Natural Beauty.

Outline consent is sought for the erection of 9 dwellings. The application seeks consent for the means of access, but the proposed layout, appearance, Landscaping and Scale of development proposed are reserved matters. This means that the

council is considering the principle of 9 dwellings being erected on the site, and issues connected with the proposed access arrangements, but all other issues to be considered by means of a subsequent planning application for the "reserved matters".

Issues connected with planning obligations do however need to be considered at this stage.

RELEVANT PLANNING HISTORY:

Within Site

12/05599/OUT - Erection of 9 Dwellings - withdrawn

WC 002750 F - Detached Building to form coldstore, Kay Small (Wholesale) - Approved 1996

04/02521/FUL - Temporary siting of 2no. mobile refrigerated containers - Approved 2004

Within Bishop Sutton

12/04238/OUT - Erection of 35no. dwellings and associated infrastructure - Parcel 3567, Stitchings Shord - Approved, subject to Legal Agreement being signed.

12/05279/FUL- Erection of 41 no. two, three, four and five bedroom dwellings including 14 no. affordable housing units along with the provision of informal public open space, vehicular access from the A368, landscaping and drainage - Refused 11.04.13 - Appeal Allowed 20.09.13

13/04975/OUT - Erection of 32 dwellings - Parcel 3567 Stitchings Shord Lane, Bishop Sutton - Pending

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

HIGHWAYS DEVELOPMENT CONTROL - No objection subject to conditions and transport contributions.

The site currently accommodates a residential dwelling, with the Design & Access Statement stating that other buildings on the site have previously been used under use class B8 in association with a frozen meat wholesale and distribution business.

The site falls outside of the defined Housing Development Boundary, but the village does meet the requirements of the Draft Core Strategy with regard to the provision of at least three key facilities.

The submitted Transport Statement is the same as previously submitted, and my colleague has previously provided comments on its content, concluding that the trip

generation of the former use and the proposed residential development for 9 dwellings are acceptable.

The Transport Statement demonstrates that local facilities are within a reasonable and convenient distance of the site, however the access to such facilities by walking and cycling is poor, particularly with regard to the lack of footways and lighting on Stitchings Shord Lane and Ham Lane, and this is likely to discourage access by the more sustainable modes of travel.

It has previously been suggested that pedestrian access to the village centre could be improved by the introduction of a direct link from the development through to Lovell Drive via a Public Right of Way, and this has been shown on the submitted plan, across the open space. This would negate the need to walk along Stitchings Shord Lane to get to the village centre facilities, and to bus-stops, or at least offer choices to pedestrians.

It has also been identified that there is a lack of pedestrian crossing facilities in the centre of the village to provide safe access to the school, and contribution towards appropriate provision would be necessary.

With regard to bus services running through the village, it has been considered that a contribution to improve facilities at local bus stops should be sought, to encourage the use of public transport.

The junction of the site access with Stitchings Shord Lane is substandard in visibility terms, but the site has sufficient frontage to enable the appropriate splays advised in Manual for Streets to be achieved. Spays of a minimum of 2m by 17m will therefore be required in both directions.

Whilst the internal layout is not for detailed approval at this stage, the applicants should be aware that the level of development would require the access road to be designed to adoptable standards, and the current layout is not considered to be acceptable.

However, improvements to pedestrian facilities would be required, and in line with the comments on other applications in the vicinity (namely 12-05279-FUL Parcel 9181 Wick Road & 12-04238-OUT Parcel 3567 Stitchings Shord Lane), contributions of £4,000 towards a pedestrian crossing facility and £16,000 towards public transport improvements would be required.

Whilst the location for development is far from ideal, the development could secure improvements to pedestrian facilities, and on that basis I feel an objection would be difficult to defend.

On that basis the proposed development is unlikely to result in any increase in traffic movements compared to the previous use of the site, but would result in the reduction in the potential for larger vehicle movements if the site were to be brought back into a similar

B8 use, it would be difficult to raise an objection on the grounds of the use of the access roads. However, if it were to be found that the former use could not be reasonably considered as a fall-back position for the site, the proposed development would have to be considered in a different light.

Having regard to the information submitted with the application, and on the basis that there is a legitimate fall-back position for a B8 use on the site, I would recommend that any permission be withheld pending the completion of a legal agreement to secure the contributions of £4,000 and £16,000 as indicated above, and subject to appropriate conditions.

CONTAMINATED LAND OFFICER - No objections subject to relevant conditions being applied.

HIGHWAYS DRAINAGE - no objections subject to conditions

I am happy with the FRA for the purposes of an outline application and the principle of managing surface water that they are proposing. They will obviously need to supply a detailed drainage design with the full application. This should include the details and calculations (attenuation volume) of the proposed system. In particular this should include:

- Details of pre- and post-development discharge rates. The proposed surface water system should seek the betterment of existing surface water discharge rates.
- Discharge points will need to be agreed with the relevant authorities.
- A drawing showing the size, type and location of drainage features (SuDS and attenuation) with their connection points and discharge rates.
- Simulations of the performance of the system up to the 1 in 100 year (+30% for climate change) return period event showing that no flood water will leave the site and there will be no unsafe flood depths on site.

EDUCATION - No objection subject to educational contributions being provided as follows:

- Youth Services provision places - 1.35 places at a cost of £1,800.90
- Primary age pupil places - 2.36 places at a cost of £30,662.11

Projections for the school indicate that by 2016, all places in Primary School year groups Year 1, Year 2, Year 3, Year 5 and Year 6 will be full with no surplus capacity available. There is projected to be sufficient available capacity in the other two primary year groups to accommodate the pupils generated by the development. We are therefore seeking a contribution for five year groups of primary age pupils. The total number of primary age pupils generated by the development is calculated to be 3.308. $3.308 / 7 \text{ year groups} = 0.472 \text{ per year group}$. $0.472 \times 5 \text{ year groups} = 2.36 \text{ places required}$.

The calculation given above is based on the indicative layout shown. The exact contribution would differ according to the housing mix put forward at reserved matters stage.

PARKS MANAGER - contributions will be required towards the provision / enhancement of public open space.

As this is an Outline application I would recommend that any S106 agreement include a formula to enable the correct level of contributions to be calculated at Reserved Matters stage in accordance with the submitted layout, dependent on the housing layout, mix and amount of on-site provision.

URBAN DESIGN OFFICER -

This is an outline application with only access for resolution. All design/ layout matters are indicative. Urban design comments relating to the previous withdrawn pre-application proposals for the site were given in February. The key issues remain the same, in addition to the site lying outside the Housing Development Boundary.

The exclusion of the central avenue from development is welcomed. However, it is noted that the highway officer considers this route not suitable for adoption. Necessary improvements may risk the avenue of trees. The retention of important frontage boundary hedges is welcomed. Plots 6, 7 and 9 put pressure on the important boundary hedge to the open countryside AONB. The indicative fence is not a long term safeguard within rear gardens. The site plan / management regime needs to secure the ongoing maintenance and management of the hedges. This may necessitate a reconsideration of the size / distribution of unit sizes within the site.

Should the principle of the scheme be considered appropriate it should be on the basis of an indicative site plan that delivers safeguards of the boundary landscape and internal trees. At present, I do not consider the indicative layout achieves this in its current form.

ARBORICULTURE - No Objection subject to conditions requiring a detailed Arboricultural Method Statement and Tree Protection Plan to be submitted prior to the commencement of development.

The layout improves the relationship of the new dwellings with the more important trees on the site. The creation of the open space beside the access drive has provided sufficient space for the realistic retention of the mixed row of Hornbeam and Lime which should provide an attractive entrance into the site.

The application includes an Arboricultural Impact Assessment; Arboricultural Method Statement and Tree Protection Plan. The latter two will require updating once details relating to services including soakaways (if appropriate) are considered and to accommodate the revised Proposed Site Layout (drawing 2293/101 rev I) and construction methods.

The arboricultural report includes the removal of T9; T7, T8, T25 and T32, however, the Proposed Site Layout indicates the retention of these trees (by position of tree symbols but not labelled). Since it likely to be impractical to retain these trees it has been assumed that the Tree Protection Plan is the definitive plan with regards to tree

retention. No objection is raised to the loss of these trees, however, the applicant is advised to revise the Proposed Layout Plan accordingly.

The Highways consultation comments have been noted and arboricultural input would potentially be necessary with regards to any improvement to the access road to ensure that it is to adoptable standards.

ARCHAEOLOGY - No objections

ECOLOGY - Development is Not acceptable in the current form.

The ecological issues for this proposal remain the same. The ecological report finds that the northern and southern boundary hedgerows (which would qualify as "important" under the hedgerow regulations) are the key features of ecological value at the site. Other issues that should also be addressed (and this should be required by condition if consented) include consideration to badgers to allow their continued passage around / across the site; measures to remove the non-native plant (variegated yellow archangel) noted in the ecological report.

The proposal needs to demonstrate the ability to retain and protect the northern and southern boundary hedgerows. I welcome that their retention is shown on the indicative drawings however my concerns remain, especially given that the drawings are indicative, regarding the amount of space that will be provided for the retained hedgerows; their future management; the feasibility of their retention in their entirety. Greater confidence is needed that these hedgerows can be retained and also that sufficient space will be allowed to enable them to be managed appropriately and not reduced in eg width, height, species diversity and overall ecological value. I note the inclusion of a fence between residential gardens and the hedgerows but this alone does not provide sufficient assurance that the above can be addressed.

It may assist if the application were to provide clear written detail of the commitment to retain the hedgerows in their entirety, in addition to the indicative drawings to state minimum widths of retained hedgerows (based on existing widths and canopy spreads) and exclusion zone widths that will be provided alongside the hedgerows. I note however the concerns raised by the urban design officer and agree that reconsideration may be necessary to unit sizes and distribution to enable sufficient retention of the hedgerows. I do not otherwise have any objection in principle to the proposed development.

PUBLIC RIGHTS OF WAY - No objections

Following receipt of an amended plan showing the route of the PROW unaffected:

I've spoken to the Field Officer for the area and Public Rights of Way is happy for the path alignment to remain on the definitive line and unaffected by the developments. If any alterations to the definitive line are required, a diversion order must be applied for.

REPRESENTATIONS:

To date 17 letters of objection have been received. The responses can be summarised as follows:

Principle Issues / Housing Policy

- The development would vastly exceed the Parish Council's target of 2 - 3 homes per year.
- No need for additional housing in Bishop Sutton.
- Other planning applications should be taken into consideration e.g. the field opposite Ham Lane, where an additional 41 dwellings are proposed.
- The site is an unsustainable and car dependent location for additional development. There are minimal jobs in the Chew Valley; most jobs are in Bristol or Bath.
- Object to opportunistic housing applications outside the development boundary
- The application is premature, pending the adoption of the Core Strategy and Place-making Plan

Landscape Impact

- Impact on the setting of the AONB and the rural character of the village
- Harm to open countryside and setting of Bishop Sutton

Highway Safety / Transport

- There is no pavement or safe route for pedestrians on Stitching Shord Lane or Ham Lane. The lane has many public footpaths coming off it, and therefore high pedestrian flows. The development would endanger them.
- Cars drive too fast along the lane and many drivers do not realise it is a two-way road.
- The 90-degree bend at the junction of Ham Lane and Stinchings Shord Lane is also dangerous.
- Stitching Shord Lane is a narrow single track road and is unsuitable for accepting more traffic
- There is little employment within the village and poor public transport provision, with no daily bus to Bath.
- Planning permission was refused for a dwelling on Stinchings Shord Lane (08/03823/FUL) due to it being a car dependent, unsustainable location for development.
- The commercial business that was there 5 years ago caused traffic chaos. The suggestion that this site could revert to its former use should not be considered.
- Visibility onto A368 from Ham Lane is poor due to parked cars.
- The application relies heavily on the former commercial use. Highways consider the access sub-standard but accept it due to this fallback position. Whilst some of the buildings on the Milford Head site had planning permission, the site operated without formal planning consent for the business and the business has not operated since 2007. The site could not be used for commercial purposes without a

fresh planning application, and therefore Highways should be asked to re-consider their comments.

Flood Risk

- During recent heavy rain Stitching Shord Lane, Ham Lane and the caravan park were heavily flooded for several days. Building more houses on Greenfield sites will exacerbate this.

Other

- The primary school has inadequate capacity.

STOWEY SUTTON PARISH COUNCIL - Object in principle

The following is a summary of the Parish Council comments. The full response can be found on the website.

The application is not compliant with the Parish residential planning policy which supports infill developments, within the existing village housing development boundary, of two to three houses per year and to avoid large developments, particularly those which are outside the existing development boundary. This will allow us to reach the target of 30 to 35 new dwellings over the life of the core strategy. Over 80 percent of households in Bishop Sutton are in support of this.

There is sufficient land supply within the existing housing development boundary to support the number of additional dwelling units required by the draft core strategy.

Permission has already been given for 35 new homes on the Cappards Farm development and there is an appeal outstanding (now allowed) for a further 41 new homes adjacent to the Batch in the village.

Whilst the applicant relies heavily on the "presumption in favour of sustainable development" contained in the NPPF, the authority must also consider whether such applications are premature and would prejudice the development of the Core Strategy.

The level of development already permitted in Bishop Sutton comprises a 20 percent increase in dwellings, which is disproportional to the size of the existing community and infrastructure and result in a disproportionately prejudicial effect on the village landscape development over the outstanding 15 years of the core strategy cycle.

The B&NES Highways Dept. response to the application on their website says that the current internal access road layout is sub-standard as it is not to adoptable standards.

The application relies heavily on the sites former commercial use. We have received evidence indicating B&NES development control wrote to a parishioner in Dec 2010 confirming that whilst some of the buildings on the Milford Head site had planning permission, the site operated without formal planning consent for the business and

vehicular access, relying purely on grandfather rights. The site has not operated since 2007 and an application for commercial use would be rejected on the grounds of inadequate access.

Stitchings Shord Lane is a narrow, single track road and is unsuitable for handling the demand created by this number of properties. It lacks quality passing-points, and the junction with Ham Lane is often busy with mobile and parked cars already, making access challenging. It is unlit and lacking pavement is unsafe for pedestrians. The development would increase traffic, both in the short term from construction and in the long term.

Precedent exists for Planning Officers to recognise that Stitchings Shord Lane is unsuitable for supporting further development, for example application 08-03823-FUL relating to a parcel of land on the Lane, which was refused as being an unsustainable, car dependent development.

Both Stitchings Shord Lane and Ham Lane are prone to flooding, often becoming impassable for several hours. It would not seem reasonable to build new properties that will be vulnerable either to flooding or becoming inaccessible due to flooding, particularly as there is no alternative access for emergency vehicles to this site.

Whilst the proposed development may include sufficient on site drainage and sewerage, the impact on the wider network has not been considered and we are concerned that the existing infrastructure is inadequate for such a significant increase in demand.

Increasing the area covered by hard surfaces will exacerbate the problem of surface water runoff to adjacent properties; during November 2012 two of the adjacent properties were flooded throughout the ground floor due to surface water which could not be accommodated by the existing drainage infrastructure.

The proposed housing mix will bring many families with school age children to the village and no provision has been made for the impact that this will have on our already full school and limited pre-school provision.

The size of the development, which is purely residential, with no provision for employment, will inevitably lead to a significant increase in traffic as the new residents commute to Bath, Bristol or other destinations in order to find work. However no provision has been made to improve the local road network, in particular Bonhill Road already becomes congested at peak times, with no provision for passing when two large vehicles approach from different directions, causing safety issues for pedestrians and cyclists as well as delays for motorists.

Stowey Sutton Parish Council raised concerns about information revealed in the Flood Risk Assessment submitted for the adjoining site, land to the East of Chew Valley Caravan Park 14/00336/OUT. This FRA comments that a surface water infiltration system (soakaway) will not work in our area due to impermeable ground conditions, but the drainage strategy for the Milford Head development relies on maximising on-site infiltration for drainage.

POLICIES/LEGISLATION

POLICIES

Adopted Local Plan:

- 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

OFFICER ASSESSMENT

KEY ISSUES:

PRINCIPLE OF RESIDENTIAL DEVELOPMENT

The site is located outside the adopted development and officers note the weight of objections raised to the scheme on this basis. Ordinarily therefore, the proposals would be recommended for refusal as being contrary to the Local Plan policies SC.1 and HG.4 and to draft Core Strategy policy RA1.

As part of its work on the emerging Core Strategy the Council considers that it has a 5 year supply of deliverable housing land against the emerging Core Strategy requirement of around 13,000 homes. The Core Strategy Examination Inspector has agreed, through his note ID/44, that the strategic housing requirement is around 13,000 homes or less. However, the Inspector has not yet considered 5 year land supply issues which remain subject to significant unresolved objections. In accordance with NPPF, para 216 only limited weight can be attached to the 5 year land supply position. The Council has also accepted that the Adopted Local Plan is out of date and the Core Strategy has yet to be adopted.

Taking into account the guidance in the National Planning Policy Framework (that LPA's should meet the housing needs in their areas, and have up-to-date plans) at present housing applications are to be considered against the guidance in the National Planning Policy Framework, with a presumption being applied in favour of sustainable development, the assumption being that such applications should be approved unless the adverse impacts of development significantly and demonstrably outweigh the benefits. Taking this into account, the adopted Housing Development Boundary carries little weight in the determination of the application.

Objectors have commented that with the approved housing application at Cappards Road (35 houses) and the (now allowed) appeal at Wick Road (41 houses) the Core Strategy housing allowance for Bishop Sutton (of up to an additional 50 dwellings within the plan period) would be exceeded prior to the Core Strategy even being adopted. This is of course correct, however as discussed above there is a presumption in favour of sustainable development, and the Core Strategy is only capable of being given limited weight at present, and therefore this cannot be defended as a reason for refusal.

The planning application at Wick Road for 41 dwellings was refused by committee, with the primary reason for refusal being that together with other development, the development would set an unsustainable trajectory of growth for a small village with relatively few facilities. The Appeal was allowed and the Inspector gave the following commentary in respect of the Parish Council's position on the Wick Road application:

"The Parish Council consulted locally on development and the outcome was a desire for infill development to provide some 30 dwellings over the plan period which could be accommodated. Its Residential Planning Policy was adopted in March 2012 but does not form part of the development plan. Reason for refusal 1 sought to raise an in principle objection to more than 50 houses in Bishop Sutton relying on emerging

CS Policy RA.1. Given the continuing concerns of the Local Plan Inspector, and the significant number of objections, that policy can only be given limited weight, as confirmed in the recent Clutton decision (APP/F0114/A/2189953)...

Although a number of houses have been permitted at Cappards Road, I conclude that there is no in principle policy objection to the development of the appeal site for housing. Indeed, there is a pressing need for housing given the Council's failure by a significant degree to provide for its objectively judged housing need..."

Clearly the proposed 9 dwellings at Milford Head would further add to the number of dwellings permitted in Bishop Sutton and would further exceed the scale of growth envisaged in the Core Strategy, however given the Inspector's reasoning on the Wick Road appeal, it is clear that the refusal of this application on similar grounds to the Wick Road scheme could not be defended.

FLOOD RISK

Whilst the application is in outline, approval is sought for the proposed layout of the development, and this would include the proposed drainage strategy.

Whilst the application site lies in Flood Zone 1, public comments have been received that this part of Stitchings Lane (presumably including the application site) experiences regular flooding problems, with severe flooding being experienced in December 2012, and these reports are corroborated by press cuttings. At the case officers' request, the applicants have submitted a Flood Risk Assessment and drainage strategy.

The Flood Risk Assessment attributes the localised flooding that has been reported to poor surface water drainage in the area and to surface water runoff. It comments that the general levels of the land in this area fall from Ham lane along Stitchings Shord Lane down towards Chew Valley Lake, and that when such events happen, the waters drain along Stitchings Shord Lane towards the lake, and therefore would be unlikely to reach such a depth that would prevent vehicles from passing into and along the Lane.

The drainage strategy proposes that all of the roads and driveways within the development would be constructed with permeable surfaces with a layer of free draining stone below. The intention is that this would act as a soakaway with a very large surface area, allowing the maximum amount of infiltration to take place and the depth of stone under the road at its western end would be increased to provide additional attenuation and flood storage. The underlying surface slopes entirely in a westerly direction, which will stop and prevent any overspill onto the lane at the east end. The design includes a series of baffles designed to hold back and slow the flow of water as much as possible.

Highways Drainage confirmed that the drainage strategy was acceptable for the purposes of an outline application, subject to a more detailed strategy being submitted with any subsequent application. The Council's drainage team have reviewed the concerns raised by the Parish Council and the Flood Risk Assessment for the adjoining planning application adjoining the caravan park (14/00336/OUT).

They comment that it would be preferable to get some quantitative values for depths of water and risk of occurrence for flooding along Stitching Shord Lane, but maintain their recommendation that the application can be approved subject to conditions.

Whilst residents have raised concerns about drainage and flooding issues on Stitching Shord Lane, the site lies within Flood Zone 1 and there is no evidence (or support from the Council's Highways Drainage team) to support a refusal on these grounds. However as recommended by Highways Drainage, a condition should be applied to any consent requiring the submission of a detailed drainage strategy for the site. This should also include the finished floor levels of the proposed dwellings in relation to the 1 in 100 year (plus climate change) flood event to ensure the proposed dwellings would be unaffected in the event of possible surface water flooding.

HIGHWAY SAFETY AND ACCESS CONSIDERATIONS

Stitching Shord Lane, which provides access to the site is narrow, unlit and without pavements and is not ideal in terms of pedestrian safety, however as detailed in the comments from Highways Development Control, the site is in relatively close proximity to the village centre and is served by a public right of way passing through the field to the north and on to Wick road. This (currently un-surfaced) route would be improved as part of the planning obligation requirements negotiated for the consented Cappards Road development (12/04238/OUT).

Highways Development Control advise that whilst the location for development is far from ideal, the development could secure improvements to pedestrian facilities, and on that basis an objection would be difficult to defend. Another significant consideration in accepting the principle of the proposed development in highway terms is the "fallback" position of the B8 storage use, which would have a greater trip generation than the proposed residential use.

This begs the question as to whether the fallback position of an unrestricted B8 (Storage and Distribution) use is genuine; whether this business (or a similar B8 use) could start up again without the need for planning permission, and whether finally, there is a reasonable prospect of the fallback use being taken up.

The application and the Council's records record a 1996 consent for a cold store in association with a wholesale meat company, subsequently followed by a temporary consent for the placement of refrigerated shipping containers. Full details of the nature of the use are not available, but it would appear that this established a B8 use within the hardstandings at the western end of the site. An established B8 use would allow this land to be used for a wide variety of storage and distribution uses without the need for a further planning permission, and it is noted that there are no planning conditions restricting hours of operation of a possible B8 use or preventing outside storage.

The question arises as to whether the established use has been abandoned, which would necessitate planning permission being sought for a B8 use to re-commence on the site.

The issue of "abandonment" has much case law however, the basic rules which have emerged are that abandonment may occur where a use has ceased

- a. due to leaving premises vacant for a considerable period or by allowing the building/s on which the use relies to deteriorate to the extent that re-use would involve what would be tantamount to rebuilding
- b. by the introduction of a different use (whether with or without planning permission) supplanting that which went before.

The single storey cold store which received the original planning consent is still in existence adjacent to Stitching Shord Lane, as is a shipping container and a single storey office building. The hardstandings and access are also fully intact and able to be used. The internal condition of the cold store and shipping container are unknown, however there is little doubt that a storage and distribution use could utilise the hardstandings and office with little or no work.

There is no evidence of the land and buildings being used for other purposes since 2007 / 2008. Taking these factors into account against the above criteria, officers do not consider the established B8 use to be abandoned, and therefore the hardstandings and commercial buildings still have established use rights within Use Class B8.

The final consideration is the weight the Council should give to this fallback position in the consideration of the housing application.

In recent appeal decisions on planning applications, Inspectors have commented that the prospect of a fall back does not have to be probable, or even have a high chance of occurring in order to be a material consideration in the determination of applications.

In this case, the applicants advise that should planning permission be refused for the redevelopment of the site for housing there is a real prospect of the commercial use of the site recommencing and that there has already been a commercial interest expressed from a ground contractor company for use of the site as a depot. The fact that the site appears not to have been in B8 use since approximately 2008 suggests that the resumption of such a use would be less likely than asserted, however given the case law, the impact of the possible fallback consideration (of an unconstrained B8) still needs to be taken into account in considering the impact of the proposed residential use.

On this basis, considering that an unrestrained B8 use would be likely to be able to use the site without the need for planning permission, involving larger vehicles and higher traffic flows, the proposals are considered to be acceptable in highway terms, subject to contributions of £4,000 and £16,000 being secured, respectively towards a pedestrian crossing facility and public transport improvements.

RESIDENTIAL AMENITY

An objection has been received that proposed plots 1 - 4 would result in the overlooking of the caravan park to the rear of the site, resulting in loss of trade.

The application is in outline, with siting as a reserved matter, so the question is whether it would be possible in principle to accommodate this number of dwellings within the site without unacceptably harming the amenity of surrounding residents. The caravan site is separated from the application site by a substantial boundary hedge, and it seems reasonable that the proposed dwellings could be arranged in a way as to not unduly overlook it. In any event, as with all caravan parks and camp grounds, campers do not have the same expectations of privacy as homeowners do, with effectively all their activities outside their caravan being visible to other guests.

The proposed dwellings could be arranged within the site without giving rise to unacceptable overlooking or overshadowing conflicts with adjoining dwellings.

A possible B8 (Storage and Distribution) Use, which would be likely to be able to occupy the site without the need for planning permission, would have the potential to give rise to significantly higher levels of disruption and loss of amenity than the proposed residents use.

TREE AND HEDGEROW RETENTION

The Council's Tree Officer has no objection to the proposed development, which provides sufficient space for the realistic retention of the mixed row of Hornbeam and Lime on either side of the entrance road.

The applicants have carried out trial inspection pits which confirm that the proposed surface water drainage works would not threaten the retention of the row of trees either side of the access road and this is confirmed by our tree officer.

The Council's urban design and ecologist have raised concerns in respect of the retention of hedgerows on the northern and southern boundaries of the site, which qualify as important under the hedgerow regulations, and are also important in landscape terms.

Whilst the concerns are valid, the current application is in outline and the layout plan submitted is only illustrative, and these issues would properly be addressed through a subsequent reserved matters application. The applicants have however agreed to clauses within the legal agreement for the development requiring covenants to be put on each of the dwellings abutting the hedgerows requiring the householders to maintain and protect the hedgerows. These provisions should also be placed into the Section 106 itself so that the Council is able to take enforcement action if necessary to protect the hedgerows.

Highways Development Control recommend a planning condition which would require minimum visibility splays to be created onto Stitching Shord Lane. The achievement of these visibility standards would be unlikely to have a significant effect on the hedgerow to the east of the access but would be likely to require the removal of approximately 15 - 17 metres of hedgerow to the west of the access. A condition should be applied requiring the reinstatement or translocation of the hedge behind this visibility splay prior to the occupation of the completed development.

LANDSCAPE IMPACT

Whilst on the very edge of the village and partially within the AONB, the site is not a Greenfield site, instead comprising in part, the extended residential curtilage of the property known as Milford Head House and the hardstandings and buildings serving the former storage and distribution use, which can be considered as previously developed land. The site is also visually well contained from the wider landscape, and the illustrative plan suggests that there is potential to develop the site as proposed whilst retaining the prominent avenue of trees leading through the site. As a consequence, whilst outside the Housing Development Boundary, the proposals would not give rise to significant landscape harm.

CONCLUSIONS

As stated earlier in the report, due to the policy situation in BANES and the lack of an agreed 5-year housing supply, the application is to be considered against national guidance set out in the National Planning Policy Framework, with a presumption that the local authority should grant permission unless there are any adverse impacts in doing so that would significantly or demonstrably outweigh the benefits of the scheme. This is the key policy test against which the proposals must be considered.

Taking into account the fallback position of the storage and distribution use, the proposals are considered to be acceptable in highway safety considerations, and would have a convenient pedestrian link through the adjoining Cappards Road development to Wick Road, the primary school and bus stops.

The development would not result in significant harm to the landscape or setting of the Area of Outstanding Natural Beauty and the proposals are consistent with the preservation and retention of the majority of the trees within the site.

Whilst there is anecdotal evidence of flooding in Wick Road and the vicinity of the site, the site is within Flood Zone 1, and a Flood Risk Assessment has been submitted which has the support of Highways drainage Team. The Environment Agency do not object to the application.

Whilst the Parish Council object to the application in principle, particularly in regard of the excessive growth of the village due to recent speculative housing applications, it is clear from the recent allowed appeal decision in respect of application 12/05279/FUL (41 dwellings at Wick Road) that such a stance cannot be defended at appeal.

Taking these considerations together, the adverse impacts of the proposed development would not significantly and demonstrably outweigh the benefits of additional housing deliver, and therefore the application must be recommended for approval, subject to a Section 106 agreement being signed.

RECOMMENDATION

A. Authorise the Development Manager to permit the application subject to the applicant entering into a legal agreement to secure:

Education

1. Contributions to fund the need for primary school places and Youth Services provision places arising from the development, the amount of the contribution to be calculated prior to reserved matters consent being granted and calculated in accordance with the Supplementary Planning Document entitled Planning Obligations, adopted July 2009. The agreed contributions shall be provided prior to the commencement of development.

Open Space and Recreational Facilities

2. Contributions to fund the provision of formal open space and allotments off-site to serve the population, and fund the maintenance of any open space provided within the development, the amount of the contribution to be calculated prior to reserved matters consent being granted in accordance with the Supplementary Planning Document entitled Planning Obligations, adopted July 2009. The agreed contributions shall be paid prior to the occupation of the development.

Transport

3. £4,000 towards a pedestrian crossing facility
4. £16,000 towards public transport improvements

Protection of boundary Hedgerows

5. The applicant and subsequent house owners backing onto the hedges on the perimeter of the site shall commit:

a. To not cut back the hedgerow on the north-eastern boundary of the site beyond the line of the post and wire fence forming the boundary of the Property and not to reduce the height of such hedgerow below [x] nor the width of it below [x].

b. To maintain the hedgerow [shown [] on the Plan] in so far as it forms the boundary of the Property and carry out such pruning or cutting as may be necessary (subject always to the covenants in clause [] above) and where within a period of five years from the date of the development being completed such hedgerow dies, is removed, becomes seriously damaged or diseased to replace the same within 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.

These commitments are to be written into covenants to be placed on each of the plots abutting the hedgerows.

B. subject to the prior completion of the above agreement, authorise the head of Planning Services to PERMIT subject to the following conditions (or such conditions as he 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 appearance, landscaping, layout and scale 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

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 also 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.

4

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.

5 Before the dwellings hereby permitted are first occupied the area between the nearside carriageway edge and lines drawn between a point 2.0m back from the carriageway edge along the centre line of the access and points on the carriageway edge 17 metres from and on both sides of the centre line of the access shall be cleared of obstruction to visibility at and above a height of 600mm above the nearside carriageway level and thereafter maintained free of obstruction at all times.

Reason: In the interests of highway safety.

6 Prior to the occupation of the development the existing vehicular accesses to the west of the proposed access shall be closed and their use permanently abandoned, and the verge/bank reinstated 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 Full details of the pedestrian route from the centre of the site to Stitching Shord Lane and joining up with public footpath, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. This route shall be provided prior to the occupation of any part of the development.

Reasons: To ensure a convenient and direct pedestrian route is provided to Wick Road, the primary school and bus stops.

8 No demolition or development activities 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 soakaway locations and movement of people and machinery. 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 trees to be retained are not adversely affected by the development proposals

9 The local planning authority is to be advised in writing two weeks prior to demolition or 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.

10

Prior to the commencement of development, a detailed strategy or the disposal of surface water indicating the size, type and location of the proposed sustainable drainage scheme should be submitted to and approved in writing by the Local Planning Authority prior to construction. The Drainage Strategy should include:

- Details of pre- and post-development discharge rates. The proposed surface water system should seek the betterment of existing surface water discharge rates.
- Discharge points will need to be agreed with the relevant authorities.
- A drawing showing the size, type and location of drainage features (SuDS and attenuation) with their connection points and discharge rates.
- Details of how the proposed hydrobrake and connection with the existing drainage ditch will be constructed.
- Simulations of the performance of the system up to the 1 in 100 year (+30% for climate change) return period event showing that no flood water will leave the site and there will be no unsafe flood depths on site.
- details of the Finished Floor Levels in relation to the 1 in 100 year (+ climate change) flood event.

Reason: In the interests of flood risk management.

Condition information: The applicant has indicated that surface water will be disposed of via SuDS. Prior to construction, a drainage strategy indicating the size, type and location of the proposed SuDS should be submitted.

11 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, construction access, wheel wash arrangements and traffic management procedures. The development shall thereafter be carried out in full accordance with the physical and procedural measures set out in the approved Construction Management Plan.

Reason: To ensure the safe operation and ongoing condition of the highway.

12 Prior to the commencement of works to achieve minimum visibility splays onto Stitching Shord Lane (as required by condition 5) a method statement and landscaping plan shall be submitted to and approved in writing by the Local Planning Authority showing the translocation and / or reinstatement of the removed section of native species hedgerow behind the required visibility splay, which shall follow any hedgerow removal. The landscaping plan shall show the alignment of the new length of native species hedgerow and shall include a planting specification to include numbers, density, size, species and positions of all new trees and shrubs.

The agreed soft landscape works shall be carried out in accordance with the approved details. The works (including hedgerow reinstatement) 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.

Reason: To maintain the appearance of Stitching Shord Lane and maintain habitat provision.

13 Prior to the commencement of development, details of a Scheme for the accommodation of badgers on site and safeguarding or provision of badger runs shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Scheme or any amendment to the Scheme as approved in writing by the Local Planning Authority.

Reason: To protect badgers and badger activity.

14 Prior to the commencement of development, a scheme and timetable for the removal of the non-native plant variegated yellow archangel shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and timetable.

Reason: To secure the removal of invasive species.

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

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

PLANS LIST:

This decision relates to drawing nos

- SITE LOCATION PLAN
- Flood Risk Assessment - Ref 3702 Revision A
- site drainage - SW drainage layout
- Proposed SITE LOCATION PLAN - PERMEABLE AREAS
- Site Survey - drawing 2293/100
- Site Survey - drawing - 29/12
- Tree Protection Plan - 130619-MH-TPP- Re A
- SUSTAINABLE CONSTRUCTION CHECKLIST
- Transport assessment
- TREE report
- WESSEX WATER PLAN
- TRIAL PIT EXCAVATION. SITE INSPECTION RE...

2 Decision Taking Statement

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework.

Informal advice offered by the Local Planning Authority the submitted application was taken into account by the applicant in the design and layout of the scheme. Taking into account these changes and the proposed flood Risk Assessment the proposals were considered to be acceptable.

3 Need for Watercourse Consent to Discharge to Ditch

The proposals indicate discharging flows to an existing drainage ditch at the west end of the site. Any discharges to this watercourse will require Ordinary Watercourse Consent from this office. Details about how to apply for Ordinary Watercourse Consent can be obtained by emailing engineering_design_land_drainage@bathnes.go.uk

The developer should also be aware that the Council's Highway Authority does not adopt roads that include permeable paving.