

Bath & North East Somerset Council

MEETING: **Development Control Committee**

MEETING DATE: **24th September 2014**

AGENDA
ITEM
NUMBER

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

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

WARDS: ALL

BACKGROUND PAPERS:

AN OPEN PUBLIC ITEM

BACKGROUND PAPERS

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

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

The following notes are for information only:-

- [1] "Background Papers" are defined in the Local Government (Access to Information) Act 1985 do not include those disclosing "Exempt" or "Confidential Information" within the meaning of that Act. There may be, therefore, other papers relevant to an application which will be relied on in preparing the report to the Committee or a related report, but which legally are not required to be open to public inspection.

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

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002	14/01495/FUL 23 July 2014	Belgravia Land Ltd Rentokil Tropical Plants Pipehouse Nursery, Pipehouse, Freshford, Bath, Bath And North East Somerset Erection of 10 no. dwellings, including access road, car parking and hardstanding, landscaping and associated works and services following demolition of existing buildings and structures.	Bathavon South	Daniel Stone	Delegate to PERMIT

REPORT OF THE GROUP MANAGER, DEVELOPMENT MANAGEMENT ON APPLICATIONS FOR DEVELOPMENT

Item No:	001
Application No:	14/01261/FUL
Site Location:	Land Adjacent To Tree Tops Firgrove Lane Peasedown St. John Bath



Ward: Peasedown St John
Grade: N/A

Parish: Peasedown St John

LB

Ward Members: Councillor S F Bevan Councillor N L R L Hartley

Application Type: Full Application

Proposal: Erection of straw bale, timber frame, living/work unit. (Retrospective)

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

Applicant: Mrs Zoe Hawes

Expiry Date: 13th May 2014

Case Officer: Andy Pegler

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE

Cllr. Hartley has requested that this application be considered by Committee. The Chairman has agreed to this request, for the reason that this retrospective application is complicated.

The application was initially presented at the meeting on 3rd September, when Members resolved to defer in order to make a site visit.

THE SITE:

The site lies to the south of Firgrove Lane, within the largely-undeveloped area between Peasedown St. John and Carlingcott. Measuring some 2.4 acres (1 hectare), the land - described by the applicant as an agricultural smallholding - rises from the lane towards the south. It is divided into four main areas - a building/parking/utility area is adjacent to the entrance; a garden area (including 3no. polytunnels) occupies the lower slope; and, on the upper slope, are areas of meadow and orchard.

A public footpath runs from Firgrove Lane, along the western boundary of the site.

The land on the opposite side of the lane is within the Green Belt.

THE APPLICATION:

The application is retrospective, and seeks the retention of a live/work unit which has recently been constructed, and is currently occupied by the applicant and her family.

Measuring some 11 metres by 6.5 metres, the building is timber-framed and timber-clad, with an internal lining of straw bales. A covered veranda, some 2 metres deep, extends along the frontage of the building. The roof is finished in profiled metal sheeting, and incorporates a dormer roof extension, and roof lights. The submitted drawings do not describe a rear extension of the building, which has recently been added and is intended to provide a shower facility.

Internally, the ground floor facilitates preparation and living areas. Two separate loft areas, accessed by ladders, provide sleeping facilities.

Beyond the building - and not indicated on the submitted drawings - are a toilet cubicle and a shepherds hut, the latter used to provide guest accommodation.

The submitted supporting statement describes, inter alia, the background and intentions of the applicant; and seeks to demonstrate the functional and financial need for a dwelling. The personal circumstances of the applicant's family are also described.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

HIGHWAYS: Raise concern at the unsustainable location of the development; and at the sub-standard nature of the access.

PARISH COUNCIL:

Support the application, on the basis that it will have a minimal impact on the community; that there will be minimal vehicle movements; and that the building is not easily visible.

THIRD PARTIES:

Some 65 representations of support have been received, citing the contribution of the applicant to the health and educational well-being of the local community, and beyond; the low impact of the building; the admirable lifestyle/endeavours of the applicant; and the approach to sustainable agriculture and diversity. There is criticism of the assessment of the application.

which includes functional and financial tests which, it is argued, are no longer valid. It is further argued that the independent appraisal commissioned by the Council fails to recognise the unique nature of the business, and is not informed by a site visit. It is pointed out that the NPPF presumes in favour of sustainable development. Attention is

drawn to the screening provided by existing landscape features. It is argued that highway concerns could all be addressed by planning condition.

4 representations support the current undertaking, but suggest that any planning permission should be temporary and/or personal to the applicant.

1 representation points out that the development is outside of the designated Housing Development Boundary, and represents encroachment. It is further pointed out that the applicant was previously able to manage the land from a property in Carlingcott.

POLICIES/LEGISLATION

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The Core Strategy now forms part of the statutory Development Plan and will be given full weight in the determination of planning applications. The Council's Development Plan now comprises:

- * Core Strategy
- * Saved Policies in the B&NES Local Plan (2007)
- * Joint Waste Core Strategy

The following policy of the Core Strategy is relevant to the determination of this application:

Policy SV1 seeks, inter alia, to protect and enhance the distinctive character of the area, including its landscape, built and historic environments.

The following saved policies of the Bath and North East Local Plan, including minerals and waste policies, adopted October 2007 are also relevant to the determination of this application:

Policy ET.5: employment development in the countryside;

Policy HG.10: housing development outside of settlements;

Policy NE.1: landscape character; and

Policy T.24: appropriate highway development control criteria.

The National Planning Policy Framework (NPPF) establishes a presumption in favour of sustainable development, i.e. in accordance with the Development Plan, having regard to economic, social and environmental considerations.

OFFICER ASSESSMENT

PRINCIPLE OF DEVELOPMENT:

This retrospective application describes the building as a live/work unit. and there is no clear delineation of the building's functions. It is however the sole residence of the applicant and her family, and the primary test therefore is for a dwelling.

The site lies beyond the designated Housing Development Boundary of Peasedown St.John. Saved Policy HG.10 seeks to resist dwellings in such locations, unless it can first be demonstrated that there is an essential need. Any assessment of essential need requires the application of relevant functional and financial tests. The adopted approach is entirely consistent with the aims of the NPPF which seeks, inter alia, to avoid new isolated homes unless an essential need is established.

Mindful of the above requirements, an independent agricultural appraisal has been commissioned by the Council. The subsequent report has thoroughly considered all

information submitted by the appellant, including that which relates to crop production and animal husbandry, and has concluded that the relevant tests are not passed. The numbers of animals are insufficient to both make a significant contribution to the business and to create a significant degree of essential care to establish a clear existing functional - an essential - need for a worker to live on site. Furthermore, the extent and nature of the labour demand - even during unsociable hours - does not create a need for the worker to live on site. The appraisal has had full regard to the somewhat unusual nature of this enterprise. The principles are however no different to any rural enterprise assessed under the relevant tests.

Regard has been had also to the regular public walks organised by the applicant; and to instances of theft and vandalism. In an assessment of functional need these are however a secondary planning matter which, together with the personal circumstances of the applicant, do not outweigh the principal considerations.

With regard to the requirement for a financial justification, if this business is established, then it does not generate sufficient income to support a farm worker. If it is a fledgling business, then the application for a permanent dwelling is premature.

Until recently, the applicant and her family resided at a property only 250 metres from the site; the intention apparently was to re-locate to an adjacent property, which then became unavailable. It is clearly considered that nearby properties can adequately serve the requirements of this enterprise.

It has not been adequately demonstrated that there is sufficient labour relating to a commercial rural enterprise to pass this test; nor has it been adequately demonstrated that an alternative dwelling within the nearby settlements could not satisfy any generated need.

Were a need to be demonstrated, the size of the dwelling would appear to be commensurate with the needs of a farm worker. However, it is not yet clear that the dwelling is commensurate with the needs of the enterprise or this holding of less than one hectare.

The applicant's husband works full time as a graphic designer, is the primary income generator and is not a dependent of the applicant.

Criticisms relating to a failure to undertake site visits are unfounded. Visits by the case officers - informed by the submitted details and the applicant herself - have been carried out. Notwithstanding, the relevant matters to be assessed, i.e. the evidence on functional need; financial need; alternative dwellings; full-time worker and the other tests are not dependent on site-specific factors that cannot be gathered without a site visit. In this case.

ACCESS:

Access to the site is via a narrow rural lane with no footways or street lighting, and which would not generally be considered suitable to serve new residential development. The location of the site is considered to be remote from local services and access to public transport, with the lack of footways and lighting leading to such facilities deterring anyone who would wish to walk or cycle. Whilst there can clearly be some reduction in travel

needs with workers being resident on-site, a residential unit will, in itself, generate additional trips associated with school runs, shopping, leisure trips etc.

Visibility on exiting the site, to both the left and right, falls significantly short of the required standard. Whilst some mitigation measures could be undertaken, subject to condition, these would likely be to the detriment of the prevailing landscape character.

LANDSCAPE CHARACTER:

The surrounding area - between the villages of Peasedown St. John and Camerton - is largely undeveloped, the land on the opposite side of the lane comprising Green Belt. The open field pattern, and the narrow lanes defined by tight hedgerows, are features of the area.

The introduction of a residential unit, together with the associated structures, parking and other residential paraphernalia has had, and would continue to have, a detrimental impact upon the prevailing/pre-existing landscape character. The partial screening afforded by the boundary hedgerows would vary in effectiveness throughout the year.

NATURE OF THE ENTERPRISE:

The growing of the various crops and the keeping of livestock, in themselves, raise no concerns; and the practice of the applicant appears to be well supported, both locally and further afield. It should be noted however that the practice operated during the period when the applicant resided off-site, and was expected by the applicant to continue to do so following re-location to another property, also off-site. The erection of a residential element on-site has not been demonstrated to be essential to the on-going enterprise.

PERSONAL CIRCUMSTANCES:

The supporting statement submitted by the applicant draws attention, inter alia, to the nature of the family unit which includes two adopted daughters, and to the benefits of close involvement with activities on the land. The applicant suggests, further, that as the main full-time carer for her daughters it is not possible to separate domestic and work duties. However, whilst such matters weigh in favour of the development, they do not outweigh the identified harm.

CONCLUSION:

The development is in an unsustainable location beyond any designated development boundary. No essential need has been demonstrated to justify an exception to the presumption against such development.

The development generates additional traffic, via a sub-standard access, onto a sub-standard road network, to the detriment of the interests of highway safety.

The introduction of a residential unit, together with the associated structures, parking and other residential paraphernalia has had, and would likely continue to have, a detrimental impact upon the area's prevailing/pre-existing landscape character.

The benefits of the applicant's practice; her contribution to the local community; and the personal circumstances of her family weigh in favour of the development, although do not outweigh the identified harm.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The development is sited in an unsustainable location, beyond any designated development boundary. No essential need has been demonstrated to justify an exception to the presumption against such development. The development is therefore contrary to saved Policy HG.10 of the Bath & North East Somerset Local Plan 2007; and Policy SV1(1) of the Core Strategy 2014.

2 The development generates additional traffic, via a sub-standard access, onto a sub-standard road network, to the detriment of the interests of highway safety. The development is therefore contrary to saved Policies T.1 and T.24 of the Bath & North East Somerset Local Plan 2007.

3 The introduction of a residential unit, together with the associated structures, parking and other residential paraphernalia has had, and would likely continue to have, a detrimental impact upon the area's prevailing/pre-existing landscape character. The development is therefore contrary to saved Policy NE.1 of the Bath _ North East Somerset Local Plan 2007; and Policy SV1(1) of the Core Strategy 2014.

PLANS LIST:

PLANS:

Location plan; floor plans; elevations and section (all un-numbered) dated 18th March 2014.

DECISION TAKING STATEMENT:

In determining this application the Local Planning Authority is mindful of the aims of paragraphs 186 and 187 of the National Planning Policy Framework. The Local Planning Authority acknowledges the approach outlined in paragraphs 188-192 in favour of front loading and operates a pre-application advice service. This application is however retrospective and there has been no opportunity for pre-application dialogue. The applicant has been afforded the opportunity to respond to expressed concerns; and the application was brought before Committee for a decision at the earliest opportunity. The proposal was considered unacceptable for the reasons given.

Item No:	002
Application No:	14/01495/FUL
Site Location:	Rentokil Tropical Plants Pipehouse Nursery Pipehouse Freshford Bath Bath And North East Somerset



Ward: Bathavon South

Parish: Freshford

LB Grade: N/A

Ward Members: Councillor Neil Butters

Application Type: Full Application

Proposal: Erection of 10 no. dwellings, including access road, car parking and hardstanding, landscaping and associated works and services following demolition of existing buildings and structures.

Constraints: Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Greenbelt, Mineral Consultation, MOD Safeguarded Areas,

Applicant: Belgravia Land Ltd

Expiry Date: 23rd July 2014

Case Officer: Daniel Stone

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE

The application is a significant development for a small hamlet. The Chair of the Committee has agreed that this application should be considered by Committee. This application was deferred at the last meeting of the Committee to allow members to visit the site.

SITE CONTEXT

The application site consists of a set of vacant commercial buildings located on on Pipehouse Lane in Freshford. The site was formerly a plant nursery which was then occupied by a storage and distribution use and so the site contains a number of buildings, including a large warehouse, a derelict greenhouse and areas of hardstanding. The site itself is dominated by some significant Lombardy Poplars along the eastern boundary, which are visually significant in the landscape setting of the site and do contain wider views to the A36, and are visible when approaching the site from the lane.

Pipehouse consists of a linear hamlet of rural cottages strung along the lane, associated with, but separated from the main village of Freshford by the A36. The site lies within the Green Belt and also within the Cotswolds Area of Outstanding Natural Beauty (AONB). Pipehouse Lane itself is a rural unclassified road which is accessed directly from the A36. It is narrow dead-end road and does not have street lights or pavements. On-street parking is also very limited on Pipehouse Lane and turning facilities are also limited, with larger vehicles either turning in the junction to the application site or in an informal turning head at the end of the road.

There are no facilities in Pipehouse Lane itself, but bus services run along the A36 approximately 300 metres from the site. Freshford village has a primary school, two churches, a pub, doctors surgery, shop / cafe and train station. The site is 1.2 km from the school, 900 m from the shop / cafe / community hall and 1.8 km from the railway station. A 20-30 minute service runs from Freshford to Bath.

Pipehouse lane and the properties within it have a very rural, tranquil character. At present the site has the appearance of a derelict industrial site within an urban area, and so detracts from the intimate rural character of Pipehouse Lane.

PROPOSALS

Planning permission is sought for the demolition of the existing buildings and re-development of the site to form 10 dwellings. The properties are proposed to be arranged as a terrace of two-storey cottages along the site frontage, in line with the adjoining cottages. These are proposed to be the affordable houses. The remaining larger detached houses would be arranged around informal courtyards stretching back into the site which would be shared by pedestrians and cars. The layout is designed so as to allow refuse vehicles to turn in the space between plots 6, 7 and 5 and the road would be adopted as far as this point. The proposed junction onto Pipehouse Lane, whilst significantly tighter than the existing bellmouth, which is designed to allow large lorries to access the site, is nevertheless wider than necessary for the level of use required, in order to allow informal turning by large vehicles accessing the other properties in Pipehouse Lane.

At the Council's request, amended plans were submitted showing the following changes:

- Hedgerow on front boundary omitted in favour of stone wall. Area between stone wall and carriageway / driveway to be seeded with wild flower margin
- Visitor Parking bay created on site frontage
- Plot 5 repositioned to the north away from the canopy of adjacent trees
- Plot 8 repositioned 2 metres to the north to give greater separation to Scots Pine
- Front gardens added to plots 8, 9 & 10.
- Layout and design of plot 7 changes. Location of garage revised
- Open pergola created to house car parking serving plots 1 - 4
- Incorporation of 1 metre wide tree maintenance strip alongside eastern boundary, to allow maintenance / retention of trees.
- Addition of porches to plots 1-4

RELEVANT PLANNING HISTORY:

12/05346/CLEU - Use of the principal warehouse building, greenhouse and other buildings within Use Class B8 - approved 21.01.13

13/02871/PREAPP - Proposed erection of 11 dwellings

SUMMARY OF CONSULTATIONS/REPRESENTATIONS CONSULTATION

HIGHWAYS DEVELOPMENT CONTROL -recommend refusal as an unsustainable form of development.

Because of the existing site use, there would be no overall increase in the number of traffic movements that could potentially be generated by the site. There is also likely to be a significant reduction in the number of HGV movements that could potentially be generated by the site. Because of this potential reduction, the highway authority is not in a position to object to the standard of vehicular access via Pipehouse Lane or the visibility splays provided at the site access. It is also noted that Pipehouse Lane is lightly trafficked and in the vicinity of the site access, the lane is a slow speed environment.

From a sustainability perspective, the site is located in a relatively isolated position. There are bus stops provided at the junction of the A36(T) Warminster Road and Pipehouse Lane, however, no dedicated pedestrian facilities are provided to link the site to the stops, and users would need to cross the A36(T) Warminster Road to access the southbound stop. The bus frequency operates at a two hourly period, and this frequency means that bus travel will not always be convenient. It is considered that the facilities, including the rail station, provided in Freshford village are beyond easy walking distance and no dedicated pedestrian facilities are provided to or from the site. Street lighting is not provided on any of the local roads, and therefore walking at times of reduced light would not be an option for many of the prospective residents.

The level of car parking promoted for the development is considered to be appropriate.

Given the isolated and unsustainable location of the proposals, the response of the highway authority is one of OBJECTION for the following reason:

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

FURTHER HIGHWAY COMMENTS - 5th June

On behalf of local residents, IMA Transport Planning (IMA) has produced a statement which reviews the potential transport impacts of the proposed development. In response, the applicant has commissioned Key Transport Consultants Ltd (KTC) to review the issues and comments made. This additional highways response considers the issues raised within both documents.

In general, the IMA statement identifies many of the issues that were raised in the initial highway response, and in particular the sustainability concerns relating to the site's location.

The IMA statement also provides detailed analysis of the potential impact of increased traffic on Pipehouse Lane and the site access. Whilst I agree that a significant increase in the number of traffic movements could have an impact on the operation of Pipehouse Lane, I have been informed that the existing site does have a valid B8 use. This being the case, the existing site could potentially generate similar traffic levels as compared to the proposed use, and a higher number of larger vehicles could be routed to and from the site. This is also presented in the KTC statement, and I do not disagree with the traffic numbers as presented. Accordingly, the highway authority is not in a position to object to the proposed development on traffic impact grounds.

The potential impact of the development traffic on the operation of the A36 trunk road, which is not a route managed by B&NES Highways, is something that may need to be considered by the Highways Agency.

Given the issues noted in this additional response, my original objection to the scheme on sustainability grounds remains. For clarification, should permission be granted, the highway authority request that due to the size of the site / number of properties and the need to ensure that adequate servicing can be achieved, at least part of the site highway should be constructed to adoptable standards. It may be possible for the rear of the site could remain private, however, a turning facility for refuse vehicles would need to be provided within the adoptable area.

FURTHER HIGHWAY COMMENTS 21.07.14

The submitted drawing, reference 0493-001B, demonstrates that a refuse vehicle can turn within the site between Plots 5 and 7. Although the potential area for highway adoption needs to be agreed, this additional information helps to demonstrate that the vehicle can turn within the highway that could potentially be put forward for adoption. The drawing also

shows a location for a refuse collection point and this is located a convenient distance from the turning area.

HIGHWAYS AGENCY - NO OBJECTION

Whilst the Agency does not consider the development to represent a location where the need to travel will be minimised and the use of sustainable transport modes maximised, the traffic generation from 10 dwellings is likely to be modest, comparable and probably less than that generated by the lawful use. The accident profile of the A36 (T) and Pipehouse Lane does not indicate any current or manifesting problems with turning at this location, and given the comparable or possibly reduced generation from the proposal and the associated gain via the reduction of larger vehicles, the proposal is unlikely to alter the current situation.

PUBLIC RIGHTS OF WAY TEAM - No Objection

Confirmed that the Council could bring about the creation of a public right of way parallel to Pipehouse Lane, through the adjoining 3rd party land. Contributions of #19,000 would be required to cover the administrative costs of the Order, the physical costs of laying the right of way and ongoing maintenance costs for the first three years. The applicant would also have to undertake to pay any compensation which becomes payable to the landowner as a result of the coming into effect of a creation order.

URBAN DESIGN - No Objections

Context - The site has been recognised as brownfield land in the AONB and the principle of development accepted. The site represents an anomaly in the linear structure of development in Pipehouse Lane, intruding into the open countryside on a ridge that is visible from distance. The quality and protection of boundary landscape is of particular significance. This is addressed in comments from the landscape architect.

Amount - The proposed amount of development is above Freshord draft NDP figures. However, the proposed amount does not cause harm to the character of the area or neighbours. It is noted pre-application engagement resulted in amendments to address concerns about neighbour amenity.

Height and Massing - This is considered acceptable.

Layout - The layout is a significant improvement upon the original pre-application proposal. The concept of courtyard development is considered appropriate. The extent of development into the site is considered justified. The decision to place the important tree-lined eastern boundary within the rear gardens of proposed properties protects their roots from access-way construction. However, it places them within private owner guardianship, which may risk incremental loss over time and loss of essential screening. This may be addressed if a maintenance strip is created with garden boundaries set back. Boundary landscape would become part of the management of communal areas.

The developed areas shall be considered in two zones.

Southern Entrance Courtyard - In principle the layout is logical and acceptable. It may be more effective to front units 6 and 7 directly onto the hard surface or contain them behind a stone boundary wall. There is a clash of farmyard and suburban detailing here.

The garden boundary treatment addressing the parking must be stone wall (I am not clear if this is the case).

I am concerned that the treatment of the principle access route is a material that is both robust and visually connects with Pipehouse Lane. This could be as simple as a tarmac surface with a potential setted threshold at each end. The gravel treatment is more suited to the courtyards within.

North Courtyard - The basic distribution of development is appropriate.

Appearance - The house designs are based upon a contextual analysis and have an opportunity to have their own identity within the enclosed site. They are therefore considered acceptable subject to detailing of materials.

Materials - Materials are broadly stated on the application form In principle these are acceptable.

However, materials will be critical to the successful integration of this anomalous development site into the townscape. These should be addressed through condition and should include surface materials.

ADDITIONAL URBAN DESIGN COMMENTS - No objection subject to conditions.

The revised layout has interpreted the points we made at the recent meeting to a satisfactory degree.

The front courtyard has been amended to enclose parking within a pergola and alter the appearance of units to remove symmetry. A detail, there seems to be a strange roof arrangement to the southern unit. Also chimneys on these and other units would respond to context better. I note that there are chimneys, but these could be placed in more visible locations to this end.

Boundary treatment to all properties is a key detail. Plot 6 retains a grass boundary running to the side (adj bin store). I am not convinced this will be successful, but will defer to landscape comments.

ARBORICULTURE - No Objections to amended plans, subject to conditions

A revised Site Layout (drawing 1402/PL/04 Rev F) has been provided which includes a maintenance strip along the eastern boundary. The revision also alters the footprint position and shape of plot 5 which improves the relationship between offsite trees T4 and T5 and onsite tree 743.

The relationship of plot 5 with the offsite tree T3 is still not clear as this tree is still not located on the drawings. Based on a comparison between the Tree Constraints Plan and revised site layout the trunk will be opposite the south western most corner so will require cutting back to the boundary to accommodate the building and scaffolding. The revised

layout would have been better informed if this tree had been plotted. This remains an issue but is not sufficient to object to the proposal.

PARKS - No objections subject to contributions of #17,769.96 being provided towards the enhancement of existing Formal green space provision and the provision and construction of Allotments.

PLANNING POLICY - No Objection subject to conditions

* Freshford & Limpley Stoke have a joint Neighbourhood Plan which is currently in draft and therefore can be afforded limited weight.

* The draft neighbourhood Plan notes the site as a brownfield site (draft policy NP.2), and as such in principle re-development for a limited amount of new housing is supported.

* Only two brownfield sites are identified across both parishes in the Neighbourhood Plan. Aside from these sites is very limited potential land supply for new housing across the parishes. This site therefore has a role in providing a limited amount of new housing in line with the Draft Neighbourhood Plan.

* The Draft Neighbourhood Plan supports the provision of affordable housing on this site.

* The local need for 6-8 affordable houses across the Parishes is identified in the Draft Neighbourhood Plan, based on a 2011 local housing needs survey (see p12 para 4.04 and draft policy NP.1 & NP.2). This scheme would provide 4 affordable homes. This should be afforded limited weight and weighed in favour of the development.

* The need for 1 and 2 bedroom affordable homes is also noted (4.08) again something which this scheme contributes towards.

* The local need for affordable housing and the very limited supply of potential sites in the parishes should be weighed against the sustainability of this specific location.

* The draft Neighbourhood Plan clearly demonstrates the sustainability of Freshford & Limpley Stoke as parishes, with an excellent range of local services and facilities and good public transport provision which is accessible on foot from the site (bus to Bath and Freshford village centre and 15-20 minute walk to Freshford train station). Subject to potential road safety concerns there are clear alternatives to car use.

Design issues

There are a number of other issues which should be noted which relate specifically to this scheme, in favour of the development:

* Adequate car parking is provided on site which will protect against parking pressure in the adjoining area (p10 para 3.3);

* The changes to the scheme since pre-application stage have been positive and the current scheme much better reflects sites rural character and settlement pattern.

The following issues warrant further consideration, and should also be afforded limited weight, there may be a need for a planning condition in relation to the following areas:

* The dwellings should maintain a rural, not suburban character (draft Neighbourhood Plan p10 para 3.3) and elements of detailing could be adjusted to better reflect this e.g. porches, fenestration, building line (frontage to the road within the site could be brought forwards- plots 4 & 5).

* The development should be developed to meet Code for Sustainable Homes level 5 (draft Neighbourhood Plan p10 para 3.3). However, this is not a requirement and due to the orientation of the buildings it is unlikely that Code 5 could be reached for this scheme,

as solar PV combined with fabric enhancements would be the most cost effective way to meet this requirement. As a minimum the scheme should specifically better address elements from the code e.g. recycling storage, dedicated cycle storage, designing in potential future PV installation.

* The absence of street lighting and maintenance of dark skies should be secured both as the site is located within the AONB and as an important element of the rural character of the parish. Street lighting should not be introduced as part of highways works.

* Rural character which would support the roads within the development not being adopted, to maintain a rural rather than suburban character (draft Neighbourhood Plan p10 para 3.3).

* Some of the trees earmarked for removal appear to have the potential to be retained within in scheme - particularly at the west and rear of plot 5.

* The Parishes are currently seeking to improve the safety of residents crossing the A36 and are seeking for the Highways Agency to provide pedestrian refuges and to consider speed limits (p24 para 7.24). Subject to comments from the Highways Agency and Transport comments a developer contribution could be sought to help to secure this.

* The proposal is seen to be an enhancement in terms of visual amenity as this is an existing warehouse/storage site, which despite being well screened/contained does not contribute to the qualities of the AONB. In particular the view of the site from Pipehouse lane is considered to be an improvement.

* The importance of dry stone walls is an important AONB and local characteristic and should be incorporated at the frontage to the site.

* It is noted that the design approach in the DAS has informed the two distinct parts of the site - the farmyard/courtyard at the north and the linear development at the south. This east-west access is considered appropriate in terms of character; however, there are missed opportunities in terms of orientation and layout of internal spaces to make use of solar gain and natural light. Furthermore, garden spaces are often then north facing which can be problematic.

* The alternative access on the eastern side could be utilised to address these issues, but would not be likely to be secured with the retention of the Poplars. The built form at the northern part of the site is also less successful.

* The principles outlined in the adopted Sustainable Construction & Retrofitting SPD apply, in particular:

* Hard standing should be permeable and free-draining

* Solar orientation should be considered so that roofs are solar ready and natural light and passive ventilation utilised

* Basic sun-tracking should be utilised to allow this to be properly considered

LANDSCAPE OFFICER - No Objection

EDUCATION - No objection subject to contributions of #34,029.88 being secured to provide primary age places and youth provision.

HOUSING SERVICES - NO OBJECTIONS, SUBJECT TO THE AFFORDABLE HOUSING BEING SECURED IN THE LEGAL AGREEMENT.

Freshford Parish council has been keen to see the delivery of affordable housing for local people for many years and has made this a priority in its Neighbourhood Plan. This site has previously been under consideration as an affordable housing site. Recognising this

local aspiration for affordable housing, the applicant is proposing an above policy requirement for affordable homes which is supported by Housing Services.

The proposed mix of affordable homes reflects the requirements of the local community and is as requested by Housing Services. Whilst not a rural exception site, the allocation of these homes through the Council's Homeseach policy will prioritise local people in housing need.

The applicant has given significant consideration to the design and standards of the proposed affordable homes, basing them on the design specification of a national rural housing association. The applicant is aware of the requirement to meet lifetime homes standard for the units.

Whilst not ideal, it is acknowledged that design constraints restrict the opportunity for in curtilage parking.

ENVIRONMENTAL PROTECTION - No Objection subject to conditions.

ARCHAEOLOGY - No Objection - no conditions required.

FLOOD RISK MANAGEMENT AND DRAINAGE - no Objection subject to conditions.

CONTAMINATED LAND OFFICER - No Objections subject to conditions

AVON AND SOMERSET CONSTABULARY - No objection subject to conditions.

* All the highways and car parking areas must be provided with street lighting that complies with BS5489:2013.

* The submitted statements and drawings indicate a stone wall and hedging boundary to the east and west of the development but no height for this boundary is indicated. These boundaries should be a minimum of 1.8m high in order to prevent access the the rear gardens of the properties.

* The wall forming the boundary of the garden of Plot 7 should be a minimum of 2m high as it has no natural surveillance and is exposed. This wall is also susceptible to graffiti and should be painted with an anti-graffiti coating over its full height.

* The wall forming the curved entrance to the site also forms the rear boundary to Plot 5. This wall should be a minimum of 2m high.

* Some of the car parking is provided under car ports. These should be provided with low energy PIR lighting in order to prevent crime and increase the occupants perception of safety.

* There is no indication as to the boundary of Plot 10. This boundary should be protected

ECOLOGY - no objection subject to conditions

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
- 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 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
- Planning Obligations Supplementary Planning Document - Adopted July 2009
- National Planning Policy Framework
 - Draft Freshford Neighbourhood Plan.

OFFICER ASSESSMENT

OFFICER ASSESSMENT:

A. PRINCIPLE OF DEVELOPMENT

Green Belt Considerations

National and local planning policy seeks to retain the openness of the Green Belt by restricting inappropriate development, however the NPPF allows for "limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development."

In this case the site consists of previously developed land. With the exception of the terrace of houses along the site frontage (plots 1 - 4) and plot 5, the dwellings would be within the footprint of the existing buildings, and of considerably less bulk and height than the existing warehouse building. The application details a significant reduction in the built volume from 9930 cubic metres to 6756. The DAS also highlights that the development is a 32% reduction in built form and a 48% reduction in built site coverage.

Considering the impact of the development against the 5 purposes of Green Belt Designation, the following comments can be made:

* Purpose 1: At this location the Green Belt does not contribute significantly to restricting the sprawl of large built up areas (i.e. Bath), particularly as the site is an existing developed site

* Purpose 2: At this location and scale of development the Green Belt does not contribute significantly to the purpose of preventing neighbouring towns from merging into one another

* Purpose 3: to assist in safeguarding the countryside from encroachment - This purpose is not compromised, as this is a brownfield site with existing bulky warehouse/storage buildings and that the proposals would not extend the building line and curtilage into the Green Belt

* Purpose 4: At this location the Green Belt does not contribute significantly to the setting and historic character of historic towns

* Purpose 5: to assist in urban regeneration, by encouraging the recycling of derelict and other urban land - This purpose is not compromised as this is a previously developed site.

In conclusion, it is not considered that the proposed development would have a greater impact on the openness of the Green Belt and the purpose of including land within it. Therefore the proposals are considered to be acceptable in terms of Green Belt considerations.

Given the compliance of the proposed development with Green Belt policy, it would not be reasonable to restrict development to the southern portion of the site.

SUSTAINABILITY

Concerns have been raised about the sustainability of this location and the accessibility of the site to services. Whilst bus services are accessible within easy walking distance of the site (300 metres), and the train station in Freshford offers good and regular access to Bath, it is likely that the narrow lanes, lack of pavements and street-lighting linking the site with these facilities would deter residents from using sustainable forms of transport. Further facilities are available in the village centre, but not within convenient walking distance of the site. Therefore, whilst the facilities in Freshford itself are well provided for a settlement of its size, and residents could access these facilities on foot or by bike, and get into Bath using public transport, it is likely that to an extent the use of the site will be car dependent.

Were the site to be undeveloped, there is no doubt that the residential re-development of the site would be resisted for this reason, but the site has a legitimate B8 use and could

be re-occupied without planning permission, and this must be taken into account when considering sustainability and transport issues.

Objectors have raised concerns as to the likelihood of a B8 use being re-established on the site, and whether the traffic generation rates are realistic.

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 site was occupied commercially until approximately April 2013, and therefore it is entirely possible that the site could be re-occupied by another storage distribution use. Additionally, whilst it appears that when the site was last in commercial use, the use was at a relatively low level, it could not be assumed that a new B8 use would generate similarly low traffic levels.

Both the Highways Agency and the Council's own Highways Department have interrogated the applicants figures for the traffic generation from the established use and considered a highways report submitted on behalf of IMA Transport planning on behalf of local residents. Both advise that the established B8 could potentially generate similar traffic levels as the proposed use, and a higher number of larger vehicles.

Taking these considerations into account, and additionally the benefits to residents and to the character of the AONB of the removal of a non-conforming use, the principle of the proposed development is considered to be acceptable in terms of sustainability considerations.

Freshford Parish Council request that contributions be provided towards the creation of a public right of way linking the site with Freshford. Taking into account the Council's concerns in respect of sustainability, this is in principle a reasonable requirement, and officers consider that it would be proportionate to create a public footpath linking the site with the A36 to provide a safe and direct route through to the bus stops. The Council has powers through its Public Rights of Way Team to compulsorily create public footpaths where in the public interest, with compensation being paid to the landowner.

In such a rural context the most appropriate way to do this would be to retain Pipehouse Lane as it is and provide a crushed gravel path immediately inside the field to the north of the lane. Both for ecological reasons and to protect the character of the AONB it would not be appropriate to introduce traditional street lighting along this route, though it might be possible to incorporate low level, low intensity lighting.

The contribution cover the administrative costs for processing the legal order, and the costs of the physical work, with the developer paying compensation to the owner of the land separately.

DRAFT FRESHFORD AND LIMPLEY STOKE NEIGHBOURHOOD PLAN

A further consideration that weighs in favour of the proposed development is the provision of Affordable Housing. The draft Neighbourhood Plan identifies that a lack of smaller and more affordable homes has made it difficult for young families to remain in, or move into the villages, and that longer-term the lack of younger families will threaten the viability of

key local facilities such as the primary school and community shop. The draft Neighbourhood Plan identifies a demonstrable need for 6 to 8 affordable homes and specifically identifies the site as a brownfield site suitable for 6 - 8 dwellings.

The proposed development of 10 dwellings offers the provision of 4 affordable homes. This is in compliance with Core Strategy policy CP9 and would meet half the level of need identified in the Neighbourhood Plan, but exceeds the capacity of the site as envisaged in the Draft neighbourhood Plan.

HIGHWAY AND PEDESTRIAN SAFETY

Objections have been received about the number of dwellings proposed and the impact in terms of traffic generation. As discussed above, taking into account the established B8 use of the site which involves the use of Pipehouse Lane by HGV's, the Highways Agency and the Council's Highway Engineers consider the proposals to be acceptable in terms of highway safety.

Officers note the road safety proposals contained in the draft Neighbourhood Plan consisting of the introduction of a village gateway on Pipehouse Lane, on the approach into Freshford, the creation of a 20 mph speed limit along this road and the creation of a 40mph limit along Warminster Road. These measures would help to improve highway safety and the safety of cyclists and pedestrians travelling into the village centre.

It is not considered that the Council could reasonably insist on the construction of a separate construction access to the site, given the costs of doing so and the uncertainty of gaining control of 3rd party land. However given the narrowness of Pipehouse Lane it is clear that the construction of the development would require careful planning to minimise disruption occurring on Pipehouse Lane, which is the sole access to the site and the existing dwellings beyond it. This could include giving consideration to the timing of deliveries to avoid peak hours, phasing the development so as ensure that space is made available clear of the main road for the loading and handling of materials, and giving consideration to providing or managing contractor parking.

Highways Officer advise that the proposed parking provision is adequate. The dwellings at the back of the site are generously provided with parking, with approximately 4 spaces per dwelling. The Affordable dwellings at the front of the site are provided with 1.5 spaces each, and the latest layout shows a further visitor space on the site frontage. It is likely that in necessary further informal parking could take place within the development without affecting Pipehouse Lane.

AMOUNT, DESIGN AND LAYOUT OF PROPOSED DWELLINGS

Scale / Amount of Development

As discussed above, the village design statement within the Draft Neighbourhood Plan supports the principle of re-developing the site, but suggests that the site has a capacity of 6-8 dwellings rather than the 10 dwellings proposed. Objectors and Hinton Charterhouse Parish Council consider the proposals to be an over-development of the site.

The proposals approach the site in two halves. The proposed terrace of cottages along the site frontage (plots 1 - 4) follow the building line of the adjoining former Council Houses and are sympathetic to the scale and form of properties in Pipehouse Lane.

The land to the rear is developed with larger detached properties clustered around courtyards, each of which has a generously sized garden.

As a whole the proposed development would have an average density of approximately 16 dwellings per hectare. Saved Local Plan policy HG.7 (Residential Densities) advises that "Densities in excess of 30 dwellings per hectare will be expected in order to maximise the use of housing sites."

Given the sensitive nature of the site within the AONB and the distinctive rural character of Pipehouse Lane, a density of 30 dwellings per hectare would be totally inappropriate for this site. Officers consider that the relatively low density of the site is reflective of and sympathetic to the rural context of the site. It is not considered that an argument that the site is "over-developed" could be defended at appeal.

As referred to above, the Draft Neighbourhood Plan stresses the need to deliver affordable housing and the scarcity of sites in Freshford where they could be delivered. Policy CP9 (Affordable Housing) does enable the council to seek affordable housing provision on sites of between 4 and 9 dwellings, but only at a rate of 20%, half the rate that we can demand on schemes of 10 dwellings or more. Consequently, the intensity of the proposed development could be reduced, but it would immediately halve the proportion of affordable housing that could be secured.

Taking this into account, officers support the quantum of development proposed.

DESIGN AND LAYOUT OF DWELLINGS

Freshford Parish Council have objected to the application and suggested that the access should be constructed along the eastern edge of the site, rather than retained in its existing position along the western edge.

The Council's tree officer has raised concerns about this alternative arrangement in that the road would be likely to have service run trenches passing along it which would sever the roots of the poplar trees and threaten their retention. Additionally it would require more intensive management of the existing hedge on the eastern boundary to avoid it growing into the road. Clearly similar problems could arise with the currently proposed native hedge on the western boundary, however this would be a new landscape feature and has no existing ecological value.

The Parish Council have commented that the gardens should face south and west where possible in that as proposed the gardens would be overshadowed, with the hardstandings having the most favoured positions.

It is correct that a number of the gardens will experience some overshadowing in places, however the site is proposed to be developed at a very low density, and as a consequence the gardens are in general quite large, giving residents flexibility as to how they use their gardens. The majority of the plots have front gardens of varying sizes,

which in this rural context will be very quiet places, not dominated by traffic. Additionally as the site is accessed from the south, it seems logical to predominantly place private gardens to the rear or side of dwellings so that the houses can front onto and properly define the public / shared spaces within the development, which the development does well. Whilst the layout could be amended to reduce the overshadowing of gardens, it is not clear how this could be achieved without giving rise to other adverse consequences in terms achieving an acceptable layout. It is not considered that the layout is unacceptably flawed in this respect, or that the refusal of the application could be justified on these grounds.

Criticisms have also been made that the dwellings are formulaic in appearance and don't relate to the local building style. The application is accompanied by a detailed design and access statement. Essentially this characterises the site's long thin shape as anomalous in the context of the grain and pattern in Pipehouse Lane which has the form of a linear cluster of dwellings primarily addressing Pipehouse Lane itself. With the support of the Council's urban design officer the scheme has been designed with dwellings on the southern part of the addressing the lane where possible, with the remainder having a more rural character with dwellings appearing as individual properties within a rural landscape, rather than having the appearance of a suburban street. As a consequence, in general the approach appears to be design those dwellings which will be prominent from Pipehouse Lane (plots 1 - 4, 6 & 7) in a contextual manner (as rural cottages) with a freer hand taken to the design of less prominent dwellings. Urban design and Planning officers consider this approach to be acceptable.

Officers note the aspiration to achieve Code for Sustainable Homes level 5 as set out in the draft Neighbourhood Plan, however this exceeds the requirements set out in the Adopted Core Strategy policy (CP2) which does not require a specific Code level. The application confirms that 35% of the new homes would be designed to achieve Code for Sustainable Homes Level 3. The proposals would also utilise a Sustainable Urban Drainage System, would seek to utilise local materials where possible.

LANDSCAPING

Concerns have been raised about the success of the wildflower margins on the bellmouth to the site and about a landscaped strip along the side of plot 7. With the low overall number of dwellings proposed in the scheme, the very low traffic levels on Pipehouse Lane and the informal rural character of the hamlet, it seems highly likely that these areas will be adopted and maintained by the owners of the adjoining properties, as has happened with the road margins elsewhere in Pipehouse Lane. If these areas are not maintained by residents, it is likely that they would be colonised by hedgerow plants in a similar manner to other areas of road margin in Pipehouse Lane. Given the informal, rural nature of Pipehouse Lane and the proposed development, either eventuality would be acceptable.

A condition of the consent would be to provide a full landscaping scheme.

CRIME AND SECURITY

The police have raised concerns about the detail of boundary treatments. Officers agree with the majority of the comments, which require 1.8 - 2.0 metre high boundary walls to

rear gardens and which can be resolved through planning conditions. The recommendations include however requirements for street lighting to the access road and parking areas and the inclusion of anti-graffiti paint to the side boundary wall of plot 7 which is described as being exposed and poorly overlooked.

In a more urban context, such measures would be clearly appropriate, but the context of the site and this part of the AONB is distinctly rural. The lack of street lighting along Pipehouse Lane is an essential part of this character and the inclusion of conventional street lighting would be harmful and inappropriate. In any case the size of the development is such that residents would likely to be known to one another and there would be a degree of overlooking of the access road through the site from all of the dwellings fronting onto it. From the same perspective the inclusion of anti-graffiti paint to the side boundary wall of unit 7 is not considered to be necessary.

PLANNING OBLIGATIONS

As detailed in the Consultation responses, the development would need to be subject to a planning obligation securing contributions towards education provision, the delivery of the affordable housing, contributions towards the provision of Formal Green Space and Allotments and the provision of the Public Right of Way.

CONCLUSIONS

The proposed development would have no greater impact on the openness of the Green Belt than the existing buildings on the site. The development would have a substantial positive impact on the character and appearance of the site and the Character of the Area of Outstanding Natural Beauty, would remove a non-conforming use from a residential area and would secure the provision of needed Affordable Housing in Freshford. The proposals are considered to be sympathetic in terms of their design and materials to their context.

Whilst facilities are well provided in Freshford, there are reservations about the sustainability of the site, due to their distance from the site and the lack of pedestrian infrastructure. However given the established B8 use on the site and the other material benefits resulting from the development listed above, officers consider the proposals to be acceptable, subject to the completion of a Section 106 agreement.

RECOMMENDATION

Authorise the Divisional Director, Development to PERMIT subject to condition(s)

CONDITIONS

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

Transport and Accessibility

1. The provision in perpetuity of a public footpath to provide a traffic free pedestrian route from the site to the junction of Pipehouse Lane and Warminster Road and

contributions of £19,000 to fund any associated admin costs and construction costs, any unused funds to be returned to the developer.

Affordable Housing

2. The provision, on site of 40% Affordable Housing

Open Space and Recreational Facilities

3. Contributions £17,769.96 being provided towards the enhancement of existing Formal green space provision and the provision and construction of Allotments.

Education

4. Contributions of £34,029.88 being secured to provide primary age places and youth provision.

Protection of boundary hedgerows

5. The applicant and subsequent house owners backing onto the eastern hedge boundary, northern shall commit:

a. To not cut back the hedgerow on the 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 2.5 metres nor the width of it below 5 metres.

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 Group Manager to PERMIT subject to the following conditions (or such conditions as may be appropriate):

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 An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning

Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

* human health,

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

* adjoining land,

* groundwaters and surface waters,

* ecological systems,

* archaeological sites and ancient monuments;

(iii) (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: In order to ensure that there are no unacceptable risks in relation to contamination and that the land is suitable for the intended use and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 11 of the National Planning Policy Framework.

3 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: In order to ensure that there are no unacceptable risks in relation to contamination and that the land is suitable for the intended use and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 11 of the National Planning Policy Framework.

4 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: In order to ensure that there are no unacceptable risks in relation to contamination and that the land is suitable for the intended use and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 11 of the National Planning Policy Framework.

5 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 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, 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 3.

Reason: In order to ensure that there are no unacceptable risks in relation to contamination and that the land is suitable for the intended use and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 11 of the National Planning Policy Framework.

6 No development shall take place until full details of a Wildlife Protection and Enhancement

Scheme have been submitted to and approved in writing by the local planning authority. These details shall include:

- (i) Method statement for precautionary measures to avoid harm to reptiles, nesting birds, small mammals and other wildlife during site clearance and construction work
- (ii) Details of any proposed new external lighting demonstrating that it is wildlife-friendly and demonstrating dark corridors at the vegetated site boundaries
- (iii) Details and findings of pre-commencement checks at the site including precommencement checks for badger activity
- (iv) Details of soft landscaping to incorporate native planting, to include details with specifications, locations and numbers of all habitat features including bird and bat boxes and all other measures to enhance the scheme for wildlife as set out in the approved Ecological Impact Assessment dated March 2014

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 and replace habitat for wildlife and protected species

7 No demolition, site preparation or development shall take place until an arboricultural method statement (AMS) and tree protection plan identifying measures to protect the trees to be retained has been submitted to and approved in writing by the Local Planning Authority and details within the approved document implemented as appropriate. The AMS shall include proposed tree protection measures during site preparation (including clearance and level changes), during construction and landscaping operations. The AMS should also take into account the control of potentially harmful operations such as the

position of service runs, storage, handling and mixing of materials on site, burning, and movement of people and machinery. It shall include site supervision, completion certificates and the appointment of an arboricultural consultant.

Reason: To ensure that no excavation, tipping, burning, storing of materials or any other activity takes place which would adversely affect the trees to be retained.

8 No development shall commence on site until a soft landscape scheme has been first submitted to and approved in writing by the Local Planning Authority showing details of all trees, hedgerows and other planting to be retained; finished ground levels; a tree planting specification to include numbers, density, size, species and positions and a programme of implementation.

Reason: To mitigate the loss of trees for the development. In the interests of the appearance of the development and the surrounding area.

9 All 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.

10 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 or enlargement of dwellings 5, 6 and 10 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 adjoining retained trees.

11 Prior to the commencement of the development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include hours of operation, details of the management of deliveries (including unloading and storage arrangements and timing of deliveries), contractor parking, traffic management and wheel washes. The development shall be carried out in full accordance with the agreed construction management plan.

Reason: To minimise disruption to Pipehouse Lane (which is a no through road), ensure the safe operation of the highway and protect the amenity of surrounding residents.

12 Prior to the commencement of development details shall be submitted to and agreed of cycle parking provision for plots 1 - 4. These areas shall be secure, sheltered and shall not be used other than for the parking of cycles in connection with the development hereby

permitted, and shall be provided prior to the first occupation of the development and thereafter retained.

Reason: In the interests of sustainable development.

13 Sample panels of all the external materials and finishes and demonstrating coursing, jointing and pointing to the masonry and all hard paved surfaces (including roads and footpaths) are to be erected on site and shall be approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The development shall be completed in full accordance with the approved details and sample panels and the Sample Panels shall be retained on site until the development is complete. For the avoidance of doubt the boundary walls fronting onto Pipehouse Lane (plots 1 - 5) shall be constructed as natural dry stone walls.

Reason: To ensure that the external appearance of the development is satisfactory in order to protect the character and appearance of the Area of Outstanding Natural Beauty.

14 Prior to the commencement of development Infiltration test results and soakaway design calculations to BRE Digest 365 standard and drawings of the proposed soakaway designs should be submitted to and approved by the local planning authority. Should infiltration test results prove that soakways are not a viable way to discharge surface water then an alternative drainage strategy should be submitted to and approved by this office. The drainage should be constructed in full accordance with the details agreed.

Reason: To ensure the proposed soakaways are adequate to accept surface water discharges from the development in the interests of flood risk management and highway safety

15 Prior to their construction a full schedule of proposed boundary walls shall be submitted to and approved in writing by the local planning authority, detailing their height and construction. The development shall thereafter be carried out in accordance with the agreed details, prior to the first occupation of the dwellings.

Reason: To ensure the development is satisfactory in appearance and to ensure the security of the properties.

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

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

PLANS LIST:

1 This decision relates to drawing no's

- Drawing 03989 TCP 29.05.2013 TREE SURVEY
- DRAWING 1402-PL01 SITE LOCATION PLAN
- Drawing 1243-CL02 REV A EXISTING WAREHOUSE BUILDING
- Drawing 1243-CL03 EXISTING WAREHOUSE BUILDING
- Drawing 1402-PL02 REV A CONTEXT PLAN

- Drawing 1402-PL03 REV B BLOCK PLAN
- PROPOSED REVISED SITE LAYOUT - Drawing 402-PL04 REV F
- Drawing 1402-PL05 REV A SITE CROSS SECTION & STREET SCENE
- PROPOSED GROUND FLOOR PLAN - PLOTS 1-4- DRAWING 1402-PL06 REV B
- PROPOSED FIRST FLOOR PLAN PLOTS 1-4- Drawing 1402-PL07 REV B
- PLOTS 1-4 ROOF PLANS DRAWING 1402-PL08 REV A
- PROPOSED FRONT ELEVATION - PLOTS 1-4 Drawing 1402-PL09 REV A
- PROPOSED REAR ELEVATION - PLOTS 1-4 Drawing 1402-PL10 REV A
- PROPOSED GROUND AND FIRST FLOOR PLANS - PLOT 5 - Drawing 1402-PL11 REV B
- PLOT 5 ROOF PLAN - Drawing 1402-PL12 REV A
- PROPOSED ELEVATIONS - PLOT 5 Drawing 1402-PL13 SHEET 1
- PROPOSED ELEVATIONS - PLOT 5 Drawing 1402-PL14 REV B - SHEET 2
- PROPOSED GROUND FLOOR PLANS - PLOTS 6 AND 7 - AMENDED PLAN - 1402-PL15 REV B PLOTS 6
- PROPOSED FIRST FLOOR PLANS - PLOTS 6 AND 7 - Drawing 1402-PL16 REV B
- PROPOSED ROOF PLAN - PLOTS 6 AND 7 - Drawing 1402-PL17 REV B
- PROPOSED ELEVATIONS SHEET 1 - PLOTS 6 AND 7 - Drawing 1402-PL18 REV C
- Drawing 1402-PL20 REV A PLOT 8 GROUND AND FIRST FLOOR PLANS
- Drawing 1402-PL21 PLOT 8 ROOF PLAN
- Drawing 1402-PL22 REV A PLOT 8 ELEVATIONS SHEET 1
- Drawing 1402-PL23 PLOT 8 ELEVATIONS SHEET 2
- Drawing 1402-PL24 PLOT 9 GROUND AND FIRST FLOOR PLANS
- Drawing 1402-PL25 REV A PLOT 9 ROOF PLAN
- Drawing 1402-PL26 REV B PLOT 9 ELEVATIONS SHEET 1
- Drawing 1402-PL27 PLOT 9 ELEVATIONS SHEET 2
- Drawing 1402-PL28 REV A PLOT 10 GROUND AND FIRST FLOOR PLANS
- Drawing 1402-PL29 REV A PLOT 10 ROOF PLAN
- Drawing 1402-PL30 REV A PLOT 10 ELEVATIONS SHEET 1
- Drawing 1402-PL31 PLOT 10 ELEVATIONS SHEET 2
- Drawing 1402-PL32 COVERED CAR PARKING
- Drawing 1402-PL33 SITE CROSS SECTION
- PROPOSED ELEVATIONS SHEET 2 - PLOTS 6 AND 7 - Drawing 1402-PL19 REV A
- REVISED TRACKING DIAGRAM SHOWING REFUSE VEHICLES - Drawing 2014 0493-001 REV B
- ECOLOGICAL IMPACT ASSESSMENT
- LANDSCAPE AND VISUAL IMPACT APPRAISAL
- SUSTAINABLE CONSTRUCTION CHECKLIST

- TRANSPORT STATEMENT
- Drawing 03 Apr 2014 1402-PL06 REV A SUPERSEDED - PLOTS 1-4 GROUND FLOOR PLAN...
- ARCHAEOLOGICAL DESK BASED ASSESSMENT
- GROUND CONDITIONS DESK STUDY
- PLANNING STATEMENT
- TREE SURVEY DATA SHEETS
- DRAWING 12/3971 TOPOGRAPHICAL SURVEY

2 Decision Taking Statement

The Council has worked proactively and positively with the applicants by negotiating to resolve outstanding issues prior to determining the application within an agreed timescale.

3

Code of Practice during construction

- No materials arising from the demolition of any existing structures, the construction of new buildings nor any material from incidental and landscaping works shall be burnt on the site.
- The developer shall comply with the BRE Code of Practice to control dust from construction and demolition activities (ISBN No. 1860816126). The requirements of the Code shall apply to all work on the site, access roads and adjacent roads.
- The requirements of the Council's Code of Practice to Control noise from construction sites shall be fully complied with during demolition and construction of the new buildings

4 Informative in respect of condition 14 - Soakaway design

The tests required in respect of condition 14 are to confirm the viability of soakaways (and appropriate sizing). The Council's Flood Drainage team support the proposal to size soakaways to accommodate the 1in100 yr (+30%) rainfall events. The roof areas of the proposed plots are larger than 100m². Building regulations Part H, section 3 (3.30) specifies that soakaways serving an area of this size or greater should be built in accordance with BS EN 752-4 (paragraph 3.36) or BRE Digest 365 soakaway design. In particular the soakaway design should allow for future maintenance.