

# Bath & North East Somerset Council

MEETING:	<b>Development Management Committee</b>	AGENDA ITEM NUMBER	
MEETING DATE:	<b>13th January 2016</b>		
RESPONSIBLE OFFICER:	Mark Reynolds – Group Manager (Development Management) (Telephone: 01225 477079)		
TITLE:	<b>APPLICATIONS FOR PLANNING PERMISSION</b>		
WARDS:	ALL		
BACKGROUND PAPERS:			
<b>AN OPEN PUBLIC ITEM</b>			

## 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.

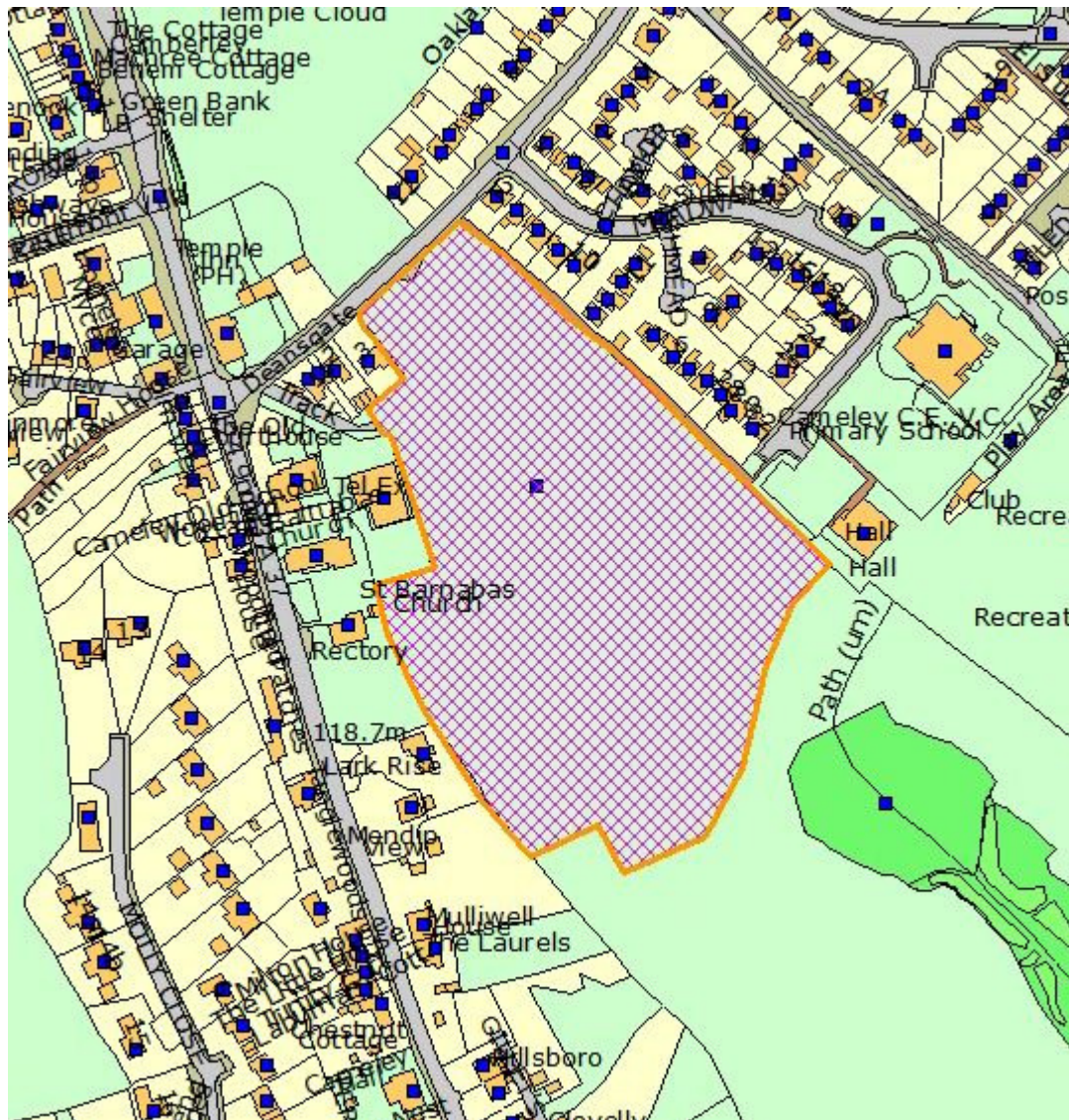
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting 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.

## INDEX

ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	15/04215/RES 12 February 2016	Barratt Homes Bristol Parcel 3300, Temple Inn Lane, Temple Cloud, Bristol, Approval of reserved matters with regard to outline application 13/03562/OUT allowed on appeal on 19.08.2015 for 70 dwellings and associated roads, drainage, landscaping, open space, parking, layout, scale and appearance.	Mendip	Chris Gomm	PERMIT

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

**Item No:** 01  
**Application No:** 15/04215/RES  
**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:** PI Permission (Approval/Reserved Matters)

**Proposal:** Approval of reserved matters with regard to outline application 13/03562/OUT allowed on appeal on 19.08.2015 for 70 dwellings and associated roads, drainage, landscaping, open space, parking, layout, scale and appearance.

<b>Constraints:</b>	Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenfield site, Housing Development Boundary, Public Right of Way, SSSI - Impact Risk Zones, Tree Preservation Order,
<b>Applicant:</b>	Barratt Homes Bristol
<b>Expiry Date:</b>	12th February 2016
<b>Case Officer:</b>	Chris Gomm

## REPORT

This application was discussed at the previous meeting of the committee; members resolved to defer the application for one month so that negotiations could continue in relation to the Landscape Management Plan. Discussions have continued between the Council and the applicant but at the time of writing these discussions are yet to be concluded. It is expected that officers will be in a position to fully update members at the February meeting.

An outline planning application (Ref: 13/03562/OUT) seeking consent for approximately 70 dwellings on the site was submitted to the Council in August 2013; all matters with the exception of the means of access were reserved for approval at a later date.

The application was reported to the March 2014 meeting of the Planning Committee (having been deferred from the February meeting for a members site visit) when it was resolved to permit the application. The application was subsequently returned to committee for reconsideration in September 2014 due to the intervening adoption of the Core Strategy. The application was duly refused by the Planning Committee, contrary to the officer's recommendation, on the grounds that the development was unacceptable in principle and due to highway safety concerns. A subsequent appeal against the Council's decision to refuse the application was successful and outline planning permission was granted by the Planning Inspectorate in August 2015. An award of costs was also made against the Council.

Members should note that the Unilateral Undertaking agreed in connection with the outline planning permission secures the following matters: 33% affordable housing (of which 70% are to be social rented and 30% shared ownership); financial contributions towards highway works; the provision and maintenance of on-site open space; the provision of a footpath link and a financial contribution towards the provision of a footpath link (£25,000); protection of the northern hedgerow on the land.

Approval is now sought for the matters reserved by the outline permission (layout, scale, appearance and landscaping). As mentioned the means of access/egress to/from the site formed part of the outline application and as such is already consented.

The site itself is currently an area of open agricultural land which separates two parts of the village. To the east is late twentieth century housing development in Ash Mead and Mead Way. To west is a mix of generally residential development on Temple Inn Lane and the A37 itself.

History

AP - 14/00096/RF - ALLOW - 19 August 2015 - 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)

DC - 13/03562/OUT - RF - 11 September 2014 - 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)

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Please note that the application as first submitted sought to discharge of a number of the conditions on the outline permission as well as obtain reserved matters approval for the detail of the scheme. A number of the consultation responses reflect this and comments have been received in relation to the outline conditions. The application has now been amended and permission is now solely sought for the approval of the reserved matters; the outline conditions are to be dealt with separately. Members therefore should concentrate on consultees comments where they relate to the merits of the reserved matters scheme rather than the outline conditions - which as stated no longer form part of the application.

Camely Parish Council (following submission of amended plans): Objection:

1. Management Company to oversee the open spaces.

We feel this is inappropriate in a village where there is an active community and specifically a robust Parish Council who are more than willing to manage these spaces on behalf of the whole community. We fear a Them and Us situation and consider this proposal to be anti-democratic and just plain wrong.

2. The width of the road at the Southern end of the estate.

We have previously highlighted, at 4.1 metres there is insufficient room for large vehicles to navigate. We remain of the opinion that this has not been adequately addressed.

We have pointed out refuge and more worryingly, fire engines could not safely reach the south eastern area with other traffic present.

3. North eastern boundary hedge.

Whilst supporting the decision to retain a tree along the north eastern boundary, the other proposals go no way near addressing the points made by Parish Council and Residents alike and already transmitted to you. In particular, the frankly inadequate arrangements for the maintenance of the mature hedgerow. We have requested a much wider column be created to enable a tractor to maintain the hedge to the standard and quality we now have. Nothing less would be acceptable.

Camely Parish Council (initial consultation response): Objection

Highways/infrastructure

Road Width -The width of the highway within this development is too narrow at 4.8 and 4.1 metres respectively. The Manual for Streets 2007 (Fig 7.1) clearly illustrates that this is too narrow for a fire engine to pass more than a bicycle width in the event of an emergency. The design of the estate does not allow access for a fire engine or ambulance to negotiate

the 90 degree turns of the road system, or to enable these vehicles to reach the far end of the estate. The same manual recommends that to accommodate waste collection vehicles, streets should be a minimum width of 5 metres (Reference 6.8.7). The proposed width is also not wide enough to allow livestock transport to the remaining field as Barratts have advised that this will still be used for grazing. There is also no access onto the field for the livestock.

Access onto Temple Inn Lane - The original plans showed one vehicular access from the estate onto Temple Inn Lane. The detailed plans show 3 houses built onto Temple Inn Lane with driveways directly onto this road. This will create a "bottle neck" as vehicles exit their driveways, the new road and new driveways that will be built on the opposite side of Temple Inn Lane as the public house will shortly be renovated. A37/Temple Inn Lane - There appears to be no details on the Construction Management Plan that take into account the hazards for large vehicles using this junction.

## Design

Site Density - Contrary to the written public Q and A, the density of the housing is not similar to the existing developments and is therefore not in keeping with other housing within the village. The Meadway development which runs parallel with the site and takes up the same amount of land has only 48 dwellings. The outline planning application submitted by GL Hearn (Planning Statement Paragraph 6.24 dated 19/08/2013) states that the distance from the new build housing to existing residents will be a minimum of 25 metres. The detailed plans show a distance of 21 metres on the North East Boundary and 13 metres to one of the existing houses on Temple Inn Lane. The density is also contrary to the comments made in 1d in the Building for Life Assessment dated September 2015 which states that the development will allow for appropriate offsets respecting adjoining housing.

Clustering - The design does not meet BANES policy of "non-clustering" housing types. There are three distinct areas that do not have affordable housing. There is one area of affordable housing that backs onto a development of detached housing which is not in keeping with the local area. The affordable housing should be more evenly distributed throughout the development.

Parking - Parking spaces 11-15 shows no room for manoeuvring vehicles. It can also be stated that the design of these parking spaces is contrary to 10c in Building for Life Assessment and is too large a parking court for the size of the development. Landscaping

Hedgerow - Present maintenance of the hedgerow along the North East boundary of development is currently done using a vehicle. This hedgerow is to be retained; however the present design will not enable present maintenance methods to be continued. There is also concern that Barratts will remove trees on the edge of the development from land that they do not own.

Grow Patches - With no running water or parking near to the grow patches, there is concern that these will not be allocated throughout the village, but only to residents on the new estate. This will create division in the village.

## Open Space

Play area - The development includes an area of open space which incorporates a play area. There is no need for this as the development is surrounded by open fields and the present play area is only 500 metres away. It would be better use of this space to allow dwellings to be built further apart.

Management -There is no coherent policy associated with the development in how any open space (including "grow patches") will be administered. The original idea of a Management company involving residents will subject them to Company Law as directors. The management plan now put forward is not coherent and with no clear ownership of the "grow patches" this will duplicate some roles of both BANES and the Parish Council. It is the opinion of the Parish Council that any public open space should be owned and managed by them as a benefit to the whole community.

## Housing

Social/Affordable Housing -Temple Cloud already has 90 social housing units within the village. BANES has stated that the village is not a social housing priority, what is needed is "affordable to buy" low cost housing.

Bungalows - Residents within Temple Cloud have expressed a need for bungalows within the village, rather than 2 storey houses.

## Site Layout

Parking - Temple Cloud has a high car ownership rate; the vast majority of residents use their own transport. There is severe concern that parking allocated within the development is insufficient. The Manual for Streets 2007 highlights CABE research stating the level of parking in new developments is often inadequate and unrealistic for residents and visitor demand.

## Local Employment

One of the conditions for granting outline planning permission was that a scheme of local employment was implemented. There is no mention of this in the submitted detailed plans.

## Management Company

With the proposed formation of a management company (Landscape Management Plan September 2015) to oversee the maintenance of the development for the first 5 years, the Parish Council is of the opinion that this will create a divide, separating this development from the rest of the village. This planning application has been extremely contentious and there is concern that this will not encourage new residents to integrate themselves into the rest of the village. There is also no mention of what will happen at the end of the 5 year period. If it is expected that the Parish Council take responsibility this needs to be made clear, so that appropriate finances can be allocated.

Cameley Parish Council trusts that these comments will be taken on board and acted on as appropriate.



High Littleton Parish Council: We (the High Littleton Parish Council) are very disappointed with the view of increase of traffic coming into our parish

Clutton Parish Council: Comment:

Clutton Parish Council discussed this application at its October meeting and agreed that as this development site is outside of the Parish, there was no need to comment on many of the details within the application. However the Parish Council would like to request that the traffic management plan be further tightened to include deliveries and waste collections and that they should avoid the school run as well as the 'rush hour'. In addition to signs & barriers on the main infrastructure roads, signs are also requested to prevent access for any construction vehicles through Clutton and Marsh Lane.

Senior Arboricultural Officer: Comments: The application is now acceptable subject to conditions securing a satisfactory Tree Protection Plan and Arboricultural Method Statement.

Parks Department:

The minimum of 0.48ha of public space is to be provided by the proposed development. The submitted Landscape Management Plan (the submission of which is a requirement of the outline planning permission - Unilateral Undertaking) is generic and does not provide a funding mechanism for the management and maintenance of the public open space in perpetuity. In addition proposals for the LAP (equipment etc.) has not been submitted

Highways Department: No objection. Suggest condition ensuring car parking is retained for that use only.

Waste Services:

There are concerns in relation to the access road in the south of the development (which loops around plots 30-40). The refuse vehicle would be unable to reverse safely around the corners if it is unable to pass a vehicle coming in the opposite direction. Waste collection points in relation to Plots 44-52 must be clarified; if a turning space is not feasible an allocated communal collection point will be necessary - further information is required.

Housing Department:

The Unilateral Undertaking agreed at the outline stage requires 33% affordable housing; this reserved matters proposal maintains that contribution. Similarly the proposed affordable housing mix proposed is as per the agreed Unilateral Undertaking. The Unilateral Undertaking requires certificates of Design Standards for Lifetime Homes and Wheelchair User dwellings to be submitted as part of the first reserved matters submission; these certifications have not been submitted. The car parking attributed to the affordable dwellings is not tenure blind or Secure by Design. Housing services are unable to support the application until the aforementioned certifications have been provided.

Landscape Architect:

The long term protection of the boundary hedgerow is the key issue. Larger trees should be planted where room allows. There is a need to have legacy trees in the right locations. A number of tweaks are suggested to the submitted landscape plan.



Senior Archaeological Officer:

No objection but the applicant is reminded of their obligations under Conditions 5, 6 and 7 of the outline planning permission.

Drainage and Flooding Team:

Conditions 8 and 9 of the outline permission are satisfied.

Avon and Somerset Police: No objection but comments:

Blank gable end walls should be avoided. The parking spaces between buildings are more vulnerable to crime, theft, damage and potentially personal safety. Vulnerable areas should have defensive barriers. Public rights of way should be lit.

Environmental Health: No objection and no objection to the discharge of outline Condition 17 (Construction Management Plan)

Economic Development: Recommend that the application be approved.

15 letters of objection have been received objecting to the application on the following grounds:

- This development could generate in excess of 100 additional vehicles;
- Temple Lane Inn has become increasingly busy in recent years;
- There are no facilities in Temple Cloud to accommodate new residents;
- The developers at nearby Paulton are struggling to sell their houses;
- The development is too big and is double the size of Meadway;
- The inspector allowed the development on the basis of the plans in front of him; the current plans are significantly different;
- The original plans had relatively wide separation distances between the proposed houses and Meadway, this allowed light into back gardens and some kind of rural aspect;
- The new proposal has double the density of the existing dwellings;
- Permission was granted for approximately 70 dwellings, why therefore can the number not be reduced;
- A development of nearer 50 dwellings would be far more in keeping;
- The site together with the Temple Inn site over the road will result in circa 80 new dwellings in the village;
- This proposal is for a village within a village;
- There should only be one new entrance to Temple Inn Lane
- What happens after 5 years of management, the open spaces should be gifted to the Parish Council;
- The development is visual dominating and overbearing. The 25m minimum separation distance has not been achieved;
- Overlooking and loss of loss of privacy will result contrary to Local Plan Policy D.2.;
- There will be a loss in standard of living
- Terraced housing and 2.5 storey buildings will not be in keeping with the village;
- Placing terraces adjacent to existing properties will have an adverse impact, the original plan placed these near the village hall;
- There is nothing wrong with the tree (shown as to be felled), it should be retained.

- If the affordable housing is constructed of red brick it will be out of keeping with its surroundings;
- The affordable housing is clustered in groups of eight but it should be pepper potted;
- The social housing is in multiple clusters of the maximum permitted to circumvent local policy;
- o The proposed hit and miss fencing will only enable occupiers to maintain their side of the fence, both sides of the hedge are currently cut by the farmer;
- There should be a buffer between the hedge and the rear of the new properties;
- Barratt's are segregating certain house types and thus creating two separate communities;
- Temple Cloud already has a high amount of social housing, there should instead be more intermediate housing;
- Barratt Homes have no intention of changing the layout. It has been designed purely with profit in mind;
- One of the proposed houses is just 13 metres from an existing dwelling on Temple Inn Lane;
- The layout includes some 90 degree turns which will hamper refuse vehicles, fire engines etc;
- The maintenance company will cause confusion, it's not clear who will be involved in maintenance;
- The Temple Inn is due to be renovated shortly, this will have traffic implications;
- How will home deliveries and extra vehicles be dealt with;
- The plans are inaccurate as a number of existing properties have been extended
- The growing plots/allotments should be available for all members of the public, not just the development;

## **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 Core Strategy policies are relevant:

- Policy DW1: District Wide Spatial Strategy
- Policy RA1: Development in the villages meeting the listed criteria
- Policy SD1: Presumption in favour of sustainable development
- Policy CP2: Sustainable construction
- Policy CP6: Environmental Quality
- Policy CP7: Green Infrastructure
- Policy CP9: Affordable Housing
- Policy CP10: Housing Mix

- Policy CP13: Infrastructure provision

The B&NES Local Plan policies that are replaced by policies in the Core Strategy are outlined in Appendix 1 of the Core Strategy. Those B&NES Local Plan policies that are not replaced and remain saved are listed in Appendix 2 of the Core Strategy.

The following saved Local Plan Policies are relevant:

- Policy D.2: General design
- Policy D.4: Townscape considerations
- Policy SR.9: Protection of recreational routes
- Policy ES.2: Energy conservation
- Policy ES.5: Foul and surface water drainage
- Policy HG.7: Minimum residential density
- Policy NE.1: Landscape character
- Policy NE.4: Trees and woodland conservation
- Policy NE.5: Forest of Avon
- Policy BH12: Important archaeological remains
- Policy T.1: Overarching access policy
- Policy T.6: Cycle parking
- Policy T.17: Rural areas traffic management
- Policy T.25: Transport assessments and travel plans
- Policy T.26: On-site parking and servicing provision

At the Council's Cabinet meeting on 2nd December 2015 the draft Placemaking Plan was approved for consultation purposes and also approved for Development Management purposes. However, currently the Plan has limited weight in the determination of planning applications

#### National Policy

The National Planning Policy Framework adopted March 2012  
National Planning Practice Guidance 2014

#### **OFFICER ASSESSMENT**

The principle of residential development on this site (of approximately 70 units) is established by the outline planning permission which was allowed on appeal; matters of principle therefore cannot now be revisited. As stated this reserved matters application seeks approval for the detailed matters not considered at the outline stage; these reserved matters and the issues relating to them are explored in turn below.

#### Design and Layout

The development takes the form of a central cul-de-sac centred around a 'square', there are also a number of spurs providing access to small courts and groupings of houses. A strong street frontage is to be provided to Temple Inn Lane across the roadside boundary of the site, this will infill the current gap in the street frontage and is to be welcomed. The square is to incorporate a Local Area of Play (LAP) and the gently sloping land to the

western side of the site will be an open area dedicated to 'grow patches'; both of these areas will be offered for adoption.

In general terms the lower density part of the development, which takes the form of detached houses with relatively large gardens, forms the southern part of the development adjoining farmland, whereas the higher density semi-detached and terraced properties form the northern and eastern parts of the development adjoining the existing built form (i.e. Temple Inn Lane, Meadway, Ashmead and ribbon development on the A37). This approach provides an appropriate transition between the village and countryside and is a sensible way in which to develop the site.

It should be noted that the general density of the site as a whole is somewhat fixed as the extent of the application site and the approximate number of dwellings within it are prescribed by the outline permission. The proposed layout of the development is undeniably suburban in character but it respects the character of the existing suburban development in Meadway and Ashmead which immediately adjoins the application site. A number of local residents have raised concerns that the proposed layout is different, and indeed inferior, to that agreed as part of the outline permission. These concerns are noted but the layout drawings associated with the outline permission were illustrative only and did not form part of that permission; the scheme's proposed layout, as stated, is a reserved matter.

Architecturally the individual house types are conventional but it is evident that a degree of effort has been made to introduce a good level of variety whilst conforming with local styles. In respect of external materials, Temple Cloud is a village characterised by mainly natural stone, some render and red brickwork detailing. The proposed materials palette comprises reconstituted stone or render and in most cases brickwork detailing; these materials accord with the vernacular character of the village. The proposed scheme is considered to be in accordance with saved policies D2 and D4 of the BANES Local Plan.

### Public Open Space

The Parks and Green Spaces Team have raised no objection to the quantum and nature of the proposed public open space (POS). A minimum of 0.48 ha of POS is required on a development of this nature and the submitted drawings demonstrate that this has been complied with.

The Unilateral Undertaking (UU) agreed as part of the outline planning permission requires the submission of a Landscape Scheme Management Plan (LSMP) as part of the first reserved matters application i.e. this application. A LSMP has been submitted with this application and discussions are currently underway between the applicant's and the Parks Team as to its content - particularly the future funding arrangements. These discussions are not yet concluded however it should be noted that whilst the UU requires the submission of LSMP with the reserved matters application, it does not require the LSMP to be approved/agreed as part of the reserved matters application. As such the discussions regarding the LSMP can be ongoing and this does not preclude the granting of the reserved matters; the UU instead requires the LSMP to be agreed prior to commencement of development.

### Public Right of Way

A Public Right of Way crosses the site from north-west to south-east connecting the central part of the village with the countryside to the east. The proposed layout respects this long-established pedestrian route; pedestrians will continue to be able to cross the site by means of a combination of segregated footways and by using the public highway. The Rights of Way Team have raised no objections to the proposal (no response has been received); they were involved comprehensively in pre-application discussions and a Footpath Diversion Order has been applied for.

### Impact on Residential Amenity

The application site is surrounded by existing residential development on its north-east and south-west boundaries and as such there is clearly the potential for the proposed development to have an impact on the amenity of the occupiers of those dwellings. The layout is such that a significant number of the proposed houses are to be positioned such that they back onto the shared boundary with Mead Way and Ashmead; indeed the majority of the objections stem from these addresses.

The distances between the proposed dwellings and the existing dwellings in Meadway and Ashmead are typically between 22-31 metres; this is sufficient to ensure that unacceptable levels of overlooking/loss of privacy does not occur. Similarly such distances will ensure that unacceptable levels of visual domination and loss of light will not occur. In one case the distance between an existing dwelling (no. 8 Ash Mead) and a proposed dwelling measures 15metres however this is a side gable-end elevation and as such the impact will be limited.

A number of the letters of objection refer to a BANES minimum separation distance (dwelling to dwelling) of 25m; the council has no such policy.

The impact of the proposed development on No. 3 Temple Inn Lane warrants particular attention. No.3 is a detached house facing north to Temple Inn Lane; the submitted layout proposes siting Plot 70 immediately alongside side it to the north-east and Plots 64-65 closeby to the rear (south). Plot 64 is approximately 13 metres from the rear elevation of No.3 however it is its side elevation that will face it. This elevation includes a first floor bathroom window, a condition can ensure this window is obscure glazed and top-hung only - no overlooking will therefore occur. Plot 65 is approximately 17m from the main rear elevation of No. 3 (as measured first floor window to window); this distance is considered sufficient to ensure that no unacceptable level of loss of privacy will occur given the oblique angle involved. Plot 70 is to be just 3.5m to the north-east of No.3 however it is its side elevation that will face No.3. This elevation includes a first floor window but given that it is a landing window and given the relationship between the two buildings and the large detached garage in the front garden of No.3 (adjacent to the boundary in question), it is not considered that unacceptable levels of loss of privacy will occur. All of the proposed dwellings are sufficiently distant from No.3 to ensure that, on balance, no unacceptable loss of light or visual domination will occur.

There is no question that the outlook from the properties in Mead Way, Ashmead and other properties in Temple Inn Lane will be radically and fundamentally changed by the development. Views from upper floor windows across open fields to the Mendips beyond will be replaced by views of housing development. Be that as it may, members will note

that the loss of or change to a private view is not a material planning consideration and in any case the principle of housing development on this site is already established by the outline permission and thus so too is an inevitable change to the view.

### Arboriculture

There are three mature/semi-mature trees (two oaks and a sycamore) situated along the north-eastern boundary of the site which are the subject of Tree Preservation Orders (TPOs); these trees are within the boundary hedgerow. There are also a small number of non-protected trees outside of but close to the application site.

The initially submitted Arboricultural Constraints Report concluded that the protected sycamore tree (T6) is a poor specimen with limited life expectancy and that as such it should be felled. Following concerns being raised by the Council's Senior Arboricultural Officer, who required the retention of this tree on the grounds that there are few trees along this boundary, the applicant now proposes to retain this tree. The Arboricultural Officer requires the submission of a satisfactory Arboricultural Method Statement and Tree Protection Plan but is content for these matters to be deferred to prior to commencement by means of condition.

### Highway and Parking Arrangements

The means of access to the site and the wider impact of approximately 70 additional dwellings on the local highway network has been considered and approved at the outline stage and cannot now be revisited. The Unilateral Undertaking associated with the outline approval secures a financial contribution of £75,000 towards the cost of speed restraint and safety schemes on the A37 to improve the operation of the Temple Inn junction. Also secured is a financial contribution of £10,000 towards the rationalisation of signage at the Temple Inn Lane/A37 junction.

The layout of the proposed estate, its technical adequacy and highway safety issues within the site are matters that are however to be assessed at this reserved matters stage. The highways team initially raised concerns that the proposed highway may be too narrow in certain areas to enable larger vehicles, such as refuse vehicles, to pass on-coming cars. This issue has now been resolved to the highway team's satisfaction through the submission of amended plans. The proposed level of car parking within the estate is considered sufficient to meet the needs of the future occupiers and is generally in accordance with the council's maximum parking standards. There is an over provision of car parking in relation to a small number of units (generally some of the 4 bed units) but given the rural location of the site this is not objectionable. The highways team have no further concerns with the highway aspects of the development, the proposed layout or any highway safety matters. The fine detail of the highway arrangements will be agreed through the S.38 Technical Approval (adoption) process. As such the application accords with saved policies T1, T6, T17, T25 and T26 of the BANES Local Plan.

### Ecological Matters

An ecological survey was submitted with the outline application. That survey found no badger setts within the site although it was evident that badgers traverse the site regularly. There is known to be a large badger sett to the south of the site. The survey found a total

of 15 slow worm along the north eastern boundary and three more along the south western boundary. It was identified that one of the oak trees has moderate potential to be used as a bat roost. No birds were recorded. Ultimately it was concluded that the field was of low conservation value; the north-eastern hedgerow however was deemed to be of high conservation value.

It should be noted that the Unilateral Undertaking (which was submitted as part of the appeal proceedings and which now forms part of the outline planning permission) provides for the protection of the aforementioned high-value hedgerow. The appellant is not able to transfer any plot adjacent to or abutting this hedgerow without covenants being in place that would ensure that the hedgerow is maintained to a suitable height and standard.

It should also be noted that conditions imposed on the outline consent by the Planning Inspectorate adequately mitigate the impact of the development on the aforementioned ecological interests. Outline Condition 3 requires the ecological survey recommendations to be implemented; this includes a requirement for the submission of a plan plotting the alignment of a fence alongside the high-value hedge, this must be submitted prior to commencement and erected prior to first occupation. Outline Condition 4 requires the submission of a Wildlife Protection and Management Scheme which must include, amongst other things, further surveys and details of lighting. Finally Outline Condition 11 requires details of the archway which is to be formed through hedge. A number of these matters have been submitted to the council for consideration and approval, this is a separate process to the current reserved matters application.

The ecologist has expressed concern in relation to the parking courts which are to be situated alongside the aforementioned hedge. The submission is clear that these areas are to be unlight and dark and as such of reduced ecological impact. The ecologist is concerned that there is high potential for these areas to be lit in the future by virtue of their dark, discrete location to the rear of the dwellings. Whilst these concerns are noted the alternative to siting the car parking area to the rear of the dwellings would be to site them forward of the dwellings, this would result in a public realm dominated by car parking which is highly undesirable from an urban design point of view; the lighting of these areas can be restricted by condition.

## Conclusion

The principle of a development of 70 dwellings on this site is established by the outline planning permission allowed on appeal, it cannot now be revisited. Furthermore the proposed means of access forms part of the outline permission and its adequacy (and the wider impact of the development on the highway network) cannot now be reappraised.

This is a reserved matters application and therefore only the detail of the scheme can be considered.

The design and layout of the proposed scheme is acceptable and does not compromise the character or appearance of surrounding development or wider village. An appropriate area of public open space is incorporated into the layout and the existing public right of way through the site is respected. The impact of the development on the amenity of neighbouring residents is acceptable by virtue of the distances involved and the orientation of the buildings in question. Parking provision is appropriate to the nature and



accessibility of the development proposed and the internal highway arrangements will function as required. The impact of the proposed development on the protected trees, important hedgerow and ecology is acceptable and will be further mitigated through appropriate planning conditions.

A number of conditions designed to mitigate the impact of the development were imposed on the outline planning permission and the developer is required to comply with these. It is considered that for the above reasons, and subject to the conditions imposed on the outline planning permission and subject to those conditions suggested below, the development accords with the provisions of the development plan, national planning policy and other material considerations and as such is acceptable. It is recommended that permission be granted.

## **RECOMMENDATION**

PERMIT

## **CONDITIONS**

1 The first floor window in the north-west elevation of Plot 64 hereby approved shall be obscure glazed and if openable, top hung only; it shall remain as such thereafter.

Reason: To protect the privacy of occupiers of nearby dwellings.

2 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no windows shall be installed above ground floor in Plots 64 and 70 hereby approved without the prior written permission of the local planning authority by means of a planning application made for that purpose.

Reason: To protect the privacy of nearby residential property.

3 No development or ground preparation shall take place until an Arboricultural Method Statement or Detailed Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority. The submissions shall incorporate supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and certificates of completion. The submissions shall also take into account the storage, handling and mixing of materials on site, burning, location of site office, service run locations including soakaway locations, provision of hard surfacing within root protection areas, landscaping operations 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. A pre-commencement condition is necessary because initial ground works have the potential to have an adverse impact on trees.

4 No development or other operations shall take place except in complete accordance with the approved tree and landscape protection measures unless otherwise 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 prior to first occupation of any dwelling.

Reason: To ensure that the approved tree protection measures are complied with for the duration of the development.

5 No reconstituted stone walling shall be constructed on site until such time that a sample panel of the proposed reconstituted stone showing the type of stone, size, coursing and pointing has been erected on site and that panel has been approved in writing by the local planning authority. The panel shall be retained on site for the duration of the construction phase and the development shall be undertaken strictly in accordance with it.

Reason: In the interests of visual amenity and for the avoidance of doubt as to the extent of the permission granted.

6 The areas 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.

7 There shall be no artificial lighting of the shared parking areas situated to the rear of Plots 11-15 and forward of Plots 23-26.

Reason: To ensure that these areas remain dark in order to minimise impact on ecological interests.

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

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

## **PLANS LIST:**

1 The following plans are hereby approved:

House Type Booklet: 0529-HTB-ISSU  
Topographical Survey Revision A  
Planning Layout: 0529-102 C  
Street Scene 0529-103 A  
External Works Layout: 0529-104-1 A  
External Work Layout: 0529-104-2 A  
External Works Layout: 0529-104-3 A  
Vehicle Tracking Layout: 0529-105-1 A  
External Detailing: 0529-106 A  
Adoption Plan: 0529-107 B  
Materials Layout: 0529-108 B  
Garages and Car Port: 0529-109-1 A  
Garages and Car Port: 0529-109-2 A  
Timber Cycle Sheds: 0529-110 A

Waste Collection and Storage Plan: 0529-111 A  
Road and Sewer Long Sections: 0529-302-1  
Road and Sewer Long Sections: 0529-302-2 A  
Parking Matrix: 0529-ISSUE 2  
Residential Lighting Layout: 15/ST LTG/TC/L01  
Tree Protection Plan: D28 22 P4  
Soft Landscape Proposals: GL0281 02B  
Standard Gate: SD14-003  
Brick Wall: SD14-004  
Timber Fence: SD14-007  
Country Style Railings: SD14-008  
Close Board Timber Fence: SD14-015\_1800  
Location Plan: 0529-101 B

2 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 a related case officer's report, a positive view of the submitted/revised proposals was taken and consent was granted.