

# Bath & North East Somerset Council

MEETING:	<b>Development Management Committee</b>	AGENDA ITEM NUMBER	
MEETING DATE:	<b>11th January 2017</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.

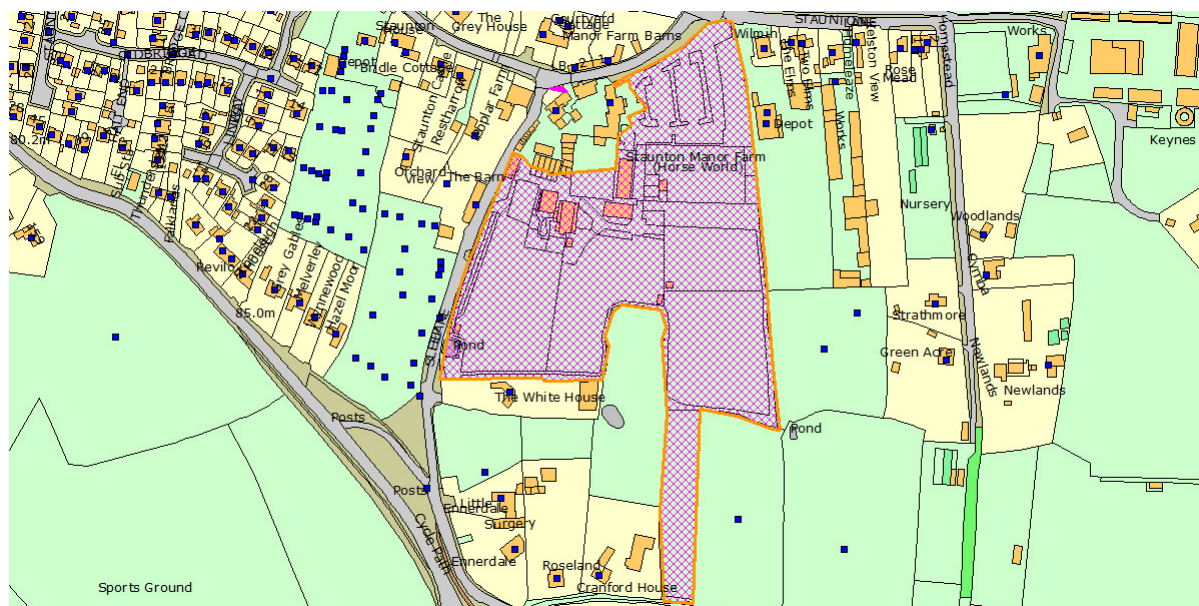
## INDEX

ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	16/04615/FUL 27 January 2017	Bellway Homes Ltd Horseworld, Staunton Lane, Whitchurch, Bristol, Bath And North East Somerset Residential development of 97no dwellings with land reserved for early years provision and alterations to the front boundary wall of Staunton Manor Farm, Staunton Lane, Whitchurch.	Publow And Whitchurch	Rachel Tadman	Delegate to PERMIT
02	16/04629/FUL 16 December 2016	Simon James Homes Kielder, Church Lane, East Harptree, Bristol, Bath And North East Somerset Demolition of existing dwelling and erection of 4no dwelling with associated car parking, gardens and amenity space	Mendip	Tessa Hampden	PERMIT
03	16/02230/FUL 15 July 2016	Mr Andrew Spear 10 Lymore Gardens, Twerton, Bath, Bath And North East Somerset, BA2 1AQ Change of use from a 4 bed dwelling (use class C3) to a 4 bed house of multiple occupation (HMO) (Use class C4)	Westmoreland	Nikki Honan	PERMIT
04	16/05085/FUL 12 December 2016	Mr John Ridgeway 44 St Clement's Road, Keynsham, Bristol, Bath And North East Somerset, BS31 1AF Demolition of existing garage and erection of 1no detached dwelling in its place.	Keynsham South	Nikki Honan	REFUSE
05	14/05836/FUL 30 November 2016	John Sainsbury & Co. Land Rear Of Yearten House, Water Street, East Harptree, Bristol, Erection of 8 dwellings and access.	Mendip	Christine Moorfield	Delegate to PERMIT

06	16/05256/FUL 18 January 2017	Mr Nathan McKenna Avalon House, Fosseway, Dunkerton, Bath, Bath And North East Somerset Erection of wall and feather edged panelling fence between pillars following removal of old fence (Retrospective) (Resubmission)	Bathavon West	Robert Warren	REFUSE
07	16/04535/FUL 20 January 2017	Mr Tiley 33 Parklands, High Littleton, Bristol, Bath And North East Somerset, BS39 6LB Erection of a dwelling following demolition of the outbuilding	High Littleton	Samantha Mason	PERMIT

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

**Item No:** 01  
**Application No:** 16/04615/FUL  
**Site Location:** Horseworld Staunton Lane Whitchurch Bristol Bath And North East Somerset



**Ward:** Publow And Whitchurch      **Parish:** Whitchurch      **LB Grade:** II  
**Ward Members:** Councillor Paul May  
**Application Type:** Full Application  
**Proposal:** Residential development of 97no dwellings with land reserved for early years provision and alterations to the front boundary wall of Staunton Manor Farm, Staunton Lane, Whitchurch.  
**Constraints:** Affordable Housing, Airport Safeguarding Zones, Airport Safeguarding Zones, Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Contaminated Land, Forest of Avon, Sites with Planning Permission, Greenbelt, Housing

	Development Boundary, LLFA - Flood Risk Management, Public Right of Way, SSSI - Impact Risk Zones,
<b>Applicant:</b>	Bellway Homes Ltd
<b>Expiry Date:</b>	27th January 2017
<b>Case Officer:</b>	Rachel Tadman

## REPORT

### REASON FOR REPORTING APPLICATION TO COMMITTEE:

This application forms part of the strategic housing site allocated under Policy RA5 of the Core Strategy and the Masterplan submission and the adjoining application at Lane East of The Mead, Queen Charlton Lane, Whichurch (Ref: 16/02055/FUL) were considered by Development Management Committee. It is therefore considered appropriate for this application to also be considered by Committee at the request of the Development Group Manager.

### DESCRIPTION OF SITE AND APPLICATION:

The site forms part of the strategic development site allocated under Policy RA5 of the Core Strategy but widely known as Horseworld.

The overall Horseworld site is approx 7.65 ha in size and located to the South East of Whichurch and is bound by existing residential development as well as Queen Charlton Lane, Staunton Lane and Sleep Lane. The site includes land associated with the former HorseWorld visitor centre together with adjacent land to the East and South East. At the North Western extent of the site are the historic buildings of Staunton Manor Farm, a Grade II listed building, along with various farm outbuildings. The site also includes an area of industrial units off Staunton Lane at the North Eastern extent of the site.

The site is generally open with relatively few trees but does have a number of hedgerows running across the site. Public Footpath BA26/9 runs through the site from Staunton Lane in a southerly direction and then branches off to the East.

The application under consideration concerns the northern part of the Horseworld site taking in the fields and more modern farm buildings.

The application site is 3.65 ha in size. To the east of the site is an industrial depot, to the west are dwellings on the opposite side of Sleep Lane, to the north is Staunton Lane and the historic buildings forming Staunton Manor Farm and to the south are residential properties as well as the Barratts land. Public Footpath BA26/9 runs through the site along the eastern boundary in a north-south direction.

The proposal is for the erection of 97 dwellings formed with a mixture of 1, 2, 3 and 4 bedroom dwellings. The dwellings are either 2, 2½ or 3 storeys in height. Off street parking is provided as well as visitor parking.

Alterations to realign the curtilage listed front boundary wall of Staunton Manor Farm are also proposed in order to achieve an upgraded pedestrian route to and from Whichurch

village. A new plan showing a revised red line boundary has been submitted to include this element of the scheme.

The site retains the existing hedgerows and trees within the site as far as possible with minor losses to create accesses through the hedges to the Barratt land.

A locally equipped area of play (LEAP) is proposed as well as a rainwater attenuation pond. Allotments are also to be provided.

The site has two primary vehicle accesses, the first off Staunton Lane and the second off Sleep Lane. The development will also comprise off site highway works to Staunton Lane to widen the pavements and install a zebra crossing. Speed surveys are currently being carried out and, depending on the results, works may also be required to slow car speeds when approaching the site from the East by means of a build out and signage.

Access will also be provided from Queen Charlton Lane via the wider Horseworld site once the adjoining Barratts site is developed. For clarity this will mean that cars will be able to pass through the site in a north-south direction although, due to the design of the Queen Charlton Lane junction, they will not be able to turn left at this point through Queen Charlton village itself.

The site includes an area of land safeguarded for the provision of an Early Years Facility to include sufficient outdoor space and parking.

For clarification there are now three applications under consideration for the Horseworld site:

16/04615/FUL - Horseworld, Staunton Lane, Whitchurch. This is the application site and is known as the Bellway site.

16/02055/FUL - Land to the East of The Mead, Queen Charlton Lane, Whitchurch (Development Management Committee considered this application in October 2016 and resolved to delegate to permit). The applicant is Barratts and is known as the Barratts site.

16/03743/FUL and 16/03744/LBA - Horseworld, Staunton Lane, Whitchurch. The applicant is Whitecroft Developments Ltd and comprises the conversion of the six existing heritage farm buildings at Staunton Manor Farm into new dwellings. This site comprises the former visitor centre of Horseworld. This site is known as the Whitecroft site. This application is pending consideration.

The Horseworld site also includes industrial units at the North East where there are no current plans for redevelopment.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Highway Development Officer: No objections subject to the following comments:

Preliminary information to overcome previous objections has been received and on which the following comments have been provided. Further detailed information will be required to agree the final details prior to the granting of planning permission:

- o The re-alignment of Staunton Manor Farm front boundary wall would provide an acceptable pedestrian route into Whitchurch and an acceptable highways layout.
- o The principle of the access location and design onto Staunton Lane is considered acceptable as is the provision of a zebra crossing. However, subject to a speed survey being carried out on Staunton Lane and its results being provided, a 'positive' speed reducing measure to slow westbound vehicles on the approach to the proposed zebra crossing may also be required.
- o The proposed roundabout access from Sleep Lane is acceptable.
- o Internal to the site all other concerns, subject to final details, have been overcome subject to conditions.

Conditions will also be required along with obligations in a S106 agreement.

Arboricultural Officer: No objections subject to conditions and with the following comments:

- o Pollarding of the Willow identified as T45 is acceptable in conjunction with the proposed planting of an Alder nearby.
- o Further information regarding the Ash tree to the rear of plot 44 has been provided which is acceptable.
- o The illustrative Early Years layout provides some confidence that tree planting should be possible around the boundary.
- o Planting proposals should include reinforcement and gap planting along the eastern boundary, referred to in previous comments.
- o The Urban Design comments made relating to street planting have been noted.
- o Planting within narrow paths and grass verges should be avoided, planting in trenches is preferable to small individual pits.
- o New planting must not simply be to replace numbers for those lost on site but also realise their multi-functional benefits.

Landscape Officer: Not acceptable in its current form. The concerns raised mainly relate to detailed matters such as lack of detail and inaccuracies in the landscaping treatments shown on the plans etc.

Parks and Open spaces: No objections subject to amendments to the fence line bounding the allotments to include the surrounding areas under the trees within the allotments site.

Conservation Officer: Not acceptable in its current form.

The development site is in close proximity to the historic Staunton Manor Farm that consists of the farmhouse, that has C17 origins, and agricultural buildings most of which are historic dating from the C17, C18, C19 and C20. The development site is also in close proximity to Manor Farm and Grey House to the north of the site both of which also have C17 origins.

There are concerns that the development will:

- o Harm their setting and erode the rural context and character as a result of suburbanisation.

- o The design and layout approach does not adequately reference or respect the setting of the historic buildings or their rural context.
- o The proposal encroaches on Staunton Manor Farm in particular without a buffer that could provide a more subtle and sensitive transition between the two.

The negative impact on rural character which is intrinsically important for the setting of the listed buildings and historic settlement should be as limited as possible and mitigated through a more appropriate, sensitive, enhancing and bespoke contextual approach.

Urban Designer: Not acceptable in its current form for the following reasons:

- o Early years building is not easily accessible on foot from Whitchurch itself
- o On plot parking means every pavement will be crossed by vehicular traffic. On street parking is preferable to retain vehicular movement in roads rather than on pavements.
- o Planted verges and street trees would help prevent over dominance of cars and break up the extensive areas of asphalt, whilst also creating a pleasant environment to live in. Street trees appear to be arbitrarily located in proposals, but could be part of a comprehensive design of the public realm particularly to reduce the dominance of highways.
- o The design of housing does not adequately reflect the local vernacular.
- o Some streets are poorly contained as frontages are fragmented rather than continuous. Building lines are staggered, public open space lined with rear boundaries.
- o The approach to the natural habitat and allotment area of the site has been slightly improved though remains largely illegible as a threshold to a community facility.
- o There has been some attention to turning corners with legible buildings, however there are also areas where vistas are not satisfactorily completed such as by facing stacked parking spaces.
- o The pedestrian footpath lining the site to the east is interrupted with highways engineering. This is a strong and positive feature of the site that requires further design development.

Ecologist: Not acceptable in its current form.

Whilst the key features have been incorporated into the scheme, which is welcomed, the following concerns are raised:

- o The N-S Hedgerow is retained but is too narrow to enable the dark corridor and provide the level of biodiversity benefit committed to in the masterplan
- o The retained hedgerow along Sleep Lane is too narrow to be retained unharmed and to be reinforced as agreed in the masterplan
- o The attenuation pond is steep sided and does not demonstrate any connection with or link to the existing pond.
- o The provision of the E-W green link between the farm and the n-s hedgerow, as committed to in the masterplan, is on land showing planting within the "indicative early years area". This area needs to be separately provided and committed to as native tree and shrub planting
- o Excess light spill along one stretch of the eastern boundary hedgerow dark corridor, which results from the positioning of a single lamp at this point (near to the future access point).

Education Services: No objection subject to contributions towards expansion of the school buildings at Whitchurch Primary school (off site), the purchase of sufficient additional adjacent land to the existing school site to allow the expansion of the school site and associated costs. Contributions are also required for the provision of an early years facility to include purchase of the land and construction of the facility.

Archaeologist: No objections subject to conditions.

Housing: No objections subject to S106 obligations to deliver affordable housing.

Waste Services: Not acceptable in its current form due to:

- o Vehicle access concerns
- o Lack of tracking information
- o No reference to waste and recycling storage provision for any properties.
- o No evidence of a bin store for properties located to the east of the site

Bristol Water: No objections

Wessex Water: No objections. These proposals are formed in line with the agreed drainage strategy with Wessex Water.

We note that provision is made to serve adjacent development with surface water connections and capacity.

- o Separate systems of drainage are provided to serve development proposals
- o Development of this site will require downstream improvements to the public sewer system. These improvements will be carried out by Wessex Water under requisition arrangements and will maintain service levels by removing surface water discharges to the foul system. These works form agreed measures to mitigate the impact of additional foul flows discharging to the public sewer.
- o Sewers will be adopted by Wessex Water through a formal agreement

Public Rights of Way Team: No objections

Drainage and Flooding: Initial concerns have now been overcome and there are no objections subject to a condition.

Contaminated Land: No objections subject to conditions

Avon and Somerset Police: No objections subject to a comment regarding the design of the cycle store & bin store gate for the flats.

Economic Development: No objections subject to site specific targeted recruitment and training in construction obligations.

Avon Fire and Rescue: No objections subject to the cost of installation and five years maintenance of a total of 3no fire hydrants within the site being secured.



Whitchurch Parish Council: Object for the following reasons:

- o Lack of information to demonstrate how the development encourages walking and cycle and provides a safe route to Whitchurch Primary school
- o Zebra crossing is in an unsafe location
- o Visitor parking spaces are not obvious on the plans
- o Parking provision does not comply with the Placemaking Plan. Lack of on-site parking will have a harmful impact on highway safety
- o Lack of information regarding Early Years Facility
- o Harmful to highway safety due to impact of development on existing congested roads and junctions in the vicinity of the site particularly Staunton Lane and Sleep Lane
- o Construction management plan is required
- o Flooding to Sleep Lane

#### OTHER REPRESENTATIONS / THIRD PARTIES

Local Residents: A total of 12 letters have been received, 2 of which make general comments and 10 raise objections. The following concerns have been raised:

- o Harmful to highway safety, particularly additional traffic on Sleep Lane and Staunton Lane which are already heavily congested. The walking routes to school/shops/facilities from this site are unsafe. Inaccurate information provided within the Transport Assessment and Travel Plan.
- o Loss of greenfield land
- o Lack of space in local schools
- o Piecemeal development, the impact of the whole Horseworld development needs to be considered
- o Local character has not been reflected in the layout and design with a particular lack of green space
- o Harmful impact on the character of the surrounding area including local businesses through increased noise and disturbance
- o Lack of public consultation event
- o Harm to ecology and lack of replacement tree planting
- o Potential flooding to other adjoining properties

Local Member: Councillor Paul May has written to state that he has concerns relating to the following areas but, as long as they are addressed, he will not object to the proposals:

- o The safe access to Staunton Lane-road at the top of the site is achieved
- o Pedestrian safety and safe routes to the school are achieved
- o Adequate car parking arrangements for houses and visitors.
- o A potential for a bus route through the main site and the refuse lorries.
- o Retention of a community facility regardless of whether or not it is eventually needed as an Early Years Facility.

#### **POLICIES/LEGISLATION**

RELEVANT PLANNING HISTORY:

15/03406/CONSULT - AGREED - 17 December 2015 - Comprehensive Masterplan and Design Principles for the proposed redevelopment of the land at Whitchurch pursuant to Policy RA5 of the Bath & North East Somerset Core Strategy 2014.

#### POLICY CONTEXT:

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:

- o Bath & North East Somerset Core Strategy (July 2014)
- o Saved Policies from the Bath & North East Somerset Local Plan (2007)
- o Joint Waste Core Strategy

The following policies of the Core Strategy are relevant to the determination of this application:

- o Policy DW1 - District Wide Spatial Strategy
- o Policy SD1 - Sustainable Development
- o Policy RA5 - Land at Whitchurch Strategic Site Allocation
- o Policy CP2 - Sustainable Construction
- o Policy CP3 - Renewable Energy
- o Policy CP5 - Flood Risk Management
- o Policy CP6 - Environmental Quality
- o Policy CP7 - Green Infrastructure
- o Policy CP9 - Affordable Housing
- o Policy CP10 - Housing Mix
- o Policy CP13 - Infrastructure Provision
- o Policy RA5 - Land at Whitchurch Strategic Allocation

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

- o Policy SC.1: Settlement classification
- o Policy SR.3: Provision of recreational facilities to meet the needs of new development
- o Policy CF.3 Contributions from new development to community facilities
- o Policy IMP.1 Planning Obligations
- o Policy D.2: General design and public realm considerations
- o Policy D.4: Townscape considerations
- o Policy NE.1: Landscape character
- o Policy NE.4: Trees and woodlands
- o Policy NE.10: Impact on Protected Species
- o Policy NE.12: Impact on Natural Features
- o Policy BH.2: Impact on listed buildings and their settings
- o Policy T.1: General Transport Policy
- o Policy T.24 and T26: General development control and access policy and parking

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. The following policies are relevant and have substantial weight:

- o Policy SD1 - Presumption in favour of sustainable development
- o Policy RA5 - Land at Whitchurch Strategic Site Allocation
- o Policy CP2 - Sustainable Construction
- o Policy CP3 - Renewable Energy
- o Policy SCR5 - Water Efficiency
- o Policy CP7 - Green Infrastructure
- o Policy CP9 - Affordable Housing
- o Policy CP10 - Housing Mix
- o Policy PCS5 - Contamination
- o Policy PCS7A - Foul sewage infrastructure

The following policies are relevant and have limited weight:

- o Policy SRC1 - On site renewable energy requirement
- o Policy SU1 - Sustainable drainage
- o Policy D1, D2, D3, D4, D5, D6 - General design policies
- o Policy D7 - Infill and backland development
- o Policy HE1 - Historic environment
- o Policy NE2 and NE2A - Landscape character and setting
- o Policy NE3 - Protected Species
- o Policy NE5 - Ecological networks
- o Policy NE6 - Trees and woodlands
- o Policy PCS1 - Pollution and nuisance
- o Policy PCS2 - Noise and vibration
- o Policy PCS3 - Air Quality
- o Policy LCR2 - New or replacement community facilities
- o Policy LRC3A - Primary School Capacity
- o Policy ST1 - Sustainable Travel
- o Policy ST7 - Transport requirements for development

Other Relevant Considerations (without limitation):

- o Planning Obligations SPD
- o National Planning Policy Framework
- o National Planning Practice Guidance

The Council has a statutory requirement under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant listed building consent for any works to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

There is also duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

## **OFFICER ASSESSMENT**

### **PRINCIPLE OF PROPOSED USE:**

The site is allocated under Policy RA5 of the Core Strategy as a housing site and therefore the proposed use of the site for residential housing is acceptable in principle.

Policy RA5 sets out a number of different placemaking principles that need to be met to comply with the overall policy and which are considered throughout this report.

In line with Policy RA5 a comprehensive Masterplan, jointly submitted by the 3 developers of the wider Horseworld site, was considered at Development Management Committee in December 2015. At this meeting Members agreed the Masterplan in principle but did not agree the presumption to sever the vehicular North-South route through the site from Staunton Manor Lane/Sleep Lane to Queen Charlton Lane ref: 15/03406/CONSLT.

The current application has followed the principles agreed within the Masterplan document and worked to address the concerns of Members with particular regard to the North-South route through the site which is now proposed to be kept open.

Furthermore, in line with Policy RA5 the application proposes a total of 97 dwellings which, in conjunction with the two other applications on the Horseworld site, means that the site is on course to achieve around 200 dwellings as required. With regard to the density, this site achieves a density of 39 dph, which is within the required 35-40 dph and is acceptable. The provision of affordable housing is explained later in this report.

### **DESIGN OF THE DEVELOPMENT AND IMPACT ON THE STREET SCENE AND SURROUNDING AREA:**

The overall layout of the scheme has been revised to take into account the comments of Officers. Overall the design of the scheme and its layout is now considered to be acceptable. The development uses a hierarchy of streets to divide the site into more private areas using cul-de-sacs but retaining a main thoroughfare running North-Southwest between Staunton Lane and Sleep Lane and also North-South which will eventually link into the Barratts scheme to the South.

The proposed dwellings form a mix of two, two and a half and three storey dwellings using relatively standard house build types.

The proposed layout has taken care to retain the route of the existing PROW that runs in a North-South direction along the eastern boundary of the site which is considered to be acceptable.

The layout has also been careful to provide pedestrian linkages throughout, taking advantage, in particular, of the existing green infrastructure running north-south within the site and achieves good quality environments for walking and a good level of permeability. There are links shown to both the Barratts development to the South/East and also to the Whitecroft land to the North.

Whilst the Urban Designer has raised a number of concerns in relation to location of parking spaces, parking between buildings, design and general layout of the scheme, it is considered that the revised plans have addressed many of these and those that have not been addressed do not justify refusal of the scheme. Therefore, whilst there are some outstanding concerns it is considered that, overall, the design and layout of the scheme is not unacceptable and would not have a significant or unacceptably harmful impact on the character of the area.

Overall the development is considered broadly in accordance with Policies D2 and D4 of the Local Plan. Whilst having limited weight the development is also considered to be broadly in accordance with Policies D1, D2, D3, D4 and D5 of the Placemaking Plan.

#### IMPACT ON LISTED BUILDINGS:

The proposed development is adjacent to the historic Staunton Manor Farm that consists of the Grade II listed farmhouse, that has C17 origins, and agricultural buildings most of which are historic dating from the C17, C18, C19 and C20. These buildings form the Whitecroft development and are proposed to be converted into dwelling houses.

The development site is also in close proximity to Manor Farm and Grey House to the north of the site both of which also have C17 origins.

There is a duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant listed building consent for any works, is to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

There is also duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The application is considered below in light of these duties:

The submitted Built Heritage Statement states that the context is semi-rural however the Conservation Officer is of the view that this is inaccurate as the context is actually regarded as rural. In light of this it is his view that the rural context should be maintained not only as an important element of the setting of former farmhouses and agricultural buildings but also for the historic, rural settlement as a whole that this development will inevitably affect. He is also of the view that, whilst the principle of development has been agreed, the negative impact on rural character which is intrinsically important for the setting of the listed buildings and historic settlement should be as limited as possible and mitigated through a more appropriate, sensitive, enhancing and bespoke contextual approach.

The proposed development would abutt the farm buildings and the Conservation Officer is concerned that the proposed development will harm their setting and erode the rural context and character as a result of suburbanisation. The comments of the Conservation Officer have been taken on board as far as possible and revised plans have been submitted to re-introduce a small area of landscaping as a buffer along the northern boundary of the site with Staunton Manor Farm.

Furthermore the layout and design of the dwellings abutting this area of the site have been redesigned to set them back and introduce natural stone walls around the gardens and public open space. It is also proposed to amend the design of a few of the dwellings in this location to create a slightly different character of housing in this area.

Overall it is considered that, subject to the agreement of final details, these revisions have resulted in an improved relationship between the proposed development and the existing historic farm buildings. It is acknowledged that they do not go as far as the Conservation Officer has requested they are nevertheless an improvement.

Therefore whilst having regard to Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paras 132 and 134 of the NPPF, it is considered that the development would have less than substantial harm to the setting of the listed building and its curtilage farm complex.

With specific regard to Para 134 of the NPPF, the development would achieve substantial public benefits which would outweigh the harm. The public benefits include:

- \* Improved access for pedestrians to Whitchurch village
- \* Delivery of around 200 dwellings as part of the strategic housing site
- \* Facilitating vehicular and pedestrian access to Staunton Manor Farm and its curtilage farm complex
- \* Facilitating the refurbishment, re-use and long term viability of the listed building and its curtilage farm complex

The proposed development also now includes alterations to the boundary wall of the Grade II listed Staunton Manor Farm. The alterations comprise the removal of a corner of the wall and its setting back by 0.45m away from Staunton Lane. It proposed that the wall will be rebuilt to the same design, albeit it in a different location.

These alterations are necessary to achieve an upgraded pedestrian pavement on the opposite side of Staunton Lane. The pavement is currently very narrow and, in order to provide a safe pedestrian route to and from the site towards Whitchurch village, the pavement has been widened to 1.8m. However this has exacerbated an existing pinch point and means that the road is now too close to the boundary wall of Staunton Manor Farm which is unacceptable in highway safety terms.

Preliminary information has been provided to show the proposed location of the wall has been considered in full, including by the Conservation Officer. Whilst it is disappointing that the symmetry of the existing front garden and boundary walls to Staunton Manor Farm will be affected by this alteration, the harm is considered to be less than substantial and it is considered that the public benefit, as detailed above, would outweigh the harm to the listed building.

Final details are required to confirm the detailed design of the altered wall it is considered in principle acceptable, for reasons of pedestrian and highway safety, and the wider provision of the strategic housing site and also having regard to Section 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

An application for listed building consent for this element of the scheme has not yet been submitted but will be needed before the works can commence.

The application is considered to be in accordance with Policy BH2 of the Local Plan. Although having limited weight, the development is not considered to be contrary to Policy HE.1 of the Placemaking Plan.

#### IMPACT ON ECOLOGY:

At the time of its submission the application was considered by the Council's Ecologist to be unacceptable in its current form. Despite the submission of revised plans the Ecologist still maintains this view. Further revised information has since been submitted to address these concerns although updated written comments from the Ecologist have not been received.

The concerns relate to a number of areas which are outlined below:

The south western corner of the site currently contains a pond and it is proposed to incorporate a new replacement wildlife pond into the attenuation pond in the same location. Whilst the Ecologist is concerned that the pond is steep sided and does not demonstrate any connection with or link to the existing pond additional information has been provided to show that there are areas of the pond that have very shallow sides.

There are concerns that whilst the North/South Hedgerow is shown to be retained it is too narrow to achieve the dark corridor for bats that was agreed at masterplan stage. Furthermore the retained hedgerow along Sleep Lane is also considered too narrow to be retained unharmed and to be reinforced as also agreed in the masterplan. Whilst further information has been requested to address these concerns this has not been provided. However it is nevertheless considered that, despite these concerns, which are echoed by the Landscape Officer below, are not sufficient to justify refusal of the scheme.

Due to the presence of a bat roost in the Staunton Manor Farm complex forming part of the Whitecroft Development site, the scheme proposes an East-West green link to retain a route for bats between the farm buildings and the North-South hedgerow. There were concerns that the level of tree provision within this area was insufficient but this has since been strengthened and is now shown outside of the Early Years Facility boundary.

Due to the layout of the scheme, and the provision of an East-West link for bats which crosses one of the main roads within the development, excess light spill has raised concerns in relation to the impact on the bats. Despite the submission of a number of revised lighting strategies, at the time of writing this report, this issue has not yet been resolved. However having discussed this at length with both the Ecologist and the Street Lighting Engineer, there is some confidence that this can be resolved through further negotiation.

Overall it is acknowledged that the concerns of the Ecologist have not been overcome, particularly in relation to the lack of reinforcement planting to the Sleep Lane and North-South hedgerows. However in this instance it is considered that these issues are not considered to justify refusal of the scheme.

Notwithstanding this, the outstanding concerns relating to the excess light spill and its impact on the bats do still need to be overcome as far as possible. Officers are however confident that a technical solution can be achieved through further negotiation and that this should be delegated to Officers to agree an acceptable lighting scheme prior to the granting of planning permission.

Overall it is considered that the development is in accordance with Policies NE.10 and NE.12 of the Local Plan and, although having limited weight the development is considered broadly in accordance with Policy NE3 and NE5 of the Placemaking Plan.

#### GREEN INFRASTRUCTURE, LANDSCAPE AND TREES:

As already mentioned above, the layout of the development has been careful to respect the existing green infrastructure, trees and hedgerows within the site.

Within the South Western corner of the site is an attenuation pond which has been designed to form a more attractive feature and form a more valuable part of the Green Infrastructure. The attenuation pond includes a pond at the very bottom and has a path running round the edge for residents to use.

The development also includes a locally equipped area of play (LEAP) incorporated on the south eastern area of the site located on the boundary with the adjoining Barratts land as agreed under the Masterplan. The LEAP is located in front of a number of dwellings within the Barratts development meaning it will have good levels of natural surveillance and is in a good location central to the wider horseworld site.

Unfortunately, as a result of this development coming forward as a wider site the LEAP is located on the boundary meaning Bellway will provide half and Barratts the other half. This is not ideal and will appear a little odd if the Barratts 'half' is not provided in a timely manner, however as an area of play it will be of adequately sized and equipped for the size of the Bellway development. The delivery of the LEAP will form an obligation within a S106 legal agreement.

Allotments are also proposed adjacent to the LEAP for which a detailed layout has now been provided and is considered to be acceptable subject to some minor amendments.

The layout of the site to the south, adjacent to the LEAP, has been amended to improve the access to the LEAP and the allotments, which is also now considered acceptable.

The Landscape Officer has raised a number of concerns but these are mainly detailed design issues which can be resolved through the submission of revised plans.

With specific regard to trees concerns were previously expressed about the impact of the works to provide the attenuation pond on an existing Willow tree identified as T45. There is a risk that the Willow will be lost as a result of the works but works to pollard this tree should reduce this risk but in any case it is also proposed to plant of an Alder nearby as a replacement should the Willow die.

Previous concerns in relation to the impact of an existing Ash tree to the rear of plot 44 have been clarified following the submission of a cross section plan. The Arboricultural



Officer is now of the view that, whilst the overhang and proposed reduction shown on this section is still of concern, particularly as it is in third party ownership, it is nevertheless accepted that the tree is not an appropriate candidate for a Tree Preservation Order and that future occupants of plot 44 would be able to reduce or remove the overhang under common law rights.

A plan showing an indicative layout of the Early Years Facility has been submitted which provides some confidence that tree planting should be possible around the facility provided that the footprint does not substantially alter or increase in subsequent applications.

Notwithstanding the above, there are outstanding concerns in relation to provision of reinforcement and gap planting to strengthen the eastern hedgerow and the provision of street trees among other issues. Whilst some improvements to the scheme have been achieved not all of the outstanding concerns have been resolved. However, overall, it is considered that the proposed development, subject to some detailed design issues being resolved, is acceptable.

Overall it is considered that the development is in accordance with Policy CP7 of the Core Strategy and Policies NE.1, NE.4 and NE.12 of the Local Plan and, although having limited weight, the development is considered broadly in accordance with Policy NE2 and NE2A of the Placemaking Plan.

#### IMPACT ON RESIDENTIAL AMENITY:

The proposed dwellings have been laid out so that they would not have a harmful impact on the residential amenity of the occupiers of the neighbouring development sites, existing neighbouring residents or residents within the development itself.

This is with the exception of plot 44 where, as stated above, concerns have been expressed that the overhang of an existing Ash tree in third party ownership would have a harmful impact on the residential amenity of the future occupiers. The impact of the tree, once pruned back, has been clarified following the submission of cross section plans and whilst it is still considered to have some impact it is not so significant as to justify refusal of the scheme on this point. Furthermore the future occupiers would be able to reduce or remove the overhang under common law rights if the tree was considered a problem in the future.

Overall the development is considered broadly in accordance with Policy D2 of the Local Plan. Whilst having limited weight the development is also considered to be broadly in accordance with Policies D6 of the Placemaking Plan.

#### PLANNING OFFICER ASSESSMENT OF HIGHWAY ISSUES:

The proposed development includes the two main accesses to the site from the surrounding highway network along with the provision of wider upgrading of the highway to provide an improved access between the site and Whitchurch village by pedestrians. The proposal would also provide access to the Barratts development to the south and also a future access to the remaining part of the RA5 strategic housing site to the east, currently an industrial site.

The first access to the site to be considered is off Sleep Lane. This would emerge opposite the existing major-minor 'priority' junction serving the approved Barratt development on the west side of Sleep Lane. The four-arm junction created would be changed to a mini-roundabout type which is considered to be acceptable with detailed design to be approved as part of a Section 278 Agreement.

Sleep Lane is however currently subject to the national 60mph speed limit, albeit that the narrowness of the road and poor visibility leads to cars driving much slower, and mini-roundabouts are only permissible where the speed limit is 30mph or less. In light of this, in addition to the provision of the mini-roundabout, a Traffic Regulation Order (TRO) will also be required to reduce the speed limit and which will need to be in place before the mini-roundabout is brought into use.

The second access is on Staunton Lane where it is now proposed to provide a simple T junction into the site along with a zebra crossing, widening of the pedestrian footway on the northern side of Staunton Lane which also requires changes to the Staunton Lane/Sleep Lane junction.

Whilst, in principle the design approach to this junction is now considered to be acceptable there are some outstanding detailed design issues that need to be resolved before planning permission can be granted. There are two main concerns, the first is the speeds on Staunton Lane in the vicinity of the proposed zebra crossing and the second is a 'pinch point' on the Staunton Lane/Sleep Lane junction.

Firstly in relation to the zebra crossing, there are concerns that, when approaching the site from the east, Staunton Lane has the character of a somewhat rural road where, although the speed limit is 30mph, speeds in excess of 30mph may have an impact on visibility and stopping distances. Speed surveys are therefore necessary to understand whether or not, in the event that speeds are above 30mph, additional 'positive' speed reducing measures are required to slow westbound vehicles on the approach to the proposed zebra crossing.

A speed survey is being carried out at the time of writing this report and its results will dictate whether or not additional speed reducing measures are required. In the event that further measures are necessary, there is some discussion ongoing between Highways and the Applicant's Highways consultants as to what this measure would involve but Officers are satisfied that a solution is available subject to further negotiation and submission of revised details. This matter should therefore be delegated to Officers to resolve before granting planning permission.

Secondly, in order to provide an upgraded and widened pedestrian footway on the northern side of Staunton Lane, some revisions have been needed to the Staunton Lane/Sleep Lane junction. Due to a pinch point on the Staunton Lane arm of the junction it has become necessary to alter the curtilage listed front boundary wall of Staunton Manor Farm to move it away from the road by 0.45m along with the relocation of two telegraph poles. This not only achieves a safe junction for vehicles but also provides a 1.8m wide pedestrian footway. Whilst some further detailed information with regard to its detailed design and swept path drawings are still required, Officers are satisfied that the proposed junction and pavement improvements are acceptable.

Further to this, in terms of the integration of the proposed development into the neighbouring area and the provision of direct access to existing facilities, including schools, the proposed development will deliver improved pedestrian routes both to and from Whitchurch village which is a significant benefit to both the scheme and Whitchurch itself.

With regard to the internal layout of the site the Highways Development Officer has previously raised concerns in relation to visibility, swept path analysis and footway provision. In the main these issues have now been overcome subject to the provision of further detailed information. These outstanding details can be delegated to Officers to agree prior to the granting of planning permission.

Similar to the Barratts scheme, concerns have been raised by residents and Whitchurch Parish Council that the development will increase vehicle movements within the area, particularly Sleep Lane, which will have a significant harmful impact on highway safety. Whilst the development will undoubtedly increase highway movements and will have an impact on Sleep Lane as well as the surrounding highway network, the site is allocated for housing and therefore some impact has to be expected. In this regard the Highways Development Officer has raised no objections to the scheme and therefore the impact on the surrounding highway network is considered to be acceptable.

In terms of parking provision within the development it is considered that the levels proposed are acceptable and are in accordance with Policy T24 of the Local Plan.

Overall, the views of Whitchurch Parish Council as well as local residents have been considered in full, it is acknowledged that many of their concerns are still outstanding, it is considered that the overall development is acceptable in highway safety terms subject to the final outstanding details outlined above, appropriately worded conditions and a S106 legal agreement to provide:

Off site highway improvements to Staunton Lane and Sleep Lane to include a mini roundabout, zebra crossing, widening of pavements and amendments to the Staunton Lane/Sleep Lane junction including (TRO's) to reduce the speed limit on Sleep Lane.

Overall the development is considered broadly in accordance with Policies T1 and T24 of the Local Plan. Policies ST1 and ST7 of the Placemaking Plan are relevant to this application although they have limited weight. In terms of Policy ST7 the level of parking provision is lower than that required by the policy but again it has limited weight.

#### **DRAINAGE AND FLOODING:**

The application includes a drainage scheme that will deal with its own drainage but also that of the neighbouring Whitecroft and Barratt's developments.

The drainage scheme includes the provision of a large attenuation pond adjacent to Sleep Lane and Sleep Lane junction and would then join into the existing Wessex Water system on Sleep Lane.

Wessex Water will only allow a total rate of 70 l/s to be discharged into their system and therefore care has been needed to ensure that each development's discharge is

proportioned and that the overall allowance is not exceeded. The Drainage and Flooding Team are satisfied that the rates of discharge will be within those set by Wessex Water.

Officers are aware that Sleep Lane recently flooded during a period of heavy rain and that residents are concerned that this development will exacerbate existing flooding problems. However as the information submitted has been considered acceptable to the Drainage and Flooding Team Officers are satisfied that, whilst the development will not prevent flooding from occurring, it will not increase flooding within the local area over and above that which is already existing.

In light of the above it is considered that the submitted drainage scheme, subject to conditions, is acceptable and would adequately deal with the drainage requirements for this site.

Overall the development is considered in accordance with Policy CP5 of the Core Strategy and Policy SU1 of the Placemaking Plan although this has limited weight.

#### PROVISION OF SCHOOL PLACES AND EARLY YEARS FACILITY:

At the time the Horseworld site was allocated under Policy RA5 of the Core Strategy it was acknowledged that, in order to accommodate the primary school age children from the development, Whitchurch Primary School would need to be expanded and land provided to enlarge the school site.

Since then, and in order to achieve the expansion of Whitchurch Primary school, Officers have been working on a solution. In light of this, plans are in place to expand Whitchurch Primary School by 105 places and to expand the school site through the acquisition of an additional area of land at the rear of the existing school site.

Therefore contributions are required as an obligation of a S106 legal agreement to expand the school, purchase the additional land necessary and also cover any legal/administrative costs in doing this. This has been calculated using a proportionate approach to ensure that each development within the wider Horseworld site makes an equal and fair contribution proportionate to the need generated.

Whitchurch has also been identified as an area of childcare insufficiency and as such the provision of an additional Early Years facility on the Horseworld site was included within Policy RA5 of the Core Strategy in order to accommodate the children generated by this development.

Planning permission has been granted for a new Early Years facility to open in Whitchurch, which may be sufficient to meet this need. It was anticipated that the facility would be open and in operation by the time the first application on the Horseworld site was granted planning permission thereby overcoming the need for an on-site provision. However it is understood that the facility is not likely to open until April 2017 at the earliest and therefore an on site provision is required to meet the needs of this development.

An area of land to accommodate the Early Years facility has been identified in the Whitchurch Masterplan and is also being proposed as part of this scheme which is considered to be acceptable.

As the Early Years facility is located within the current application site contributions are therefore required to purchase the land, calculated to ensure that each development within the wider Horseworld site makes an equal and fair contribution proportionate to the need generated.

In addition to contributions towards the land, a capital contribution to build the facility is also required, again this is to be proportionate to the need generated by each development. At the present time the final figures for contributions are not available but, once finalised, will form part of an obligation within a S106 legal agreement.

In this respect the development is considered in accordance with Policy RA5 of the Core Strategy and whilst it has limited weight, is also in accordance with Policy LCR2 of the Placemaking Plan.

#### AFFORDABLE HOUSING:

Placemaking Principle 1 requires that 'residential development (to include 40% affordable housing) of around 200 dwellings, in the plan period. The site should be developed at an average density of 35-40dph.'

The application includes the provision of 40% affordable Housing contribution within the development which is considered to comply with Policy CP9 of the Core Strategy. This will result in a total provision of 39 dwellings comprising a mixture of 1 bed apartments and 2, 3 and 4 bedroom houses. They are clustered throughout the development and also include a number of wheelchair user dwellings.

Notwithstanding the above it was previously understood that the Horseworld site, collectively, would need to provide 40% affordable housing. However it has always been acknowledged that the Whitecroft site would not be able to provide on site affordable housing due to the size of the site and the fact it comprises the redevelopment of barns which Registered Provider's (RP's) would be unlikely to accept. A potential solution to this shortfall would have either been that that the Whitecroft development paid a commuted sum or that the Bellway and Barratts development in effect 'over-provide' to make up the shortfall.

However, in the meantime, due to changes to the NPPG, which have been upheld in the High Court, the Whitecroft development is no longer required to provide affordable housing under the small sites policy within Policy CP9 of the Core Strategy as the site is too small and provides too few dwellings.

The Housing Officer has, however, raised concerns that there is a lack of adequate parking provision for the 2 bed affordable dwellings meaning that tenure blindness is not achieved. However the Agent has confirmed that this issue can be resolved by the submission of revised plans.

Therefore, subject to the provision of revised plans showing an acceptable level of parking provision for the 2 bed affordable dwellings it is considered that the scheme is providing a policy compliant 40% affordable housing scheme and is overall acceptable.

In this respect the development is considered in accordance with Policy CP9 and CP10 of the Core Strategy.

#### SUSTAINABILITY AND RENEWABLE ENERGY:

The development incorporates a number of sustainable design features such as:

- Sustainable Urban Drainage System and attenuation pond
- Internal specifications to achieve reduced water use
- Passive design and orientation of many dwellings to achieve solar gain
- Double glazing
- Low impact construction materials

These are considered acceptable and broadly in accordance with Policy CP2 of the Core Strategy. Policy SU1 and SCR5 of the Placemaking Plan are also relevant. Whilst Policy SU1 has limited weight, Policy SCR5 has substantial weight and the applicant has been asked for additional information to show compliance with this policy.

#### REFUSE COLLECTION:

A waste management plan has been submitted as part of the application and which has since been revised to address the initial concerns of the Waste Management Team. Revised comments have not yet been received although it is considered highly likely that the concerns have been addressed and, if not, can be addressed through minor amendments to the scheme.

#### CONCLUSION:

The application is one of three currently under consideration to develop the land known as Horseworld and allocated for residential development under Policy RA5 of the Core Strategy. This application concerns the northern part of the site.

The proposal is for the erection of 97 dwellings which comprise relatively standard house types on a hierarchical street layout. A locally equipped area of play is proposed, as well as an attenuation pond.

In line with Policy RA5 of the Core Strategy a Masterplan has already been agreed by Development Management Committee although the severing of the north-south vehicular route through the site was not agreed. The Masterplan was a high level agreement which agreed the principles of the development ie. the highway access, general layout of the development and provision of open space and green infrastructure.

The application as submitted generally follows the masterplan layout and the overall design and layout is considered to be acceptable. The layout generally respects the green infrastructure and incorporates footpaths along the North-South hedgerow. The PROW running north to south along the eastern boundary of the site is retained on its existing route to the satisfaction of the PROW team.

The site proposes two primary vehicle accesses, the first off Staunton Lane and the second off Sleep Plan. Vehicular access will also eventually be provided through the

wider Horseworld site from Queen Charlton Lane to the south once the adjoining site is developed.

In terms of the integration of the development into the wider village of Whitchurch and access to its facilities, this application makes a significant contribution. It will achieve upgraded pedestrian access along Staunton Lane towards Whitchurch village and along with good quality links across the Horseworld site as a whole.

The proposal provides a policy compliant scheme of 40% affordable housing with a range of different dwelling types being provided as well as adequate parking.

The proposed development has been met with concerns from the Conservation Officer that the design and layout of the development does not adequately respect or reflect the setting of the historic buildings adjacent or the rural area within which it sits. In response revised plans have been submitted to improve the relationship through the provision of a small landscape buffer, amendments to dwelling design, layout of parking and the provision of front boundary walls to dwellings and an adjacent area of open space.

Furthermore, in order to provide a safe pedestrian route to Whitchurch village the front boundary wall to Staunton Manor Farm is proposed to be re-aligned away from the boundary with the highway by 0.45m. The boundary wall is curtilage listed and an application for listed building consent will be required separately.

Overall, whilst it is acknowledged that the revised scheme resolves some but not all of the concerns of the Conservation Officer, nevertheless, having regard to Section 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the proposals are considered to be acceptable.

The proposed development includes a package of highway proposals to both gain access to the site from Sleep Lane and Staunton Lane as well as upgrading the existing highway network to provide improved pedestrian access to and from Whitchurch village and the local facilities it contains.

In simple terms the highways improvements include an access off Sleep Lane with the provision of a mini roundabout. At Staunton Lane a T junction access will be provided along with a zebra crossing and potentially further speed reducing measures as considered necessary as a result of speed surveys to be submitted. The Staunton Lane/Sleep Lane junction is also to be improved with a widened pavement leading from the site into Whitchurch which has necessitated the re-alignment of the listed front boundary wall of Staunton Manor Farm. Internal to the site the layout is now considered to be acceptable.

However, notwithstanding the above there are outstanding details in relation to both off site and on site highway works that need to be agreed prior to the granting of planning permission although these can be delegated to Officer to resolve. Overall, subject to the agreement of the outstanding issues, it is considered that the package of highway improvements is considered to be acceptable and is in accordance with Policy T24 of the Local Plan.

The scheme has resulted in numerous concerns being raised by the Ecologist, some of which have been overcome by the submission of revised information. However there are outstanding concerns from Consultees, including the Ecologist, in relation to the lack of reinforcement planting and narrowness of the North-South hedgerow and the Sleep Lane hedgerow. Unfortunately these concerns have not been resolved but are not considered so significant as to justify the refusal of the scheme.

The Ecologist is also concerned about excessive light spill within certain areas of the development that would have a harmful impact on bats using the site as a foraging area. At the time of writing this report these concerns have not been resolved but Officers are confident that an acceptable solution can be achieved and the resolution of this issue should therefore be delegated to Officers to negotiate.

Despite initial concerns of the Arboricultural Officer the submission of revised plans has resolved many of the concerns and there are now no objections subject to conditions.

In terms of residential amenity, overall the proposal would have an acceptable impact on the amenity of both future and existing occupiers. There are outstanding concerns in relation to the impact of an existing Ash tree in third party ownership on the amenity of the future residents of Plot 44 but these are not so significant as to justify refusal of the proposed development. Furthermore the future owners could carry out further pruning works under common law rights to improve the situation further if they so required.

The scheme provides a good level of open space, allotments and play space in accordance with the agreed masterplan. The green infrastructure is of an acceptable quality with paths running throughout the site allowing future residents access to public open space and permeability. There are outstanding concerns from consultees in relation to the low level provision of street trees among other things, however notwithstanding these, it is still considered, overall, that the development is acceptable.

Overall it is considered that, subject to the receipt of the outstanding information, additional conditions as considered necessary and a S106 agreement, the proposed development is acceptable and is in accordance with the policies within the Core Strategy, particularly Policy RA5, Local Plan and are broadly in line with the Placemaking Plan policies albeit with limited weight.

For clarity a S106 legal agreement is required to ensure that contributions and other obligations in relation to landscape and open space, affordable housing, highways, fire hydrants and education, as well as targeted recruitment and training are achieved. Officers are currently negotiating the wording of a S106 legal agreement and therefore the recommendation is delegate to permit subject to the receipt of an acceptable agreement.

The inclusion of works to the front boundary wall of Staunton Manor Farm has required a new red line plan to be submitted and the application description to be amended. The application has therefore been readvertised, reconsulted on and a new site notice erected with regard to this specific change. The expiry date for comments to be submitted is after the date of Committee so, whilst any comments received beforehand will be reported to Committee in an update report, any further comments will be considered later and the application returned to Committee if any legitimate planning concerns are raised that have not otherwise been considered in the report above.



## **RECOMMENDATION**

Delegate to PERMIT

## **CONDITIONS**

0 Subject to:

A) The expiry of the application consultation period and the receipt of local representations raising no new valid planning issues that have not already been considered above.

B) The submission of further acceptable information including:

1. Details relating to the turning of refuse vehicles and location of bin collection points.
2. Revised plans showing an acceptable level of parking provision for the 2 bed affordable dwellings.
3. No adverse comments being received from the Waste Management Team in relation to the revised Waste Management Strategy.
4. Amended plans to resolve the detailed design issues surrounding landscape and allotment layout.
5. The submission of a lighting scheme that is considered to have an acceptable impact on bats.
6. The submission of final details as outlined above regarding to speed survey results on Staunton Lane, any additional speed reducing measures considered necessary, internal highway design and Staunton Lane/Sleep Lane junction revisions.

C) Authorise the Group Manager - Development Management, in consultation with the Planning and Environmental Law Manager, to enter into a section 106 agreement to provide the following:

1. Landscape and Open space:

Provision of open space, LEAP and long term management  
Provision and long term management of allotments

2. Highways:

Off site highway improvements to Staunton Lane and Sleep Lane to include a mini roundabout, zebra crossing, widening of pavements and amendments to the Staunton Lane/Sleep Lane junction including (TRO's) to reduce the speed limit on Sleep Lane.

3. Affordable Housing:

40% affordable housing provision on site

4. Fire Hydrants: Financial contribution to cover the cost of installation and five years maintenance of a total of 5no fire hydrants

5. Education:

Primary School Provision:

The capital contribution for the expansion of the school buildings at Whitchurch Primary school (off site) calculated on the basis of £12,754.80 per pupil x 27.60 pupils =

£352,032.48 contribution required. A contribution towards associated costs i.e. legal costs, land valuation etc is also required.

The capital contribution for the purchase of sufficient additional adjacent land to the existing school site to allow the expansion of the school site. The independent valuation for the land at the rear of Whitchurch Primary school values this at £21,500.00. Divided by the overall dwellings allocated within the Whitchurch Strategic Housing site = £105.91 per dwelling x 97 dwellings = £10,273.27

Early Years Provision:

Early Years land contribution - 0.1094ha on site and/or contributions

Capital contribution to EY building -48.92%

Final figures to be confirmed

#### 6. Targeted Recruitment and Training:

14 x work placements

2 x apprenticeships

2 x new jobs advertised through DWP

£7,040 contribution

D) And grant planning permission with conditions as listed below, provided they have not been addressed prior to a decision, along with further conditions arising from the additional information submitted above as considered appropriate by Officers:

#### **1 Standard Time Limit (Compliance)**

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 permission

#### **2 Flood Risk and Drainage - Detailed Drainage Strategy (Pre-commencement)**

No development shall commencement (other than site clearance, investigation or remediation) until a detailed drainage strategy based on the submitted FRA and drawing B621/3 rev Q has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy should contain:

- o drawings of the proposed drainage network
- o detailed drawings of the flow control chamber and attenuation features; supporting calculations demonstrating performance of the system up to and including the critical 1in100 year climate change event;
- o a maintenance schedule for any un-adopted element of the drainage system demonstrating how such elements will be maintained for the life of the development.

Reason: To ensure that an appropriate method of surface water drainage is installed and in the interests of flood risk management in accordance with Policy CP5 of the Bath and North East Somerset Core Strategy. This is a condition precedent because it is necessary to understand whether soakaways are appropriate prior to any initial construction works which may prejudice the surface water drainage strategy.

#### **3 Archaeology - Field Evaluation (Pre-commencement)**

No development shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance

with a written scheme of investigation which has first been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a field evaluation of the site to determine date, extent, and significance of any archaeological deposits or features, and shall be carried out by a competent person and completed in accordance with the approved written scheme of investigation.

Reason: The site is within an area of potential archaeological interest and the Council will wish to evaluate the significance and extent of any archaeological remains. This is a condition precedent because archaeological remains and features may be damaged by the initial development works.

#### **4 Archaeology - Presentation of Field Evaluation Results (Pre-commencement)**

No development shall commence until the applicant, or their agents or successors in title, has presented the results of the archaeological field evaluation to the Local Planning Authority, and has secured the implementation of a subsequent programme of archaeological work in accordance with a written scheme of investigation which has first been agreed and approved in writing by the Local Planning Authority. The agreed programme of archaeological work shall be carried out by a competent person and completed in accordance with the approved written scheme of investigation.

Reason: The site is within an area of potential archaeological interest and the Council will wish record and protect any archaeological remains. This is a condition precedent because archaeological remains and features may be damaged by the initial development works.

#### **5 Archaeology - Post Excavation and Publication (Pre-occupation)**

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

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

#### **6 Arboricultural Method Statement (Pre-commencement)**

No development shall take place until a Detailed Arboricultural Method Statement with Tree Protection Plan following the recommendations contained within BS 5837:2012 has been submitted to and approved in writing by the Local Planning Authority and details within the approved document implemented as appropriate. The final method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and certificates of completion to the local planning authority. The statement should also include the control of potentially harmful operations such as the storage, handling and mixing of materials on site, burning, location of site office, service run locations including soakaway locations and movement of people and machinery.

Reason: To ensure that trees to be retained are not adversely affected by the development proposals in accordance with policy NE.4 of the Bath and North East Somerset Local Plan and CP7 of the Core Strategy. This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore these details need to be agreed before work commences.

#### **7 Compliance with Arboricultural Method Statement and Certificate of Compliance (Bespoke Trigger)**

No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement. A signed certificate of compliance shall be provided by the appointed arboriculturalist to the local planning authority on completion and prior to the first occupation of the dwellings.

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

#### **8 Sample Panel - Walling (Bespoke Trigger)**

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

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies D.2 and D.4 of the Bath and North East Somerset Local Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

#### **9 Roofing Materials (Bespoke Trigger)**

No construction of the roof of the development shall commence until a sample of all external roofing materials has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies D.2 and D.4 of the Bath and North East Somerset Local Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

#### **10 Contaminated Land - Investigation and Risk Assessment (Pre-commencement)**

No development shall commence until an investigation and risk assessment of the nature and extent of contamination on site and its findings has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. The assessment must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and shall include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

Reason: In order to ensure that the land is suitable for the intended uses 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. This is a condition precedent because the works comprising the development have the potential to uncover harmful contamination. Therefore these details need to be agreed before work commences.

### **11 Contaminated Land - Remediation Scheme (Pre-commencement)**

No development shall commence until 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, has been submitted to and approved in writing by the Local Planning Authority, unless the findings of the approved investigation and risk assessment has confirmed that a remediation scheme is not required. The scheme shall include:

- (i) all works to be undertaken;
- (ii) proposed remediation objectives and remediation criteria;
- (iii) timetable of works and site management procedures; and,
- (iv) where required, a monitoring and maintenance scheme to monitor the long-term effectiveness of the proposed remediation and a timetable for the submission of reports that demonstrate the effectiveness of the monitoring and maintenance carried out.

The remediation scheme shall 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.

The approved remediation scheme shall be carried out prior to the commencement of development, other than that required to carry out remediation, or in accordance with the approved timetable of works.

Reason: In order to ensure that the land is suitable for the intended uses 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. This is a condition precedent because the works comprising the development have the potential to uncover harmful contamination. Therefore these details need to be agreed before work commences.

### **12 Contaminated Land - Verification Report (Pre-occupation)**

No occupation shall commence until a verification report (that demonstrates the effectiveness of the remediation carried out) has been submitted to and approved in writing by the Local Planning Authority, unless the findings of the approved investigation and risk assessment has confirmed that a remediation scheme is not required.

Reason: In order to ensure that the land is suitable for the intended uses 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.

### **13 Contaminated Land - Unexpected Contamination (Compliance)**

In the event that contamination which was not previously identified is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. Thereafter an investigation and risk assessment shall be undertaken, and where remediation is necessary, a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report (that demonstrates the effectiveness of the remediation carried out) must be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development.

Reason: In order to ensure that the land is suitable for the intended uses 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.

### **14 Highways - Garages (Compliance)**

The garage hereby approved shall be retained for the garaging of private motor vehicles associated with the dwelling and ancillary domestic storage and for no other purpose.

Reason: To ensure adequate off-street parking provision is retained in accordance with Policy T.26 of the Bath and North East Somerset Local Plan.

### **15 Highways - Construction Management Plan (Pre-commencement)**

No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority and shall include details of deliveries (including storage arrangements and timings), contractor parking, traffic management, working hours, site opening times, wheel wash facilities and site compound arrangements. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure that safe operation of the highway and in the interests of protecting residential amenity in accordance with Policies T.24 and D.2 of the Bath and North East Somerset Local Plan. This is a condition precedent because any initial construction or demolition works could have a detrimental impact upon highways safety and/or residential amenity.

### **16 Highways - Residents Welcome Pack (Pre-occupation)**

No occupation of the approved development shall commence until a new resident's welcome pack has been issued to the first occupier/purchaser of each residential unit of

accommodation. The new resident's welcome pack shall have previously been submitted to and approved in writing by the Local Planning Authority and shall include information of bus and train timetable information, information giving examples of fares/ticket options, information on cycle routes, a copy of the Travel Smarter publication, car share, car club information etc., to encourage residents to try public transport.

Reason: To encourage the use of public transport in the interests of sustainable development in accordance with Policy T.1 of the Bath and North East Somerset Local Plan

#### **17 Highways - Parking (Compliance)**

The areas allocated for parking and turning 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: To ensure sufficient parking and turning areas are retained at all times in the interests of amenity and highways safety in accordance with Policy T.24 of the Bath and North East Somerset Local Plan.

#### **18 Highways - Dwelling Access (Compliance)**

Each dwelling shall not be occupied until it is served by a properly bound and compacted footpath and carriageway to at least base course level between the dwelling and the existing adopted highway.

Reason: To ensure that the development is served by an adequate means of access in accordance with Policy T.24 of the Bath and North East Somerset Local Plan.

#### **19 Hard and Soft Landscaping (Pre-occupation)**

No occupation shall commence until a hard and soft landscape scheme has been 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 planting specification to include numbers, density, size, species and positions of all new trees and shrubs, details of existing and proposed walls, fences, other boundary treatment and surface treatment of the open parts of the site, and a programme of implementation.

Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with Policies D.2 and D.4 of the Bath and North East Somerset Local Plan.

#### **20 Hard and Soft Landscaping (Compliance)**

All hard and/or soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme (phasing) 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 in accordance with Policies D.2 and D.4 of the Bath and North East Somerset Local Plan.

### **21 Plans List (Compliance)**

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:**

To be provided in an update report.

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: [www.bathnes.gov.uk/cil](http://www.bathnes.gov.uk/cil)

### **Condition Categories**

The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

Compliance - The condition specifies matters to which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

Pre-commencement - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

Please note all conditions should be read fully as these headings are intended as a guide only.

Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, details of the fee can be found on the "what happens after permission" pages of the Council's Website. You can submit your conditions application via the Planning Portal at [www.planningportal.co.uk](http://www.planningportal.co.uk) or send it direct to [planning\\_registration@bathnes.gov.uk](mailto:planning_registration@bathnes.gov.uk). Alternatively this can be sent by post to The Planning Registration Team, Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

### **NOTE TO APPLICANT:**



The approved works to the front boundary wall of Staunton Manor Farm require listed building consent, which should be obtained prior to their commencement.

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

**Decision Making Statement:**

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

**Item No:** 02  
**Application No:** 16/04629/FUL  
**Site Location:** Kielder Church Lane East Harptree Bristol Bath And North East Somerset



**Ward:** Mendip                      **Parish:** East Harptree                      **LB Grade:** N/A  
**Ward Members:** Councillor T Warren  
**Application Type:** Full Application  
**Proposal:** Demolition of existing dwelling and erection of 4no dwelling with associated car parking, gardens and amenity space  
**Constraints:** Affordable Housing, Airport Safeguarding Zones, Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Housing Development Boundary, SSSI - Impact Risk Zones, World Heritage Site,  
**Applicant:** Simon James Homes

<b>Expiry Date:</b>	16th December 2016
<b>Case Officer:</b>	Tessa Hampden

## **REPORT**

Reason for referring to committee

The application has been referred to committee due to the comments of the Parish Council. Cllr Davis has agreed that this application should be dealt with at Development Management Committee.

Site description and proposal

The application relates to a single storey dwelling located on Church Lane, within the Housing Development Boundary of the village of East Harptree. The site is outside of the Conservation Area, but within an Area of Outstanding Natural Beauty.

The application seeks planning permission for the demolition of the existing single storey dwelling and erection of three two storey dwellings and a single storey dwelling with associated car parking, gardens and amenity space. Revised plans have been submitted during the course of the planning application in an attempt to overcome concerns raised by officers and third parties.

Relevant Planning history

16/01299/FUL - Withdrawn - 5 August 2016 - Erection of 5 no. residential dwellings with associated car parking, private gardens and amenity space following demolition of an existing residential dwelling.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Contaminated Land - no objection subject to conditions

Arboricultural Officer - no objection subject to conditions

Highway Development - no objection subject to conditions

Landscape Officer - no objection subject to conditions

East Harptree Parish Council - object to the application. The comments on the revised plans can be summarised as follows:

1. The proposed dwellings are inappropriate and alien to the village in respect of their appearance.
2. The style of the proposed dwellings is not complimentary of the village vernacular and the stone cladding should be Dolomitic Conglomerate which is used extensively in the village. Recognise that the revised plans illustrate this.
3. Car ports should be retained and conditioned
4. Concerns with regards to visibility plays but note additional information
5. The views in and out of the area will be seriously compromised by the proposals, the views from the adjoining footpath and the AONB will be affected

6 The site has high hedges to the north and west which provide screening of the site and privacy for adjoining owners. There is no guarantee that these will remain over time and reliance upon their screening to mitigate the prominent buildings cannot be relied upon.

6. The proposal to use mains foul drainage for the disposal of surface water is unacceptable, surface water should be dealt with in a sustainable way.

7. The introduction of the three bedroom houses is welcomed but councillors were disappointed by the inclusion of five bedroom properties which may not accord with village requirements. Plot 3 could be reduced and this would also allow for it to be removed away from the boundary

7 objections have been received, these can be summarised as follows:

- over development of the site/cramped form
- visually prominent
- design out of keeping with the village
- lack of amenity space
- contrary to housing need
- unsustainable location
- lack of parking
- highway safety
- drainage
- loss of privacy, light and overbearing impact

## **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
- Chew Valley Neighbourhood Plan - (This has successfully been through examination, and is due to go to community referendum in early 2017. In line with para 216 of the NPPF, significant weight can be given to the Neighbourhood Plan at this advanced stage.)

## **RELEVANT CORE STRATEGY POLICIES**

- DW1 District Wide Spatial Strategy
- RA2 Development in villages outside the Green Belt not meeting Policy RA1 criteria
- SP2 Sustainable Construction
- CP5 Flood Risk Management
- CP6 Environmental Quality

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

## **RELEVANT LOCAL PLAN POLICIES**

- D.2 General Design and public realm considerations
- D.4 Townscape considerations

- NE.2 Areas of Outstanding Natural Beauty
- BH12 - Archaeology
- NE.4 Trees and Woodland
- NE.11 Nationally important species and habitats
- NE.12 Locally important species and habitats
- ES.2 - Energy conservation
- ES.5 - Foul and surface water drainage
- T.1 Overarching access policy
- T.24 General development control and access 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. The Plan is at an advanced stage; those policies not subject to representations at Draft Plan stage (or only subject of supporting representations) are considered to be capable of being given substantial weight. Policies still subject to outstanding/unresolved representations can only be given limited weight at this stage until the Inspector's Final Report is received.

#### Policies with limited weight

- D1 General Urban Design Principles
- D2 Local Character & Distinctiveness
- D3 Urban Fabric
- D4 Streets and spaces
- D5 Building Design
- D6 Amenity
- D7 Infill and Backland Development
- H1 Historic Environment
- NE2 Conserving and enhancing the landscape and landscape character
- NE2A Landscapes setting of settlements
- NE3 Sites, species and habitats
- NE6 Trees and woodland conservation
- SU1 Sustainable Drainage
- ST1 Promoting sustainable travel
- ST7 Transport requirements for managing development

#### Policies given substantial weight

- SCR5 - Water Efficiency
- PCS5 Contamination
- PCS7A - Foul sewage infrastructure

#### Chew Valley Neighbourhood Plan - significant weight

- Policy HDE1 - Rural Landscape Character
- Policy HDE2 - Settlement Build Character
- Policy HDE3 - Important Views
- Policy HDE4 - Skyline Policy
- Policy HDE5a - Housing Mix

Policy HDE5b - Housing - Affordable Allocation  
Policy HDE7 - Traffic Impact  
Policy HDE8a - Parking for Domestic Dwellings  
Policy HDE8b - Parking for Domestic Dwellings  
Policy HDE9a - Sustainable Drainage  
Policy HDE9b - Sustainable Drainage  
Policy HDE9c - Sustainable Drainage  
Policy HDE13 - Green Corridors and Biodiversity  
Policy BF7 - Fibre to the Premises Internet Connectivity

National Planning Policy Framework (March 2012) and the National Planning Practice Guidance (March 2014) can be awarded significant weight.

## **OFFICER ASSESSMENT**

### Principle of development

The application site is within the Housing Development Boundary of East Harptree where residential development can be considered to be acceptable in principle subject to the requirements of the Development Plan.

The Chew Valley Neighbourhood Plan can now be given significant weight. This includes a policy relating to the provision of housing in line with the housing need survey. The application comprises two three bedroom dwellings, of which there is an identified need. Whilst this application also proposes two five bedroom dwellings, one of these is replacing an existing dwelling which has at least four bedrooms. The housing mix is considered appropriate.

### Character and appearance

The development significantly increases the quantum of development on the site when compared to the existing situation. However, the scheme has been revised during the course of this planning application and since the previous planning application, to reduce the level of development including the number and size of the dwellings and the level of associated hard standing, and to provide a more appropriate landscape setting for the development. Importantly some soft landscaping has been provided within the site fronting onto the shared spaces which allows this to open out onto the site aiding in addressing the concerns about the site appearing suburban being reduced.

Church Lane and the surrounding area does not have a uniform building grain and in line with many villages, has evolved organically through the progression of time. The form and type of dwellings is also varied, and there is not a particular strong character in this regard. It is accepted that the dwellings, particularly plots 2 and 3 are large, but on balance they are not considered to result in a level of development that would cause undue harm to the immediate or wider character of this area.

It is again noted that the adjoining sites accommodate single dwellings in larger plots, similar to the existing form on the application site. However, this is not considered to form

a characteristic that need necessarily be retained. The scheme has evolved to allow for acceptable gaps between the dwellings which permit a sufficient degree of spaciousness to be retained. The site is also relatively well screened by mature landscaping. The built form has been in places moved away from the boundary which will aid in ensuring that the development allows for the landscaping to be safeguarded. It is however considered essential to include a landscaping condition on any application which will ensure that the existing landscaping is retained and enhanced where necessary.

Although the dwelling to the front of the site will be partially screened from views outside of the site, it is important for its size and overall appearance to be acceptable if the screening is not retained in perpetuity. During the course of the application, the dwelling has been reduced in size, by reducing the length and height of the bedroom wing. This ensures that the dwelling fits appropriately in this context.

The plans have been updated in relation to the materials and confirms that the dwellings will be constructed from domomitic conglomerate and cream render. Final details of materials can be secured through the inclusion of a condition on any permission. The use of domomitic conglomerate ensures that the development comprises materials that are commonly used within East Harptree. The scheme puts forward a contemporary design which is not objectionable in principle with the materials ensuring that the scheme takes cues from the surrounding environment.

On balance, the proposed scheme is considered to preserve the visual amenities of the area and the character and appearance and setting of the AONB. The layout, scale, appearance and landscaping are considered to be acceptable.

#### Highway safety

The previous application raised an objection from the Highway Development Officer. With the reduction in dwelling units from five to the four now proposed, the development now proposes sufficient on site parking provision. The Neighbourhood Plan cites that garages should not count towards the parking numbers when looking at the overall level of provision. During the course of the planning application, the two double garages on plots 2 and 3 have been amended and are now car ports. This open nature will ensure that they are used for parking and not used for secure storage etc. A condition can be included on any permission to ensure that these are not enclosed, and left open for parking in perpetuity.

The site will be accessed via the existing access off Church Lane which currently serves one existing dwelling. This access will be widened to 5m which will enable two-way movement to and from the site. The application demonstrates the full length of visibility splay in accordance with the requirements of Manual for Streets. Officers are satisfied with the applicants' proposals in relation to the works necessary in order to achieve the required 2.4m x 43m splay.

Whilst the proposed development is expected to generate a higher number of vehicular movements on Church Lane and at the site access, this increase is unlikely to be significant and will not have a detrimental impact on the safety or operation of the local highway network. The improvements to the substandard access will also help offset the impact of any increase in vehicular movements at this location.

There are therefore no objections on these grounds.

## Ecology

A comprehensive ecological survey and assessment has been submitted. The buildings proposed for demolition were assessed as having negligible bat roost potential. No further survey for bats is required prior to consent.

The site is used by badgers for foraging, and has habitats suitable for reptiles and nesting birds. A reptile survey, and, depending on the outcome of this, a reptile mitigation strategy will be required. This can be secured by condition along with all necessary measures to protect wildlife that uses the site, in particular nesting birds and badger.

Subject to the inclusion of a condition, the scheme is considered to be ecologically acceptable.

## Archaeological implications

The application site lies within East Harptree, which is thought to have been a planned medieval settlement associated with Keynsham Abbey, with houses and plots having been laid out on the three parallel streets of Church Street, Middle Street and Water Street. Its importance as a medieval settlement is reinforced by the remains of Richmond Castle at Harptree Combe to the west of the village. Whilst the development lies just outside of the historic settlement core there is still potential for related activity/occupation within this area. It is therefore recommended that a controlled watching brief condition is attached to any planning consent

## Residential amenity

A number of concerns have been raised with regards to residential amenity. The development sits in relatively close proximity to the adjoining occupiers; although it is noted that the two storey unit (plot 3) has been pulled further away from the boundary of Church Bank and Beechfield. The single storey unit to the front of the site will also share a boundary with Church Bank. Whilst the rear of the nearest neighbouring dwelling faces onto the site, it will overlap rather than directly face the larger two storey dwelling. Given this siting, the orientation of the properties, and the existing landscaping and context in which the site sits, the proposed development is not considered to result in an overbearing impact or result in a significant loss of light for these occupiers. It is noted that the landscaping forms an important existing screening measure, and it is important that this is retained or replaced where necessary.

The windows on the side elevation at first floor level serve bathrooms and these can be conditioned to be obscurely glazed to ensure that the privacy of the neighbouring occupiers is safeguarded. The front window of dwelling 3 will serve a bedroom but due to its positioning and design which projects from the front elevation, will not result in a significant loss of privacy to the neighbouring occupiers.

Overall, the development is not considered to result in any significant harm to the residential amenity of the neighbouring occupiers. Further, the proposed development is considered to result in satisfactory living conditions for the future occupiers of the site.

#### Arboricultural Issue

The application site comprises a number of mature trees, which are primarily located on the boundary of the site. The submission includes a revised arboricultural report incorporating an arboricultural impact assessment. The proposed site plan indicates that 450mm of soil will be removed and that 200mm of imported top soil replaced. It is unclear of the extent that this works would be required. Whilst the Design and Access Statement states that it is hoped that the majority of the existing perimeter trees on the site can be retained, and their root protection areas will be maintained during and post construction. This statement is no guarantee that the perimeter vegetation can be retained, but is noted that the protection measures are shown within the Tree Protection Plan. A condition can be attached to any planning application which will ensure that the tree protection measures are in place.

The proposed replacement planting of 16 trees to mitigate for those lost is acceptable. The revised plans illustrate that the access road will now be widened to 5metres rather than 6metres which reduced the impact upon the adjacent trees.

#### Drainage

The application site is not within a critical drainage area and is outside of any flood risk area. As such it is considered that an appropriate drainage system can be secured though condition.

#### Other issues

No other issues have arisen as a result of this application and for the reasons as stated above, this application is recommended for approval. The development is considered to be in line with the Development Plan, which includes those emerging policies from the Chew Valley Neighbourhood Plan and the Place Making Plan that can now be given significant weight.

### **RECOMMENDATION**

PERMIT

### **CONDITIONS**

#### **1 Standard Time Limit (Compliance)**

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 permission

#### **2 Contaminated Land - Investigation and Risk Assessment (Pre-commencement)**



No development shall commence until an investigation and risk assessment of the nature and extent of contamination on site and its findings has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. The assessment must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and shall include:

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

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

Reason: In order to ensure that the land is suitable for the intended uses 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. This is a condition precedent because the works comprising the development have the potential to uncover harmful contamination. Therefore these details need to be agreed before work commences.

### **3 Contaminated Land - Remediation Scheme (Pre-commencement)**

No development shall commence until 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, has been submitted to and approved in writing by the Local Planning Authority, unless the findings of the approved investigation and risk assessment has confirmed that a remediation scheme is not required. The scheme shall include:

- (i) all works to be undertaken;
- (ii) proposed remediation objectives and remediation criteria;
- (iii) timetable of works and site management procedures; and,
- (iv) where required, a monitoring and maintenance scheme to monitor the long-term effectiveness of the proposed remediation and a timetable for the submission of reports that demonstrate the effectiveness of the monitoring and maintenance carried out.

The remediation scheme shall 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.

The approved remediation scheme shall be carried out prior to the commencement of development, other than that required to carry out remediation, or in accordance with the approved timetable of works.

Reason: In order to ensure that the land is suitable for the intended uses 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. This is a condition precedent because the works comprising the development have the potential to uncover harmful contamination. Therefore these details need to be agreed before work commences.

#### **4 Contaminated Land - Verification Report (Pre-occupation)**

No occupation shall commence until a verification report (that demonstrates the effectiveness of the remediation carried out) has been submitted to and approved in writing by the Local Planning Authority, unless the findings of the approved investigation and risk assessment has confirmed that a remediation scheme is not required.

Reason: In order to ensure that the land is suitable for the intended uses 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 Materials - Submission of Schedule and Samples (Bespoke Trigger)**

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

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies D.2 and D.4 of the Bath and North East Somerset Local Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

#### **6 Arboricultural Method Statement and Tree Protection Plan (Pre-commencement)**

No development shall commence until a Detailed Arboricultural Method Statement with Tree Protection Plan following the recommendations contained within BS 5837:2012 has been submitted to and approved in writing by the Local Planning Authority. The arboricultural method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and certificates of completion to the local planning authority. The statement should include the control of potentially harmful operations such as site preparation (including demolition, clearance and level changes); the storage, handling and mixing of materials on site, burning, location of site office, service run locations including soakaway locations and movement of people and machinery. No development or other operations shall thereafter take place except in complete accordance with the approved details.

Reason: To ensure that trees to be retained are not adversely affected by the development proposals in accordance with Policy NE.4 of the Bath and North East Somerset Local Plan. This is a condition precedent because the works comprising the

development have the potential to harm retained trees. Therefore these details need to be agreed before work commences.

7 Development shall not commence until details of a Wildlife Protection and Enhancement Scheme designed to avoid harm to wildlife, in particular reptiles, nesting birds and badger, has been submitted to and approved in writing by the local planning authority. The scheme shall be in accordance with the recommendations of the approved "Biodiversity and Geological Conservation Assessment" by Acorn Ecology dated February 2016 and shall include:

- o Findings of completed reptile survey together with proposed details for all necessary reptile mitigation and habitat compensation measures, as applicable
- o findings of a nesting bird survey if site clearance is required during the nesting season, together with details of proposed measures to avoid disturbance to nesting birds
- o specifications for measures such as protective fencing, to protect retained habitats, if applicable
- o proposed measures to avoid harm to badger, including, if applicable, findings of precommencement checks for badger activity
- o proposals for biodiversity enhancements, with measures and specifications to be shown on all relevant plans and drawings

The development shall be carried out only in accordance with the approved Scheme or any amendment to the Scheme as approved in writing by the Local Planning Authority.

Reason: to avoid harm to wildlife including reptiles, badger and nesting birds, and to provide biodiversity enhancements in line with the requirements of NPPF

### **8 Obscure Glazing (Compliance)**

The proposed windows on the north east elevation of plot 3 (on the proposed site plan) shall be obscurely glazed and non-opening unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed. Thereafter the window shall be permanently retained as such.

Reason: To safeguard the residential amenities of adjoining occupiers from overlooking and loss of privacy in accordance with Policy D.2 of the Bath and North East Somerset Local Plan.

### **9 Removal of Permitted Development Rights - Car ports (Compliance)**

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 doors or other means of enclosure shall be inserted into the car port areas and these shall remain open in perpetuity.

Reason: Any alterations to enclose this areas require detailed consideration by the Local Planning Authority to ensure sufficient onsite parking is retained in accordance with the Chew Valley Neighbourhood Plan

### **10 Hard and Soft Landscaping (Pre-occupation)**

No occupation shall commence until a hard and soft landscape scheme has been submitted to and approved in writing by the Local Planning Authority showing details of all

trees, hedgerows and other planting to be retained; a planting specification to include numbers, size, species and positions of all new trees and shrubs, details of existing and proposed walls, fences, other boundary treatment and surface treatment of the open parts of the site, and a programme of implementation.

Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with Policies D.2 and D.4 of the Bath and North East Somerset Local Plan.

#### **11 Hard and Soft Landscaping (Compliance)**

All hard and/or soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme (phasing) 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 in accordance with Policies D.2 and D.4 of the Bath and North East Somerset Local Plan.

#### **12 Highways - Parking (Compliance)**

The areas allocated for parking and turning 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: To ensure sufficient parking and turning areas are retained at all times in the interests of amenity and highways safety in accordance with Policy T.24 of the Bath and North East Somerset Local Plan.

#### **13 Highways - Bound/Compacted Vehicle Access (Pre-occupation)**

No occupation of the development shall commence until the vehicular access has been constructed with a bound and compacted surfacing material (not loose stone or gravel).

Reason: To prevent loose material spilling onto the highway in the interests of highways safety in accordance with Policy T.24 of the Bath and North East Somerset Local Plan.

#### **14 Vehicle Visibility Splay (Pre occupation)**

No occupation of the development shall commence until the visibility splay shown on drawing number 15151\_120 Rev B has been provided. There shall be no on-site obstruction exceeding 900mm above ground level within the visibility splay. The visibility splay shall be retained permanently thereafter.

Reason: To ensure sufficient visibility is provided in the interests of highways safety in accordance with Policy T.24 of the Bath and North East Somerset Local Plan.

#### **15 Bound and compacted footpath and carriageway (Pre occupation)**

Each dwelling shall not be occupied until it is served by a properly bound and compacted footpath and carriageway to at least base course level between the dwelling and the existing adopted highway.

Reason: To ensure that the development is served by an adequate means of access in accordance with Policy T.24 of the Bath and North East Somerset Local Plan.

#### **16 Archaeology - Watching Brief (Pre-commencement)**

No development shall commence, except archaeological investigation work, until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a controlled watching brief during ground works on the site, with provision for excavation of any significant deposits or features encountered, and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation.

Reason: The site is within an area of significant archaeological interest and the Council will wish to examine and record items of interest discovered. This is a condition precedent because archaeological remains and features may be damaged by the initial development works.

#### **17 Flood Risk and Drainage - Infiltration Testing (Pre-commencement)**

No development shall commence, except ground investigations and remediation, until infiltration testing and soakaway design in accordance with Building regulations Part H, section 3 (3.30) have been undertaken to verify that soakaways will be suitable for the development. If the infiltration test results demonstrate that soakaways are not appropriate, an alternative method of surface water drainage, shall be submitted to and approved in writing by the Local Planning Authority and installed prior to the occupation of the development.

Reason: To ensure that an appropriate method of surface water drainage is installed and in the interests of flood risk management in accordance with Policy CP5 of the Bath and North East Somerset Core Strategy. This is a condition precedent because it is necessary to understand whether soakaways are appropriate prior to any initial construction works which may prejudice the surface water drainage strategy.

#### **18 Rainwater harvesting - (Pre occupation)**

The development hereby approved shall not be occupied until a scheme for rainwater harvesting or other methods of capturing rainwater for use by the residents (e.g. water butts) has been submitted to and approved in writing. The development shall thereafter be carried out in accordance with these approved details.

Reason; In the interests of sustainable development in line with policy SCR5 of the Place Making Plan

#### **19 Plans List (Compliance)**

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:**

22 Sep 2016	15151_100	SITE LOCATION PLAN
22 Sep 2016	15151_101	EXISTING SITE PLAN
22 Sep 2016	15151_102	TOPOGRAPHICAL SURVEY
22 Sep 2016	15151_103	EXISTING SECTIONS A-A & B-B
05 Dec 2016	15151_104	REVISION H PROPOSED SITE PLAN
05 Dec 2016	15151_105	REVISION F DWELLING TYPE 1 - PLANS
05 Dec 2016	15151_106	REVISION D DWELLING TYPE 1 - ROOF PLAN AND SECTIONS
05 Dec 2016	15151_107	REVISION F DWELLING TYPE 1 - ELEVATIONS
05 Dec 2016	15151_108	REVISION F DWELLING TYPE 2 - PLANS
05 Dec 2016	15151_109	REVISION E DWELLING TYPE 2 - ROOF PLAN AND SECTIONS
05 Dec 2016	15151_110	REVISION F DWELLING TYPE 2 - ELEVATIONS
05 Dec 2016	15151_111	REVISION E DWELLING TYPE 3 - GROUND FLOOR PLAN
05 Dec 2016	15151_112	REVISION D DWELLING TYPE 3 - ROOF PLAN
05 Dec 2016	15151_113	REVISION D DWELLING TYPE 3 - ELEVATIONS
05 Dec 2016	15151_114	REVISION F PROPOSED SECTIONS
05 Dec 2016	15151_116	REVISION D PROPOSED LANDSCAPE PLAN
05 Dec 2016	15151_120	REVISION C PROPOSED VISIBILITY SPLAY
05 Dec 2016	15151_121	REVISION C LONG ELEVATION
05 Dec 2016	15151_122	REVISION D DWELLING TYPE 3 - SECTIONS

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: [www.bathnes.gov.uk/cil](http://www.bathnes.gov.uk/cil)

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

#### **Condition Categories**

The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

Compliance - The condition specifies matters to which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

**Pre-commencement** - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

**Pre-occupation** - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

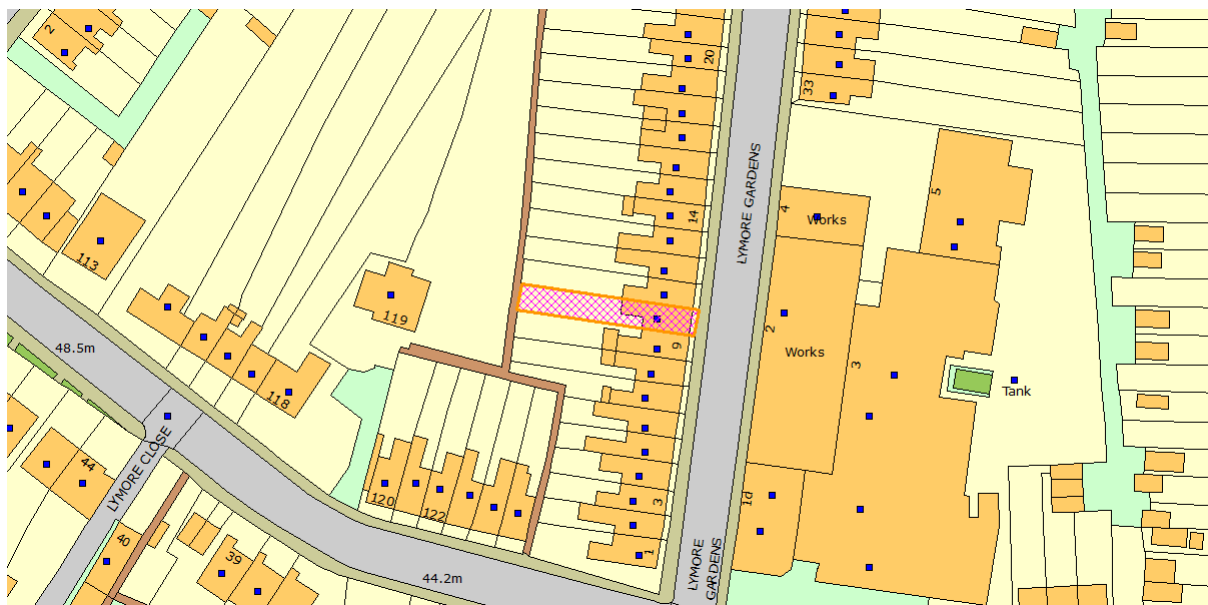
**Bespoke Trigger** - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

Please note all conditions should be read fully as these headings are intended as a guide only.

Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, details of the fee can be found on the "what happens after permission" pages of the Council's Website. You can submit your conditions application via the Planning Portal at [www.planningportal.co.uk](http://www.planningportal.co.uk) or send it direct to [planning\\_registration@bathnes.gov.uk](mailto:planning_registration@bathnes.gov.uk). Alternatively this can be sent by post to The Planning Registration Team, Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

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.

**Item No:** 03  
**Application No:** 16/02230/FUL  
**Site Location:** 10 Lymore Gardens Twerton Bath Bath And North East Somerset BA2 1AQ



<b>Ward:</b> Westmoreland	<b>Parish:</b> N/A	<b>LB Grade:</b> N/A
<b>Ward Members:</b>	Councillor Colin Blackburn Councillor June Player	
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Change of use from a 4 bed dwelling (use class C3) to a 4 bed house of multiple occupation (HMO) (Use class C4)	
<b>Constraints:</b>	Affordable Housing, Agric Land Class 3b,4,5, Article 4, Forest of Avon, HMO Stage 2 test required, Hotspring Protection, SSSI - Impact Risk Zones, World Heritage Site,	
<b>Applicant:</b>	Mr Andrew Spear	
<b>Expiry Date:</b>	15th July 2016	
<b>Case Officer:</b>	Nikki Honan	

## REPORT

This application has been referred to the Development Management Committee as a request has been received from Cllr Player for the application to be determined by Development Management Committee if officers are minded to approve, on the grounds that it will exceed the allowed number of Houses of Multiple Occupancy (HMOs) of the Article 4 Direction which is contrary to the HMO Supplementary Planning Document. Comments are summarised within the Representation Section of this report.

Planning permission is sought for change of use from a 4 bed dwelling (use class C3) to a 4 bed house of multiple occupation (HMO) (Use class C4).

Number 10 is a two storey mid terraced house on the eastern side of Lymore Gardens. The application site is in Twerton in the Westmoreland ward and falls within the World Heritage Site and the HMO Stage 2 test area.

This change of use would ordinarily constitute permitted development under the Town and Country Planning (General Permitted Development) (England) Order 2015. However, planning permission is required in this case due to an Article 4 Direction which removes permitted development rights for this change of use within the City of Bath.

Planning History:

The property has no relevant planning history.

## SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Cllr Player:

Should you be minded to approve the above application then I am requesting that it goes to Committee on the grounds that it will exceed the allowed number of Houses of Multiple Occupancy (HMOs) of the Article 4 Direction which is contrary to the HMO Supplementary Planning Document that exists in this part of the Ward of Westmoreland that it is in.

Highways:

The applicant is seeking permission for Change of Use from a 4 bed dwelling to a 4 bed House of Multiple Occupation (HMO).

This site is located off the cul-de-sac of Lymore Gardens where there appears to be a high demand for on-street parking, and where there is no turning head at the end of the road, although the road is quite wide to allow for some turning.



Whilst the occupancy of the dwelling could increase, and there may be concerns over increased parking demand and vehicle movements, the site is in a sustainable location, close to local shops and public transport, where car use will be less intense than in more remote locations. I also understand that the property was previously occupied as an HMO for students.

It should also be noted that as there will be no increase in the number of bedrooms, the proposed change of use will not result in an increase in off-street parking demand when referring to policy T.26 of the Local Plan.

Furthermore, evidence from surveys carried out by the Department for Communities and Local Government states that rented accommodation can have up to 50% fewer cars than owner-occupied households.

Whilst it is far from ideal that the dwelling has no means of private parking, having regard to the evidence from the DCLG regarding car ownership, I do not feel an objection could be justified, and therefore I recommend that no objection is raised.

#### Third Party Comments:

15 neighbour objections have been received, which are summarised as follows:

- o Local need for family housing
- o Not in the best interests of the residents
- o House is in Article 4 area
- o Insufficient space for any more parked cars. HMO's create a disproportionate increase in parking demands
- o Will lead to further traffic congestion
- o Hope telephone number of owner will be displayed on the outside of the house as property will be run as a business
- o Property not big enough for an HMO
- o Too many students in area already
- o Far less opportunity for moderate income families to purchase houses here and that detracts from a well-balanced community
- o Houses are small for a 4 person HMO but alright for families
- o Litter problems
- o If granted could open the floodgates for future applications
- o As rate-payers, we believe we should have a say in what happens within our neighbourhood
- o Many HMO's in the area with landlords who do not respect their property
- o Some landlords visit their properties seldom and do not employ a management company
- o Streets and gardens have become untidy and often filthy as a result of too many HMO's
- o I like a mixture of people, I like having students around but somehow the number of multiple occupancy houses has exceeded what seems reasonable
- o Harmful to community balance
- o Purpose built accommodation all over the city should mean HMO's are not needed
- o Cllrs should visit the area to note the impact on HMO's, including overgrown gardens and rubbish in the front

- o Property damage from neighbouring HMO
- o Students do not pay council tax, and other residents pay increasing council tax, including other rental properties where council tax is payable even when vacant
- o The house has been an unregistered HMO for a number of years, under a previous owner
- o HMO's can be noisy and party walls of these houses are only half a brick thick - benefits for occupants if acoustic performance of party walls could be improved as part of the change of use.

2 neighbour comments have been received, as summarised below:

- o Please explain objection.
- o I am happy with its future use but would like limits on the number of cars for the property

## **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:

- o Core Strategy (2014)
- o Saved Policies in the B&NES Local Plan (2007)
- o Joint Waste Core Strategy (2011)

## **RELEVANT CORE STRATEGY POLICIES**

The B&NES Local Plan policies that are replaced by policies in the Core Strategy (2014) 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 policies of the Core Strategy are relevant to the determination of this application:

CP.6: Environmental Quality  
B.4: World Heritage Site

## **RELEVANT LOCAL PLAN POLICIES**

The following saved policies of the Bath and North East Somerset Local Plan (2007) are also relevant to the determination of this application:

D.2: General Design and public realm considerations

D.4: Townscape considerations

NE.5: Forest of Avon

NE.13A: Bath Hot Springs

T.24 General development control and access policy

T.26: On-site parking and servicing provision

HG.12: Residential development involving dwelling subdivision, conversion of non-residential buildings, re-use of buildings for multiple occupation and re-use of empty dwellings

## **RELEVANT PMP POLICIES**

The placemaking plan is at an advanced stage (albeit still at Examination) and policies not subject to representations at Draft Plan stage (or only subject of supporting representations) are considered to be capable of being given substantial weight. Policies still subject to outstanding/unresolved representations can only be given limited weight at this stage until the Inspector's Final Report is received.

The following policies still subject to outstanding/unresolved representations can only be given limited weight at this stage until the Inspector's Final Report is received:

UD.1: General Urban Design Principles  
UD.2: Local Character and Distinctiveness  
UD.3: Urban Fabric  
UD.4: Streets and Spaces  
UD.5: Building Design  
UD.6: Amenity  
ST7: Transport Requirements for Managing Development  
H.1: Historic Environment

Given the Plan is at an advanced stage the following policies not subject to representations at Draft Plan stage (or only subject of supporting representations) are considered to be capable of being given substantial weight:

H2: Houses in Multiple Occupation

The Supplementary Planning Document (SPD) 'Houses in Multiple Occupation in Bath' (2013) is relevant in the determination of this planning application.

'The City of Bath World Heritage Site Setting' Supplementary Planning Document (2013) is relevant in the determination of this planning application.

National Planning Policy Framework (March 2012) and the National Planning Practice Guidance (March 2014) can be awarded significant weight. The following sections of the NPPF are of particular relevance:

Section 6: Delivery a wide choice of high quality homes.

## **OFFICER ASSESSMENT**

Site Context:

Number 10 is a two storey mid terraced house on the eastern side of Lymore Gardens. The application site is in Twerton in the Westmoreland ward and falls within the World Heritage Site and the HMO Stage 2 test area.

Proposed Development:

Change of use from a 4 bed dwelling (use class C3) to a 4 bed house of multiple occupation (HMO) (Use class C4).

No physical alterations would be required to the exterior of the building. One bedroom is on the ground floor (former lounge), two bedrooms are on the first floor and one bedroom is on the second floor (following a previous loft conversion). A communal kitchen, dining room/utility and living room will be retained and the bedrooms will be of an adequate size.

Overall the property should provide a good standard of accommodation for the future occupiers.

#### HMO Policy Tests:

The guidance within the Council's SPD 'Houses in Multiple Occupation in Bath' specifies the criteria for assessing applications required by the introduction of the Article 4 Direction. The document sets out a two stage assessment process to establish whether the change of use would be acceptable with regards to the existing balance and mix of housing accommodation within the locality, and to ensure that it would not create an unacceptable concentration of HMOs in the area.

The 'Stage 1 Test' assesses whether the application property is within or less than 50 metres from a Census Output Area in which HMO properties represent more than 25% of households. If a property is within such an area then a further 'Stage 2 Test' is applied, which assesses whether HMO properties represent more than 25% of households within a 100 metre radius of the application property.

The subject property of this application does not meet the Stage 1 Test. The property lies in an area in which HMO properties represent more than 25% of households.

Therefore in this case the 'Stage 2 Test' is also applied in accordance with the SPD and with specific reference to the Council's data on the number of HMO dwellings.

In the case of this application the following calculations are made:

- o Total number of dwellings within 100m radius of subject property = 83 dwellings
- o Total number of HMO dwellings within a 100m radius of the subject property = 17
- o Percentage of HMOs =  $(17/83) \times 100 = 20.48\%$

In accordance with the stage 2 test of the Article 4 Direction, the threshold in the immediate 100 metres around the application site property is below 25%.

It is noted that when the application was first submitted it was believed there were 19 HMO's within 100m radius of the site. The applicant has demonstrated there are indeed 17 HMO's, which has been confirmed on GIS and through discussions with the GIS Licencing Team.

Therefore at the current time the change of use of this property is deemed to be acceptable in principle and compliant with the Article 4 Direction and the policy set out in the 'Houses in Multiple Occupation in Bath' SPD, which aims to encourage "an appropriately balanced housing mix across Bath, supporting a wide variety of households in all areas." The application site is viewed as an appropriate location for an HMO, unless there are other material considerations.

In addition, paragraph 50 of the NPPF states that LPA's should deliver a wide choice of high quality homes and support inclusive and mixed communities. This guidance advises that local planning authorities should "...plan for a mix of housing based on current and future demographic trends, market trends and needs of different groups in the community (such as but not limited to families with children, older people, people with disabilities, service families and people wishing to build their own homes)". The application site is

therefore considered to be an appropriate location for a HMO, unless there are other material considerations.

Policy H2 of the Placemaking Plan can now be given substantial weight. This broadly carries forward the requirements of the 'Houses in Multiple Occupation in Bath' SPD.

#### Impact on Existing Residents:

It is recognised that there are concerns arising from HMO's in terms of increased levels of noise and disturbance. However, this would not constitute a reason for refusal of planning permission for the change of use. Whilst a shared housing unit may have different patterns of behaviour to a single family unit, there is no evidence to suggest that the proposed HMO would result in increased levels of disturbance or be used materially differently to that of an ordinary dwelling house occupied by a family.

#### Highways:

The adult occupancy of the building is likely to increase, which may result in increased demand for the street parking. However, surveys carried out by Dept. for Communities and Local Government state that rented accommodation can have up to 50% fewer cars than owner-occupied households. It is therefore not necessarily the case that a HMO property will have more vehicle ownership than say a family with adult children. Also the property is in a sustainable location, within easy walking distance of the city centre, major train and bus stations and other local shopping facilities.

#### Other Matters:

Some consultation comments suggest the application site has operated as an HMO previously. There is no planning history on this, and it may be that there was an HMO prior to the Article 4 Directive. Nevertheless, the application is assessed on current planning policy and recommended for approved as detailed above.

One neighbour has called for additional sound proofing to be required as part of any change of use planning application. As there is no policy basis to assume HMO occupants make any more noise than other occupants, this is considered an unreasonable element to include as part of the planning process and should be negotiated outside of the planning process.

#### Conclusion:

In accordance with the stage two test of the Article 4 Direction, the threshold in the immediate 100 metres around the application site property is below 25%. Although it is appreciated that there is a perception that the Twerton area has an over concentration of HMO properties, the data provides evidence that this is not the case around the immediate vicinity of the application site property.

The change of use is therefore considered acceptable in this location and complies with the relevant policies in the emerging Placemaking Plan, Core Strategy, saved Local Plan Policies and guidance within the SPD. It is not considered that there are any material grounds which would justify refusal of this application and it is therefore recommended for approval, subject to the inclusion of conditions. In a similar way it can not be assumed that the HMO will create more litter than any other form of occupation.

## **RECOMMENDATION**

## PERMIT

### CONDITIONS

#### **1 Standard Time Limit (Compliance)**

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 permission

#### **2 Number of Occupants (Compliance)**

The development hereby permitted shall not be occupied by more than 4 unrelated occupants unless a further planning permission has been granted.

Reason: An increase in the number of occupants would need further consideration by the Local Planning Authority with regard to residential amenity, in accordance with Policy D.2 of the Bath and North East Somerset Local Plan.

#### **3 Plans List (Compliance)**

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

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

### PLANS LIST:

This decision relates to the Site Location Plan dated 20th May 2016, and the Proposed Floor Plans dated 12th December 2016.

#### **Condition Categories**

The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

Compliance - The condition specifies matters to which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

Pre-commencement - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

Please note all conditions should be read fully as these headings are intended as a guide only.

Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, details of the fee can be found on the "what happens after permission" pages of the Council's Website. You can submit your conditions application via the Planning Portal at [www.planningportal.co.uk](http://www.planningportal.co.uk) or send it direct to [planning\\_registration@bathnes.gov.uk](mailto:planning_registration@bathnes.gov.uk). Alternatively this can be sent by post to The Planning Registration Team, Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

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.

**Item No:** 04  
**Application No:** 16/05085/FUL  
**Site Location:** 44 St Clement's Road Keynsham Bristol Bath And North East Somerset BS31 1AF



<b>Ward:</b> Keynsham South	<b>Parish:</b> Keynsham Town Council	<b>LB Grade:</b> N/A
<b>Ward Members:</b> Councillor Alan Hale	Councillor Lisa O'Brien	
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Demolition of existing garage and erection of 1no detached dwelling in its place.	
<b>Constraints:</b>	Affordable Housing, Airport Safeguarding Zones, Agric Land Class 3b,4,5, Forest of Avon, Housing Development Boundary, SSSI - Impact Risk Zones,	
<b>Applicant:</b>	Mr John Ridgeway	
<b>Expiry Date:</b>	12th December 2016	

## **REPORT**

This application has been referred to the Development Management Committee following support from Keynsham Town Council which is contrary to the officer recommendation for refusal and the Chair has determined it should be brought to committee. Comments from Keynsham Town Council are summarised within the Representation Section of this report.

The application site is to the side of 44 St Clements Road. The plot is on the corner of Edinburgh Road and St Clements Road in the Keynsham South ward. The application proposes the demolition of the existing garage and construction of a three bed detached dwelling.

### **Planning History:**

00/01279/FUL - Two storey side extension - PERMIT - 30.08.2000

01/01551/FUL - Detached garage/workshop - PERMIT - 29.08.2001

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Keynsham Town Council

Support - There are no planning reasons to object to the application as the proposal is in accordance with policy D.2 of the Bath and North East Somerset Local Plan.

### **Highways:**

The applicant is seeking permission to erect a new 3 bed dwelling following the demolition of an existing garage adjacent to 44 St Clements Road, Keynsham. It is noted that the applicant sought pre-planning advice regarding development at this site where it was proposed to construct 2 no. flats in place of the garage. Highways DC expressed concerns relating to parking and intensification in use of the access in close proximity to the St. Clements Road/Edinburgh Road junction. In light of the planning advice received, the scale of the development has been reduced where it is now proposed to construct just 1 no. dwelling.

The proposed development includes the provision of 2 no. spaces for each dwelling which will satisfy the standards outlined in policy T.26 of the Local Plan. The provision of off-street parking for the existing dwelling will require the demolition of approx. 10m of the front boundary wall and provision of a dropped kerb vehicular crossing. While the provision of this access will result in an increase in vehicular movements at this location, Highways DC envisages that this increase will be negligible and will not have a severe impact on highway safety. Furthermore, the reference to the development in the adjacent property (ref. 14/05475/FUL) where the applicant obtained permission to erect a new dwelling and construct a vehicular access is acknowledged. The use of the existing access and parking area off Edinburgh Road to serve the proposed dwelling is considered acceptable.

The sites sustainable location having good access to a range of services, facilities and public transport is also acknowledged. This will help encourage future residents to use more sustainable modes of transport in order to access Keynsham town centre and beyond as opposed to relying on a private vehicle.



To conclude, Highways DC has no objection to this development subject to the following conditions:

1. 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.

## **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:

- o Core Strategy (2014)
- o Saved Policies in the B&NES Local Plan (2007)
- o Joint Waste Core Strategy (2011)

## **RELEVANT CORE STRATEGY POLICIES**

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 policies of the Core Strategy are relevant to the determination of this application:

DW1: District Wide Spatial Strategy

CP6: Environmental Quality

## **RELEVANT LOCAL PLAN POLICIES**

The following saved policies of the Bath and North East Somerset Local Plan (2007) are also relevant to the determination of this application:

D.2: General design and public realm considerations

D.4: Townscape considerations

NE.5: Forest of Avon

T.24 General development control and access policy

T.26: On-site parking and servicing provision

## **RELEVANT PMP POLICIES**

The placemaking plan is at an advanced stage (albeit still at Examination) and policies not subject to representations at Draft Plan stage (or only subject of supporting representations) are considered to be capable of being given substantial weight. Policies still subject to outstanding/unresolved representations can only be given limited weight at this stage until the Inspector's Final Report is received.

The following policies still subject to outstanding/unresolved representations can only be given limited weight at this stage until the Inspector's Final Report is received:

UD.1: General Urban Design Principles

UD.2: Local Character and Distinctiveness

UD.3: Urban Fabric

UD.4: Streets and Spaces

UD.5: Building Design  
UD.6: Amenity  
UD.7: Infill and Backland Development  
ST7: Transport Requirements for Managing Development

National Planning Policy Framework (March 2012) and the National Planning Practice Guidance (March 2014) can be awarded significant weight.

## **OFFICER ASSESSMENT**

### **Site Context:**

The application site is a plot on the corner of Edinburgh Road and St Clements Road in Keynsham. The existing house has a two storey side extension and large front porch (00/01279/FUL) and within the plot is an existing detached garage/workshop (01/01551/FUL).

The adjoining semi (number 42) has planning permission (14/05475/FUL) for an attached dwelling following demolition of an existing side extension. This scheme mirrors the design and bulk of the adjoining semi at number 44. It is located further to the north of the application site and follows the context in the immediate street scene in terms of building design, bulk and building line.

The subject site is located on the corner and so has a relationship with the street that it sits at right angles to St Clements Road as well as the street that it fronts Edinburgh Road. Dwellings to the south along St Clements Road are set back and include semis on spacious plots. Terrace bungalows are sited to the rear (west) of the application site. The prevailing development pattern in the immediate street scene of the application site is therefore concluded as a spaciouly laid out estate.

### **Proposed Development:**

The application proposes the demolition of the existing garage and construction of a three bed detached dwelling.

### **Principle of Development:**

The application site is located within the housing development boundary and therefore the principle of residential development is accepted subject to compliance with all other planning policies.

### **Character and Appearance:**

The application proposes 1no. new dwelling to attach to the existing house on a corner plot between Edinburgh Road and St Clements Road. Due to the spaciouly laid out character in the immediate street scene, including single storey bungalows to the west and semi-detached houses set back from the application site, the proposed development fails to complement the character of the surrounding area and appears incongruous, cramped and overdevelopment on this prominent corner plot.

The design of the proposed house follows some of the design characteristics of the existing house number 44, as well as 42 and the permitted house adjoining number 42. None the less it has due to space constraints taken on a more constrained form having a shorter front to back span and resultant lower roof reflecting the limited available space within the plot. It also pushjes built development close to the corner of the 2 streets which

it site adjacent to. In the context of the other development in the immediate street scene, including low bungalows to the west and semis to the south which all occupy generous plots, the proposed development on this prominent corner plot appears cramped, overdevelopment and incongruous.

Policy D.2 of the Local Plan states that development will only be permitted if, amongst other things, the character of the public realm is maintained or enhanced that the development is of a high quality and that the proposed development will not cause significant harm to the amenities of existing or proposed occupiers of residential premises. Policy D.4 states that development will only be permitted where, amongst other things, it responds to the local context in terms of appearance, materials, siting, spacing and layout. Core Strategy policy CP6 also requires development to respect the local character and incorporate high quality design.

Due to the constraints of this narrow, modest, corner plot, the proposed dwelling does not reflect the built form of the existing locality. The constraints of the site have resulted in the built form of the building failing to respect the character of the existing area. The proposed development appears cramped and incongruous in the street scene.

For the reasons cited above the proposed development is not considered to comply with policies D.2 and D.4 of the Local Plan and policy CP6 of the Core Strategy. It is of note that the Placemaking policies albeit of limited weight do not materially change the considerations in this case.

#### Amenity:

Due to the proposed corner plot location, the proposal is not considered to be significantly harmful to the amenity of neighbouring residents due to its overbearing impact. Due to the design and orientation of the site, the proposed dwelling is not considered to cause significantly harmful overlooking or overshadowing.

#### Highways:

2 no. spaces are proposed for the new dwelling, as well as 2 new off street parking spaces for the existing house at number 44. This will satisfy the standards outlined in policy T.26 of the Local Plan.

Highways DC has not objected to the proposed dropped kerb to accommodate parking for number 44 off St Clements Road as it will not have a severe impact on highway safety. The use of the existing access and parking area off Edinburgh Road to serve the proposed dwelling is considered acceptable.

The site's sustainable location having good access to a range of services, facilities and public transport is also acknowledged.

#### Conclusion:

The proposed development appears dominant in the street scene due to its position next to the junction. The proposed development appears incongruous and dominant to the character in the prevailing spaciouly laid out estate.

## **RECOMMENDATION**

**REFUSE**

## REASON(S) FOR REFUSAL

1 The proposed development by reason of its siting scale and design will fail to respect the context of the surrounding streetscene and spatial characteristics of the area. The development is therefore contrary to policy CP6 of the Core Strategy, adopted 2014, and policies D.2 and D.4 of the Bath and North East Local Plan, including minerals and waste policies, adopted October 2007

## PLANS LIST:

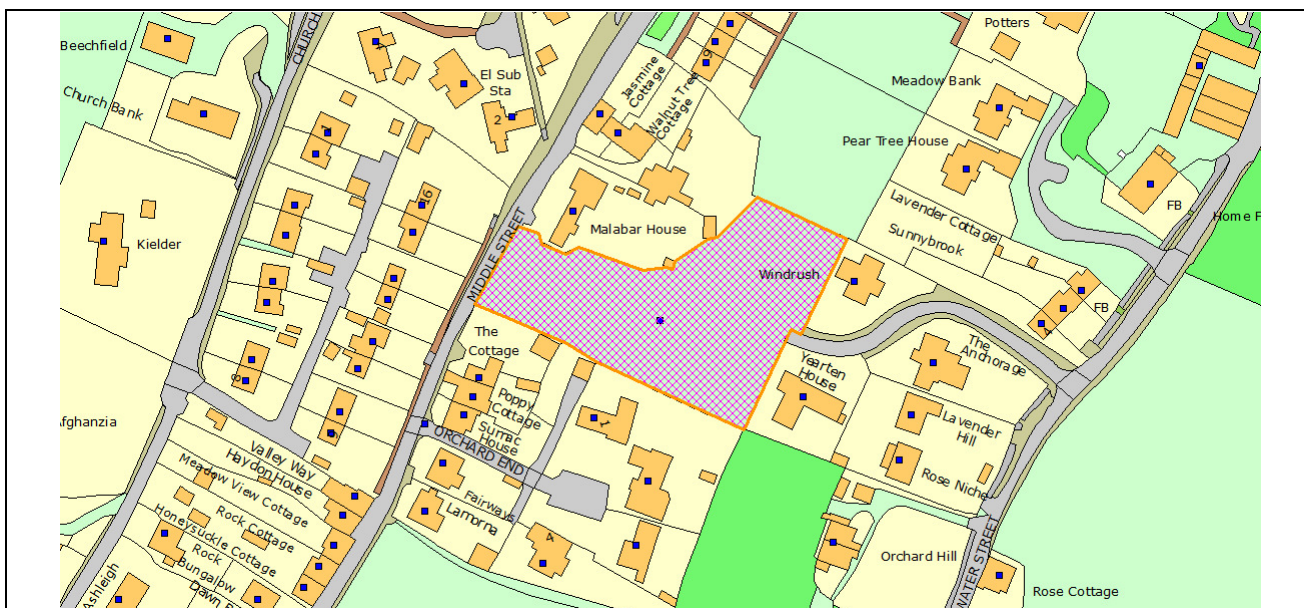
This decision relates to:

01, 02, 03, 04 - all received 17 Oct 2016

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. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was unacceptable for the stated reasons and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule comes into effect. Whilst the above application has been refused by the Local Planning Authority please note that CIL applies to all planning permissions granted on or after this date. Thus any successful appeal against this decision may become subject to CIL. Full details are available on the Council's website [www.bathnes.gov.uk/cil](http://www.bathnes.gov.uk/cil)

<b>Item No:</b>	05
<b>Application No:</b>	14/05836/FUL
<b>Site Location:</b>	Land Rear Of Yearten House Water Street East Harptree Bristol



**Ward:** Mendip

**Parish:** East Harptree

**LB Grade:** N/A

**Ward Members:** Councillor T Warren

**Application Type:** Full Application

**Proposal:** Erection of 8 dwellings and access.

**Constraints:** Airport Safeguarding Zones, Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Housing Development Boundary, SSSI - Impact Risk Zones, Water Source Areas,

**Applicant:** John Sainesbury & Co.

**Expiry Date:** 30th November 2016

**Case Officer:** Christine Moorfield

## REPORT

Reason for reporting application to the committee

This application was considered by the Development Management Committee on the 29th July 2015. The committee resolution was to defer making a decision pending a site visit which took place on the 17th August 2015.

The application was considered by the committee 26th August when committee resolved to delegate to grant permission for the application subject to the signing of a section 106 agreement which required the following

- i) The provision and maintenance of the public footpath and the provision of a pavement at the front of Yearten House.
- ii) Provision and maintenance of the public open space and ecological corridors
- iii) Provision of a management company to ensure the maintenance and protection of the landscaped areas in perpetuity.
- iv) Provision of affordable housing.

At the time of consideration the provision of eight dwellings would have required a 15% affordable housing contribution to be secured by a legal agreement. Before the applicant

could enter into a legal agreement a change to the National Planning Practise Guidance has meant that councils can no longer require contributions for developments of less than 10 dwellings. The application is being referred back to the committee as the members have originally resolved to grant permission on the basis that affordable housing contributions would be made and these can no longer be required. There has therefore been a change in circumstance from the original submission.

The proposed recommendation is that the proposal be permitted subject to the signing of a section 106 agreement, this being the same decision as that previously made by the Development Management Committee. It is recommended that terms i)-iv) of the 106 agreement are to be retained but term iv) provision of affordable housing is to be deleted from the heads of agreement for the Section 106.

The report below is the report presented to the committee on the 26th August 2015. Any additional information raised at the 29th July committee has been incorporated within the report. The policy framework has now been updated and of note is the reference to Policy HDE 5a of the Neighbourhood Plan which relates to housing mix. The contribution that this proposal would make to the housing mix of the local area has been incorporated into the evidence supporting the Neighbourhood Plan Policies. It is not considered that there are any changes to the policy framework which would warrant a different recommendation being made in respect of this application.

Councillor Tim Warren has requested that this application be presented to the Development Management Committee due to the level of local interest.

The Chair of the planning Committee has decided that this application should be presented to the planning committee due to the valid concerns and number of objections received including objections from the Parish Council as well as 25 letters (prior to re notification following the receipt of amended plans) from residents and a petition signed by 23 residents.

## SITE DESCRIPTION AND PROPOSAL

The site is accessed via a road spur from Water Lane which serves 4 number dwellings including Yearten House. The boundaries to the site are mainly hedge with a stone retaining wall adjacent to Middle Lane. The land is rough grazing land. The site is known to be occupied by badgers.

The site is located within the housing development boundary for East Harptree and within the Mendip Hills Area of Outstanding Natural Beauty. Within the adopted Core Strategy East Harptree is identified as an RA2 settlement. Policy RA2 of the Adopted Core Strategy states that within the Development Boundary proposals for some limited residential development will be acceptable where: they are of a scale, character and appearance appropriate to the village.

The proposal as originally submitted was for 8 dwellings. The scheme proposed one 2 bed, two 3 bed and five 4 bed dwellings, the scheme also included access and parking. A pedestrian route with a ramp was proposed providing access to Middle Street along with an area of public open space.

During the consideration process the scheme has been amended and the size of the proposed 8 units has been reduced. The scheme now comprises one 2 bed, five 3 bed and two 4 bedroomed dwellings.

The scheme still includes access and parking spaces, an area of open space and a pedestrian route through the site with steps down to Middle lane. The scale of the works in relation to the footpath has been reduced as the ramp has been omitted.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

### **HIGHWAYS**

The highway engineer commented on the original submission that given the history of the site the access is considered acceptable. However, the internal layout was not considered adequate as the turning head appeared too small for a refuse vehicle to turn and a swept path diagram was requested.

The Highway Engineer also stated that no paving across the carriageway should be provided. The proposed access should be a shared surface with a new footpath being provided from the site onto Middle Street which provides pedestrian access between the site and the shops and facilities in the village.

The application originally proposed 1 x 2 bedroom house, and 2 x 3 bedroom houses which will require 2 parking spaces and 5 x 4 bedroom houses which will require 3 parking spaces. The level and layout of the parking as shown on the Site Layout was acceptable.

No objection was made to the application in principle subject to a revised layout plan showing a swept path diagram for the turning head that could accommodate a 10.225m refuse vehicle.

Subsequently the applicant provided a swept path diagrams for the turning head for the development which has been tested and is acceptable and therefore no highway objection is raised to the proposal subject to a S106 securing the S38 works and provision of the footpath link to Middle Street.

Conditions in respect of retention and provision of access and parking spaces need to be attached to any permission granted.

### **ARCHAEOLOGY**

The Councils archaeologist raised no objection subject to conditions in respect of the following being attached to any permission:

- (1) a field evaluation of the site,
- (2) a subsequent programme of archaeological work or mitigation, and
- (3) publication of the results. The scope of conditions 2 and 3 will depend on results of the field evaluation (condition 1):

### **PARKS OFFICER**

No objection subject to a condition in relation to the open space maintenance.

## EDUCATION

Bath and North East Somerset Council People and Communities Early Years, Primary School, Secondary School, Post 16 and Youth Services Developer Contributions required are as follows:

The contribution for Early Years provision would be £0 as there is sufficient provision in the area.

The total for school places would be £10,991.58

The Total for Youth provision would be £1,600.80

Therefore, a total contribution at the time of comment sought by the council would be £12,592.38

## TREES

The Councils Arboriculturalist commented that no significant trees exist within the main body of the site, however trees are evident around the boundaries on and off site. Those along the southern boundary in particular should be considered since these will shade and overhang the rear gardens. The application should be able to demonstrate how these have been considered in the design layout. The application should include a tree survey following the recommendations in BS 5837:2012 as a minimum requirement.

The indicative layout shown places ecologically important hedgerows within the rear gardens of proposed properties, which may risk incremental loss over time. It is suggested that the garden boundaries are set back from the hedgerows with a maintenance strip created adjoining the hedgerows. Boundary landscape would then become part of the management of communal areas.

## PARISH COUNCIL

Numerous objections to the scheme have been made, in particular concerns have been raised in relation to the size and scale of the proposed dwellings and the detrimental effect on the visual amenity of the area and the existing surrounding dwellings.

The scheme is seen to impact on the residential amenity of adjacent residential properties in terms of overshadowing.

This is a poorly designed scheme the style and design of the proposed dwellings are of an urban nature and not in keeping with the surrounding dwellings or locality. The height and size of the proposed dwellings will be a prominent feature when viewed from the elevated south side of the village and Smitham Hill.

Access parking and highway safety must be fully considered.

Following the submission of amended plans the Parish Council submitted the following comments:



Parking still inadequate.  
Restricted access for service vehicles.  
Inappropriate design in terms of size and height  
Detrimental impact on neighbours  
Green corridor should be retained  
Impact on ecology particularly given the removal of the badger sett  
The steps exit onto an inadequate pavement on a busy road.  
The management of the communal space should be safeguarded with a section 106 agreement.  
Restriction on the use of permitted development should be put in place.  
Concerns in respect of neighbour notification and information on the website.

Councillors voted to object to the amended proposals.

## FLOOD RISK MANAGEMENT AND DRAINAGE

The site is located in flood zone 1 and is less than 1 hectare in size.

The applicant is generally advised to review the Environment Agency's Local Flood Risk.

Drainage from new development must not increase flood risk either on-site or elsewhere.

Government policy strongly encourages a sustainable drainage system (SuDS) approach to achieve these objectives.

The application as submitted did not include any details about how the development will manage surface water and a drainage strategy was required.

Subsequent further drainage information has been submitted and this has addressed most of the drainage engineers concerns. The councils drainage engineer has commented that the technical note is acceptable and so no objection is raised subject to conditions.

As requested Wessex Water has been informed of the technical note submitted as some of the surface water system will be adopted by them.

## PLANNING POLICY

In the adopted B&NES Core Strategy (2011-2029), East Harptree has been identified as a RA2 settlement as it has not got three key facilities and only has a limited daily public transport service. RA2 settlements will receive approximately 10-15 dwellings over the Plan period of 2011-2029.

The proposed development is within the Housing Development Boundary; therefore no policy objection would be raised subject to urban design, landscape and providing satisfactory highways access. Further, the site has been identified in the Placemaking Plan evidence base work by the Parish Council as the preferable option for a potential housing site for approximately 10 dwellings.

The previous report presented to committee on the 29th July stated that because 'the site is for 8 dwellings then this development will not contribute towards the 10-15 dwellings required through Policy RA1 of the Core Strategy'.

This matter is referred to later in this report as amended officer views in respect of this matter were reported verbally at the committee meeting.

## AFFORDABLE HOUSING

The requirement for affordable housing has changed since this application was last considered at Committee and this is addressed further in the officer assessment section of this report.

## URBAN DESIGN

The principle of development on this site has been supported in urban design terms. The site is considered to fit well into the existing grain of the village.

It is noted that this is a proposed site for development supported by the Parish Council and is proposed to be a site allocation within the Placemaking Plan options document. The original plans submitted were considered to be acceptable in terms of number of dwellings but the large footprints created an urban feel to the site which conflicted with other considerations in respect of this site.

The urban design officer objected to the scheme as initially submitted due to the overdevelopment of the footpath ramp, the development layout and in particular the view through the site and the relationship between the houses and the proposed open space. In addition the impact on the amenity of adjacent residents was seen to be detrimentally effected due to the relationship of new units to existing and in particular the siting of plots 4 and 8 were seen to cause harm..

The plans were amended in order to address the issues raised by the Urban Design Officer. A series of amended plans were submitted for discussion., a final set of plans being submitted in 2nd June 2015.

The main issues that the amended plans addressed were, the removal of the large ramp access, reorientating plot 8 in order to provide surveillance of the footpath and to enable the footpath to provide a green wedge or vista through to middle street. The moving of plot 8 away from Malabar House boundary and the moving of plot 4 away from the boundary with Yearten House.

The Urban Design officer considers the amended layout and design of the proposed units to be acceptable and no objection is raised.

## PUBLIC OPEN SPACE

The Parks and Green Spaces Team made comments but these comments were made in advance of the introduction of CIL and prior to the reduction of the number of bedrooms provided on the site.

It was stated that the quantum of development results in an occupancy of 23 persons creating demand for formal green space and allotments of 345m<sup>2</sup> and 69m<sup>2</sup> respectively. The Council's data shows that there is a surplus in respect of formal green space provision within the East Harptree Parish of 0.80ha and a deficit of allotments in East Harptree of 0.21ha. At the time the comments were made a S106 contribution would have been required however this has now been replaced by CIL.

The submission proposes 286m<sup>2</sup> of formal green space to the west of the site, in accordance with the Council's 'Planning Obligations' SPD 2015 the developer would be required to maintain the on-site provision to the satisfaction of the Council for at least 12 months.

Thereafter, the developer must demonstrate that the provision will be permanently maintained and managed by a management company, or offer the provision to the Parish Council and make a capital contribution to cover maintenance for a 20 year period.

## ECOLOGY

In relation to the original scheme submitted the councils ecologist noted that a comprehensive ecological and protected species surveys have been submitted. An updated ecological report has also been submitted. The site contains an active badger sett (considered to be a subsidiary sett), a low population of slow-worms (associated with habitat on the western edge of the site). Bat surveys at the site show use by a high number of species including use by the light-sensitive species of both greater and lesser horseshoe bats.

As originally submitted the layout showed an artificial badger sett within the "communal open space" in a western portion of the site, this was welcomed. The provision of a "badger run" (north south) across the site couples with the location of the boundary fences shown on the layout plans allowing existing vegetation to be retained which can be strengthened or enhanced is also welcomed.

The councils ecologist considered amendments to the site layout, location of open space and new badger sett, would maximise the chance of successful badger mitigation and wider ecological benefits to the site which would also bring benefits for future residents. The ecological mitigation scheme would also benefit from reduced number of dwellings to enable sufficient space for habitat provision, planting and boundary vegetation.

The badger mitigation strategy and location of any new badger sett must be determined by ecological advice. This would be expected to include appropriately dark planting belts, exclusion zones to provide connectivity to mitigate impacts both on badgers and bats. Such mitigation needs to be shown on plans. These areas should not form part of residential gardens where residents would have the option of removing or changing this provision.

No dedicated habitat belts are currently provided on the eastern north south boundary which is currently used by badgers to access the site, nor the north eastern boundary.

These sections must be revised. The removal of Plot 4 could provide sufficient space for this.

The applicant's ecologist has recommended the creation of an orchard area. This could be attractive to badgers and for residents, and would increase the potential success of badger mitigation. These considerations are important not only to avoid harm to badgers but also to reduce risk of damage from new badger activity after construction, and avoid future conflict between badgers and residents.

Following the submission of amended layout plans and further discussions the council's ecologist has confirmed that whilst further information in respect of the status of the sett would have been helpful conditions can be used to secure final details and implementation of ecological mitigation for badger, reptiles and bats including habitat provision and planting, future management responsibilities and resourcing, and provision of details of all proposed external lighting (including street lighting and any proposed for individual plots) sufficient to demonstrate zero or 0-1 lux light spill onto habitats and boundary vegetation will be necessary.

## NEIGHBOUR RESPONSES

One letter of support has been received.

A petition signed by 23 residents has been received as well as 25 individual letters of objection. Following amendments to the layout of the scheme interested parties were reconsulted and the total number of individual letters received in relation to this proposed development is 32.

The main issues raised are:

Density of the development higher density supported by officers

Highways parking and access . General road safety in the locality due to increased traffic and limited footpath network.

Footpath link is unnecessary.

Ecology in particular badgers and present badger activity

Design and site layout the buildings are too tall and too urban in appearance. The design of the buildings are not appropriate in this rural location.

Trees loss of vegetation on the site.

Loss of residential amenity in particular loss of privacy, light and creation of a sense of enclosure.

Drainage

History of the site- old planning application indicated 5 units on this site/ adjacent site only permitted three dwellings.

Archaeology

Placemaking plan not adopted still in draft.

Lack of neighbour consultation.

Inaccuracy of comments/ information.

Further comments received following reconsultation in general reflected the issues listed above. However in addition the following matters have been raised:

Lack of garages will create onstreet parking  
Wessex Water must agree to the scheme  
Bristol Water Comments needed.  
Although some improvements some plots still too tall..  
Plot 6 only 2 car parking spaces?  
Development should incorporate green initiatives.  
Possibility of a Strip of land being purchased so that its retention as a wildlife corridor can be safeguarded.  
Provision of pavement outside Yearten House linking into the site.  
Views through the site  
Retention of a Green Corridor.

## **POLICIES/LEGISLATION**

The following policies are material considerations:

Saved Local Plan Policies:

- SC.1 Settlement classification
- D.2 - General design and public realm considerations
- D.4 - Townscape Considerations
- BH.12 Important archaeological remains
- 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
- IMP.1 Planning obligations

Bath and North East Somerset Core Strategy

The Bath and north East Somerset Core Strategy has now been adopted and can be afforded full weight in determining planning applications. The following policies should be considered:

- DW1 District Wide Spatial Strategy
- RA2 - Development in Villages outside the Green Belt not meeting Policy RA1 Criteria
- CP2 - Sustainable Construction
- CP6 Environmental Quality
- CP7 Green Infrastructure
- CP9 - Affordable Housing
- CP10 - Housing Mix
- CP13 - Infrastructure Provision
  
- Planning Obligations Supplementary Planning Document - Adopted July 2009
- Mendip Hills AONB Management Plan 2009 -2014

The draft Placemaking Plan was submitted to the Planning Inspectorate on 12th April 2016 for independent examination. Those policies not subject to representations at Draft Plan stage (or only subject of supporting representations) are considered to be capable of being given substantial weight. Policies still subject to outstanding/unresolved representations can only be given limited weight at this stage until the Inspector's Final Report is received.

The following policies which are relevant to this application are given limited weight :

D2 Local Character and Distinctiveness

D4 Street and spaces

D5 Building Design

D6 Amenity

The Chew Valley Neighbourhood Plan which has passed examination. The case officer has been advised that the policies within the neighbourhood plan are a material consideration the policies now carry significant weight as the plan has been through the examination and the referendum has been date has been set for 16th February 2017. The Plan has been modified in accordance with the examiners comments.

The relevant Policies as amended by the examiner are as follows:

Policy HDE2 - Settlement Build Character

Policy HDE5a - Housing Mix

Policy HDE6a - Sustainability - Renewable Energy

Policy HDE8a - Parking for Domestic Dwellings

Policy HDE8b - Parking for Domestic Dwellings

Policy HDE9 a, b and c. Sustainable Drainage

- National Planning Policy Framework 2012

- National Planning Practice Guidance 2014

## **OFFICER ASSESSMENT**

### **MAIN ISSUES TO BE CONSIDERED**

Principle of residential development and density of development.

Access and parking

Ecology and Landscape

Design layout and impact on residential amenity

Drainage

Archaeology

Other matters

CIL, Education, Affordable housing, trees, 106 agreement.

Principle of residential development and density of development.

In the adopted B&NES Core Strategy (2011-2029), East Harptree has been identified as a RA2 settlement as it has not got three key facilities and only has a limited daily public transport service. RA2 settlements will receive approximately 10-15 dwellings over the Plan period of 2011-2029.

The proposed development is within the Housing Development Boundary; therefore no policy objection would be raised subject to the matters of urban design, landscape and provision of satisfactory highways access.

The site has been identified in the Placemaking Plan evidence base work by the Parish Council as a potential housing site for between 8 and 10 dwellings.

East Harptree meets the adopted Core Strategy's criteria for an RA2 settlement, which allows for residential development of around 10-15 dwellings, in addition to small scale windfall sites within the Housing Development Boundary (HBD). As this site is below 0.5ha (0.44ha) and for less than 10 dwellings (8 dwellings proposed), and within the current HDB, it counts as a small site under the GPDO definition and was originally considered to be a windfall site.

The previous report presented to committee on the 29th July stated that because 'the site is for 8 dwellings then this development will not contribute towards the 10-15 dwellings required through Policy RA2 of the Core Strategy'.

However, at the committee meeting members were informed that following further discussions officers considered that the site has constraints which have impacted on the possible density of the development. The main constraint being the presence of badgers and the need to incorporate protected undeveloped areas for them within the layout. Therefore, a scheme for a greater number of houses would be unlikely to be acceptable on this site due, in particular, to this constraint. Given these specific circumstances the 8 units would contribute towards the 10-15 dwellings required through Policy RA2 of the Core Strategy.

The figure of 8-10 dwellings on this site came from the proposed site allocation and background evidence included in the Placemaking Plan policy SR6 and supporting site assessment evidence base. In terms of density this is still considered to be a low density scheme in design terms at its current development level. The density of this development is 18.1 units per hectare, however this is considered to conform to the policies of the draft Placemaking Plan and the policies of the Neighbourhood Plan.

#### Access and parking

The highway engineer commented that the access arrangements are considered acceptable.

Amended plans were submitted which indicate a swept path diagram for the turning head that will accommodate a 10.225m refuse vehicle. This has been tested and is acceptable.

Initial comments from the highway engineer stated that no paving across the carriageway should be provided and a proposed access with a shared surface is acceptable with a new footpath being provided from the site onto Middle Street which will provide pedestrian access between the site and the shops and facilities in the village. The footpath to Middle

Street has been provided and simplified in its design which is seen as a benefit as it will improve permeability within the locality. The simplified design is in keeping with the general character and appearance of the locality. Whilst precise details of the entrance into the site have not been provided the entrance is relatively small and requires a section of the existing stone wall to be removed. It is considered acceptable for the details to be the subject of a condition.

The access road into the site is shown as a shared surface area and this is acceptable and complies with the Highway Engineers requirements. The highway engineer does not consider that the development will impact on the highway network to any great extent within the vicinity of the site and the proposal is not considered to result in highway safety being compromised.

Several residents commented that the Highway Engineer had mistakenly referred to footpaths but it is recognised that there are limited footpaths within the vicinity of the site. The scale of this development is not considered to harm the interests of highway and pedestrian safety in the area.

The application provides one 2 bedroom house, five 3 bedroom houses which will require 2 parking spaces and two 4 bedroom houses which will require 3 parking spaces. Plot 6 has not been indicated as having 3 car parking spaces but the agent has confirmed that this will be done and there is adequate space within the plot for this to be provided. The level and layout of the parking as shown on the Site Layout is acceptable and conditions to ensure provision and retention are considered necessary relevant and reasonable. The reduction in the number of bedrooms proposed results in a reduction in the traffic generated as a result of this proposal.

The section of pavement which is missing outside Yearten House and is adopted highway verge was never completed in the 1960s when the bungalow development was built. This section of pavement is considered necessary and it is proposed that its construction be tied in with the 106 agreement for the provision of the pedestrian footway.

The proposal is seen to comply with policies T.1, T.3, T.6, T.24 and T.26 in terms of the provision of a footpath parking facilities and the access to the site. Also the location of the site is accessible to the limited facilities that exist within East Harptree. In accordance with Core Strategy Policy CP13 the proposal is seen to comply with the requirements to provide the necessary infrastructure in relation to the proposal.

In conclusion the highway engineer raised no objection and considers the scheme to be acceptable subject to a S106 securing the S38 works and provision of the footpath link to Middle Street.

## Ecology and landscape

A comprehensive ecological and protected species surveys was submitted with the application. An updated ecological report was submitted in February which sought to deal with the issues raised by the councils Ecologist.



The site contains an active badger sett, a low population of slow-worms. Bat surveys at the site show use by a high number of species including use by the light-sensitive species of both greater and lesser horseshoe bats.

The original proposed layout indicated an artificial badger sett within the "communal open space" in a western portion of the site. The provision of open space and an artificial sett was very welcome, although the proposed badger sett was not considered to be in the best location to maximise the chance of success, and might not be required. The further revision therefore removed the proposed sett from this location, based on ecological advice. The provision of the north-south "badger run" and the boundary fences shown on the layout plans along the north-west and southern boundaries, beyond which existing vegetation will be retained and can be strengthened or enhanced, are also considered to be acceptable.

Amendments to the scheme were considered beneficial to provide acceptable ecological mitigation which will also bring benefits for future residents. The reduction in built footprint enables sufficient space for habitat provision, planting and boundary vegetation to be provided.

Dedicated vegetated exclusion zones which need to be kept dark require plans indicating how these areas will be protected from light spill from proposed street or domestic lighting. These areas should not form part of residential gardens where residents would have the option of removing or changing this provision.

Further comments received in respect of present badger activities do not impact on the Council's Ecologists' comments who is satisfied that conditions will ensure adequate protection/mitigation works to accommodate badgers on the site.

Subject to conditions the Council's Ecologist is satisfied that this scheme will not have an unacceptable detrimental impact on the interests of ecology or badgers. Finalised details of badger mitigation can be secured by condition, and will need to be informed by the findings of update survey, with consideration to the potential need for provision of an artificial sett in a suitable location, if necessary. The ecologist is confident that the current proposal can accommodate this if required. The landscaping and open space management plan will need to include the necessary habitat and ecological corridor provision and their future maintenance and protection in perpetuity.

The proposal is therefore seen in principle to comply with the saved policy NE11 of the local plan and Core Strategy Policy CP6 which highlight the need and requirement to preserve and where possible enhance wildlife and ecological interests as part of a development scheme.

## Design and layout

The principle of development on this site is supported in urban design terms. The site fits well into the existing grain of the village and is a proposed site for development supported by the Parish Council in principle and is proposed to be a site allocation within the Placemaking Plan options document. The original plans submitted were considered to be acceptable in terms of number of dwellings but there were concerns in relation to the site layout and the overall scale of the individual units.

In respect of connections and access the site is well located within the village and is within walking distance of the local facilities. This site offers a good opportunity to provide greater permeability within the village connecting Middle Street and Water Street and therefore, a well-designed, safe and overlooked pedestrian access onto Middle Street is seen to benefit the locality. A public right of way that accesses Middle Street adjacent to Malabar House is supported as it is recognised that Middle Street is narrow with no pavements in parts.

The access should be suitably designed in order to ensure it reflects the character of this locality and minimizes loss of existing wall and vegetation on the site and whilst full details have not been submitted it is considered that these details can be the subject of a condition.

The potential capacity of this site has been considered to be 8-10 dwellings; therefore the proposal complies with this density of development in principle.

At this density the development reflects the rural character of the surrounding cottages along Middle Street and Orchard End. It is these traditional properties that have influenced the design of the development rather than the modern 1950s bungalows adjacent to the site. In this regard the proposal is considered to also meet the requirements of the Neighbourhood Plan.

The original scheme submitted was considered to be highways dominated and designed around the turning head. The new dwellings should address the street, with habitable rooms positioned to provide overlooking to the street. The turning head within the scheme is required to accommodate refuse vehicles in order to satisfy the requirements of the highway engineer. The shared surface however limits the visual impact of the road/turning head.

A transition to a different surface treatment from the existing tarmacked access road softens the appearance of the new development and helps to maintain a rural character. In order to identify the entrance to this development a planter has been indicated adjacent to the entrance to plot number 1.

The amended plans received reduced the footprint and size of the buildings which has reduced the 'urban' appearance of the scheme as particularly raised as a concern by interested parties. This reduction in built mass has improved the general appearance of the scheme by allowing more visual space between properties thus enabling more flexibility in terms of ensuring protection of features within the site.

Plots 7 and 8 have been reoriented so that the footpath is overlooked providing casual surveillance.

A view to the green space and trees adjoining plot 8 and beyond following the path has been achieved as a terminating view which maintains a green wedge into the scheme and visually opens up the pedestrian route to the village centre.

Sections have been provided through the site to indicate the relationship and in particular the heights of the proposed dwellings in relation to the adjacent existing properties.

In compliance with policies D4 a safe and well overlooked pedestrian route linking through to Middle Street which reflects the rural character of the village has been proposed.

Windows are proposed at first floor level in the north east and North West elevations of the property on plot number 8 and these provide the necessary casual surveillance.

The ramped access to Middle Street which was considered to be over-engineered has been removed from the proposal. Whilst there is a presumption in favour of providing ramped public access ways where possible the lack of footpaths along Middle Lane would render this link less attractive to pushchairs or wheel chair users etc. and therefore the ramp was felt to detract and harm the visual amenity of the locality was not considered justifiable.

The proposed communal green space due to the realignment of the footpath and reoriented plot 8 now forms part of a coherent landscape design. Furthermore, it is overlooked and is now considered to relate well to the proposed development form. Initially it was considered that the open space should be located more centrally within the scheme with a clear role and function. The amended layout is considered acceptable although it is considered that the open space could have played a more significant role in this scheme. However, this matter would not justify refusal of this scheme.

With regard to the maintenance of this area the councils open space officer has confirmed that the provision must be permanently maintained and managed by a management company, or offered to the Parish Council and a capital contribution made to cover maintenance for a 20 year period. This matter needs to be the subject of a 106 agreement. The agent has agreed to the provision of a management company.

Landscaping within the site has been indicated within the site layout plan. Clear maintenance protected run areas have been indicated along the south and North West boundaries in order that these areas are protected in perpetuity for both maintenance and ecological reasons. These areas will be incorporated into the open space management of the site.

In relation to the impact on the amenity of the adjacent residents have particularly raised the issues of overlooking and loss of light.

The original scheme indicated plot number 4 in close proximity to the boundary with Yearten House. Given the height difference and the close proximity of the two dwellings it was considered plot 4 would cause harm to the amenity at present enjoyed by the residents. The plan has been amended and number 4 now sit over 14 m from Yearten house being 8m from the boundary. No first floor windows are proposed on the east elevation of number 4 and only a ground floor toilet window is proposed. Therefore, there is not considered to be an issue with overlooking between these properties. The finished floor level of number 4 is shown to be 119.75m. The section through the site indicates that plot 4 will sit at a height of 8m high which is 1.75m above the maximum height of the adjacent house, Yearten House.

Plot number 3 sits a minimum of 12m from the site boundary with Windrush. There are two windows in the gable end facing Windrush the first floor window serves the bathroom and should be conditioned to be glazed with obscure glass and retained as such. There is a small side window serving the dining area. The relationship between these residential units it considered acceptable and it is not considered that the new dwelling will harm the residential amenity at present enjoyed by this existing dwelling.

Plots 4 to 8 sit at a minimum distance of 6m from the inside edge of the mature hedge and are not considered to result in a loss of amenity to the adjacent dwelling and in particular Orchard End. The finished floor levels indicate that the new buildings will have an eaves height of 126m Orchard View is shown to have an eaves height of 128m and therefore the new dwellings is not considered to have an overbearing impact on this property.

The reorientation of plot 8 has moved the built form away from Malabar House the distance between the buildings being a minimum of 16m. It is not considered therefore that the development would harm the setting of this traditional property through overlooking and or by having an overbearing impact.

The submitted plans indicate levels across the site as existing and the ffl of the proposed dwellings. Sections through the site indicate that in principle the units will be sit 'down' in the site.

The land rises by approximately two metres from North East to South West. The highest part of the site is the South Western corner. The ffl of the units are shown on the layout plan.

Plot 8 the land here is shown to be 122.50 m AOD (above sea level) with the slab level of the property being set down at 121.4m. Therefore the plans indicate that the slab level of the property will be one metre lower than the ground level. Sections through the site indicate how the new units relate to the adjacent properties and the existing site levels. The ridgeline height of the unit on plot 8 is 1.75m higher than Malabar House.

The applicant has specified the houses will be built in natural stone which is strongly supported in principle as a requirement for this site. However, the natural stone specified by the applicant (Dolomitic Breccia), is not evidenced to match the local Mendip character/existing natural stone which predominates within the village and its sourcing/origin is not specified. A condition is required to specify and approve the final natural stone to be used in construction to make sure that it is in keeping with the local vernacular - in terms of colour pallet and stone size etc. Retaining walls are specified in natural stone, but the material is not specified, again this should be subject to condition.

Other details - oak finished joinery on the doors and windows, red tile roofs (Sandtoft Modula double Roman tile in Chiltern Red), alumasc heritage cast aluminium with black finish (as shown on the elevation plans), timber clad bin stores are propose to the side/rear of the properties, are supported. The proposal to provide no street lighting is also supported as it retains the rural character of the village and will contribute towards maintaining dark skies."

The scheme is therefore seen to comply with saved policies D2 and D4 in terms of the details, mass, bulk and siting of the units on this site. The proposal is seen to respect the local character and appearance of the area and not to harm the amenity of adjacent residents to an extent that refusal would be warranted. In accordance with the requirements of the NPPF para 57 the scheme has recognised the need to plan positively for the achievement of high quality and inclusive design for the development, including individual buildings and public and private spaces.

The site is located within the AONB where saved policy NE2 is relevant as is the Mendip Hills AONB Management Plan 2009 -2014. In line with the NPPF 2012 the scheme seeks to protect the interests of biodiversity of the area. It also is not seen to compromise the intrinsic beauty or character and appearance of the area which has rendered it worthy of AONB status.

The drainage engineer raised concerns in relation to the need for further drainage information. However, consideration of the further information submitted has satisfied the drainage engineer that the scheme is acceptable and subject to conditions no objection is raised to the proposal. However, the acceptance from Wessex Water as the local water authority has been identified as being necessary.

### Archaeology

The council's archaeologist raised no objection subject to conditions in respect of the following being provided

- (1) a field evaluation of the site,
- (2) a subsequent programme of archaeological work or mitigation, and
- (3) publication of the results. The scope of conditions 2 and 3 will depend on results of the field evaluation (condition 1):

In the light of continued concerns being expressed by interested parties the councils archaeologist reconsidered his original comments but concluded that his recommended conditions would provide adequate mitigation for any archaeological impacts caused by the proposed development.

### Other matters

#### Purchase of land

It is preferable for all corridors to form part of the landscape scheme in order that their detailing and retention can be ensured as part of a comprehensive scheme. However, any private land sales cannot be controlled by the Local Planning Authority.

#### Pavement Provision

The section of pavement which is missing and is adopted highway verge was never completed in the 1960s when the bungalow development was built. This section of pavement is considered necessary and it is proposed that its construction be tied in with the 106 agreement for the provision of the pedestrian footway.

#### Neighbour notification

Neighbours were concerned that the application had not been adequately advertised. The application was advertised in accordance with the council's protocol for public consultation. Following the receipt of amended plans which are considered to take on board residents' concerns neighbours and consultees were renotified and given the opportunity to amend/add to their original comments.

## Views

There are views from some adjacent properties across the site to the lake. Whilst it is appreciated that these views are important to the residents the development of this site cannot be prohibited in order to preserve these private views.

Protection of a Green corridor.

Concerns have been raised in relation to an appeal on the land at the rear of Home Farm. This appeal was lodged following refusal of planning permission in 1995. At the time density of the development and retention of green space were considered important in relation to the site.

The 'in principle acceptance' of development on this site and the density of such development have now moved on from the position in 1995 due to changes in government and local legislation and advice.

## Clarification in respect of nearby appeal decisions

Appeal on site nearby Middle Street 12/02266/FUL- 9 dwellings on 0.49 hectares- density below 30 per hectares min. as required in 2012. (DENSITY18.3 dwellings per hectare).

Site at the rear of Home Farm 1995 WC 003468/B

Approval of three houses followed dismissal of an appeal for 5 houses. The appeal was dismissed for 5 houses as primarily they were considered to be out of character with the surrounding context in terms of their footprint and height (8m). The density refused was 3 dwellings per hectare. The approved scheme was for 1.8 dwellings per hectare.

Officer comments- this decision was made 20 years ago. A balance has to be made between the realistic acceptable density of development in line with current housing needs as identified in the Core strategy and the emerging Neighbourhood Plan.

## Affordable Housing

At the time this report was first presented to committee and a resolution past to grant permission there was a requirement to provide 15% affordable housing. However, since that resolution the Government has amended its planning guidance so there is no longer a requirement to make provision for affordable housing on schemes of this size. Accordingly, this requirement is now no longer a requirement of the draft Section 106 Agreement.

## CIL

The threshold previously referred to was for developments of ten-units or less (and which have a maximum combined gross floor space of no more than 1,000 square metres). However this 1,000 square metres threshold relates to tariff style contributions which were previously required to be paid and were the subject of 106 agreements.

Since the introduction of CIL in April 2015 a development of this nature would be CIL liable.

## 106 Agreement

The agent has agreed in principle to entering into a 106 agreement in respect of the provision of the footpath and the maintenance and retention of the footpath and the landscaped areas including the buffer routes adjacent to the boundaries which are to be protected.

## CONCLUSION

The proposed development is considered to be sympathetically designed the density is considered acceptable as is the principle of 8 houses on this site. The amendments made to the scheme are considered to address the concerns raised by residents and therefore, the scheme is considered an appropriate form of development for this location complying with both local and government policies and advice.

It is therefore recommended that planning permission be granted but with no requirement for the provision of affordable housing.

## RECOMMENDATION

Delegate to PERMIT

## CONDITIONS

0 A) Authorise the Head of Legal and Democratic Services to enter into a Section 106 Agreement to secure the following :-

- i) The provision and maintenance of the public footpath and the provision of a pavement at the front of Yearten House.
- ii) Provision and maintenance of the public open space and ecological corridors
- iii) Provision of a management company to ensure the maintenance and protection of the landscaped areas in perpetuity..

B) Subject to the completion of (A) authorise the Group Manager - Development Management to PERMIT the development with the following conditions;-

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

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

2 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.

3 3-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 -To ensure that adequate parking provision is provided and retained within the development.

4 Prior to the commencement of development details to include elevations and sections through the means of pedestrian access to the site from Middle Lane shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the access shall be constructed and retained in accordance with the approved plans.

Reason The applicants have chosen not to submit full details in respect of this access which is an intergral part of the scheme and given its location within the village its appearance and construction will require full consideration in the interest of ensuring that the access is appropriate in terms of appearance and layout.

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

Reason To ensure that the development is served by adequate parking spaces for residents at all times.

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

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

7 No development shall commence until the applicant, or their agents or successors in title, has presented the results of the archaeological field evaluation to the Local Planning Authority, and has secured the implementation of a subsequent programme of archaeological work in accordance with a written scheme of investigation which has first been agreed and approved in writing by the Local Planning Authority. The agreed



programme of archaeological work shall be carried out by a competent person and completed in accordance with the approved written scheme of investigation.

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

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

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

9 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, roof lights or openings, other than those shown on the plans hereby approved, shall be formed on the dwellings shown on plots 1, 3, 4, 5, 6 and 7 at any time unless a further planning permission has been granted.

Reason: Given the proximity of the new dwellings to the existing dwellings the creation of additional windows, roof lights and/or openings could impact on the amenities of adjoining occupiers from overlooking and loss of privacy.

10 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 extension, external alteration or enlargement of the dwellings shown on plots 4, 5, 6, 7 and 8 hereby approved shall be carried out unless a further planning permission has been granted by the Local Planning Authority.

Reason: Due to the AONB location of this site and the relationship of the approved dwellings to adjacent existing dwellings any further extensions require detailed consideration by the Local Planning Authority to safeguard the amenities of the surrounding property and the visual amenity of the area.

11 The proposed first floor windows in the west elevation of the proposed dwellings on plot 1 and the proposed first floor windows in the east elevation of the proposed dwellings on plot 3 shall be glazed with obscure glass prior to the first occupation of this dwelling and permanently retained as such.

Reason: To safeguard the amenities of adjoining occupiers from overlooking and loss of privacy.

12 No part of the development shall be occupied or brought into use until a Scheme for the identification of landscaped and protected areas including the establishment of an exclusion zone around the sett(s) from which all building, engineering and other operations and personnel working on the site shall be excluded, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Scheme or any amendment to the Scheme as approved in writing by the Local Planning Authority.

Reason: To protect badgers and badger activity from any construction works within the site.

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

Reason: To ensure the provision of an appropriate landscape setting to the development.

14 No site works or clearance shall be commenced until protective fences which conform to British Standard 5837:2005 have been erected around any existing trees and other existing or proposed landscape areas in positions which have previously been approved in writing by the Local Planning Authority. Until the development has been completed these fences shall not be removed and the protected areas are to be kept clear of any building, plant, material, debris and trenching, with the existing ground levels maintained, and there shall be no entry to those areas except for approved arboricultural or landscape works.

Reason: To safeguard the areas to be landscaped and the existing trees and planting to be retained within the site.

15 Prior to the commencement of development, a detailed drainage strategy must be submitted to and approved by the Local Planning Authority. The drainage strategy should include the following items:

- Agreement of points of connection and 'in principal' adoption of proposed surface water sewer with the Water Company (Wessex Water). This should be provided in writing.

- Runoff volume estimates for the 1in100 year 6 hour event for both greenfield and post development conditions. The difference in these volumes to be held in long term storage and released at a rate that is the greater of QBAR or 2l/s/ha.

- Simulations demonstrating that there will be no flooding of any part of site for the critical 1in30 rainfall event. These simulations should be submitted as an electronic Micro Drainage file (.mdx file).

- Simulations demonstrating that there will be no flooding of any building or utility plant for the 1in100+climate change rainfall event. These simulations can be submitted as an electronic Micro Drainage file (.mdx file).

- an indication of exceedance routes for any flood flows above the critical event

- a detailed design drawing of the drainage network including flow control and attenuation structures

a drawing showing the proposed outfall structure

details of the long-term ownership of the drainage system together with any long-term maintenance requirements.

This strategy must indicate who will be responsible for the on-going maintenance of the permeable paving for the main access road. A maintenance regime for the permeable paving and any other important flow control (Hydrobrake chamber) or attenuation structures should be provided.

Reason: The information does not provide adequate details in relation to the above matters and therefore these will require full consideration prior to the development commencing to ensure there will not be any drainage problems within the locality as a result of this proposal.

16 Prior to the commencement of development, details of a Scheme to mitigate and compensate for impacts on badgers and on the badger sett at the site, and to prevent harm to badgers during works, shall be submitted to and approved in writing by the Local Planning Authority. This shall include:

- i. findings of the most recent update survey and assessment, carried out during the active season
  - ii. provision of all necessary mitigation measures, to include, as applicable, mapped habitat areas, orchard planting and badger runs; provision of an artificial sett, if applicable; all measures to be in accordance with the recommendations of the approved ecological reports and findings of further survey.
  - iii. All measures to be incorporated into the scheme and shown on all relevant plans and drawings including the layout plan and landscape design
  - iv. Full method statement and proposed timing of works for sett closure as applicable and copy of licence application as applicable;
  - v. full details of all necessary measures, exclusion zones and protective fencing as applicable to prevent harm to badgers during site clearance and construction
  - vi. proposed long term management objectives, prescriptions and provision for all retained / new mitigation features
- The development shall be carried out in accordance with the approved Scheme or any amendment to the Scheme as approved in writing by the Local Planning Authority.

17 No new lighting shall be installed without full details to demonstrate that these corridors shall not be lit, and full details of proposed lighting design being first submitted and approved in writing by the LPA; details to include:

- i. a plan showing mapped proposed dark corridors, and mapped details to demonstrate predicted light levels of 0 lux within the dark corridors and 1 lux adjacent to the dark corridors
- ii. lamp specifications, positions, numbers and heights;
- iii. details of all measures that shall be used to limit use of lights when not required and to prevent light spill onto dark corridors, vegetation and adjacent land

Reason: to avoid harm to bats and other wildlife

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

- (i) Final reptile mitigation strategy
- (ii) Full details of protection of retained habitats to include specifications and scale plans showing fenced exclusion zones
- (iii) Full details of all other wildlife mitigation and enhancement measures, with specifications, numbers and positions to be shown on plans and drawings as applicable for example on details of soft landscape design

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

Reason: to avoid harm to wildlife and to mitigation for impacts on wildlife

19 No development shall be commenced until a hard and soft landscape scheme has been first submitted to and approved in writing by the Local Planning Authority, such a scheme shall include details of all walls, fences, trees, hedgerows and other planting which are to be retained; details of all new walls, fences and other boundary treatment and finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs, to include mapped areas of, orchard planting, and habitat creation with exclusively native species planting, incorporating necessary mitigation for reptiles and badger, and details of long term conservation management prescriptions; details of the surface treatment of the open parts of the site; and a programme of implementation.

Reason: To ensure the provision of an appropriate landscape setting and wildlife mitigation to the development.

20 Prior to the commencement of the development, a construction management plan shall be submitted to and approved in writing by the Local Planning Authority which shall include a strategy for the means of removal of soil from the site and methods and timing of wheel washing and road cleaning as necessary during the duration of the construction period.

The development shall thereafter be carried out in accordance with the approved method statement/operational statement.

Reason: To ensure the safe operation of the highway and in the interests of limiting the disturbance and inconvenience caused to adjacent residents during the construction period.

21 The development hereby permitted shall be implemented in accordance with the plans and in particular the finished floor levels as indicated on the approved plans in relation to the existing ground levels shall be strictly adhered to.

Reason: To ensure that the dwellings are constructed in accordance with the plans and with slab levels that ensure that the development will not have a detrimental impact on the visual and residential amenity of the locality.

## PLANS LIST:

CA/14048/P1	Existing Site Layout
CA/14048/P2A	Proposed House Type A Plans and Elevations
CA/14048/P3A	Proposed House Type B and C Plans and Elevations
CA/14048/P4A	Proposed Details
CA/14048/P5	Site Location Plan
CA/14048/P6C	Site Layout (and sections xx and yy)
CA/14048/P7	Proposed House Type D Plans and Elevations (note: this one, dated March 15, is incorrectly labelled P6 on the actual drawing, but the plan title is correct and should be referred to as P7)

14013/01                      Topographical Survey

SP01A Swept Path Analysis for a large refuse vehicle

The applicant is advised of the need to submit plans, sections and specifications of the proposed structural works for the steps to Middle Street for the approval of the Highway Authority. The applicant should be aware that this process can take in the region of 6 weeks to conclude and will incur an additional fee.

The applicant is advised of the need to consult the Area Highways Manager on 01225 394337 before access works commence.

The applicant is advised that the proposed estate roads, footways, footpaths, verges, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture will be required for adoption under S38 Highways Act. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority in writing for approval before their construction begins. Advance Payment Code will apply as appropriate

The applicant is advised that Bath and North East Somerset Council will not adopt any drainage features.

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 proposals was taken and consent was granted.

<b>Item No:</b>	06
<b>Application No:</b>	16/05256/FUL

**Site Location:** Avalon House Fosseway Dunkerton Bath Bath And North East Somerset



**Ward:** Bathavon West  
**LB Grade:** N/A

**Parish:** Dunkerton & Tunley Parish Council

**Ward Members:** Councillor David Veale

**Application Type:** Full Application

**Proposal:** Erection of wall and feather edged panelling fence between pillars following removal of old fence (Retrospective) (Resubmission)

**Constraints:** Affordable Housing, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Contaminated Land, Forest of Avon, Greenbelt, SSSI - Impact Risk Zones,

**Applicant:** Mr Nathan McKenna

**Expiry Date:** 18th January 2017

**Case Officer:** Robert Warren

## REPORT

This application to the property Avalon House, the property is located within the green belt on the Fosseway at Dunkerton. This application is a resubmission of a previous application to seek retrospective planning permission for the erection of a part rendered blockwork wall and part wooden fence to the front of the property on the boundary with the main road.

Relevant Planning History:

11/01252/FUL - Erection of a first floor extension to existing garage, two storey rear extension, new garage to rear and conversion of existing garage to kitchen - Withdrawn - 15/06/2011

DC - 16/01674/FUL - PERMIT - 21 July 2016 - Erection of wall and feather edged panelling fence between pillars following removal of old fence (Retrospective).

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Dunkerton & Tunley Parish Council:

Support

### **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:

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

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

Relevant Local Plan Policies:

- o D2 - General design and public realm considerations
- o D4 - Townscape considerations
- o T24 - General development control and access policy
- o T26 - Parking

Relevant Core Strategy Policies:

- o CP6 - Environmental Quality

The placemaking plan is at an advanced stage (albeit still at Examination) and policies not subject to representations at Draft Plan stage (or only subject of supporting representations) are considered to be capable of being given substantial weight. This also assumes that the Inspector will not raise further issues on any policies not subject to objections as the hearings are now closed. Policies still subject to outstanding/unresolved representations can only be given limited weight at this stage until the Inspector's Final Report is received.

The following policies are given limited weight

- D.1 General urban design principles
- D.2 - Local character and distinctiveness
- D.6 - Amenity

### **LEGAL FRAMEWORK**

Town and Country Planning Act, 1990

### **NATIONAL PLANNING POLICY FRAMEWORK**

The NPPF has been considered in light of this application but does not raise any issues that conflict with the aforementioned local policies which remain extant.

### **NATIONAL PLANNING PRACTICE GUIDANCE, 2014**

Due consideration has been given to the recently published NPPG, March 2014

### **OFFICER ASSESSMENT**

This application is a resubmission of a retrospective planning permission for a new rendered blockwork and panel wall to the front garden of Avalon House and a 1.8m wooden close boarded fence to the lower part of the front garden. The blockwork wall and wooden fence are split by an entrance gateway into the garden and run adjacent to the main road. Both wooden fence and blockwork wall sit at garden level which is approximately 1100mm above the pavement level. A 19th century stone retaining wall forms the boundary between the pavement and garden.

The height of the wall and fence from the pavement level ranges from approximately 2450mm closest to the house to 3300mm at the far end of the site. Whilst the garden level of the property is above the street level the height of the fence and wall from pavement level averages around 3m and has an overbearing effect on the street scene. The rendered blockwork wall is not sympathetic to the 19th century house or stone boundary wall and the new boundary creates a large unobstructed elevation.

In determining the previous application revised drawings were submitted which reduced the height of the wooden close boarded fence to the lower part of the front garden to 1m above garden height and reducing the blockwork wall next to the house to 1.35m and cladding it in wooden panelling to match the lower fence.

The reduced level of the fencing had a lesser impact on the street scene and the use of the same material throughout gave a more uniform finish. The application was therefore granted permission on condition that the wall and fence were amended to be in accordance with the approved plans within 3 months.

This resubmission seeks approval for the original proposals and therefore the original concerns remain. The height of the wall and fence at its highest point is 3300mm above the level of the pavement with an average height of 3m and has an overbearing effect on the street scene. The height of the fence is out of context with the character and appearance of the surrounding area.

The use of rendered blockwork is not sympathetic to the 19th Century property or the existing boundary wall nor does it maintain the character and appearance of the local area which is predominantly characterised by low stone walls and hedges.

The proposal by reason of its design, siting, scale, massing, layout and materials is not acceptable and neither contributes or responds to the local context and character and appearance of the surrounding area.

On the basis of the above assessment it is recommended that this application is refused permission.

### **RECOMMENDATION**

REFUSE

### **REASON(S) FOR REFUSAL**



1 The height and scale of the fence has an overbearing impact on the street scene and the materials are out of context with the character and appearance of the surrounding area. The proposed development is therefore considered to be contrary to saved policies D.2 and D4 of the Bath and North East Local Plan, 2007 and contrary to policies D.1, D.2 and D.6 of the Draft Placemaking Plan, 2015.

2 The fence and wall by reason of its siting, scale and appearance does not respect or complement the existing dwelling to the detriment of visual amenity. The development is therefore contrary to saved policies D.2, D.4 of the Bath and North East Local Plan, 2007 and contrary to Policies D.1 and D.2 of the Draft Placemaking Plan, 2015.

## PLANS LIST:

This decision relates to drawings, Fence Elevations, Footpath/Road Level Elevations and Site Location Plan received on the 25th October 2016.

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. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was unacceptable for the stated reasons and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.

**Item No:** 07  
**Application No:** 16/04535/FUL  
**Site Location:** 33 Parklands High Littleton Bristol Bath And North East Somerset BS39 6LB



<b>Ward:</b> High Littleton	<b>Parish:</b> High Littleton	<b>LB Grade:</b> N/A
<b>Ward Members:</b>	Councillor L J Kew	
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Erection of a dwelling following demolition of the outbuilding	
<b>Constraints:</b>	Affordable Housing, Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenbelt, Housing Development Boundary, SSSI - Impact Risk Zones,	
<b>Applicant:</b>	Mr Tiley	
<b>Expiry Date:</b>	20th January 2017	
<b>Case Officer:</b>	Samantha Mason	

## REPORT

Reasons for referring application to committee:

The application is being referred to the committee as the parish council have objected to the application contrary to the case officer recommendation to permit the application.

The application has been referred to the chair of the committee who has agreed that the application should be considered by the committee.

Site Description and proposal:

33 Parklands is a two storey semi-detached, 3 bed dwelling located on the northern edge of High Littleton. Parklands is a cul-de-sac with number 33 being located at the head. The site is within but forms the edge of High Littleton housing development boundary and is bound by development to either side of the property. The proposal site has fields to the rear and is adjacent to the Bath and Bristol Green Belt.

Number 33 has garden land to the rear and eastern side of the property, a double garage is currently located to the side of the property. The application proposes to demolish the existing double garage and erect a 4 bed dwelling within the garden of number 33. A double garage will form part of the development; one garage will be for number 33 and one for the proposed dwelling, a further two parking spaces are proposed to the front of the proposed dwelling.

Relevant Planning History:

No relevant planning history.

## SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses:

High Littleton Parish Council: OBJECT

'Object in Principle to the above planning application due to overdevelopment.'

Farmborough Parish Council: OBJECT

- '1. The Parish Council considers the proposed building an over development of the site.
2. It is not possible from the application to determine the exact size of the proposed building.
3. The Parish Council considers the elevation of the proposed building and its outbuildings above the neighbouring property to provide an over bearing impact (Policy D2).'

Highways: No Objection. The revised plan now shows both garages to be of dimensions 3m by 6m, which would allow room for both parking a car and some domestic storage. There is also a parking space in front of each garage, and an additional space for the new dwelling on the shared driveway.

The site is located at a turning head, and this would be used to facilitate turning movements out of the driveway.

Having regard to the level of parking now proposed, I would have no objections subject to the following condition being attached to any permission granted:-

The areas allocated for parking and turning 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: To ensure sufficient parking and turning areas are retained at all times in the interests of amenity and highways safety in accordance with Policy T.24 of the Bath and North East Somerset Local Plan.

Bristol Water: No response

Representations Received:

Seven representations have been received from neighbours in objection to the development. A summary of the responses are as follows:

- The proposal will result in overdevelopment of the site
- The proposal will cause loss of light to neighbours at number 26
- The location of the bin store is in close proximity to number 26 which is considered to effect their amenity.
- The properties in the road have experienced drainage issues and therefore this development could cause further issues.
- Local schools are full and a further family will not be able to get school places
- The development will result in overlooking of neighbouring properties and the street
- Parking is a problem along the street and the development will impact on highways safety, for example as children play in the road and emergency services will find it more difficult to access the street.

## **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:

- Bath and North East Somerset Core Strategy (July 2014)

- Saved policies from the Bath and North East Somerset Local Plan (2007)
- West of England Joint Waste Core Strategy (2011)

#### Core Strategy:

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 policies of the Core Strategy are relevant to the determination of this application:

SD1: Presumption in favour of sustainable development  
 DW1: District Wide Spatial Strategy  
 CP6: Environmental quality  
 CP8: Green Belt  
 CP10: Housing Mix

#### Local Plan:

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.

D.2: General design and public realm considerations  
 D.4: Townscape considerations  
 SC.1: Settlement Classification  
 HG.6: Residential development in the R.3 settlements  
 GB.2: Visual amenities of the Green Belt  
 T.24: General development and control and access policy  
 T.26: On-site parking and servicing provision

#### Placemaking Plan:

The draft Placemaking Plan was submitted to the Planning Inspectorate on 12th April 2016 for independent examination. Those policies not subject to representations at Draft Plan stage (or only subject of supporting representations) are considered to be capable of being given substantial weight. Policies still subject to outstanding/unresolved representations can only be given limited weight at this stage until the Inspector's Final Report is received.

The following policies are relevant for this application and have limited weight:

D1: General Urban Design Principles  
 D2: Local Character and Distinctiveness  
 D3: Urban Fabric  
 D5: Building design  
 D6: Amenity  
 D.7 Infill and Backland Development  
 ST.1: Promoting Sustainable Travel

The National Planning Policy Framework (NPPF) was published in March 2012 and is a material consideration. Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

## **OFFICER ASSESSMENT**

This application is seeking permission for the erection of a dwelling in the garden of number 33 following the demolition of an existing outbuilding.

33 Parklands is a two storey, semidetached, 3 bedroom dwelling, constructed around the 1970's.

The property is located at the end of a cul-de-sac. The housing estate consists of mainly 3 or 4 bed semi-detached and detached housing, together with a recent development of bungalows to the east of the site.

Principle of Development:

Core Strategy Policy RA1 explains that residential development with RA1 villages can be acceptable if it is within the housing development boundary and is of an appropriate scale and character and appearance.

High Littleton is defined as an RA1 village. The site is located within the housing development boundary of High Littleton and as such residential development is considered to be acceptable in principle, subject to other material considerations. In this case the main considerations now are the character and appearance of the development, the impact on residential amenity and highways safety.

Character and Appearance:

Saved Local Plan policy D.4 states that, development will only be permitted where it responds to the local context in terms of appearance, materials, siting, spacing and layout.

Parklands is a residential cul-de-sac defined by semi-detached 1970's buildings, a newer development of bungalows has more recently been constructed off of the turning circle of the cul-de-sac. Properties on the western side of the street are set at a slightly higher level than the properties on the eastern side due to the topography and the bungalows are set down slightly further again.

Number 33 Parklands is set at the head of the turning circle of the cul-de-sac and the proposal will be built in place of the current detached garages to the east of number 33. Although the site will also be adjacent to the bungalow at number 26, due to the set down nature of this property and the other bungalows the proposal will have a greater relationship with the semi-detached dwellings and therefore has been designed to reflect this.

Number 33 is set in one of the most spacious plots on the street with the detached garages and large portion of the garden being set to the side of the property. It is

considered that the division of this plot into two will be in keeping with the plot sizes of the majority of the semi-detached properties in the street. It is therefore not considered to constitute overdevelopment of the site.

Furthermore the original pattern of properties and detached garages has been interrupted, with some properties being extended to the side or garages being removed. As well as this some of the semi-detached properties have been altered with front porches and extensions so that there is no longer an identical street frontage along Parklands.

The proposal has been designed with the local vernacular in mind as well as residential amenity, therefore the front door is on the side of the property with the main windows being located on the front and rear elevation. As the street frontage is no longer entirely consistent it is not considered that the appearance of the front elevation of the property will significantly harm the character of the street.

After discussions with the agent the use of materials has been altered to properly reflect that of the street scene in order to allow for successful integration of the proposed dwelling. Therefore stone is now proposed to the front and side elevations with rendered panelling to the lower front elevation, this is consistent with the street scene. Stone is used for the lower half of the rear elevation and render to the top half; this is considered acceptable and will not be visible from the street scene. Roof materials will match those at number 33.

The proposal has been stepped back slightly from the front elevation of number 33, and is slightly forward of the front elevation of number 26, this is considered to give some visual relief and it is also noted that the existing building line of the street does vary. The siting of the proposal allows for a good amount of amenity space around the plot and maintains an acceptable separation distance from the bungalow at number 26.

The new garages proposed for number 33 and for the new dwelling will be attached and have been designed to match that of the existing double garages on the plot in terms of size and roof pitch; proposed materials are again stone and tiles to match the existing.

Although due to the topography the proposed dwelling will sit slightly lower than number 33 the proposal is of a similar height to number 33 at around 8m, albeit it will be slightly larger in width and length, however it is considered to fit on the plot comfortably and the size is therefore acceptable.

Overall therefore, due to the appropriate siting, scale and design of the proposed development and the existing situation, the development is not considered to result in any harm to the character and appearance of the locality in line with Saved Policy D.4. It is also considered that the proposal satisfies the policies of the draft Placemaking Plan that seek to protect the character of the area.

#### Residential Amenity:

Saved Local Plan policy D.2 states that development should not cause significant harm to the amenities of existing or proposed occupiers, by reason of loss of light, or increased overlooking, noise, smell, traffic or other disturbance. This is also reflected in Policy D.6 of the Placemaking Plan.

The proposal is situated between 33 Parklands and 26 Parklands at the head of the turning circle, the front of the property will look out to the road and slightly towards number 24 due to the angle of the street and the rear of the property looks out across fields. Therefore these three properties are considered to be the main properties that could potentially be affected by the proposal.

Two garages are proposed, one for number 33 and one for the new dwelling, the garages provided some distance between number 33 and the proposed property and therefore it is not considered that the proposal will have an overbearing or overshadowing impact on number 33 and a level of parking is retained for both properties, again limiting any effect on residential amenity. One side window is proposed that will face towards number 33, however this will provide limited opportunities for overlooking, and as there are no side windows at number 33 will not look into the property.

The proposed dwelling has been set away from neighbours at the bungalow, number 26. A gap of 4m is maintained between the front elevation of the proposed dwelling and the bungalow and this increases to a gap of approximately 8m between the rear elevation of the proposed and number 26. The proposal does not extend beyond the rear elevation of number 26. Therefore it is not considered that there will be a significant level of overshadowing due to the separation gap.

Any additional overshadowing that may occur will fall across the existing property which already experiences some overshadowing on the western side as it is set down into the land and has a high hedge to the side, the closest element of number 26 to the proposed property being the garage.

This, along with the sloping roof side facing number 26 instead of the gable end, will mean there is not an overbearing effect on number 26.

Again one small side window is proposed in the side elevation facing towards number 26 which is not considered to present an opportunity for significant increased overlooking.

The proposed property will look towards the road and is angled slightly towards number 24, it is accepted that a level of overlooking already exists in residential areas and can be expected at the front of properties and this will not be increased significantly by the proposal.

Overall the proposal is not considered to have a detrimental impact on the amenity of the adjoining occupiers in terms of loss of privacy, a significant sense of enclosure or overshadowing of neighbouring properties that would warrant refusal. The proposal therefore satisfies saved policy D.4 of the Local Plan and Policy D.6 of the draft Placemaking Plan.

#### Highways and Parking:

The Highways Development Control Officer was consulted in October 2016 and requested further information on dimensions of the garages and level of parking to be provided. Following these comments the agent submitted revised plans and the Highways team were consulted.

The revised plan now shows both garages to be of dimensions 3m by 6m, which would allow room for both parking a car and some domestic storage. There is also a parking space in front of each garage, and an additional space for the new dwelling on the shared driveway.

The site is located at a turning head, and this would be used to facilitate turning movements out of the driveway.

Having regard to the level of parking now proposed, Highways DC would have no objections subject to a condition being attached to any permission granted that would see the parking and turning area being kept clear of obstruction and that it is only used for the parking of vehicles in connection with the development.

Drainage:

One objection was received stating that the street had previously experience drainage issues. However the site is not located within a critical drainage area and there is no reasons to believe that an additional dwelling will not be able to be accommodated in terms of drainage. Furthermore no objections have been received from Bristol Waters or Wessex Waters. Appropriate conditions will be attached to a decision that will ensure adequate drainage is achieved.

Conclusion:

The proposals accord with the above listed relevant policies of the Bath and North East Somerset Core Strategy, the Bath and North East Somerset Local Plan and the emerging Bath and North East Somerset Placemaking Plan and it is therefore recommended that permission be granted.

## **RECOMMENDATION**

PERMIT

## **CONDITIONS**

### **1 Standard Time Limit (Compliance)**

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 permission

### **2 Materials - Submission of Schedule and Samples (Bespoke Trigger)**

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



Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies D.2 and D.4 of the Bath and North East Somerset Local Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

### **3 Ridge Height (Compliance)**

The ridge line of the dwelling shall be a minimum of 1m below the ridge height of number 33 Parklands.

Reason: In the interests of the appearance of the development and the surrounding area, and the residential amenity of neighbours in accordance with Policies D.2 and D.4 of the Bath and North East Somerset Local Plan and Policy CP6 of the Bath and North East Somerset Core Strategy

### **4 Parking (Compliance)**

The areas allocated for parking and turning 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: To ensure sufficient parking and turning areas are retained at all times in the interests of amenity and highways safety in accordance with Policy T.24 of the Bath and North East Somerset Local Plan.

### **5 Garages (Compliance)**

The garage hereby approved shall be retained for the garaging of private motor vehicles associated with the dwelling and ancillary domestic storage and for no other purpose.

Reason: To ensure adequate off-street parking provision is retained in accordance with Policy T.26 of the Bath and North East Somerset Local Plan.

### **6 Removal of Permitted Development Rights - No Windows (Compliance)**

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, roof lights or openings, other than those shown on the plans hereby approved, shall be installed at the dwelling hereby permitted at any time unless a further planning permission has been granted.

Reason: To safeguard the amenities of adjoining occupiers from overlooking and loss of privacy in accordance with Policy D.2 of the Bath and North East Somerset Local Plan.

### **7 Removal of Permitted Development Rights - No roof extensions/enlargements (Compliance)**

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 extension, external alteration or enlargement of any part of any roof of the dwelling(s) or other buildings hereby approved shall be carried out unless a further planning permission has been granted by the Local Planning Authority.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies D.2 and D.4 of the Bath and North East Somerset Local Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

## **8 Plans List (Compliance)**

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

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

### **PLANS LIST:**

This decision relates to the following plans:

14 Sep 2016 Site Location Plan

18 Nov 2016 001 A Proposed Dwelling

### **Condition Categories**

The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

**Compliance** - The condition specifies matters to which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

**Pre-commencement** - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

**Pre-occupation** - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

**Bespoke Trigger** - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

Please note all conditions should be read fully as these headings are intended as a guide only.

Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, details of the fee can be found on the "what happens after permission" pages of the Council's Website. You can submit your conditions application via the Planning Portal at [www.planningportal.co.uk](http://www.planningportal.co.uk) or send it direct to [planning\\_registration@bathnes.gov.uk](mailto:planning_registration@bathnes.gov.uk). Alternatively this can be sent by post to The Planning Registration Team, Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.