

# Bath & North East Somerset Council

MEETING: **Development Management Committee**

MEETING DATE: **28th June 2017**

AGENDA  
ITEM  
NUMBER

--

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

TITLE: **APPLICATIONS FOR PLANNING PERMISSION**

WARDS: ALL

BACKGROUND PAPERS:

## AN OPEN PUBLIC ITEM

### BACKGROUND PAPERS

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

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

### **The following notes are for information only:-**

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

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

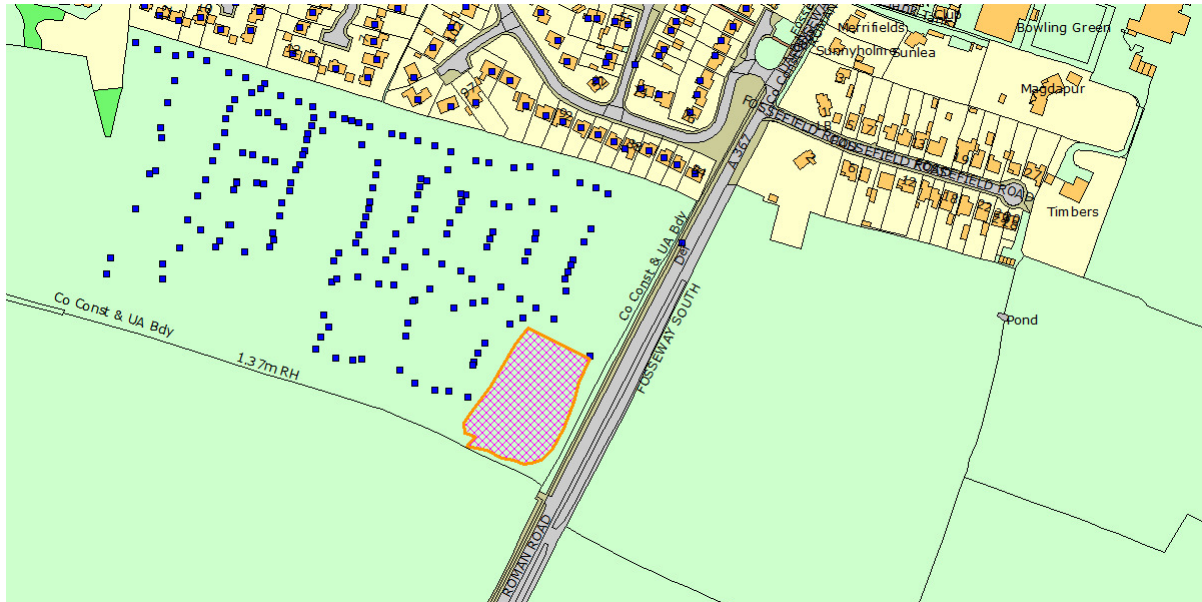
## INDEX

ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	17/01453/FUL 28 September 2017	BDW Trading Ltd Parcel 5400, Fosseyway South, Midsomer Norton, , Erection of 20 no. dwellings, associated infrastructure, vehicular access points from existing estate road network, parking and landscaping	Midsomer Norton Redfield	Chris Griggs-Trevarthen	Delegate to PERMIT
02	17/00847/RES 30 June 2017	Crossman Land Ltd Land At Rear Of 161 To 171, Englishcombe Lane, Southdown, Bath, Approval of reserved matters in relation to outline application 16/01018/OUT (Erection of a maximum of 8no. dwellings at Land to Rear of 161-171 Englishcombe Lane) regarding scale, layout, appearance and landscaping of the site.	Oldfield	Alice Barnes	PERMIT
03	16/06140/FUL 30 June 2017	Ashford Homes (South Western) Ltd. 30 Flatwoods Road, Claverton Down, Bath, Bath And North East Somerset, BA2 7AQ Erection of 2 no. dwellings, internal access drive and landscaping at rear of existing dwelling.	Combe Down	Alice Barnes	PERMIT
04	17/01031/OUT 2 June 2017	Tradex Development Ltd Chris Madden Cars, 85 Bristol Road, Whitchurch, Bristol, BS14 0PS Outline application for the erection of 4no terraced 3 storey town houses and 6no semi-detached 2.5 storey houses following demolition of existing car showroom.	Publow And Whitchurch	Chris Gomm	PERMIT
05	17/01581/FUL 30 June 2017	Mr David Lamb 22 Uplands Road, Saltford, Bristol, Bath And North East Somerset, BS31 3JJ Erection of a single storey dwelling & garage	Saltford	Emma Hardy	REFUSE

06	17/01411/FUL 24 May 2017	Mr & Mrs Cunningham 10 Stonehouse Lane, Combe Down, Bath, Bath And North East Somerset, BA2 5DW Three storey side extension and garage to include demolition of existing single story side extension, partial demolition of existing garage, minor changes to rear ground floor fenestration of existing main house and front landscaping.	Combe Down	Rae Mepham	REFUSE
07	17/01316/FUL 13 May 2017	Mr & Mrs D Hamblin Willow Glade , 17 Scobell Rise, High Littleton, Bristol, BS39 6JY Erection of detached bungalow on land at 17 Scobell Rise and erection of detached garage for existing dwelling. (Revised Scheme)	High Littleton	Chloe Buckingham	REFUSE
08	17/00163/FUL 2 June 2017	Mr Christopher Bramwell-Pearson Stonedge Cottage, Stoneage Lane, Tunley, Bath, Bath And North East Somerset Alterations to raise the wall to the same level as the neighbour's wall, including the existing panel fence (Resubmission)	Bathavon West	Chloe Buckingham	REFUSE
09	17/01436/FUL 29 June 2017	Dr & Mrs M Watts Manor House, Battle Lane, Chew Magna, Bristol, BS40 8PT Erection of new security fence on western boundary	Chew Valley North	Chloe Buckingham	REFUSE
10	17/01965/FUL 20 June 2017	Mr P Keating 1 Wellow Lane, Peasedown St. John, Bath, Bath And North East Somerset, BA2 8JQ Erection of single storey side extension with replacement garage and widened driveway access following demolition of existing garage.	Peasedown St John	Samantha Mason	REFUSE

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

**Item No:** 01  
**Application No:** 17/01453/FUL  
**Site Location:** Parcel 5400 Fosseway South Midsomer Norton



**Ward:** Midsomer Norton Redfield      **Parish:** Midsomer Norton      **LB Grade:** N/A  
**Ward Members:** Councillor C Watt      Councillor Paul Myers  
**Application Type:** Full Application  
**Proposal:** Erection of 20 no. dwellings, associated infrastructure, vehicular access points from existing estate road network, parking and landscaping  
**Constraints:** Affordable Housing, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenfield site, Neighbourhood Plan, SSSI - Impact Risk Zones,  
**Applicant:** BDW Trading Ltd  
**Expiry Date:** 28th September 2017  
**Case Officer:** Chris Griggs-Trevarthen

**REPORT**

**REASON FOR REPORTING TO COMMITTEE**

Midsomer Norton Town Council and Westfield Parish Council have objected to the proposal contrary to the officer recommendation. Details of their objections are provided in report below.

In accordance with the Council's Scheme of Delegation, the application was referred to the chairman of Development Control Committee who has decided that the application should be determined by committee.

## DESCRIPTION

The application site comprises a parcel of land of approximately 0.4 hectares located adjacent to Fosseway South on the outskirts of Midsomer Norton.

The site is located beyond the housing development boundary, but has no other planning designations and is in Flood Zone 1. The southern boundary of the site forms the administrative boundary of Bath and North East Somerset with the adjoining Authority Mendip District Council.

It is situated in the corner of a wider 7.3 hectare development site which was granted outline planning permission in November 2013 for up to 165 residential dwellings (C3) and 60 bed care home (C2), 2 points of access and public open space (ref: 13/00127/OUT). The current application site comprises the land where the proposed care home was to be situated within the approved outline consent.

Reserved matters permission (ref: 14/04032/RES) was granted in January 2015 for the residential dwellings on the rest of the development site and construction of these has now significantly advanced.

This current application seeks full planning permission to erect 20 dwellings with associated infrastructure. The application proposes that 30% of the dwellings will be affordable.

## RELEVANT PLANNING HISTORY

*Planning reference: 016561*

Erection of Supermarket with petrol station and car parking.

Application status - REFUSED - 7th January 1994

Reasons for refusal: Intrusion into open countryside; loss of agricultural land; impact on vitality and viability of town centre; impact on residential amenity; unsafe means of access.

*Planning reference: 12/05546/OUT*

Outline planning permission for up to 164 residential dwellings (C3), a 60 bed care home (C2), 200 sq m of retail/business/community space (A1/A3/B1/D1) along with 2 points of access and public open space.

Application status - PERMITTED - 18th November 2013

*Planning reference: 13/00127/OUT*

Outline planning permission for up to 165 residential dwellings (C3) and 60 bed care home (C2), 2 points of access and public open space.

Application status - PERMITTED - 18th November 2013

*Planning reference: 14/04032/RES*

Approval of reserved matters with regard to outline application 13/00127/OUT (Outline planning permission for up to 165 residential dwellings (C3) and 2 points of access and public open space).

Application status - PERMITTED - 29th January 2015

### **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

A summary of consultation responses to the application have been provided below.

EDUCATION SERVICES: No objection

ENVIRONMENTAL PROTECTION: No objection, subject to conditions

ARBORICULTURALIST: No objection, subject to conditions.

HIGHWAYS OFFICER: No objection, subject to conditions.

HOUSING OFFICER: No objection, subject to securing affordable housing

CONTAMINATED LAND: No objection, subject to conditions

DRAINAGE AND FLOOD RISK: No objection, subject to conditions.

ARCHAEOLOGY: No objection

LANDSCAPE OFFICER: No objection, subject to conditions.

ECONOMIC DEVELOPMENT: No objection, subject to contribution for Targeted Recruitment and Training

CRIME PREVENTION ADVISOR: No objection, subject to comments

ECOLOGY: No objection

PLANNING POLICY: No objection

WASTE SERVICES: Seek clarification on whether roads will be adopted.

MIDSOMER NORTON TOWN COUNCIL: Objection

The Planning Committee was not convinced that the marketing information supplied in the Planning Statement demonstrated any real commitment by the developer to find a buyer.

The Town Council believes that the Care Home was an enabler for the rest of the housing (allowed in the absence of a ratified local plan and to cover shortfall elsewhere) and the space should not be allowed to revert to residential. It is not allocated within the Core Strategy, which runs until 2029 unless superseded.

The Placemaking Plan recognises the HDB extension to accommodate the existing permissions only. The Town Council considers that the land should be retained for a

Health Care or Community facility in order to ensure that future needs can be accommodated and that not to do so would be extremely short-sighted.

#### WESTFIELD PARISH COUNCIL: Objection

The Committee objected to the following application on the grounds that it will have a detrimental effect on the highways and the infrastructure in Westfield. When the cumulative effect of this and other new buildings on the border of the Parish are taken into account the effect of the weight of traffic on the A367 through Westfield is significant and the Parish Council strongly rejects the traffic statement. If the development does go ahead, it requests that some of the s106 or CIL money is used to help alleviate the hazards created by the weight of traffic on the A367 through Westfield.

THIRD PARTIES/NEIGHBOURS: 3 letters of objection have been received. The main issues raised were:

The original development was only approved because of the provision of a care home

Concern that initial interest about a care home was fabricated

Evidence of how the care home has been marketed is required

Query whether any planning regulations have been broken at the time of the original proposal

Barratt Homes should be made to pursue the development of a care home

Lack of a planning strategy

The whole scheme is inappropriate and cutting into a beautiful landscape which should remain undeveloped

The removal of the care home should not be allowed

The land should be held indefinitely for its original purpose

Developers should be made to provide the only useful part of the development

The care system needs expansion and the developer is taking advantage

There are too many new builds in this area

The infrastructure does not exist for all these new properties

Consider that the new estate is a 'thoughtless' design with large buildings behind small bungalows

1 general comment has been received which stated that more details were required for the application.

#### **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

#### RELEVANT CORE STRATEGY POLICIES

SD1 Presumption in favour of Sustainable Development

DW1 District Wide Spatial Strategy

SV1 Somer Valley Spatial Strategy

CP2 Sustainable Construction

- CP5 Flood Risk Management
- CP6 Environmental Quality
- CP7 Green Infrastructure
- CP9 Affordable Housing
- CP10 Housing Mix
- CP13 Infrastructure Provision

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

#### RELEVANT LOCAL PLAN POLICIES

- IMP.1 Planning Obligations
- D.2 General Design and public realm considerations
- D.4 Townscape considerations
- ES.5 Foul and surface water drainage
- ES.9 Pollution and nuisance
- ES.15 Contaminated land
- HG.10 Housing Outside settlements
- NE.1 Landscape character
- NE.4 Trees and woodland conservation
- NE.10 Nationally important species and habitats
- NE.11 Locally important species
- NE.12 Natural Features: Retention, New provision and management
- BH.22 External lighting
- T.1 Overarching access policy
- T.3 Promotion of walking and use of public transport
- T.5 Cycling Strategy: Improved facilities
- T.6 Cycling Strategy: Cycle parking
- T.24 General development control and access policy
- T.25 Transport Assessments and Travel Plans
- T.26 On-site parking and servicing provision

#### PLACEMAKING PLAN

Following the Examination hearings the Inspector has now issued her Interim Statement and has advised the Council of her recommended Main Modifications required to make the plan sound. The Main Modifications and Minor Proposed Changes are now subject to public consultation prior to the Inspector issuing her Final Report. The following policies can now be given substantial weight:

- SU1 Sustainable Drainage
- SCR1 On-site renewable energy requirement
- SCR5 Water Efficiency
- D1 Urban Design Principles
- D2 Local Character & Distinctiveness
- D3 Urban Fabric
- D4 Streets and spaces
- D5 Building Design
- D6 Amenity
- D10 Public Realm
- NE1 Development and Green Infrastructure



NE2 Conserving and enhancing the landscape and landscape character  
NE4 Ecosystem services  
NE5 Ecological networks  
NE6 Trees and woodland conservation  
PCS1 Pollution and nuisance  
PSC5 Contamination  
PCS7A Foul sewage infrastructure  
H7 Housing accessibility  
LCR7 Broadband  
ST1 Promoting sustainable travel

The following policies, as modified by the Inspector, have significant weight:

HE1 Historic Environment  
D8 Lighting  
PCS2 Noise and vibration  
NE3 Sites, species and habitats  
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**

The main issues to consider are:

1. Background
2. Principle of Development
3. Character and appearance
4. Residential amenity
5. Highways and parking
6. Ecology
7. Contaminated Land
8. Trees and woodland
9. Archaeology
10. Drainage and flood risk
11. Affordable Housing
12. Planning Obligations
13. Community Infrastructure Levy and New Homes Bonus
14. Other Matters
15. Conclusion

### **1. BACKGROUND**

Two outline planning permissions were granted in November 2013 for the wider site which includes the current application site. These two planning permissions were essentially the same, but for a small retail element included within one of the scheme, and provided for up to 165 residential dwellings and a 60 bed care home.

The site was situated outside of the Midsomer Norton Housing Development Boundary and was contrary to the strategy set out in the then emerging policy for the Somer Valley within the Core Strategy.

However, at the time of the decision the Core Strategy was still in examination and was not part of the adopted development plan. Furthermore, the Core Strategy Inspector at the time had required significant changes to the Core Strategy and concluded that the strategy did not make sufficient provision for housing land.

Consequently, there was considered to be a lack of a 5 year housing land supply when the decision was taken on both these applications. This is important context as it means that second bullet point of paragraph 14 of the NPPF was engaged which requires that:

*'where a development plan is absent, silent or the relevant policies are out of date, granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'*

The Committee Report concluded that, although there were some concerns about the proposed development in terms of the balance between employment and housing in the town, landscape impact, congestion, and the integration of the scheme into Charlton Park, when assessed against the key test in the NPPF (above) the adverse impacts of the development would not significantly or demonstrably outweigh the benefits of the development.

In considering the benefits of the scheme, the committee report states that the development provided housing which would help to meet an identified shortfall within the district, including the provision of affordable housing at a rate of 35% and a 60-bed care home, for which there is also an identified need.

The development also provided appropriate contributions to off-set the impact of the development, both in terms of school capacity, funds to enhance public open space, improvements to pedestrian, cycle and public transport infrastructure.

Both applications were therefore permitted and a subsequent reserved matters application for the dwelling elements of the scheme was permitted in January 2015. Construction of dwellings on the site has now advanced significantly, although it not yet complete.

The reserved matters application did not include the land where the 60 bed care home was to be situated. This now forms the current application site.

Whilst the above provides the historical context for the current application, particularly from the fact that some weight was given to the provision of a care home within the scheme when outline consent was granted, the current application must be judged upon its own merits as will be set out in the report below.

## 2. PRINCIPLE OF DEVELOPMENT

The application site already holds outline planning permission for the erection of a 60 bed care home. This establishes that some form of development of this site is acceptable in principle.

Comments have been made by Midsomer Norton Town Council and by local objectors that the care home was an enabler for the wider housing scheme and that its replacement with additional housing should not be allowed. Whilst it is the case that, in determining the previous applications the Council gave some weight to the benefits arising from the provision of the proposed care home, it is not possible to consider whether this was a decisive factor which swung the balance. There were clearly other very significant material considerations which had to be considered at the time, such as the lack of a 5-year land supply which will have likely played a greater role.

The s106 agreement signed as part of the outline consent included a requirement within schedule 6 to compel the applicant to use reasonable endeavours to market the land for a care home for a period of 6 months.

During the process of the outline planning application, there was some interest in taking on the site expressed by a care home operator. However, the interest from this care home operator fell away at some point after the consent was granted. The applicant has been marketing the site since January 2016 and has provided evidence of the marketing exercise undertaken. This includes a letter from a credible marketing firm, outlining that despite the marketing undertaken there has been no serious interest in the site. It also indicates that the general feedback from the marketing was that, although the site was potentially appealing, the main issue was the perceived small plot size for a care home development.

Midsomer Norton Town Council have questioned the rigour of the marketing exercise undertaken and suggest that it does not demonstrate any real commitment by the applicant to find a care home provider for the site.

Notwithstanding the previous outline consent and the marketing exercise undertaken, it is necessary to determine the current application on its own merits.

The site currently lies outside of the Housing Development Boundary where new residential development is not normally permitted. However, policy SV1(4) of the Core Strategy states that the housing development boundaries will be amended to reflect existing commitments. The emerging Placemaking Plan therefore proposes to move the Housing Development Boundary to include the application site. This would mean that the proposed new housing would be within the Housing Development Boundary where the principle of new housing would be acceptable in accordance with policy SV1.

Given the advanced stage of the Placemaking Plan, this change can be given substantial weight. It is considered that this is a very significant material consideration which justifies the principle of residential development in this instance. To seek to refuse planning permission on the grounds that the site lies outside of the Housing Development Boundary when it will soon be within it, would be very unlikely to succeed if such a decision was taken to appeal. In fact, given the current timescales, any appeal would likely be determined after the Placemaking Plan has already been adopted at which point the site would be within the Housing Development Boundary.

It is therefore considered that, in light of the emerging Placemaking Plan, the principle of residential development on this site is acceptable.

### 3. CHARACTER AND APPEARANCE

The application site comprises the south-east corner of the larger development site and fronts onto the Fosseway to the east.

The layout of the proposed 20 dwellings reads as a logical extension of the permitted housing development surrounding it and forms an informal perimeter block. This approach is supported. The same house types and materials palette as previously agreed on the surrounding will be used. Again this approach is acceptable. Proposed heights range between 2 and 3 storey, with the third storey within the roof. The taller buildings are arranged to front onto the Fosseway, which is considered appropriate and matches the approach taken on the wider site to the north. Buildings contain chimneys which are characteristic of the area and add interest to longer views.

A number of small changes have been made to the design following comments from the Council's Urban Designer at pre-application stage. This included changes to the parking courtyard, changes to some surfacing materials and the introduction of a characteristic low stone boundary fronting the eastern facing dwelling.

Given that the site falls within an existing housing development and takes a similar approach in terms of layout, scale and form, the proposed development is not considered to have any greater impact upon the wider landscape than the currently consented scheme. Soft landscaping proposals have been submitted with the application and are considered acceptable. The Landscape Officer has therefore raised no objection to the proposal.

In light of the above, the proposed development is considered to not harm the character or appearance of the surrounding area or the landscape or landscape character.

### 4. RESIDENTIAL AMENITY

The application forms a distinct parcel of land within the wider housing development being undertaken. The layout of the proposal in an informal perimeter block means that none of the proposed buildings are positioned in a manner which would have any adverse impact upon any surrounding residential dwellings.

The design and layout of the proposal ensures that each of the proposed will also ensure a good level of amenity, including light, privacy, outlook and adequate outdoor space.

The application is supported by a Noise Assessment which determines the impact of noise from road traffic on the A37 towards the proposed development. The plots closest to the A37 will be most impacted by road traffic noise and will require a degree of noise mitigation. The Noise Assessment proposes mitigation measures including acoustic fencing in the locations shown and trickle ventilators to selected units. The Environmental

Health Officer is satisfied with this approach and these measures can be secured by condition.

Concerns have been raised by the Crime Prevention Design Advisor about the parking courtyard at the rear of plots 6 - 11, related to the lack of natural surveillance and active windows overlooking the area. Following these comments, amendments have been made to the scheme to introduce more natural surveillance of the parking courtyard to help alleviate these concerns.

In light of the above, the proposals are considered to protect the amenities of adjoining occupiers alongside the amenities of potential occupiers.

## 5. HIGHWAYS AND PARKING

The application is supported by a Transport Statement prepared by the applicant's transport consultant. This statement demonstrates that the proposal to erect 20 dwellings on this site in place of the approved care home will not lead to a material detrimental impact upon the operation of the local highway network.

The peak hours for a care home and residential dwellings are not coincident. Typically the peak hours for traffic at a care home are 0700-0800 and 1500-1600 whilst those for dwellings are 0800-0900 and 1700-1800. During 0700-0800 and 1500-1600 permitting the change to 20 dwellings will reduce generated traffic flows. During the network peaks of 0800-0900 and 1700-1800 dwellings would generate a maximum of 10 additional trips when compared to the consented care home.

The Highways Officer has reviewed the Transport Statement and concurs with the analysis undertaken. They advise that this change in flows during peak hours would not be discernible within the context of the wider development site and would be well within the typical daily traffic variation.

In terms of parking, the proposal provides 40 parking spaces for the proposed 20 dwellings. This complies with the current parking standards of policy T.26 in the Local Plan.

However, the proposed dwelling mix measured against the revised parking standards set out in schedule 2 of policy ST7 of the emerging Placemaking Plan requires 48 parking spaces to be provided. The proposal therefore has a shortfall of 8 parking spaces against the Placemaking Plan parking standards.

Whilst the parking standards in ST.7 can be given significant weight, they do not currently form part of the adopted development plan. Furthermore, a deficit of 8 parking spaces represents a relatively small shortfall in parking in the context of the wider development site. Paragraph 32 of the NPPF indicates that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. In the current context, it is considered that a shortfall of 8 parking spaces against emerging standards will not result in any severe detrimental impact.

## 6. ECOLOGY

The site predominantly comprises ecologically low value arable land with few additional features of value to wildlife. The main habitats of any value are the boundary vegetation, none of which will be impacted upon by the current proposal.

A number of ecological mitigation measures were approved as part of the previous wider development scheme, including the provision of native hedgerow planting along the boundaries and the provision of other wildlife habitat, native planting and enhancements within the landscape scheme.

The current proposal does not jeopardise the ecological measures that were approved for the wider scheme and does not require any further measures to be secured. The Council's Ecologist has reviewed the proposal and has raised no objection. It is therefore considered that the proposals are acceptable in ecological terms.

## 7. CONTAMINATED LAND

A detailed investigation and risk assessment report, alongside a detailed remediation strategy has previously been approved as part of the wider development site. The Contaminated Land Officer is satisfied that the approach remediation is acceptable and, subject to verification report, will ensure that the application site is safe for its intended purpose without unacceptable risks to workers, neighbours and other off-site receptors.

## 8. TREES AND WOODLAND

A tree survey and arboricultural impact assessment have been submitted and reviewed by the Council's Arboricultural Officer. The application site itself contains no tree of significance, but there are significant trees within the adjacent hedgerows. The submitted tree protection plan shows tree protective fencing around these areas and is to the satisfaction of the Arboricultural Officer. These measures can be secured by condition.

It is therefore considered that the proposals will not harm any significant trees or woodland.

## 9. ARCHAEOLOGY

The previous outline planning permission which covered the current application included conditions relating to archaeological investigation and excavation. This resulted in the archaeological excavation of the medieval hollow way carried out by Cotswold Archaeology. In light of the investigation already undertaken the Council's Archaeologist is satisfied that no further archaeological investigation or conditions are required for this current proposal.

## 10. DRAINAGE AND FLOOD RISK

The site falls within flood zone 1 and is therefore considered to be at a low risk of flooding.

A drainage statement has been submitted with this application. This explains how the drainage strategy for the proposed development in conjunction with the rest of the wider development site. Foul water drainage will connect to existing sewer networks and surface water will drain to the swales shown on the layout plan of the wider development site. This approach has been reviewed by the Flood Risk and Drainage Team who have raised no objection to the proposal.

## 11. AFFORDABLE HOUSING

The proposed development of 20 dwellings triggers a requirement for the provision of affordable housing under policy CP9 of the Core Strategy. The application proposes to provide 30% of the units as affordable housing which is in line with the policy requirement in this area.

The application proposes a total of 6 affordable housing units, 4no. social rented units and 2no. intermediate (shared ownership) units.

The Housing Officer has confirmed that the detail provided in respect of mix, tenure, design and location of the proposed affordable housing is acceptable.

The affordable housing is to be secured through a s106 agreement with the applicant.

## 12. PLANNING OBLIGATIONS

B&NES Planning Obligations SPD (April 2015) has a requirement for developers to provide targeted recruitment and training (TR&T) opportunities and contribution for residential developments over 10 units.

For the current proposal this equates to the creation of 5 work placements and a contribution of £825. These matters are to be secured through a s106 agreement with the applicant.

The proposed development generates a requirement for any further obligations in line with the B&NES Planning Obligations SPD (April 2015). Contributions to other measures and infrastructure will be achieved through CIL (see below).

## 13. COMMUNITY INFRASTRUCTURE LEVY AND NEW HOMES BONUS

The proposed residential development will be charged at a CIL rate of £100 per square metre. This equates to a CIL liability of £140,280 based upon a net additional internal floorspace of 1,402.8 square metres for the proposed market housing.

The proposed dwellings would be subject of the New Homes Bonus which would generate additional council tax receipts for the Local Authority.

## 14. OTHER MATTERS

Policy SCR5 of the emerging Placemaking Plan requires that all dwellings meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day. The applicant has agreed to meet these standards and this can be secured by condition.

Policy SCR5 also requires all residential development to include a scheme for rainwater harvesting or other method of capturing rainwater for use by residents (e.g. water butts). The applicant has also agreed to incorporate these measures into the proposed scheme although no details have yet been provided. These matters can be secured by a relevant planning condition.

Policy SCR1 requires developments above 1,000 square metres to provide sufficient renewable energy generation to reduce carbon emissions from anticipated (regulated) energy use in the development by at least 10%. The proposed scheme has a floorspace of over 1,000 square metres and therefore must comply with this policy requirement. The applicant has agreed to incorporate these features into the proposals although not details have been provided. This matter can be secured by a relevant planning condition.

Policy CP2 requires planning applications to include evidence to address the relevant sustainable construction standards. The application has been submitted with a sustainable construction checklist which, alongside other information provided and conditions secured as part of the development, addresses a number of measures included in the development which address the standards within CP2, such as maximising energy efficiency, minimising waste, conserving water resources, efficiency in material use, flexibility, adaptability and consideration of climate change.

Policy H7 of the Placemaking Plan requires that all market housing meets the optional technical standards 4(2) for accessibility in the Building Regulations Approved Document M.

The market housing within the proposed scheme only meets technical standard 4(1). However, it is relevant to note that the site falls within the context of the wider development site where all of the consented dwellings are to be constructed to the 4(1) technical standards. A requirement for the current scheme to meet 4(2) standards would materially alter the appearance of the market dwellings, resulting in them appearing wider, deeper and taller to accommodate the enhanced accessibility criteria. This would put the proposed scheme at odds with the appearance of the rest of the estate which forms its immediate context and would mean that they would fail to assimilate with the estate.

Furthermore, the applicant has undertaken a study to demonstrate that meeting 4(2) on this site, due to the increase footprint of the proposed buildings would result in a reduction in the number of dwellings by three, including the loss of one affordable dwelling.

Whilst policy H7 is not yet adopted, it can be given substantial weight as a material consideration. However, in light of the above issues in particular the factor that this site is a small part of a recently constructed development and it is considered of over riding benefit that the scheme assimilates within that development. This is a factor that is unlikely to apply to other development which would not have this characteristic and as a



consequence it not considered to prejudice the implementation of the policy which is soon to become adopted. On that basis it is considered that the benefits of the scheme as proposed outweigh any harm arising from the failure to meet the enhanced standard such that it would not justify refusal of planning permission.

Waste Services have sought clarification as to whether the proposed estate roads will be adopted. The submitted s38 drawing confirms the extent of the road to be adopted. This ensures that waste will be able to be collected from the proposed dwellings.

## 15. CONCLUSION

Although the site currently lies outside of the Housing Development Boundary, it will soon fall within the revised boundary once the Placemaking Plan is adopted. The principle of development in this case is therefore acceptable. The proposed development follows the same approach as the wider development site which is already under construction and is broadly similar to it in terms of its design, layout and materials. It will provide 20 new dwellings with 30% affordable housing, a contribution towards targeted recruitment and training and a CIL liability of £140,280.

The proposals accord with the 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, in accordance with paragraph 17 of the National Planning Policy Framework, should be approved without delay.

## RECOMMENDATION

Delegate to PERMIT

## CONDITIONS

0 1.) Authorise the Head of Legal and Democratic Services to enter into a Section 106 Agreement to secure:

- a) 30% on-site affordable housing
- b) A Targeted Recruitment and Training Obligation including £825 contribution

2.) Subject to the prior completion of the above agreement, authorise the Group Manager to PERMIT subject to the following conditions (or such conditions as may be appropriate):

### 1 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 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 plan shall also specify the sound power levels of the

equipment, their location, and proposed mitigation methods to protect residents from noise and dust. 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 and policy ST7 of the Placemaking 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.

### **3 Arboriculture - Signed certificate of compliance (Pre-occupation)**

The approved development shall be carried out in accordance with the approved Arboricultural Method Statement and Tree Protection Plan (ACD Ecology Arboriculture and Landscape Architecture dwg. no. BBS19213-03B dated 06.08.2014). No occupation of the approved development shall commence until a signed certificate of compliance by the appointed Arboriculturalist has been submitted to and approved in writing by the Local Planning Authority.

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

### **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 Water Efficiency - Rainwater Harvesting (Pre-occupation)**

No occupation of the approved dwellings shall commence until a scheme for rainwater harvesting or other methods of capturing rainwater for use by residents (e.g. Water butts) has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: In the interests of water efficiency in accordance with Policy SCR5 of the Placemaking Plan.

### **6 On-site renewable energy requirement (Pre-occupation)**

No occupation of the approved dwellings shall commence until a scheme for renewable energy generation to reduce carbon emissions from the approved dwellings by at least 10% has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: In the interests of reducing carbon emissions in accordance with policy SCR1 of the Placemaking Plan.

### **7 Materials (Compliance)**

The development shall be implemented in accordance with approved materials plan, as shown on drawing number 16016.103 revision G.

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, Policy CP6 of the Bath and North East Somerset Core Strategy.

### **8 Noise from Road Traffic (Compliance)**

The development shall be constructed in accordance with the noise mitigation measures within section 4.0 of the Noise Assessment Report No: P17-056-R01v2, dated March 2017

Reason: To protect future occupiers of the residential development from exposure to road traffic noise in accordance with policies ES.12 of the Bath and North East Somerset Local Plan and policy PCS1 of the emerging Placemaking Plan

### **9 Footpath and carriageway provision (Compliance)**

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

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

### **10 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.

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

All soft landscape works shall be carried out in accordance with the approved details (Soft Landscape Proposals Plan Golby + Luck Landscape Architects GL0279 04C dated 20/02/2017). 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, , Policy CP6 of the Bath and North East Somerset Core Strategy.

### **12 Water Efficiency (Compliance)**

The approved dwellings shall be constructed to meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day.

Reason: In the interests of water efficiency in accordance with Policy SCR5 of the Placemaking Plan.

### **13 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:**

16016.101 REV I	SITE LAYOUT
16016.102 REV H	EXTERNAL WORKS PLAN
16016.103 REV G	MATERIALS PLAN
16016.106 REV B	ENCLOSURES DETAILS
376-CH-01 A	ENGINEERING LAYOUT
376-CH-02 A	SECTION 38 HIGHWAY WORK VARIATIONS
376-CH-04 A	IMPERMEABLE AREAS COMPARISON
376-CH-05 A	VEHICLE TRACKING
GLO279 04D	SOFT LANDSCAPE PROPOSALS
16016.104 REV E	AFFORDABLE HOUSING PLAN
16016.105 REV E	STOREY HEIGHTS PLAN
16016.107 REV A	BIN STORAGE AND COLLECTION POINTS
16016.200 REV E	STREET SCENES
16016.300 REV A	GARAGES PLANS & ELEVATIONS
16016.APT.201	HT38 & HT39 (TYPE 1) PLANS AND ELEVATIONS
16016.B21F.201B	HT21 (TYPE 1) PLANS AND ELEVATIONS
16016.B22F.201B	HT22 (TYPE 1) PLAN AND ELEVATIONS
16016.ENN.201E	ENNERDALE (TYPE 1) PLANS AND ELEVATIONS
16016.ENN.202E	ENNERDALE (TYPE 2) PLANS AND ELEVATIONS
16016.FKS.201D	FOLKSTONE (TYPE 1) PLANS AND ELEVATIONS
16016.KEY.201D	KINGSLEY (TYPE 1) PLANS AND ELEVATIONS
16016.MAI.201D	MAIDSTONE (TYPE 1) PLANS AND ELEVATIONS
16016.WOO.201D	WOODCOTE (TYPE 1) PLANS AND ELEVATIONS
376-CH-03	ROAD & SEWER LONG SECTIONS

BBS19213-01 TREE REFERENCE PLAN  
BBS19213-03B TREE PROTECTION PLAN  
16016.100 SITE LOCATION PLAN  
GCE00358/R1 GROUND INVESTIGATION REPORT  
12-20-16-1-6138/RMS3 REMEDIATION METHOD r3  
12-20-16-1-6138/VR2 VALIDATION STATEMENT  
CONSTRUCTION MANAGEMENT PLAN - March 2017  
DUST MANAGEMENT PLAN - March 2017

## 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 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.

## INFORMATIVES

### 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.

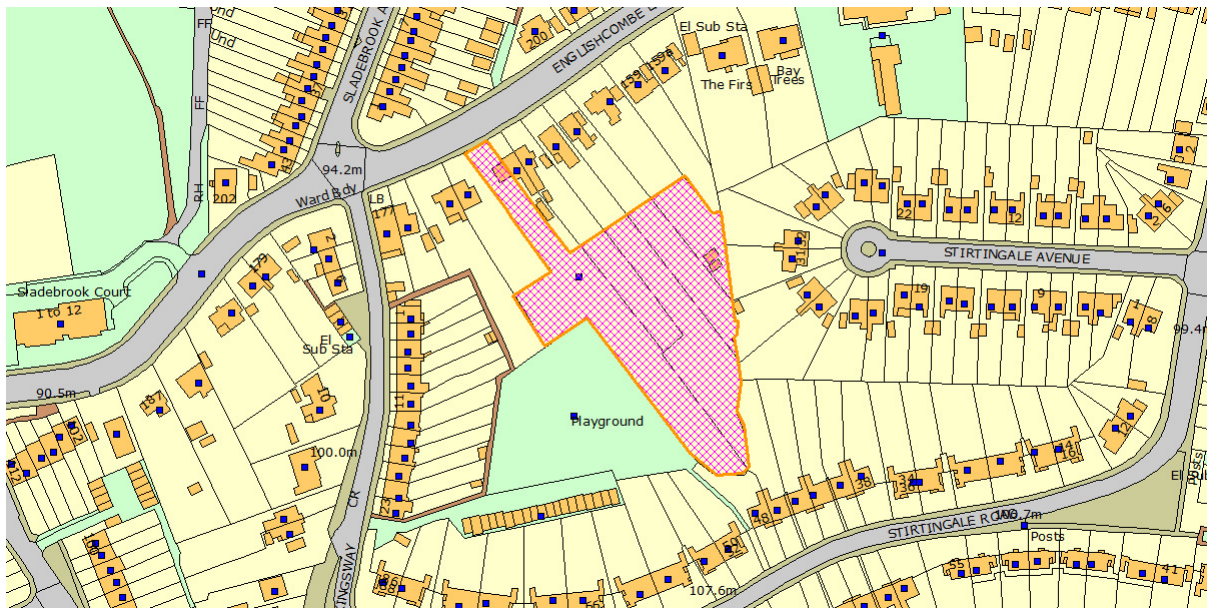
Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, details of the fee can be found on the "what happens after permission" pages of the Council's Website. You can submit your conditions application via the Planning Portal at [www.planningportal.co.uk](http://www.planningportal.co.uk) 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.

3 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)

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

**Item No:** 02  
**Application No:** 17/00847/RES  
**Site Location:** Land At Rear Of 161 To 171 Englishcombe Lane Southdown Bath



**Ward:** Oldfield                      **Parish:** N/A                      **LB Grade:** N/A  
**Ward Members:** Councillor Shaun Andrew Stephenson-McGall    Councillor W Sandry  
**Application Type:** PI Permission (Approval Reserved Matters)  
**Proposal:** Approval of reserved matters in relation to outline application 16/01018/OUT (Erection of a maximum of 8no. dwellings at Land to Rear of 161-171 Englishcombe Lane) regarding scale, layout, appearance and landscaping of the site.  
**Constraints:** Affordable Housing, Agric Land Class 3b,4,5, Article 4, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,  
**Applicant:** Crossman Land Ltd  
**Expiry Date:** 30th June 2017  
**Case Officer:** Alice Barnes

**REPORT**  
Reason for calling the application to committee

The application has been referred at the request of Councillor Will Sandry and Councillor Shaun Stephenson-Magall.

#### Description of site and application

Englishcombe Lane is located on the southern slopes of Bath. Number 161 to 171 are located outside of the Conservation Area but within the World Heritage Site. The existing properties include large rear gardens which slope upwards behind the dwellings. The site is bordered by Stirtingale Road to the south, Stirtingale Avenue to the east and a play area to the west.

Outline permission has been granted for the construction of eight dwellings within the rear gardens of the site. Access was approved at the time of the outline permission. This application now seeks permission for the remaining reserved matters of appearance, layout, scale and landscape.

The proposed dwellings have been designed as two storey properties of a contemporary design. Parking will be provided on site and the application has been accompanied by a hard and soft landscaping plan. The site will be accessed from a proposed access road which will run between numbers 169 and 171 Englishcombe Lane.

#### Relevant History

DC - 15/04189/OUT - RF - 11 November 2015 - Erection of a maximum of 4no. dwellings at Land to Rear of 167, 169, 171 Englishcombe Lane. (Outline application with access to be determined and all other matters reserved)

DC - 14/03767/FUL - RF - 7 January 2015 - Construction of 3no. dwellings to include garages and associated hard and soft landscaping

DC - 16/01018/OUT - APP - 28 July 2016 - Erection of a maximum of 8no. dwellings at Land to Rear of 161- 171 Englishcombe Lane. (Outline application with access to be determined and all other matters reserved)

#### **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Ecology: Revised information has been submitted which proposes fencing raised by 100mm (to allow free movement of wildlife around the site); to more accurately position the exclusion zone for the off-site badger sett, and includes a revised proposed fence line that allows space for a badger run beyond this, along the eastern and southern boundaries.

Clarification is also needed regarding planting along the fenceline - on both sides. It may be possible to secure final details of this under separate condition. If there is a landscape condition with details being considered this needs to be updated to reflect these changes.

Provided this plan and these measures can realistically be secured, and do not conflict with other documents being submitted concurrently in relation to conditions, this addresses my previous concerns and I am able to withdraw my objection.

Highways: This is a reserved matters application, and it is noted that the principle of the development and the wider impacts were considered when application 16/01018/OUT was determined.

There is no objection to the principle of the site access, parking arrangements and the internal highway network layout. These details are consistent with the arrangements shown and considered at the outline planning permission. Although the design of the access can be agreed at this stage, there is a need for the highway authority to approve the site access arrangements as part of a Section 38 Agreement (of the Highways Act). This is a separate technical design check process, and should be completed prior to the commencement of construction.

Some work within the existing highway will also be required to form the site access junction, and the applicant should be made aware of the information that is provided at the end of this consultation response.

Arboriculture: Following previous arboricultural comments dated 21st March, the revised Site Layout Plan and Landscape Plan now include the tree identification numbers.

Condition 7 of 16/01018/OUT remains undischarged and is subject to a separate application, reference 17/00848/COND for which arboricultural comments have been supplied.

Landscape: The proposed landscaping fails to enhance and complement its surroundings. Opportunities for green infrastructure have not been maximised.

Urban Design: The amendments satisfactorily address the issues raised in our initial response, which can now be changed to no objection subject to condition.

We note that since our initial response there have been several public comments regarding scale and massing of the proposed dwellings. We reaffirm that we consider the proposal to be well related and not inappropriate in height, scale, mass and form to the surrounding buildings and believe the scheme to be consistent with Placemaking Plan Policy D7.

We also note comments regarding impact on neighbouring residential amenity, particularly with plots 3 and 4 and the adjacent residential properties immediately to the east. This is particularly an issue with the proposed terraces to the new dwellings and the potential for overlooking onto the existing gardens to the east. We suggest that this could be overcome by altering the design of the terraces to ensure that the view to the east is obscured; alternatively the terraces for these plots could be removed if overlooking cannot be satisfactorily addressed. Additionally the first floor bedroom window (bedroom 1) on the north east elevation of plot 3 could be moved to the north west elevation to further reduce any harm caused to residential amenity.

Councillor Sandry: I am particularly concerned about the design; how the proposals fit into the setting of the World Heritage Site, with the massing of the buildings on the site.



The arrangement of the fenestration and proximity of properties to existing dwellings will, I believe, have a harmful impact on the residential amenity of existing neighbours.

Despite being a sustainable location within the city - a short walk to firstbus service 1 and the U18, the proposals base their transport arrangements around the private motor car. This is not sustainable. Should a resubmission of plans come forward, I would like to see electric charging points and fewer parking spaces as part of the proposals.

I am disappointed to note that the applicants did not consult with neighbouring properties or Ward Councillors prior to submitting these proposals to the LPA.

Councillor Shaun Stephensen-MaGall: If you are minded to recommend approval of these proposals, pleased could I request that the application is determined following debate in a public meeting of the Development Management Committee

Representations: 19 representations have been received objecting to the application for the following reasons:

The development would result in a dense concentration of dwellings out of scale with the existing neighbourhood.

This will impact on views of the existing hillside.

The proposed access cannot accommodate the proposed number of vehicle movements.

The site junction is onto a busy main road.

The size and height of the buildings will overpower the neighbouring properties.

Plots 3 and 4 will be close to the boundary of neighbouring properties along Stirlingale Avenue.

Although existing trees and wildlife will be catered for within this development, there will be a loss of both throughout the period of this build, and a longer time frame will be needed for both to be re-established.

The provision of eight large dwellings will be too overbearing and not in keeping with the surrounding landscape.

The developer indicated that the dwellings would include green roofs but the proposed development includes balconies.

The proposed balconies will overlook neighbouring properties.

There is no plan to show how the dwellings will sit adjacent to the neighbouring properties.

The provision of eight dwellings will impact on noise and light pollution within the neighbourhood.

There will be a loss of privacy and overbearing impact to neighbouring dwellings.

Eight dwellings is out of character with the existing neighbourhood.

There is a lack of space for adequate landscape screening.

There is a Badger set close to the site.

The proposed dwellings will enclose the surrounding properties.

The proposed dwellings will block view from neighbouring houses.

The land is a garden space not a building plot.

There will be a loss of light to neighbouring properties.

Cars, house lights and streetlights will shine into neighbouring bedrooms.

What provision has been made for the fox who lives in the garden?

The residents of Kingsway have not been consulted.

The additional cars will increase pollutants close to the children's play area.

The houses could be used for multiple occupancy

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

CP6 - Environmental Quality  
B4 - The World Heritage Site and its Setting  
B1 - Bath Spatial Strategy

The following saved policies of the Bath and North East Somerset 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  
Bh.6: Development within or affecting Conservation Areas.  
T.24: General development control and access policy  
T.26: On-site parking and servicing provision  
Ne.4: Trees and Woodland  
Ne.11: Locally important species and habitats

### National Policy

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

Following the Examination hearings the Inspector has now issued her Interim Statement and has advised the Council of her recommended Main Modifications required to make the plan sound. The Main Modifications and Minor Proposed Changes are now subject to public consultation prior to the Inspector issuing her Final Report. The following policies can now be given substantial weight:

D.2 - Local character and distinctiveness  
D.3 - Urban Fabric  
D.5 - Building design  
D.6 - Amenity  
N3 - Nature and conservation biodiversity  
NE6- Trees and woodland conservation

The following policy has significant weight

ST.7 - Transport requirements for managing development

## **OFFICER ASSESSMENT**

Outline permission has been granted for the construction of eight dwellings within the rear gardens of the site. Access was approved at the time of the outline permission. This application now seeks permission for the remaining reserved matters which are appearance, layout, scale and landscape.

Englishcombe Lane is located on the southern slopes of Bath. Number 161 to 171 are located outside of the Conservation Area but within the World Heritage Site. The existing properties include large rear gardens which slope upwards behind the dwellings. The site is bordered by Stirtingale Road to the south, Stirtingale Avenue to the east and a play area to the west.

The principle of residential development has been established under the outline application with the access to the highway approved.

The main issues to be considered here are:

Appearance layout and scale

Landscape and trees

Amenity

Ecology

Other Matters

Appearance, Layout and scale

The proposed development will accommodate eight two storey properties. The proposed layout follows the access road permitted at the outline stage. The development will follow a new cul-de-sac which will run to the south of Englishcombe Lane. The existing application properties have large rear gardens. They are bordered by the roads of Stritingale Road, Stirtingale Avenue and a play area. The site is surrounded by residential development on all sides. Englishcombe Lane is characterised by properties which follows the streetscene and over time cul-de-sacs have been constructed to the south of the road. In this case therefore there is scope to allow for dwellings to be constructed to the rear of the site without compromising the grain of development within the streetscene.

The proposed buildings have been designed as two storey properties of a contemporary appearance. The provision of a mono pitched roof will minimise the bulk of the existing building. Whilst the buildings have been designed to be of varying sizes the built form of the proposed dwelling will adhere to the theme of a two storey property with a mono pitched roof. The buildings are of a uniform height of 6.3m. The proposed materials will be a combination of timber cladding with Bath Stone walling. The provision of timber is considered to be appropriate given the contemporary built form and the use of Bath Stone will reference properties within the surrounding area.

The proposed roof covering has been described as a dark standing seam roof. The applicant has confirmed that the roof materials would be matt zinc which of a colour which would match the surrounding roofs. The proposed development will be viewed as part of the built up area and the proposed mono pitched roofs will be visible from the surrounding area. The adjacent properties have tiled roofs. The proposed buildings will use a non-reflective material of a colour that will match the adjacent properties. The exact colour can be secured by condition.

The applicant has provided a site section to show that the building will be set into the hillside so that no property will be above two stories and the development will respond to the topography of the site. The proposed design is considered to be acceptable.

Given that the building will be set into the existing hillside the applicant should be required to provide existing and proposed levels plans prior to the commencement of development.

A condition should be attached to any permission requiring the submission of a full schedule of materials including the exterior materials of the dwelling and external paving.

### Landscape and trees

During the outline stage the applicant submitted a landscape assessment to establish the impact of the development on the surrounding landscape. Bath is strongly characterised by its green hills and therefore any development on a hillside has the potential to impact on the landscape. When viewed from a distance this area is viewed as a built up area and garden land. It is not considered to be viewed as an open site. The proposed dwellings will be viewed as part of the existing built up area and the development of the gardens will not be harmful to the surrounding landscape.

The applicant has submitted an indicative landscaping plan which indicates which trees will be retained and where new trees will be planted. This is considered to be appropriate. The plan also indicates areas of hard surfacing. This includes the provision of block pavements to parking areas and patios. The rear garden will be grassed. The council's landscape officer has commented stating that the proposed landscaping fails to enhance and complement its surroundings. However the applicant has submitted a landscape plan and this can be secured by condition. The arboricultural officer has not raised an objection to the application. As stated above the proposed development is not considered to be visually intrusive within the wider landscape. Therefore whilst the concerns of the landscape officer are noted this does not warrant refusal of the application and the proposed landscape plan is accepted.

The outline permission includes a condition requiring the submission of an arboricultural method statement and this condition is yet to be discharged.

The proposed landscaping plan can be secured by condition.

### Amenity

As stated in the report for the outline application the impact on amenity to neighbours would greatly depend on the size and appearance of the proposed buildings. Notably how high the buildings will appear to neighbouring dwellings, their position in relation to the existing dwellings and the placement of the proposed windows. The existing buildings are proposed to be two storey properties with a mono pitched roof. The buildings have a maximum height of 6.3m.

Plots 1, 2, 8 and 9 will sit to the rear of numbers 161 to 171 Englishcombe Lane. The dwellings have been sited approximately 30m from the rear elevations of these properties. The proposed windows will primarily overlook the garden space and given the distance of

the proposed building from the rear of the properties along Englishcombe Lane the proposed dwellings are not considered to result to harm to these properties that would warrant refusal of the application.

Plots 3 and 4 have been set close to the boundaries with Stirtingale Avenue. In particular plot 3 sits close to the rear boundary of number 31 Stirtingale Avenue. The applicant has reduced the width of the dwelling at plot 3 to move the dwelling away from the boundary of number 31. Plot 3 will sit a minimum distance of 5m from the rear boundary of number 31 at its south east corner. It will sit 21m from the rear elevation of number 31. The revised design of plot 3 will reduce the impact on number 31 and is now considered to be acceptable.

Glazing has been removed from the side elevation of plot 3 to stop increased overlooking of the neighbouring properties along Stirtingale Avenue and the proposed balcony has been removed. The revised design of plot 3 will not result in increased overlooking of the properties along Stirtingale Avenue.

Plot 5 will face the rear boundary of number 48 Stirtingale Road. The rear elevation will sit 18m from the rear boundary of number 48 and due to the topography of the site will sit below number 48. Concern has been raised that the proposed dwelling will result in increased overlooking and an overbearing impact to the occupiers of 48 Stirtingale Road. Whilst the concerns of the occupiers of the nearby dwelling are noted given the separation distance between the existing and proposed properties an application could not be refused on this basis.

Concern has been raised that the provision of a dwelling will result in increased noise from car movements to number 48. The car parking area has been sited to the front of plot 5 and will not face the rear garden of number 48.

To the west of the site the proposed dwelling would border the side of the rear garden of number 173. As the dwellings would be located to the rear section of number 173 and 29m from the rear elevation, the proposed development is not considered to harm the amenity of the occupiers of number 173.

The majority of the western boundary of the plot then borders an existing playground rather private amenity space. Access to the play area is from Kingsway and this will not be altered.

## Ecology

Concern has been raised within the representations that there is a badger sett within the site. The application has been referred to the council's ecologist. The applicant has submitted a revised plan which will incorporate a Badger run to the south west boundary of the site.

Revised information has been submitted which proposes fencing to allow free movement of wildlife around the site, to more accurately position the exclusion zone for the off-site badger sett, and includes a revised proposed fence line that allows space for a badger run beyond this, along the eastern and southern boundaries.

Clarification is also needed regarding planting along the fenceline on both sides and this can be secured by condition.

#### Other matters

Concern has been raised that the proposed dwellings could be used for multiple occupancy. To use the dwellings as a house in multiple occupation will require a further application for planning permission and all applications are considered on their own merits.

#### Conclusion

The proposed design is considered to be appropriate and the development is not considered to be visually harmful to the surrounding area. The proposed development will not result in harm to highway safety or the surrounding ecological value. The proposed development will not result in harm to the amenity of nearby occupiers that would warrant refusal of the application.

### **RECOMMENDATION**

PERMIT

### **CONDITIONS**

#### **1 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: 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.

#### **2 Highways (Prior to occupation)**

Before the dwellings hereby permitted are first occupied the area between the nearside carriageway edge and a line drawn between a point 2.4m back from the carriageway edge along the centre line of the access and a point on the carriageway edge 43m from the centre line on the northern side of the access shall be cleared of obstruction to visibility at and above a height of 900mm above the nearside carriageway level and thereafter maintained free of obstruction at all times.

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.

#### **3 Highways (compliance)**

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

Reason: 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.

#### **4 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.

#### **5 Ecology(prior to occupation)**

The proposed ecological mitigation measures outlined in plan P1003 rev A including the proposed Badger run must be implemented prior to occupation of the development and permanently retained as such.

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with policies NE.10 and NE.11 of the Bath and North East Somerset Local Plan.

#### **6 Existing and Proposed Levels (Pre-commencement)**

No development shall commence until details of the existing and proposed ground levels have 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: For the avoidance of doubt and to clarify the finished ground levels of the development to accord with Policies D.2 and D.4 of the Bath and North East Somerset Local Plan. This is a condition precedent because the ground levels have the potential to affect the overall impact of the development. Therefore these details need to be agreed before work commences as they could not easily be amended after.

#### **7 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:**

Site location plan P300  
Detailed Access Plan P301  
Site layout plan 1000 rev B  
Existing site sections P1001 rev B  
Plot 1 P1010 rev D  
Plot 2 1020 rev D  
Plot 3 1030 rev F  
Plot 4 1040 rev D  
Plot 5 1050 rev D  
Plot 6 1060 rev D  
Plot 7 and 8 rev D  
Topographical survey  
Landscape plan P1003 rev C  
Existing and proposed site section 1004 rev A  
Existing and proposed layout plan 1005 rev A

### **Advice Note:**

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 any amendment to 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.

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)

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:** 16/06140/FUL  
**Site Location:** 30 Flatwoods Road Claverton Down Bath Bath And North East Somerset BA2 7AQ



**Ward:** Combe Down                      **Parish:** N/A                      **LB Grade:** N/A  
**Ward Members:** Councillor Cherry Beath      Councillor Bob Goodman  
**Application Type:** Full Application  
**Proposal:** Erection of 2 no. dwellings, internal access drive and landscaping at rear of existing dwelling.  
**Constraints:** Affordable Housing, Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Article 4, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, Water Source Areas, World Heritage Site,  
**Applicant:** Ashford Homes (South Western) Ltd.  
**Expiry Date:** 30th June 2017  
**Case Officer:** Alice Barnes

## REPORT

Reason for calling the application to the committee

The application has been referred to the committee at the request of Councillor Bob Goodman.

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

Description of site and application

Flatwoods Road is located on the southern edge of Bath. The site is located outside of the Conservation Area but within the World Heritage Site. It is located within the Area of Outstanding Natural Beauty and adjacent to the Green Belt.

This is an application for the construction of two new dwellings within the garden at number 30. Number 30 includes a large rear garden measuring 100m in length. The site sits adjacent to the open countryside and the western boundary is surrounded by tree cover. The site is adjacent to the Bath skyline path but will not encroach onto the right of way.

The applicant is proposing to construct two detached houses within the rear garden. The proposed dwellings will be two storey properties and are of a similar design to the dwellings constructed to the south of the site on a neighbouring plot. Parking will be provided on site.

#### Relevant history

DC - 11/02809/FUL - RF - 19 October 2011 - Erection of a single storey rear/side extension

DC - 12/00567/FUL - PERMIT - 3 May 2012 - Erection of a two storey side/single storey rear extension

#### Neighbouring site, numbers 37-39

DC - 06/03686/OUT - WD - 22 December 2006 - Construction of 5no. detached dwellings with associated

parking, highway works and landscaping, after demolition of no.37 Flatwoods Road, and alterations to no.40 Flatwoods Road

DC - 07/02131/OUT - RF - 14 November 2007 - Erection of 4 no. dwellings and associated car parking,

highways works and landscaping, following demolition of existing dwelling (Resubmission)

DC - 08/03979/FUL - PERMIT - 16 April 2009 - Erection of three dwellings following demolition of no. 37

Flatwoods Road and alterations to no. 40 Flatwoods Road

#### **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Arboriculture: The revised drawing titled Site Plan (drawing FLR-XX-0001 rev K) has significantly increased the distance between the proposed property in plot 2 and the offsite Beech (identified as T11) and protected Oak (identified as T13). I withdraw my objection.

I have no objection to the tree removals shown. T6 (Beech) has suffered significant squirrel damage so was not considered a suitable candidate for a Tree Preservation Order. However, I note that an objection response from the neighbour indicates that this tree may be under shared ownership.

The offsite Ash identified as T8 is further to the west than shown, however, the external patio area extends into the rooting environment where precautionary measures will be required such as no dig construction methods which will need to tie in with the final floor levels within the building.

The tree work proposals will require revision and can be incorporated within a detailed Arboricultural Method Statement (AMS) which will also need to take into account surface water drainage.

The AMS and Tree Protection Plan should incorporate protection measures for the retained hedge along the southern boundary.

Highways: There is no objection to the principle of the development at this location. It is noted that the section of Flatwoods Road that serves the site is not adopted highway, however, the application red line boundary extends to the adopted highway and it is for the applicant to ensure that the appropriate access rights exist.

Whilst there are no segregated pedestrian facilities along part of Flatwoods Road, there is no reason why this could not operate as a "shared space" and the nature of the unadopted road would ensure that vehicles travel slowly. Segregated pedestrian facilities exist further to the south.

The proposed site layout arrangements are broadly considered to be appropriate, and sufficient parking for the proposed dwellings would be provided. It is noted that the driveway would be provided with a hard surface and there would be an opportunity to pass other vehicles.

Finally, it is recommended that the refuse collection strategy for the site is clarified as part of the application process. This should ensure that suitable storage and collection areas are included within the proposals at this stage.

Ecology: Revised plans have been submitted which indicate retention of existing boundary vegetation, with additional / new hedgerow planting.

Subject to these features being secured within the scheme by condition no further information regarding these hedgerows is required at this stage and I do not consider the proposal to be ecologically unacceptable. Relevant conditions should be attached.

National Trust: Object. The site is located adjacent to the skyline footpath. There is double garage proposed close to a beech tree. Trees and their root systems should be protected. The proposed dwellings are larger than the ones permitted to the south. The level of development should be reduced and the height of the buildings should be no higher than the dwellings at the neighbouring sites. The garage at plot 2 should be reduced.

Councillor Bob Goodman: This is a most unsatisfactory application which will have adverse affect on the residents in the area.

There is a parking area for number 30 which will be harmful to the occupants of number 37.

The development is overbearing to the surrounding countryside and residential accommodation.

The significantly higher ground level of the application site does have a dramatic effect on number 37 and number 38 Flatwoods Road in particular.

Representations: 26 representations have been received objecting to the application for the following reasons:

The traffic within the access road will be for visitors and waste services as well as residents.

The access road is located close to gardens at adjoining properties which will result in an increase in noise and fumes to existing properties.

The access is narrow and will not be able to accommodate delivery vans and waste trucks. If vehicles drive over the edge of the access they will destroy neighbouring boundary treatments.

There will be disruption from construction traffic.

No thought has been given to the visual impact to the skyline walk.

The planning application does not adequately consider the existing trees on and near the property.

The proposed development will result in overlooking to the neighbouring garden at number 29.

The dwellings will result in a loss of light to the garden at number 29.

The site is accessed from an unadopted road which is in a poor state of repair.

Fencing is needed to retain privacy between properties.

The site is within an area of outstanding natural beauty and the proposed materials are unclear.

The access road is narrow and cannot accommodate larger vehicles.

The woodland play area has resulted in an increase of parking within the road.

The potential to overload the existing sewers running down the centre of road from two extra homes has not been considered.

The potential to overload the electrical supply to the road has not been considered.

The potential to reduce the main water pressure has not been considered.

The development will result in additional surface run off.

Number 30 may be divided into two properties.

The height of the buildings will impact on the wildlife habitat, Area of Outstanding Natural Beauty and Skyline Walk.

Broadband is poor in this area.

The site has a rural character.

The three parking spaces for number 30 within the rear garden will be in addition to parking for three cars at the front which is excessive.

The application in 2008 was moved away from the skyline walk

The properties proposed will be higher than the neighbouring dwelling resulting in overlooking into number 37 and 38.

The garage at plot 2 will harm the setting of the skyline walk.

The garage at plot 2 is adjacent to a protected oak tree.

The proposed houses should be set down within the plot.

There will be additional traffic within the road.

The development will impact on the adjacent green belt.

The development does not take into account the future growth of trees.

The developer has stated the ground cannot be lowered due to the bedrock underneath, but no geological survey has been carried out.

The site plan is incorrect and the owner has stated work on the parking area at number 30.

A gravel driveway will increase noise from parking cars.

The proposed access road will result in unwanted noise and car fumes to numbers 35 and 37

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

CP6 - Environmental Quality  
B4 - The World Heritage Site and its Setting  
B1 - Bath Spatial Strategy  
CP8 - Green Belt

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  
T.24: General development control and access policy  
T.26: On-site parking and servicing provision  
Ne.2: Area of Outstanding Natural Beauty  
GB.2: Visual amenities of the green belt.  
Ne.4: Trees and woodland conservation  
Ne.10: Nationally important species and habitats  
Ne.11: Locally important species and habitats

National Policy

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

Following the Examination hearings the Inspector has now issued her Interim Statement and has advised the Council of her recommended Main Modifications required to make the plan sound. The Main Modifications and Minor Proposed Changes are now subject to public consultation prior to the Inspector issuing her Final Report. The following policies can now be given substantial weight:

D.2 - Local character and distinctiveness  
D.3 - Urban Fabric  
D.5 - Building design  
D.6 - Amenity  
GB.1- Visual amenities of the green belt  
NE2 - Conserving and enhancing the landscape and landscape character  
NE6 - Trees and woodland conservation

The following policy is given significant weight

## ST.7- Transport, access and development management

### **OFFICER ASSESSMENT**

This is an application for the construction of two new dwellings within the garden of number 30 Flatwoods Road. The site is located within the Area of Outstanding Natural Beauty and the Green Belt boundary runs along the western boundary of the site. The existing property is a semi-detached dwelling with a large rear garden which is 100m in length. The proposed development would comprise of two detached properties to be constructed within the rear garden. The site would be accessed from an access road which would run between number 30 and 35 and would run along the south boundary of the site.

The main issues to be considered are:

Principle of development

Design

Impact on the adjacent Green Belt

Impact on the Area of Outstanding Natural Beauty

Ecology

Arboriculture

Highways

Amenity

Other matters

Planning history

The adjacent plot was granted permission in 2008 for the construction of numbers 37, 38 and 39. These properties are of a similar appearance to the proposed application.

Principle

The application site is located within the Bath city boundary and forms part of a built up area. Policy B1 of the Core Strategy allows for small scale intensification within the urban area. The proposed development of housing at this site is considered to comply with policy B1.

The proposed dwelling will be located within the rear garden of number 30 creating a separate layer of development behind the properties that front the road. Numbers 37, 38 and 39 have been constructed behind the properties which front the road. To construct a property within the rear of a plot is not uncharacteristic of the grain of development in the surrounding area.

The principle of development is accepted.

Design

The proposed buildings have been designed as large detached dwellings of a similar aesthetic to the dwellings constructed to the south of the site. Plot 1 is an L shaped building with a single storey attached garage to the front of the property. The building includes a shallow pitched roof with hip ends and the built form is considered to

complement the appearance of the surrounding area. The building will be constructed using render, rubble stone and slate which is considered to be appropriate to the surrounding area.

The proposed building at plot 2 has a square shaped footprint and includes an integral garage. As with plot 1 the building has been designed with a pitched roof and hip ends and the built form is similar to the dwellings constructed as the properties to the south. The proposed design is considered to be appropriate to the surrounding area.

A condition can be attached to require the submission of samples of the proposed materials prior to the construction of any external walls.

The proposed dwelling will sit on land which is higher than the plot to the south of the site by less than 1m. The proposed dwelling will be viewed as part of the wider built up area and therefore the height difference between the proposed and neighbouring properties is not considered to be visually harmful. A condition should be attached requiring a levels plan of the proposed development to ensure that the finished land levels are correct.

#### Impact on the adjacent Green Belt

The green belt boundary runs to the west of the existing site. The application site is not located within the green belt and therefore the principle of whether the development is appropriate development in the green belt does not need to be considered, only the impact of the development on the openness of the adjacent green belt should be considered.

The existing Flatwoods Road area is a built up area and the development to the south of the site is a dense development. The proposed development would be viewed as part of the existing built up area and is not considered to result in harm to the openness of the adjacent Green Belt.

#### Impact on the Area of Outstanding Natural Beauty

Concern has been raised that the land at number 30 is higher than the adjoining properties and the proposed dwellings will sit at a higher level and will therefore will be more visible from within the AONB. The proposed development will appear as part of the existing built area of the site. The dwelling will be set at a maximum of 23m from the western boundary at the north west corner of plot 2 and a minimum of 18m from the western boundary at the south west corner of plot 2. In this respect the development has a similar set back similar to other properties within the estate. Therefore the building is not considered to impact negatively on the adjoining AONB. Furthermore the applicant intends to retain the existing trees on the western boundary within the site which contribute positively to the surrounding area.

Objections have been received stating that the proposed development will impact on views from the adjacent skyline path. Flatwoods Road is viewed as being a built up area and the site is visible but viewed through tree cover from the skyline path. Given that the tree cover will remain there would be no harm the setting of the adjacent skyline path and surrounding Area of Outstanding Natural Beauty.

## Ecology

The ecology officer originally raised concern that the natural features which surround the site would be removed. The revised plans will maintain the existing hedgerows and trees.

The ecology officer has advised that conditions should be attached that a wildlife protection and enhancement scheme should be submitted and external lighting controlled.

## Arboriculture

There are a number of trees which surround the site which are considered to be an important feature of the setting of the site. The applicant has re sited the building at plot 2 to avoid the root protection areas of the surrounding trees. The revised drawing titled Site Plan has significantly increased the distance between the proposed property in plot 2 and the offsite Beech (identified as T11) and protected Oak (identified as T13).

No objection is raised to the proposed tree removals shown. T6 (Beech) has suffered significant squirrel damage so was not considered a suitable candidate for a Tree Preservation Order. The offsite Ash identified as T8 is further to the west than shown, however, the external patio area extends into the rooting environment where precautionary measures will be required such as no dig construction methods which will need to tie in with the final floor levels within the building.

The tree work proposals can be incorporated within a detailed Arboricultural Method Statement (AMS) which can be required by condition.

A landscape condition should also be attached to ensure that the landscaping works will retain the existing tree cover.

## Highways

This section of Flatwoods Road that serves the site is not adopted highway, however, the application red line boundary extends to the adopted highway. The correct ownership certificate has been signed. Whilst there are no segregated pedestrian facilities along part of Flatwoods Road segregated pedestrian facilities exist further to the south.

The proposed site layout arrangements are broadly considered to be appropriate, and sufficient parking for the proposed dwellings would be provided on site for both dwellings. It is noted that the driveway would be provided with a hard surface and there would be an opportunity to pass other vehicles. Vehicles will be able to enter and leave the site in forward gear.

The highways officer recommended that the refuse collection strategy for the site is clarified as part of the application process. Details of refuse collection can be secured by condition.

## Amenity



The proposed development will result in two additional dwellings within the rear garden of number 30. The dwelling will sit between the rear gardens of number 29 and numbers 37 and 38.

Concern has been raised that the development will result in increased overlooking and overshadowing to number 29. Plot 2 will be located 5m from the boundary with number 29. However the proposed dwelling will be located adjacent to the rear of the number 29's land rather than to the land close to the dwelling. It is sited over 70m from the rear of number 29. The dwelling at plot 2 would not be located adjacent to the private space to the rear of the house so this is not considered to warrant refusal of the application. Plot 1 includes three windows at first floor level two of which will be obscure glazed as they provide light to a bathroom. As with plot 2 the dwelling will be located over 40m from the rear of number 29 so the provision of the dwelling is not considered to result in harm to amenity that will warrant refusal of the application.

Concern has been raised that the provision of the proposed driveway would result in noise and disturbance to the occupiers of number 35. The side elevation and garden of number 35 sits adjacent to the proposed access road. The applicant is proposing to site a fence along the proposed boundary which would mitigate against disruption from vehicle movements. This can be secured as part of the landscaping scheme.

Concern has been raised that the provision of a gravel surface will increase the noise from moving vehicles. The highways officer has requested that the parking area is surfaced in a bound and compacted surface and that this is secured by condition. The plans show that block pavements will be used on the parking area with tarmac on the driveway.

Concern has been raised that the position of the parking area would result in noise and disruption to the neighbouring property of number 37. Currently the hedge along the boundary between the application site and number 37 has been pruned and there is currently inter visibility between the two sites. The applicant has proposed erecting a two metre fence along the boundary between the sites. This can be secured by condition and as part of the landscape scheme.

Concern has been raised that the proposed dwellings will result in increased overlooking of the neighbouring properties of number 37 and 38. The front elevation of plot 1 includes one window at first floor level which provides light to the double height entrance space. Given that at first floor level this would provide light to a landing and the distance from number 37 being 15m at a minimum the proposed building at plot 1 is not considered to result in increased overlooking that would warrant refusal of the application. Other first floor windows on plot 1 are located on the side and rear elevations so do not result in increased overlooking of number 37.

The proposed first floor windows at plot 2 have been set 13m from the side elevation of number 38. The elevation of number 38 facing plot 2 does not include glazing and the proposed development is not considered to result in increased overlooking of number 38.

Concern has been raised that since the land at the application site is higher than the properties at 37 and 38 then overlooking will occur from the ground floor windows. The applicant has proposed to install a boundary fence and there is mature hedgerow between

number 38 and the application site. The provision of a fence would prevent any overlooking from the ground floor, this can be secured and retained by condition.

#### Other matters

Concern has been raised that the proposed development will overload sewerage system. The applicant would need to make a separate application to Wessex Water to secure connection to the services. This is not a material consideration of the application.

Concern has been raised that the provision of further dwellings will overload the existing electrical supply and that broadband is poor in the area. The applicant will have to apply to utilities companies to connect to existing services and this is not a material consideration of the application.

#### Conclusion

The principle of residential development is accepted and the design of the proposed dwellings is considered to be appropriate. Adequate on site parking has been provided. The revised plans have moved the proposed dwellings out of the root protection areas nearby trees so that existing tree cover can remain. The proposed development is not considered to harm the amenity of neighbouring occupiers.

### **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 Parking (Compliance)**

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

Reason: 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.

#### **3 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.

#### **4 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.

#### **5 Arboriculture (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 no excavation, tipping, burning, storing of materials or any other activity takes place which would adversely affect the trees to be retained in accordance with policy NE.6 of the Placemaking 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.

#### **6 Arboriculture (Compliance)**

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 dwelling.

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

## **7 Wildlife Protection and Enhancement (Pre-commencement)**

No development shall take place until full details of a Wildlife Protection and Enhancement Scheme have been submitted to and approved in writing by the local planning authority. These details shall include all necessary measures to avoid harm to wildlife including nesting birds; a method statement for the protection of retained hedgerows to include fencing specifications and a scale of showing fenced exclusion zones around retained vegetation including hedgerows; specifications for provision of new wildlife-friendly planting and hedgerows; and specifications including numbers heights and positions of features such as hedgehog, bird, and bat boxes to provide biodiversity enhancement. All works within the scheme shall be carried out in accordance with the approved details prior to the occupation of the development.

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with policies NE.10 and NE.11 of the Bath and North East Somerset Local Plan.

## **8 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.

## **9 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.

## **10 Sensitive lighting (Compliance)**

No new external lighting shall be installed without full details of proposed lighting design being first submitted and approved in writing by the LPA; details to include lamp specifications, positions, numbers and heights; and details of all necessary measures to limit use of lights when not required and to prevent light spill onto bat roost access points,

bat flight routes, vegetation and adjacent land; and to avoid harm to bat activity and other wildlife. The lighting shall be installed and operated thereafter in accordance with the approved details.

Reason: to avoid harm to bats and other wildlife

### **11 Refuse Collection (Prior to occupation)**

Prior to the occupation of the development details of the proposed refuse collection must be submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the details approved.

Reason: In the interests of highway safety.

### **12 Boundary treatments (Prior to occupation)**

Prior to occupation of the development the applicant shall submit details of the proposed boundary treatments to be constructed. The development shall then be carried out in accordance with the details approved.

Reason: In the interests of residential amenity

### **13 Boundary treatments (Prior to commencement)**

Prior to occupation of the development hereby approved the applicant shall submit details of the proposed boundary treatments to be constructed. The proposed boundary treatments shall be constructed on site in accordance with the approved details before development is occupied and retained for the lifetime of the development. Should boundary treatments be replaced then it shall be to a height and design which has first been agreed in writing with the Local Planning Authority.

Reason: In the interests of residential amenity in accordance with policy D.2 of the Bath and North East Somerset Local Plan.

### **14 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.

### **15 Existing and Proposed Levels (Pre-commencement)**

No development shall commence until details of the existing and proposed ground levels have 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: For the avoidance of doubt and to clarify the finished ground levels of the development to accord with Policies D.2 and D.4 of the Bath and North East Somerset

Local Plan. This is a condition precedent because the ground levels have the potential to affect the overall impact of the development. Therefore these details need to be agreed before work commences as they could not easily be amended after.

### **16 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:**

Location plan 0009 rev A  
Existing site plan 0013  
Site plan 0001 rev K  
Plot 1 Ground Floor Plan 0002 rev B  
Plot 1 First Floor Plan 0003 rev B  
Plot 1 External Elevations 0008-1 rev B  
Plot 1 External Elevations 0008-2 rev B  
Plot 2 Ground Floor Plan 004 rev C  
Plot 2 First Floor Plan 00005 rev C  
Plot 2 External elevations 0007-1 rev C  
Plot 2 External Elevations 0007-2 rev C  
Tree management plan 0011 rev G  
Site street scene 0010 rev C

### **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.

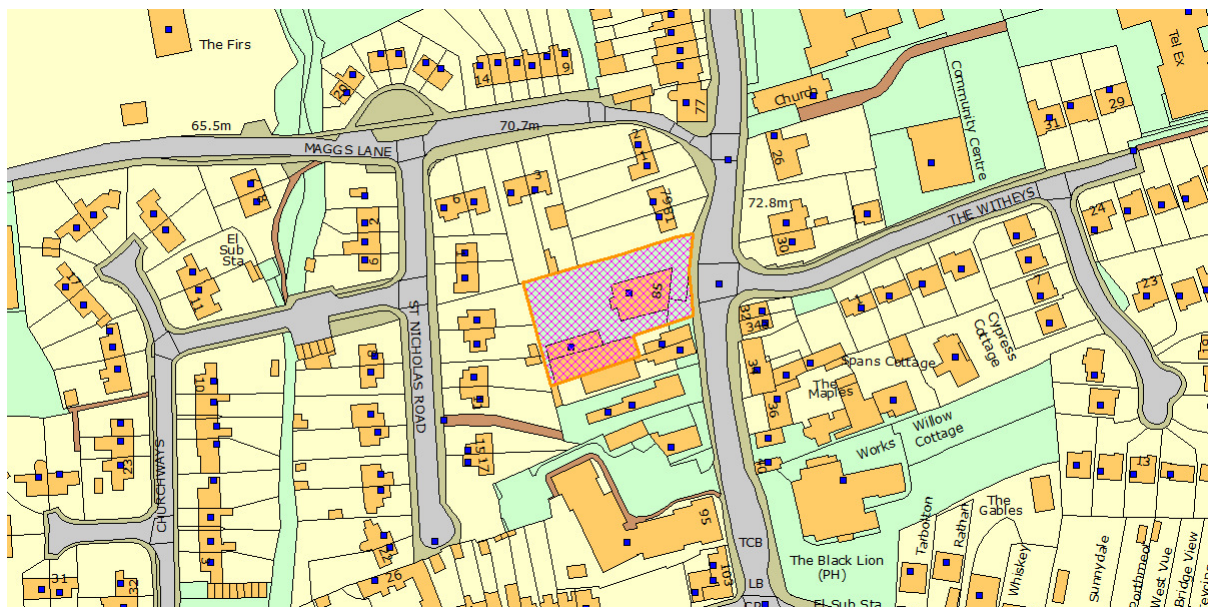
Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, details of the fee can be found on the "what happens

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.

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)

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:** 17/01031/OUT  
**Site Location:** Chris Madden Cars 85 Bristol Road Whitchurch Bristol BS14 0PS



**Ward:** Publow And Whitchurch      **Parish:** Whitchurch      **LB Grade:** N/A  
**Ward Members:** Councillor Paul May  
**Application Type:** Outline Application  
**Proposal:** Outline application for the erection of 4no terraced 3 storey town houses and 6no semi-detached 2.5 storey houses following demolition of existing car showroom.  
**Constraints:** Affordable Housing, Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary, Local Shops, SSSI - Impact Risk Zones,  
**Applicant:** Tradex Development Ltd

<b>Expiry Date:</b>	2nd June 2017
<b>Case Officer:</b>	Chris Gomm

## **REPORT**

Reason for referring application to Committee

This application has been referred to committee at the request of the Chair of the planning committee and in accordance with the Councils scheme of delegation.

Outline planning permission is sought for a small housing development of 10 dwelling houses on the site of a car showroom in Whitchurch; only landscaping is reserved for subsequent approval.

### The Site

The application site is situated on the main A37 Bristol Road through Whitchurch village. Residential properties are situated to the north of the site as well as to the west in Maggs Lane and St Nicholas Road. Commercial premises (retail) are situated to the south of the site.

The site comprises a large single showroom building fronting Bristol Road occupied by a business trading as 'Chris Madden Cars'. Further ancillary buildings as well as a yard area are situated to the rear.

### The Proposal

It is proposed to demolish the existing buildings and redevelop the site for residential purposes. It is understood that the existing business is to relocate to Bristol.

The proposed development takes the form of a terrace of four houses fronting Bristol Road with vehicular access to the rear provided in a similar position to that at present. To the rear is a parking court (20 car parking spaces) with a further six semi-detached properties beyond.

There is no relevant planning history

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Councillor Paul May: Objection

"My view is that this is a key road facing site behind a bus stop on the polluted A 37 main road. The environmental health people have designated the area above safe limits.

The current use quite clearly is a retail employment use and has been so for at least 40 years to my limited knowledge. The village has virtually no employment and a change of use to residential needs to be carefully considered because even if the current occupier can prove the site is not commercial because of its village centre location other providers could probably prove an advantage to the local community.



The development is an over development of the site being more prominent than the existing buildings and out of keeping with the character assessment the village carried out for its neighbourhood plan by UWE.

The car parking arrangements will be inadequate for such a site and the site crosses the school safe route to school. I therefore support the village council objection and would request a site visit if you are thinking about an approval"

Whitchurch Village Council: Objection

We believe this is an overdevelopment of the site. The proposed dwellings are out of character with existing properties in the area. The Design statement shows gable and dormer roofs on properties which are not in Whitchurch Village.

There are insufficient parking and visitor parking spaces proposed. The emerging Placemaking Plan specifies minimum parking standards of 3 spaces for a 4-bed dwelling and 0.2 spaces per dwelling for visitor parking. On this basis a minimum of 32 parking spaces should be provided. Even with the revised plans showing 20 parking spaces there are still 12 short of the minimum required.

Concerns with the loss of privacy to homes around the site, with windows overlooking properties, especially in St Nicholas Road at the rear.

This will increase the traffic on the A37 and we believe the entrance is dangerous as access to the site appears to cross over the bus layby.

This is at present a safe route to school for children attending Whitchurch Primary School, this will be made unsafe with increased traffic coming in and out of the site.

We have concerns with the loss of employment in the village, with a change of use from a commercial to residential site. Loss of a commercial site in the centre of the village will increasingly make Whitchurch Village an unsustainable place to live due to the lack of employment opportunities. Every chance to maintain it as a commercial site should be investigated.

B&NES Highways Team

Policy T.26 of the Local Plan requires a maximum of 20 no. spaces plus 2 additional spaces for visitors. Emerging Placemaking Plan Policy ST7 requires the same number of parking spaces but as a minimum rather than as a maximum. The development fails to meet the minimum standard required but Highways accept the level proposed due to the highly sustainable nature of the location. The level of parking for bicycles (20 spaces) is acceptable.

The applicant has failed to confirm the available level of visibility at the access or considered the impact the adjacent bus stop poses for vehicles egressing the site when buses service the stop.

B&NES Ecology: No objection subject to condition requiring precautionary working methods

B&NES Contamination: No objection subject to conditions requiring an investigation & risk assessment and if necessary and remediation scheme, verification report and arrangements for dealing with unexpected contamination.

Avon & Somerset Police: No objection

B&NES Environmental Protection: No objection subject to conditions requiring a Construction & Demolition Management Plan and sound attenuation within the construction.

B&NES Flooding & Drainage Team: Not acceptable in its current form due to lack of drainage information.

B&NES Housing: No objection. The proposal is below the threshold for affordable housing provision.

Highways Agency: No objection

9 objections have been received from local residents all of which 8 object to the application and 1 support. Reasons for objecting are summarised as follows:

- o Loss of privacy;
- o The buildings are too high;
- o The houses are out of keeping with the rest of the village;
- o It is opposite another road and next to a bus stop;
- o Highway safety concerns;
- o Conflict with pedestrians walking to school etc.;
- o Insufficient car parking;
- o There will be overflow car parking in the roads opposite;
- o The Horse World site will meet the need for this type of development;
- o Starter homes are needed instead;
- o Whitchurch does not have the facilities for new residents;
- o Three commercial sites in the village have already been lost recently;
- o The site should be put up to sale for other potential commercial occupiers;
- o Planning permission has previously been rejected;
- o There are established drainage issues in the village.

Reasons for support are summarised as follows:

- o We need more housing;
- o This saves the countryside from more development as it is already occupied;
- o Nice grass areas to the front, and trees, rather than parking;
- o It will benefit the village;

## **POLICIES/LEGISLATION**

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
- o Neighbourhood Plans (where applicable)

The following Core Strategy policies are relevant:

Policy DW1: District Wide Spatial Strategy

Policy RA1: Development in the Villages meeting the listed criteria

Policy RA2: Development in Villages outside the Green Belt not meeting Policy RA1 Criteria

Policy RA3: Community Facilities and Shops

Policy SD1: Presumption in favour of Sustainable Development

Policy CP2: Sustainable Construction

Policy CP3: Renewable Energy

Policy CP5: Flood Risk Management

Policy CP6: Environmental Quality

Policy CP9: Affordable Housing

Policy CP10: Housing Mix

Policy CP13: Infrastructure Provision

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

The following saved Local Plan Policies are relevant:

Policy IMP1: Planning obligations

Policy D2: General design and public realm considerations

Policy D4: Townscape considerations

Policy SC1: Settlement classification

Policy ES2: Energy conservation and protection of environmental resources

Policy ES3: Development involving gas and electricity services

Policy ES4: Adequacy of water supply

Policy ES5: Foul and surface water drainage

Policy ES9: Pollution and nuisance

Policy ES10: Air quality

Policy ES12: Noise and vibration

Policy ES15: Contaminated land

Policy HG7: Minimum residential density

Policy WM.4: Waste recovery and recycling in new development

Policy T.1: Overarching access policy

Policy T.3: Promotion of walking and use of public transport

Policy T.20: Loss and provision of off-street parking and servicing

Policy T.24: General development control and access policy

Policy T.25: Transport assessments and travel plans

Policy T.26: On-site parking and servicing provision

Following the Examination hearings the Inspector has now issued her Interim Statement and has advised the Council of her recommended Main Modifications required to make the plan sound. The Main Modifications and Minor Proposed Changes are now subject to public consultation prior to the Inspector issuing her Final Report.

The following policies have substantial weight:

Policy SCR1: On-site renewable energy requirement  
Policy SCR5: Water efficiency  
Policy SU1: Sustainable drainage policy  
Policy D1: General urban design principles  
Policy D2: Local character and distinctiveness  
Policy D3: Urban fabric  
Policy D4: Streets and spaces  
Policy D5: Building design  
Policy D6: Amenity  
Policy D7: Infill and back land development  
Policy PCS1: Pollution and nuisance  
Policy PCS3: Air quality  
Policy PCS5: Contamination  
Policy PCS7A: Sewage Infrastructure  
Policy H1: Housing  
Policy H7: Housing accessibility  
Policy LCR1: Safeguarding local community facilities  
Policy LCR7B: Broadband  
Policy LCR9: Increasing the provision of local food growing  
Policy ED2B: Non-strategic industrial premises  
Policy RE1: Employment uses in the countryside  
Policy ST1: Promoting sustainable transport

The following policies have significant weight

Policy D8: Lighting  
Policy PCS2: Noise and vibration  
Policy ST7: Transport requirements for managing development

The Draft Whitchurch Neighbourhood Plan (2017)

The Draft Whitchurch Village Neighbourhood Plan has been recently submitted to Bath & North East Somerset Council by Whitchurch Village Council and is currently out for consultation (until 30th June 2017). This plan currently carries very limited weight in the planning decision-taking process as the consultation exercise is not yet complete and an Examination is yet to occur. There is the potential for the plan to change significantly prior to adoption as a result of the consultation exercise and the conclusions of the Examination.

## **OFFICER ASSESSMENT**

Principle

1. loss of commercial use

The application site, as stated above, is currently in use as a car showroom and associated (ancillary) workshop. The site is not identified as a Strategic Industrial Estate in the emerging Placemaking Plan and therefore the commercial use here has not been identified as being worthy of a high level of protection by the development plan. Policy ED2B is the Placemaking Plan policy applicable to proposals seeking to redevelop non-strategic industrial sites but this policy only protects (to a lesser degree) industrial uses which fall within Use Classes B1c, B2 and B8. A car showroom use however does not fall within the aforementioned uses classes but is deemed to be sui generis (within a class of its own) and therefore even the lesser degree of protection provided by Policy ED2B is not applicable. The loss of this employment site therefore does not contravene planning policy and as such is acceptable in principle.

## 2. residential redevelopment

Whitchurch (that part of it within the Housing Development Boundary) is situated outside of the Green Belt and includes a variety of local facilities including a primary school, retail and community meeting space; there is also a frequent direct bus service into Bristol city centre. Core Strategy Policy RA1 is applicable in such circumstances. CS Policy RA1 supports infill residential development within the Housing Development Boundaries of settlements such as Whitchurch provided that the development is of a scale, character and appearance appropriate to the village. Therefore subject to these design provisos (which are dealt with in the design section below) the residential redevelopment of this site is acceptable in principle and accords with Policy RA1 of the adopted Core Strategy.

A member of the public has stated that the Horse World development meets the housing needs for the village and therefore the proposed development is unnecessary. The Horse World scheme is of little relevance to the current proposal; this is a windfall site within the Housing Development Boundary where demonstrating housing need is not a requirement.

### Design and Impact on the Character of the Area

The proposed scheme involves the erection of a terrace of four dwellings fronting Bristol Road with a further six semi-detached dwellings to the rear. A shared car parking area is proposed to the rear of the terrace and its associated rear gardens. The existing clock post is to be relocated to a position forward of Plot 7.

There is a wide variety of building types, styles and ages in Whitchurch particularly along the main Bristol Road in the vicinity of the application site. Indeed it is considered that the eclectic nature of the village is key component of its character. As such, provided that the development is two-storey in nature (the built-form of the village is overwhelmingly two-storey) there is considered to be a significant degree of flexibility in respect of the style and form that new development can take.

The proposed development, as stated, is two-storey in nature; this respects the character and appearance of the domestic and commercial development which surrounds it. An upper floor is to be provided within the roof void of all units and gabled dormer windows are proposed. These upper floors read as roofs rather than full storeys and as such are not at odds with the two-storey character of the area. The proposed architectural style, detailing and materials are conventional. The buildings will be rendered at first floor level

with brick work at ground floor level; there are examples of both in the immediate vicinity. The submitted drawings show a variety of pastel colours applied to the render; this is considered inappropriate in this location; a condition can resolve this matter.

Ultimately the proposed development will not harm the character or appearance of the area; rather it will enhance the street scene of Bristol Road through the provision of a well-designed strong street frontage.

### Impact on Residential Amenity

The site, as stated above, is surrounded by residential uses to both the north and west. Residential properties are situated alongside the site to the immediate north (also fronting Bristol Road) as well as backing onto the site in both Maggs Lane and St Nicholas Road to the west.

It is not considered that the proposed development will have an unacceptable impact on the level of residential amenity currently enjoyed by the occupants of the aforementioned properties. The properties to the immediate north (Bristol Road) are alongside the site (as opposed to facing it) and as such there will be no unacceptable inter-overlooking issues. The proposed dwellings however will directly face the properties in St Nicholas Road and to a lesser extent those in Maggs Lane. Be that as it may the distances involved (at least 18m) are sufficient to ensure that unacceptable levels of window to window overlooking will not occur.

The proposed dwellings will overlook the rear gardens of a number of surrounding properties but these gardens are already overlooked by a number of neighbouring properties and as such an unacceptable additional loss of privacy will not result. All neighbouring properties are sufficiently distant, or orientated, such that unacceptable levels of visual domination and overshadowing will not occur.

### 5. Highway Matters

The proposal includes the provision of 20 off-street car parking spaces; this equates to two parking spaces per dwelling. The emerging Placemaking Plan parking standards require a minimum of 2 spaces per two-three bedroom and 3 spaces for four bedroom units. There is also a requirement for 0.2 spaces per unit for visitor car parking. The houses are all considered to be four bedroom units as while they are labelled as three bedroom units, they all have at least four upper floor rooms which are capable of being used as bedrooms (these being rooms labelled on the plans as studies or first floor lounges). The parking requirement for this development is therefore 30 spaces (3 spaces per unit) plus 2 visitors spaces, a total of 32; as such there is a shortfall of 12 spaces.

Notwithstanding the aforementioned shortfall, the Highway's Team have raised no objection to the level of car parking proposed. It is acknowledged that the site is in a highly sustainable location on the edge of Bristol with good public transport links. This does not represent a departure from the development plan because the Placemaking Plan (and its parking standards) is not yet adopted and thus does not yet form part of the development plan. It has also been acknowledged by the Highway Team that car parking on the A37 is prohibited and thus instances of indiscriminate parking resulting from any shortfall is highly unlikely. The level of proposed bicycle parking (20 spaces within a

shared cycle storage area adjacent to the access) is accepted. Clarification was sought by the Highway Team in respect of the level of visibility achievable at the means of access. Plans have since been submitted demonstrating that visibility in excess of 70m is achievable in both directions, this is well in excess of the 43m of visibility required by Manual for Streets (in a 30mph zone such as this). The highway team have suggested a condition requiring this splay to be kept clear of any obstruction but as the overwhelming majority of this splay will fall outside of the application site within highway limits such a condition would be unreasonable and unenforceable; it is not therefore recommended.

Concerns from members of the public in respect of potential conflict with pedestrians, the bus stop and vehicles accessing/exiting the road opposite are noted but there is no evidence that unacceptable levels of conflict will result. It must be noted that the proposed vehicular access will be sited in broadly the same location as the existing vehicular access to the car showroom and there is no evidence that the proposed development will worsen the existing state of affairs.

## 6. Other Matters

- o No affordable housing are required as part of this development because the proposal falls below the affordable housing threshold of 11 units and/or 1000sqm (gross internal area). There is currently no requirement for starter homes to form an integral part of housing developments.

- o There are no ecological concerns in respect of the proposed development. The council's ecologist has advised that the nature of the building is such that the likely presence of protected species, including bats, is low - so low that a protected species survey is not required. A precautionary condition is recommended however.

- o The council's Contaminated Land Officer has raised no concerns in respect of the proposed redevelopment but given the site's historic use by the motor trade a number of conditions are recommended to ensure that any contamination can be properly managed should it subsequently be discovered on site.

- o The Council's Drainage Team have sought further information in respect of the proposed surface water drainage scheme including detailed calculations regarding infiltration rates etc. Whilst it would be preferable for these matters to be submitted as part of the current application, a refusal based on the lack of this information would be unreasonable as these details can be easily secured by condition. The concerns of a local resident(s) regarding drainage are noted but this condition will not be discharged until such time that an acceptable drainage scheme has been agreed.

- o Members will be aware that the forthcoming Placemaking Plan will introduce a number of additional technical requirements which many forms of development will be required to comply with. A number of these requirements are already applicable as the relevant policies carry significant or substantial weight. Accordingly conditions 15 and 16 below are recommended in respect of Policy STR5 (water efficiency), condition 17 in respect of Policy LCR7B (Broadband) and condition 18 in respect of Policy SCR1 (10% reduction in carbon emissions). It is not considered to be reasonable to demand compliance with Policy H7 (enhanced level of accessibility) at the current time because adhering to this policy would require a fundamental redesign of the scheme; to insist that

the architect do so at this late stage would be unreasonable. The provisions of Policy LCR6 (informal food growing opportunities) will be met as each dwelling is to have a garden.

## **RECOMMENDATION**

PERMIT

## **CONDITIONS**

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

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

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

### **2 Reserved Matters Time Limit (Compliance)**

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: As required by Section 92 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.

### **3 Reserved Matters (Pre-commencement)**

Approval of the details of the landscaping of the site (hereinafter called the reserved matters) shall be obtained from the Local Planning Authority before any development is commenced.

Reason: This is an outline planning permission and these matters have been reserved for the subsequent approval of the Local Planning Authority under the provisions of Section 92 of the Town and Country Planning Act (as amended) and Parts 1 and 3 of the Development Management Procedure Order 2015.

4 Notwithstanding the approved plans, revised details in respect of the colour applied to the render facing the dwelling houses hereby approved shall be submitted to and approved in writing by the local planning authority prior to the application of any external render to the development hereby approved. The development shall be undertaken in accordance with the details so approved.

Reason: The application of multi-coloured render is not appropriate in this location.

### **5 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.



## **6 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.

7 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.

8 Works must proceed only in accordance with the following measures for the protection of bats and birds:

- o a careful visual check for signs of active bird nests and bats shall be made of the interior and exterior of the building and its roof, and any crevices and concealed spaces, prior to any works affecting these areas
- o active nests shall be protected undisturbed until the young have fledged
- o works to the roof and any areas with concealed spaces or crevices shall be carried out by hand, lifting tiles (not sliding) to remove them, and checking beneath each one.
- o If bats are encountered works shall cease and the Bat Helpline (Tel 0345 1300 228) or a licenced bat worker shall be contacted for advice before proceeding.

Reason: to avoid harm to protected species (bats and nesting birds)

9 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:
  - o human health,
  - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

- o adjoining land,
- o groundwaters and surface waters,
- o ecological systems
- o archaeological sites and ancient monuments;

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

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.

10 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

11 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.

12 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.

13 On completion of the development but prior to any occupation of the approved development, the applicant shall submit to and have approved in writing by the Local Planning Authority, an assessment from a competent person to demonstrate that the development has been constructed to provide sound attenuation against external noise. The following levels shall be achieved: Maximum internal noise levels of 35dBLAeq,16hr and 30dBLAeq,8hr for living rooms and bedrooms during the daytime and night time respectively. For bedrooms at night individual noise events (measured with F time-weighting) shall not (normally) exceed 45dBLAmax.

Reason: To minimise the impact of noise on future occupants.

14 Prior to the installation of any surface water infrastructure within the development site the following information shall be submitted to and approved in writing by the local planning authority:

- o Assessment of infiltration rates ideally from onsite testing to BRE Digest 365 standards. Alternatively an estimate based on desktop study can be used but will need to be proven by onsite testing to BRE Digest 365 standard prior to construction;
- o Soakaway calculations demonstrating the required surface water attenuation volume to accommodate the 1in100+climate change event. If soakaways are designed to the CIRIA standards then an appropriate factor of safety is to be used;
- o Plans showing full details of drainage design demonstrating that the required attenuation volume can be accommodated within the development;
- o Maintenance details (covering the lifetime of the development)

The surface water drainage system shall be installed and subsequently maintained in accordance with the details so approved.

Reason: To ensure that the site is served by an adequate system of surface water drainage.

15 The approved dwellings shall be constructed to meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day.

Reason: In the interests of water efficiency in accordance with Policy SCR5 of the Placemaking Plan

16 No occupation of the approved dwellings shall commence until a scheme for rainwater harvesting or other methods of capturing rainwater for use by residents (eg. Water butts) has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: In the interests of water efficiency in accordance with Policy SCR5 of the Placemaking Plan.

17 Prior to first occupation, all of the dwellings hereby approved shall be provided with superfast broadband (24Mbps+) infrastructure to enable superfast broadband provision. In the event that the provision of such infrastructure would render the development unviable, evidence to that effect shall be submitted to and approved in writing by the local planning authority prior to first occupation. Should that viability evidence be approved in writing by the local planning authority no superfast broadband infrastructure will subsequently be required. Furthermore should said viability evidence be approved in writing by the local planning authority, alternative solutions shall instead be provided in accordance with details which shall be submitted to and approved in writing by the local planning authority prior to first occupation.

Reason: To facilitate the provision of superfast broadband in accordance with Policy LCR7B of the Placemaking Plan. Alternative solutions may include for example mobile broadband infrastructure or Wi-Fi infrastructure.

18 The development hereby approved shall incorporate sufficient renewable energy generation such that carbon emissions from anticipated (regulated) energy use in the development shall be reduced by at least 10%, unless it can be demonstrated to the local planning authority's satisfaction that meeting this requirement would render the development unviable. Should it be accepted by the local planning authority that meeting the 10% reduction is unviable, the maximum percentage that is viable shall instead be achieved.

Details shall be submitted to and approved in writing by the local planning authority, prior to first occupation, demonstrating how the 10% reduction (or agreed lower percentage) will be achieved. The approved renewable energy infrastructure shall be installed and shall be fully operational prior to first occupation of the development hereby approved. Where renewable energy installations will materially affect the external appearance of the development/building, the details submitted pursuant to this condition shall include drawings of said installations.

Reason: To ensure that the development's carbon emissions (from anticipated regulated energy use) are reduced by at least 10% by means of sufficient renewable energy generation, in accordance with Policy SCR1 of the Bath & North East Somerset Placemaking 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:

The following are the plans hereby approved:

- o Proposed Site Plan: Drawing No. 899/101 Revision R03
- o Proposed Ground Floor Plans (Plots 1-6): Drawing No. 899/102 Revision R01
- o Proposed First Floor Plans (Plots 1-6): Drawing No. 899/103 Revision R01
- o Proposed Second Floor Plans (Plots 1-6): Drawing No. 899/104 Revision R01
- o Proposed Roof Plans (Plots 1-6): Drawing No. 899/105 Revision R01
- o Proposed Front Elevations (Plots 1-6): Drawing No. 899/105 Revision R01
- o Proposed Rear Elevations (Plots 1-6): Drawing No. 899/107 Revision R01
- o Proposed Side Elevations (Plots 1-6): Drawing No. 899/108 Revision R01
- o Proposed Ground Floor Plans (Plots 7-10): Drawing No. 899/109 Rev R02
- o Proposed First & Second Floor Plans (Plots 7-10): Drawing No. 899/110 Rev R03
- o Proposed Roof Plan (Plots 7-10): Drawing No. 899/111 Rev R02
- o Proposed Front & Side Elevations (Plots 7-10): Drawing No. 899/112 Rev R03
- o Proposed Rear & Side Elevations (Plots 7-10): Drawing No. 899/113 Rev R03
- o Proposed Street View from Bristol Road: Drawing No. 899/114/ Rev R03

### 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.

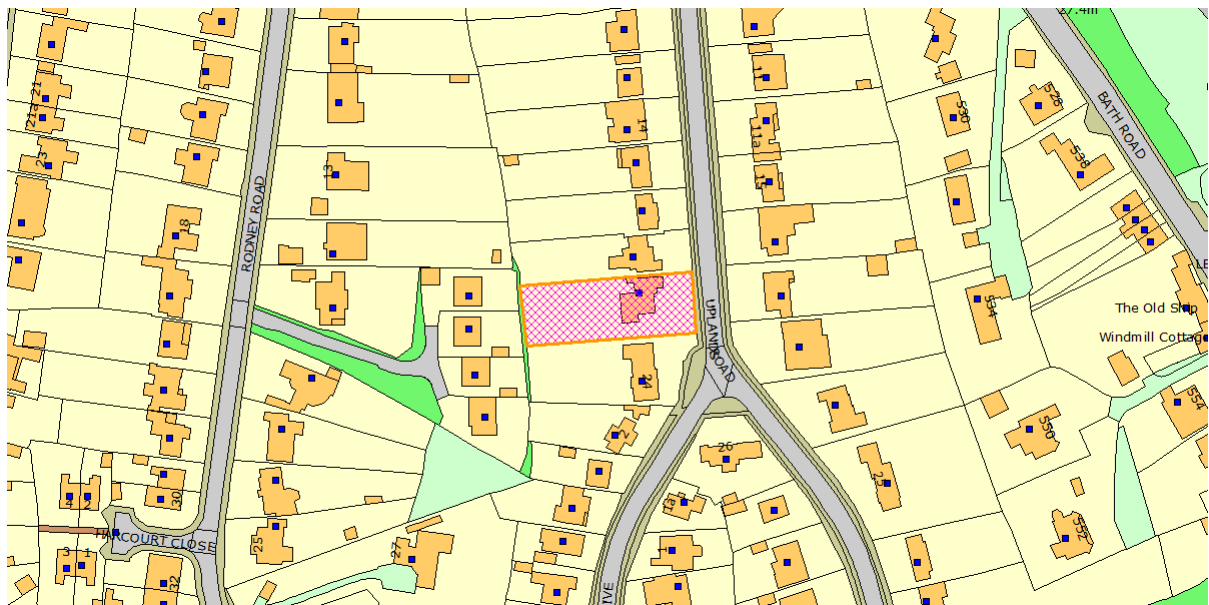
Please note all conditions should be read fully as these headings are intended as a guide only.

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.

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)

**Item No:** 05  
**Application No:** 17/01581/FUL  
**Site Location:** 22 Uplands Road Saltford Bristol Bath And North East Somerset BS31 3JJ



**Ward:** Saltford                      **Parish:** Saltford                      **LB Grade:** N/A  
**Ward Members:** Councillor F Haerberling      Councillor Emma Dixon  
**Application Type:** Full Application  
**Proposal:** Erection of a single storey dwelling & garage  
**Constraints:** Affordable Housing, Agric Land Class 1,2,3a, Forest of Avon, Housing Development Boundary, MOD Safeguarded Areas, Neighbourhood Plan, SSSI - Impact Risk Zones,

<b>Applicant:</b>	Mr David Lamb
<b>Expiry Date:</b>	30th June 2017
<b>Case Officer:</b>	Emma Hardy

## **REPORT**

### Reason for reporting application to Committee:

The application is being referred to the Committee because Councillor Francine Haeberling has called in the application if Officers are minded to recommend refusal. The application has been referred to the Chair who agrees that the application should be considered by the Committee.

### Description of site and application:

The application relates to the site of 22 Uplands Road in Saltford, located on the west side of Uplands Road close to the junction with Uplands Drive and backing on to Rodney Road properties. The site is located within the Housing Development Boundary of Saltford and is not located within a conservation area. There are no trees protected by a Tree Preservation Order in close proximity of the application site.

Planning permission is sought to erect a detached bungalow with single garage in the rear garden of 22 Uplands Road. The proposed bungalow would have a maximum depth of 13.5m and maximum width of 11.2m with an attached garage measuring 3.4m wide by 6.3m deep. Accommodation would comprise two bedrooms, a bathroom, kitchen, dining room, lounge and cloakroom. The building would have an eaves height of approximately 2.6m with main ridge height of approximately 6m high and a lower ridge height of approximately 4.9m on the front projection.

### Relevant recent planning history:

No relevant recent planning history.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

### Councillor Francine Haeberling:

I wish to confirm that I should like the 22 Uplands Road application to go to the committee should the officers be minded to refuse it. There has already been a considerable amount of similar development around that area and further it would seem perverse to refuse this comparatively minor one.

I also believe we should allow more infill in order to protect the Green Belt, which appears to be even more under threat than in the past.

Saltford Parish Council: no objection (Officer note: no planning reasons given).

### Third party representations:

Four objections have been received from the owners/occupiers of Nos. 20 and 24 Uplands Road and Nos. 17A and 17B Rodney Road, the content of which is summarised below:

- o Cramped form of development that would be out of keeping with the character of the area;
- o Overdevelopment of the site;
- o The proposed bungalow would be out of keeping with surrounding properties;
- o The proposal would set a precedent along Uplands Road which would erode the character of the area;
- o Visual impact/restricted views for the occupiers of 17A Rodney Road owing to height of the building and proximity to the party boundary;
- o Visual impact/loss of views for the occupiers of 24 Uplands Road;
- o Overlooking and loss of privacy to the rear gardens of Nos. 20 and 24 Uplands Road;
- o Noise, fumes and disturbance to the house and garden at No. 24 from the proposed access drive;
- o No objection to the existing house being extended.

Consultations:

Highways: no objection subject to conditions.

Arboriculture: no objection subject to condition.

### **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 (2014)
- Saved Policies in the B&NES Local Plan (2007)
- West of England Joint Waste Core Strategy (2011) which supersedes all 2007 Local Plan policies on Waste apart from Policies WM.4 and WM.9

The following policies of the Core Strategy (2014) are relevant to the determination of this application:

DW1: District wide spatial strategy

SD1: Presumption in favour of sustainable development

CP2: Sustainable construction

CP6: Environmental quality

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

SC.1: Settlement classification

NE.4: Trees and woodland conservation

T.24: General development control and access policy

T.26: On-site parking and servicing provision

Placemaking Plan:



Following the Examination hearings the Inspector has now found the Placemaking Plan sound subject to Main Modifications being made. The Main Modifications have been subject to public consultation. The Inspector's Final Report is anticipated by the end of June 2017. The following policies can now be given substantial weight:

- D.1: General urban design principles
- D.2: Local character and distinctiveness
- D.3: Urban fabric
- D.5: Building design
- D.6: Amenity
- D.7: Infill and backland development
- NE.6: Trees and woodland conservation

The following policy can be given significant weight:

ST7: Transport requirements for managing development

National Policy:

The National Planning Policy Framework adopted March 2012

National Planning Practice Guidance

## **OFFICER ASSESSMENT**

### Principle of the development

The site is located within the Housing Development Boundary of Saltford. The principle of a new dwelling in this location is acceptable subject to compliance with other relevant saved policies in the Local Plan, the Core Strategy and the NPPF and relevant forthcoming Placemaking Plan Policies.

### Impact on character and appearance

Paragraph 53 of the National Planning Policy Framework (NPPF) states that local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens such as "where development would cause harm to the local area".

The current proposal is backland development rather than infill development; infill development is defined as the filling of small gaps within an otherwise extensively built up frontage. Forthcoming Placemaking Plan Policy D7 allows for backland development only where it would not be contrary to the character of the area and would be well related to frontage buildings in terms of height, scale, mass and form (amongst other considerations).

Uplands Road is characterised by large detached dwellings with large rear gardens. The proposed development would sub-divide the plot so as to result in a significantly smaller rear garden at No. 22 than is characteristic along Uplands Road (approximately 10m deep at its shortest point) and a considerably smaller plot at the rear for the proposed bungalow. The proposed development would be out of keeping with the local pattern and grain of development and would therefore cause harm to the character and appearance of the area. Furthermore, the proposed bungalow would not relate well to the prevailing character of the surrounding area, which is of two storey detached houses.

There are no examples of similar backland development evident in the vicinity. The development of Nos. 17A, B, C and D Rodney Road to the rear is not directly comparable to the current proposal since this is a comprehensive redevelopment that has effectively created a new close of four homes rather than a single isolated bungalow. Furthermore, that site was substantially larger and left the original Rodney Road properties with rear garden sizes that remained in keeping with the local pattern and grain of development

#### Impact on residential amenities

Given the single storey nature of the proposed bungalow, it would not result in a significant increase in overlooking or loss of privacy for any neighbouring occupiers. The dwelling would measure approximately 2.5m high to the eaves and approximately 6m high to the ridge with a separation distance of approximately 6m from the west and north boundaries and approximately 5.6m from the south boundary. As such, it is not considered that the proposals would cause unacceptable harm to neighbours' amenities through visual impact, loss of outlook, loss of light or overshadowing.

The proposed access drive would run adjacent to the boundary with 24 Uplands Road so would result in some increase in disturbance compared to the existing situation. However, it is not considered that the vehicle movements associated with a single two bedroom dwelling would result in unacceptable harm through noise, vehicle lights or fumes.

The proposed development would therefore maintain an acceptable standard of amenity for adjoining neighbours.

Given the layout of the proposed development and retained garden and dwelling at 22 Uplands Road, an acceptable standard of amenity would also be provided at both the proposed bungalow and No. 22.

#### Car parking provision and access

The proposal includes the provision of a new access from Uplands Road to the proposed dwelling. A double width vehicle crossover has already been constructed at the proposed access prior to submission of the current application. The proposed access arrangements and parking layout are considered acceptable. The level of car parking proposed is sufficient for the needs of the proposed two bedroom bungalow. A condition is recommended controlling the provision of the proposed access prior to occupation should permission be granted.

#### Impact on trees and landscaping

No trees of arboricultural significance would be affected, however precautionary measures are considered necessary during construction activities to prevent damage to third party trees within neighbouring properties in Rodney Road and within the street as well as the retained hedge between Nos. 22 and 24 Uplands Road. A tree protection condition is therefore recommended should permission be granted.

#### Other matters

Cllr Haerberling's comments in regards to avoiding development in the Green Belt are noted. One of the purposes of Green Belt is to assist in urban regeneration by encouraging the recycling of derelict and other urban land. However, it is important to note that the definition of previously developed land in the NPPF (sometimes referred to as brownfield sites) specifically excludes private residential gardens. The principle of developing residential gardens in order to protect the Green Belt where unacceptable harm has been identified is therefore not accepted.

### Conclusion

By reason of the proposed site layout and form of development, the proposed development would fail to respect the local pattern and grain of development and the prevailing character of the locality. The proposal would therefore cause unacceptable harm to the character and appearance of the surrounding area, contrary to saved Local Plan Policies D.2 and D.4, the aims of the National Planning Policy Framework and emerging Placemaking Plan Policies D2 and D7. The application is therefore recommended for refusal.

### **RECOMMENDATION**

REFUSE

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

1 By reason of the proposed site layout and form of development, the proposed development would fail to respect the local pattern and grain of development and the prevailing character of the locality. The proposal would therefore cause unacceptable harm to the character and appearance of the surrounding area, contrary to saved Local Plan Policies D.2 and D.4, the aims of the National Planning Policy Framework and emerging Placemaking Plan Policies D2 and D7.

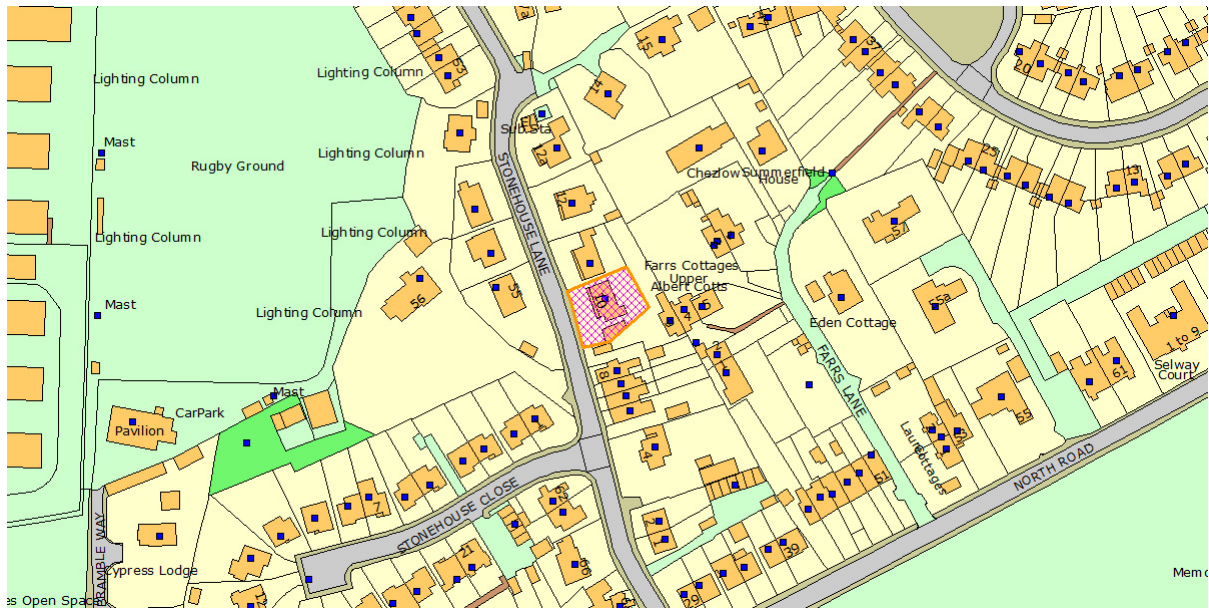
### **PLANS LIST:**

This decision is based on the following drawings and information: 1:2500 Site Location Plan, 01 Proposed Plan and Elevations, 01 Existing and Proposed Block Plans and Design and Access Statement received 3/4/2017.

### **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 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 advice.

**Item No:** 06  
**Application No:** 17/01411/FUL  
**Site Location:** 10 Stonehouse Lane Combe Down Bath Bath And North East Somerset BA2 5DW



**Ward:** Combe Down                      **Parish:** N/A                      **LB Grade:** N/A  
**Ward Members:** Councillor Cherry Beath      Councillor Bob Goodman  
**Application Type:** Full Application  
**Proposal:** Three storey side extension and garage to include demolition of existing single story side extension, partial demolition of existing garage, minor changes to rear ground floor fenestration of existing main house and front landscaping.  
**Constraints:** Affordable Housing, Agric Land Class 3b,4,5, Article 4, Forest of Avon, Hotspring Protection, SSSI - Impact Risk Zones, Water Source Areas, World Heritage Site,  
**Applicant:** Mr & Mrs Cunningham  
**Expiry Date:** 24th May 2017  
**Case Officer:** Rae Mepham

**REPORT**  
REASON APPLICATION BEING REFERRED TO COMMITTEE

Cllr Goodman - "The design compliments the adjoining property and area. The extra floor allows a stepping down with the adjoining property. There is already some consent for an extension which this replaces , the previous design I believe is poor and this is a huge improvement"

10 Stonehouse Lane is a dormer bungalow located within the Bath World Heritage Site. This application is for the erection of a three storey side extension and garage following the demolition of an existing single storey extension and partial demolition of an existing

garage, minor changes to rear ground floor fenestration of existing main house and front landscaping.

### Relevant history

DC - 10/03028/FUL - PERMIT - 5 October 2010 - Erection of a two storey house following demolition of existing bungalow

DC - 11/00247/FUL - PERMIT - 25 March 2011 - Erection of a two storey house following demolition of existing bungalow (revised proposal).

DC - 11/02027/FUL - PERMIT - 20 July 2011 - Erection of 1no two-storey house following demolition of existing bungalow

DC - 13/01084/FUL - PERMIT - 9 May 2013 - Alterations and extension to existing house and construction of new double garage with studio flat above

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

### Consultation responses

None received.

### Third party representations

None received.

## **POLICIES/LEGISLATION**

The main planning policies that will be considered relevant to your proposal are listed below. Please be aware that the policies listed below are a guide and are based on the information you have submitted, additional policies may become relevant depending on any additional material submitted.

The Council's Development Plan comprises:

- Core Strategy, 2014
- Saved Policies in the B&NES Local Plan (2007)\*
- Joint Waste Core Strategy

The following Core Strategy policies would be applicable:

DW1 - District Wide Spatial Strategy

B4 - The World Heritage Site and its Setting

\*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 relevant saved Bath and North East Somerset Local Plan policies are:

D.2 - General design and public realm considerations

D.4 - Townscape considerations

Following the Examination hearings the Inspector has now issued her Interim Statement and has advised the Council of her recommended Main Modifications required to make

the plan sound. The Main Modifications and Minor Proposed Changes are now subject to public consultation prior to the Inspector issuing her Final Report. The following policies can now be given substantial weight:

D.1 General Urban Design Principles  
D.2 Local Character & Distinctiveness  
D.6 Amenity  
D.10 Public Realm

The following policies are given significant weight:

HE.1 Safeguarding Heritage Assets

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**

### Character and appearance

Stonehouse Lane has a variety of housing types, ranging from small bungalows to larger two storey dwellings. 10 Stonehouse Lane was originally a bungalow with similar form to 11 Stonehouse Lane, but was given permission to enlarge the roof and incorporate dormer windows to create a dormer bungalow. Part of this permission was the erection of a two storey side extension, which remains extant.

This proposal would be in the same location as the two storey side extension, but is for the erection of a three storey gable ended addition. The addition of a gable end is not characteristic of a dormer bungalow. It would sit higher than the existing dwelling and forward of the principle elevation. This dominant and bulky addition would effectively become the principle characteristic of the property, whereas an extension should respect and compliment the host building.

In addition, the provision of render on the front elevation is not considered to be characteristic of the streetscene, and the window arrangement has no relationship with the existing property, nor the surrounding properties.

The principle of providing a subservient extension is accepted, however the current proposals do not constitute a subservient addition, and are recommended for refusal.

### Residential amenity

The proposals are not considered to cause significant harm to residential amenity due to having there being no significant overbearing impact or overlooking issues.

### Highways

The proposals are not considered to cause significant harm to the wider highway network.

## **RECOMMENDATION**

REFUSE

**REASON(S) FOR REFUSAL**

1 The proposed extension does not respect the character and appearance of the host dwelling in terms of the proposed design, size and scale, and fails to respond to the local context in terms of materials and fenestration details. The proposal would therefore be contrary to saved Policy D.4 of the Bath & North East Somerset Local Plan (including Minerals and Waste Policies) adopted October 2007, Policies D2 and D5 of the draft Placemaking Plan and the provisions of the National Planning Policy Framework (2015).

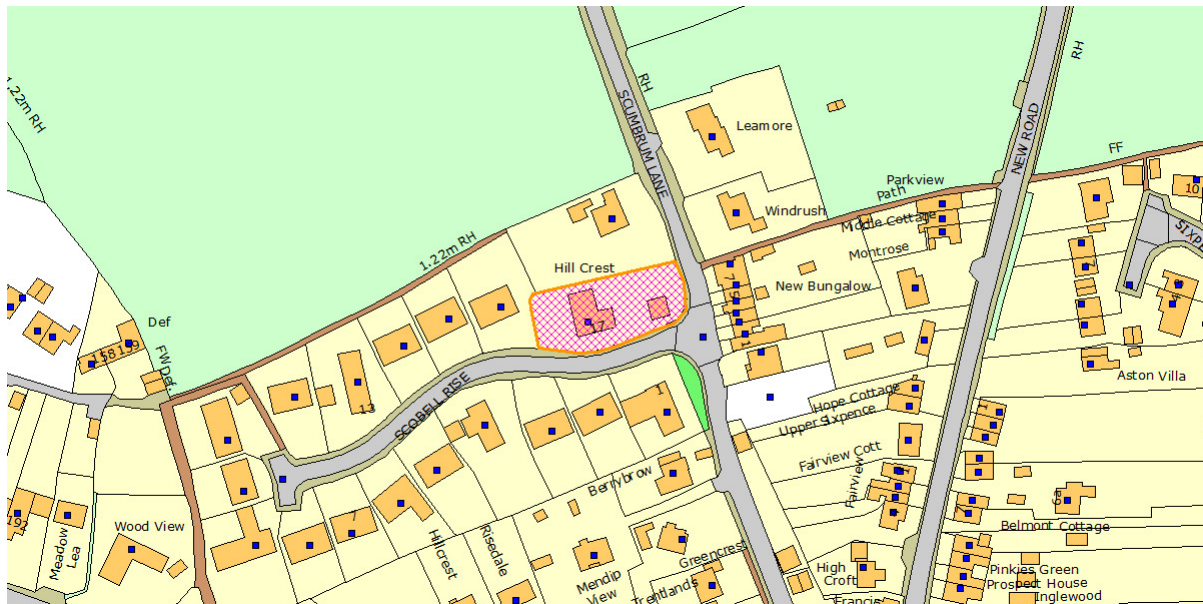
**PLANS LIST:**

This decision relates to:

23 Mar 2017 02 PROPOSED ELEVATIONS AND PLANS  
23 Mar 2017 03 SITE LOCATION PLAN

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The Local Planning Authority acknowledges the approach outlined in paragraphs 188-192 in favour of front loading and operates a pre-application advice service. Notwithstanding active encouragement for pre-application dialogue the applicant did not seek to enter into correspondence with the Local Planning Authority. The proposal was considered unacceptable for the reasons given 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.

**Item No:** 07  
**Application No:** 17/01316/FUL  
**Site Location:** Willow Glade 17 Scobell Rise High Littleton Bristol BS39 6JY



**Ward:** High Littleton      **Parish:** High Littleton      **LB Grade:** N/A

**Ward Members:** Councillor L J Kew

**Application Type:** Full Application

**Proposal:** Erection of detached bungalow on land at 17 Scobell Rise and erection of detached garage for existing dwelling. (Revised Scheme)

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

**Applicant:** Mr & Mrs D Hamblin

**Expiry Date:** 13th May 2017

**Case Officer:** Chloe Buckingham

## REPORT

### REASON FOR REPORTING APPLICATION TO COMMITTEE:

High Littleton Parish Council have supported the application and the chair of committee has agreed to take the application to committee for the following reason:

I have looked carefully at this application & I note the PC support for this application as they did with the previous one. This application has been reduced in height & therefore does not dominate the street scene so much however third party objections remain while statutory consultees have not raised any objections. I recommend the application be determined by the DMC so the points raised can be debated in public as some of the reasons for its previous refusal have been addressed.

### DESCRIPTION OF SITE AND APPLICATION:



This application relates to a detached bungalow located within High Littleton. The application seeks planning permission for the erection of a detached bungalow to the side of no.17 Scobell Rise as well as a new detached garage for the existing dwelling.

Relevant Planning History:

DC - 16/05921/FUL - REFUSE - 30 January 2017 - Erection of detached bungalow and a new detached garage for existing dwelling.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

High Littleton Parish Council: Support

Highways: no objection subject to three conditions and an advisory.

Drainage: no objection subject to an informative.

Contaminated Land: no objection subject to one condition and an advisory.

Building Control: no objection, it should be possible to comply with M4(2).

Third Party Comments: 1 objection comment received:

- o Loss of light and overshadowing the cottages opposite
- o Overlooking and loss of privacy
- o Increased amount of properties in such a small location
- o Increased traffic congestion and Adequacy of parking
- o Noise and disturbance whilst being developed, (Workmen working within unsociable hours of operation).
- o Road blockages as located on a tight corner resulting in difficulty to access the properties opposite.
- o Visual amenity and potential impaired view
- o Insufficient space for development
- o Potentially over-bearing, out of scale and out of character in terms of appearance
- o Overcrowding in a small location
- o Better alternative sites available else where

## **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 Standards

Relevant Core Strategy Policies:

- o CP6 - Environmental Quality
- o CP2 - Sustainable construction

Following the Examination hearings the Inspector has now issued her Interim Statement and has advised the Council of her recommended Main Modifications required to make the plan sound. The Main Modifications and Minor Proposed Changes are now subject to public consultation prior to the Inspector issuing her Final Report. The following policies can now be given substantial weight:

D1 General urban design principles  
 D2 Local character and distinctiveness  
 D3 Urban Fabric  
 D5 Building Design  
 D6 Amenity  
 ST1 Promoting sustainable travel.  
 H7 Housing Accessibility  
 SCR5 Water Efficiency  
 LCR7B Broadband

The following policies are relevant and can now be given significant weight:

ST.7 Transport Access Development Management

#### LEGAL FRAMEWORK

Town and Country Planning Act, 1990

#### NATIONAL PLANNING POLICY FRAMEWORK, MARCH 2014

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

Due consideration has been given to the recently published NPPG

#### **OFFICER ASSESSMENT**

##### PRINCIPLE OF PROPOSED USE:

The proposal is within the housing development boundary of High Littleton. Therefore the principle of residential development is accepted.

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

No.17 Scobell Rise is a bungalow located on a prominent site on the corner of Scobell Rise and Scumbrum Lane with the front elevation facing onto Scobell Rise. Development

in Scobell Rise takes the form of small bungalows with gabled roofs which benefit from average sized plots of land providing front and rear outside amenity space. no.17 Scobell Rise is of a similar size to surrounding properties and benefits from a large area of outside amenity space to the side which is currently being used as garden space and the siting of a detached garage. The proposal seeks permission to erect a detached bungalow within the area to the side of no.17 on the corner of Scobell Rise and Scumbrum Lane.

The proposal is a resubmission of a previously refused application (16/05921/FUL) and consists of one detached two-bed bungalow to the side and within the existing boundary of no.17 Scobell Rise as well as a single garage in association with no.17. The plans submitted now show that the proposed bungalow is to have the same roof height as the existing property and the proposal no longer includes a loft conversion. Whilst the decreased roof height is welcomed the proposal is still not considered to respond to the local context in terms of siting, spacing and layout. The surrounding properties are located within average sized plots with front and rear gardens. The proposed bungalow will have a reduced plot size when compared with the other dwellings. There will also be very little space to the front of the dwelling with the proposed car parking spaces located within this limited space. This is considered to be uncharacteristic of the streetscene which sees car parking set further back from the front road and a larger area of amenity space to the front. Therefore the proposal does not follow the same siting, spacing and layout of the surrounding properties and creates a cramped form of development resulting in the over-development of the site.

The proposal also includes the erection of a new garage to serve the existing bungalow. The location of this garage, being set back from the eastern side of the existing bungalow is considered acceptable. The pitched roof is in-keeping and the proposed materials are reconstituted stone and roof tiles to match the existing property. Whilst the location, scale and design of the detached garage to be used in association with no.17 is considered acceptable this is not considered to overcome the issues regarding the size and scale of the proposed dwelling in relation to the siting, spacing and layout of the surrounding area.

#### IMPACT ON RESIDENTIAL AMENITY:

The overall height of the dwelling has decreased to be the same as the existing buildings and the loft conversion and window in the east elevation have been removed. Therefore there are not considered to be any significant negative impacts on the surrounding neighbouring occupiers.

It is also considered possible for the plot to comply with Building Regulation M4(2). The site as present doesn't have a level entrance but it is considered that the site could comply with M4(2).

The objection comment received explains that the dwelling will impair the view for the neighbouring occupiers. However as there is no legal right to a view this has limited weight when assessing the material planning considerations.

#### PLANNING OFFICER ASSESSMENT OF HIGHWAY ISSUES:

The proposal includes the construction of a new single garage and driveway to accommodate the existing dwelling while parking for up to 2 no. standard vehicles will be

provided to the front of the proposed dwelling where the existing dropped kerb access will be used. All parking will be accessed from Scobell Rise.

The Councils' Highways Development Officer is satisfied with the proposed parking arrangements as the proposal complies with policy T.26 of the B&NES Local Plan. While there is expected to be an increase in vehicular movements at this location, which is located in close proximity to the Scobell Rose/Scumbrum Lane junction, this increase is likely to be negligible due to the small-scale nature of the development.

The sites location within the High Littleton housing development boundary is also acknowledged. The location is considered sustainable with good access to local services and facilities as well as public transport.

Therefore there is no highway objection raised subject to conditions to ensure that the parking area is kept clear of obstruction and constructed with a bound and compacted surfacing material. It is also considered necessary to attach a condition to ensure that the proposed garage is retained for the garaging of motor vehicles in association with the dwelling and ancillary domestic storage and for no other purposes. These conditions are considered necessary to ensure adequate parking provision and highway safety and in accordance with policy ST.1 of the Council's emerging Placemaking Plan.

However, the positive highways response is not considered to overcome the issues with the design of the proposal and the recommendation to refuse the proposal remains.

#### **CONCLUSION:**

Whilst the proposal addresses some of the concerns about the previous scheme it is still considered to represent the over-development of the site and does not respond to the local context in terms of siting, spacing and layout. The proposal is therefore contrary to saved Policy D4 of the Bath and North East Somerset Local Plan (2007), Policy D2 of the draft Placemaking Plan and the provisions of the National Planning Policy Framework (2012).

#### **RECOMMENDATION**

REFUSE

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

1 The proposal represents over-development of the site and does not respond to the local context in terms of siting, spacing and layout. The proposal is contrary to saved Policy D4 of the Bath and North East Somerset Local Plan (2007), Policy D2 of the draft Placemaking Plan and the provisions of the National Planning Policy Framework (2012).

#### **PLANS LIST:**

This decision relates to;

Location Plan and Block Plan (01), Proposed Site Plan (02), Proposed Plans (03), Proposed Sections (04), Proposed Elevations (05), Garage Plans (06) and Streetscene Elevations (07) received 18th March 2017.

## DECISION TAKING STATEMENT:

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The applicant was advised that the application was to be recommended for refusal. Having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.

**Item No:** 08  
**Application No:** 17/00163/FUL  
**Site Location:** Stonedge Cottage Stoneage Lane Tunley 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:** Alterations to raise the wall to the same level as the neighbour's wall, including the existing panel fence (Resubmission)

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

**Applicant:** Mr Christopher Bramwell-Pearson

**Expiry Date:** 2nd June 2017

**Case Officer:** Chloe Buckingham

## REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

Dunkerton and Tunley Parish Council have supported the application and the chair of committee has agreed to this request for the following reason:

I note the Parish Council support comment and the officer's assessment in line with Green Belt policy. However, this is controversial as is evident from the parish council reasons for unanimously supporting the proposal.

#### REASON APPLICATION DEFERRED FROM ORIGINAL COMMITTEE:

The application was deferred from the original committee date at the applicant's request for the applicant to submit more information. The applicant submitted a plan of the existing wall which was not included in the original application.

#### DESCRIPTION OF SITE AND APPLICATION:

This application relates to a detached house located within a residential area and Green Belt land in Tunley.

The application seeks planning permission to raise the front boundary wall to the same level as the neighbour's wall, including the existing panel fence.

#### Relevant Planning History:

DC - 96/02056/FUL - PER - 5 June 1996 - Provision of pitched roof over garage  
DC - 07/02230/FUL - RF - 6 September 2007 - Erection of an extension over existing garage to form pool house/shower  
DC - 07/02231/FUL - RF - 6 September 2007 - Erection of a side and rear extension to existing dwelling  
DC - 08/02280/FUL - PERMIT - 30 September 2008 - Alterations to driveway and front wall  
DC - 09/00685/FUL - PERMIT - 7 May 2009 - Erection of a dual pitch first floor side extension over existing mono-pitched single storey side extension  
DC - 09/02042/FUL - PERMIT - 18 August 2009 - Provision of tennis court to the north east corner of the garden with associated surrounding fencing and new retaining walls.  
DC - 09/04580/NMA - APP - 8 January 2010 - Non-Material Amendment to application 09/00685/FUL (Erection of a dual pitch first floor side extension over existing mono-pitched single storey side extension)

#### **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Dunkerton and Tunley Parish Council- Support with reasons given - subject to conditions

Highways- No objection subject to an informative.

#### OTHER REPRESENTATIONS / THIRD PARTIES

None received

## **POLICIES/LEGISLATION**

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

Core Strategy

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

The 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:

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

Relevant Core Strategy Policies:

CP6 - Environmental Quality  
CP2 - Sustainable construction  
CP8 - Green Belt

Supplementary Planning Documents: Existing Dwellings in the Green Belt SPD (October 2008)

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 substantial weight:

D1 General urban design principles  
D2 Local character and distinctiveness  
D3 Urban Fabric  
D6 Amenity  
ST1 Promoting sustainable travel  
GB1 Visual Amenities of the Green Belt  
GB2 Development in Green Belt Villages

The following policies are relevant and have significant weight:

ST7 Transport Access and Development Management  
GB3 Extensions and Alterations to buildings in the Green Belt

## LEGAL FRAMEWORK

Town and Country Planning Act, 1990

## NATIONAL PLANNING POLICY FRAMEWORK, MARCH 2014

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

Due consideration has been given to the recently published NPPG

## OFFICER ASSESSMENT

### PRINCIPLE OF PROPOSED USE:

The proposed wall can be described as a building. For example, the term 'building' is defined in s336 TCPA 1990 as follows:

"building" includes any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building;

S55 of the Act states (so far as relevant):

(1A) For the purposes of this Act "building operations" includes-

- (a) demolition of buildings;
- (b) rebuilding;
- (c) structural alterations of or additions to buildings; and
- (d) other operations normally undertaken by a person carrying on business as a builder.

The existing wall and the proposed wall are substantial and therefore there is reason to consider that the wall can be defined as a building.

Paragraph 89 of the NPPF (2012) states that appropriate development in the Green Belt would consist (amongst other things) of the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. However there is no detailed guidance within the NPPF of what can be described as a disproportionate addition. Within the Green Belt SPD (2008) it states that well-designed extensions of about a third of a volume increase of the original dwelling will be acceptable. However, the Council's Green Belt SPD is not compliant with the NPPF. The Green Belt SPD specifies disproportionate additions to a 'dwelling' whereas the NPPF uses the more general term of a 'building'. Nevertheless from a visual assessment it is clear that the proposed wall will be an approximate 50% increase and so is considered to be disproportionate. Therefore as a consequence the proposal is contrary to Policy CP8 of the Bath and North East Somerset Council Core Strategy (2014), Policy GB3 of the draft Placemaking Plan and the provisions of the National Planning Policy Framework (2012).

As the scheme will provide for an enclosure to a two-storey property which is in relatively close proximity to the highway the proposal is not considered to have any adverse impact on the openness of the immediate area.



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

The new wall will be increased in height to the same height as the neighbouring wall with matching natural stone proposed to be laid to follow a similar pattern to the host dwelling. Three recessed gothic windows and a gothic doorway are proposed with natural stone surrounds and a hardwood door. Overall the design of the proposed wall is considered to be in-keeping with the existing dwelling and wider streetscene. However, as the wall is an approximate 50% increase in the volume of the existing wall the proposal is considered to be a disproportionate volume increase and therefore the proposal is contrary to policy CP8 of the Core Strategy (2014) and policy GB3 of the draft Placemaking Plan and the proposal is recommended for refusal.

The applicant has put forward the following "very special circumstances" in support of the application:

- o The wall is in a poor state of repair and this design will enhance the area.
- o The wall offers stability for the dwelling which is prone to 'slippage'.
- o The wall is dangerous as it is low lying and fronting a highway and so particularly dangerous for children
- o The wall will offer security from the potential of being burgled.

The very special circumstances put forward have been considered in detail by officers but it is considered that these reasons could apply to many other cases where people wish to erect walls within the Green Belt and therefore cannot be regarded as very special in this case.

## IMPACT ON RESIDENTIAL AMENITY:

The proposal is not considered to create any significant negative residential amenity impacts for the host dwelling or surrounding occupiers.

## PLANNING OFFICER ASSESSMENT OF HIGHWAY ISSUES:

The proposal is similar to the scheme that was promoted within application 08/02280/FUL, and it is noted that this earlier scheme was granted permission. The previous decision considered that the loss of the parking area was not considered to be significant as other adequate parking opportunities existed. There are no obvious reasons to change this previous recommendation.

The construction of the wall and the removal of the existing access will require works to be undertaken on the highway. So although there is no highway objection, the applicant will need to be made aware of the following informative and no works should be undertaken before the appropriate licence is secured.

## CONCLUSION:

The scheme is a disproportionate volume increase to a building in the green belt and the positive design, residential amenity and highways assessments are not considered to overcome the in principle objection.

When planning permission was granted for alterations to the driveway and front wall in 2008 at this site it was judged that the raising of an existing wall and the infill of sections of that wall was not considered as an alteration or extension to the dwelling and therefore the argument of allowing only limited extension was not relevant in this case. However, since the arrival of the NPPF paragraph 89 explains that disproportionate additions to a building would not be seen as appropriate development in the green belt. As a wall can be described as a building and the proposal shows a visual increase of about 50% the proposal can now be described as disproportionate and is therefore not seen as appropriate development in the green belt.

## **RECOMMENDATION**

REFUSE

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

1 The proposal represents an approximate 50% volume increase of the original wall which is a disproportionate volume increase to a building in the Green Belt contrary to Policy CP8 of the Bath and North East Somerset Council Core Strategy (2014), Policy GB3 of the draft Placemaking Plan and the provisions of the National Planning Policy Framework (2012).

## **PLANS LIST:**

This decision relates to;

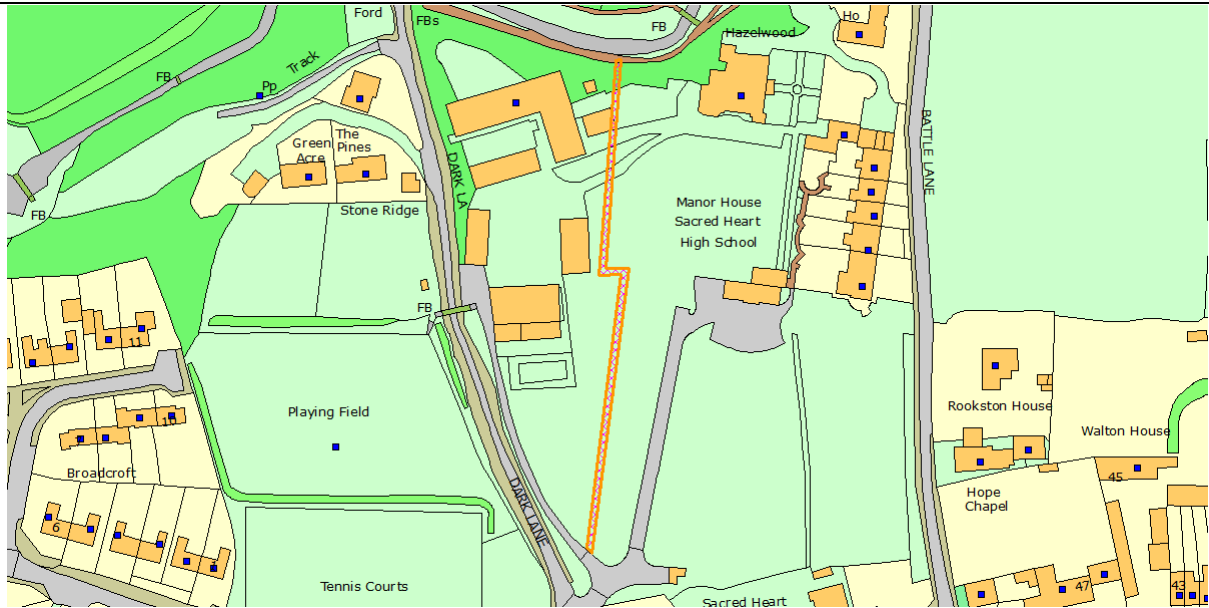
Site Location Plan (no reference) and Front Garden Concept Layout (16 C) received 18th January 2017.

New Boundary Wall Details (16 B) received 23rd January 2017).

## **DECISION TAKING STATEMENT:**

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The applicant was advised that the application was to be recommended for refusal. Having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.

<b>Item No:</b>	09
<b>Application No:</b>	17/01436/FUL
<b>Site Location:</b>	Manor House Battle Lane Chew Magna Bristol BS40 8PT



**Ward:** Chew Valley North

**Parish:** Chew Magna

**LB Grade:** II

**Ward Members:** Councillor Liz Richardson

**Application Type:** Full Application

**Proposal:** Erection of new security fence on western boundary

**Constraints:** Affordable Housing, Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Conservation Area, Forest of Avon, Greenbelt, Listed Building, Neighbourhood Plan, SSSI - Impact Risk Zones,

**Applicant:** Dr & Mrs M Watts

**Expiry Date:** 29th June 2017

**Case Officer:** Chloe Buckingham

## REPORT

### REASON FOR REPORTING APPLICATION TO COMMITTEE:

Chew Magna Parish Council have supported the application and Cllr Liz Richardson has called the application in to committee. The chair of committee has agreed to take the application to committee for the following reason:

Note the Officer's assessment of the application particularly with reference to Greenbelt Policy but points raised from consultations including those in the Conservation Officer's report should be debated and therefore it is recommended that the application be determined by the DMC.

### DESCRIPTION OF SITE AND APPLICATION:

This application relates to a detached Grade II\* listed Manor House located within the Green Belt and Chew Magna Conservation Area. The application seeks planning permission for the erection of a new 3m high security fence approximately 157m in length

running along the boundary between the Manor House the old school buildings to the west.

Relevant Planning History:

DC - 15/05660/FUL - PERMIT - 17 March 2016 - The extension of and alterations to the Butlers Cottage and landscaping to enable the reinstatement of the Cottage as an ancillary residential annex to the Manor House.

DC - 15/05661/LBA - CON - 17 March 2016 - Internal and external alterations to the Butlers Cottage and landscaping to enable the reinstatement of the Cottage as an ancillary residential annex to the Manor House.

DC - 16/01604/COND - DISCHG - 17 June 2016 - Discharge of condition 2 of application 15/05661/LBA (Internal and external alterations to the Butlers Cottage and landscaping to enable the reinstatement of the Cottage as an ancillary residential annex to the Manor House.)

DC - 16/02138/TCA - NOOBJ - 10 June 2016 - Various works as specified in notification.

DC - 16/03953/FUL - PERMIT - 3 October 2016 - Erection of permanent southern vehicular access to the Manor House and associated landscaping works

DC - 16/05350/TCA - NOOBJ - 7 December 2016 - T1 Yew: Crown lift by 1m. T2 Cherry: Fell. T3 Poplar: Fell. T4 Hazel: Coppice. T5 Lime: Reduce limbs over wires & cottage by 20%. T6 Lime: Reduce limbs over road by 20%. T7 Poplar: Fell. T8 Horse Chestnut: Crown lift over road by 20%.

DC - 16/05577/FUL - PERMIT - 31 January 2017 - Erection of new ancillary building comprising garden store and garden office.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

### Consultation:

Chew Magna Parish Council: Chew Magna Parish Council supports this planning application. The derelict, vandalized former Sacred Heart School site that abuts this listed Manor House poses an increasing security and safety risk to the Manor Estate. The proposal is to install a fence and hedge along the shared boundary, and we have been assured this is a temporary measure until the enduring problems of the school site are finally resolved.

Transport: No objection.

Conservation Officer: Objection.

Historic England: No objection.

Archaeology: No objection.

Wales and West Utilities: No objection subject to informative.

Cllr Liz Richardson: Request to call into committee. The ongoing health, safety and security issues are problematic to owners and neighbours. Because of on-going difficulties regarding the land this application should be discussed at committee.

Third Party representations: 10 comments of support received and a summary of the main points are:

- o No problem with proposed fence.
- o Derelict school buildings need urgent attention.
- o Very dangerous and a health hazard.
- o The fence will provide security from fires, antisocial behaviour, noise, vandalism.

### **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
- o BH2 - Listed Buildings and their settings
- o BH.6 - Conservation Areas

Relevant Core Strategy Policies:

- o CP6 - Environmental Quality
- o CP2 - Sustainable construction
- o CP8 - Green Belt

Following the Examination hearings the Inspector has now issued her Interim Statement and has advised the Council of her recommended Main Modifications required to make the plan sound. The Main Modifications and Minor Proposed Changes are now subject to public consultation prior to the Inspector issuing her Final Report. The following policies can now be given substantial weight:

- D.1 General urban design principles
- D.2 Local character and distinctiveness
- D.3 Urban Fabric
- D.6 Amenity
- ST.1 Promoting sustainable travel.
- GB.1 Visual Amenities of the Green Belt
- GB.2 Development in Green Belt Villages

The following policy has significant weight:

HE.1 Historic Environment  
ST.7 Transport Access and Development Management  
GB.3 Extensions and Alterations to buildings in the Green Belt.

Relevant policies from the Chew Valley Neighbourhood Plan (2016);

HDE1 - Rural Landscape Character  
HDE2 - Settlement Build Character

#### LEGAL FRAMEWORK

Town and Country Planning Act, 1990

#### NATIONAL PLANNING POLICY FRAMEWORK, MARCH 2014

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

Due consideration has been given to the recently published NPPG

Supplementary Planning Documents: Existing Dwellings in the Green Belt SPD (October 2008)

With respect to any buildings or other land in a conservation area the Council has a statutory requirement under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area.

#### **OFFICER ASSESSMENT**

##### PRINCIPLE OF PROPOSED USE:

The proposed fence can be described as a building. For example, the term 'building' is defined in s336 TCPA 1990 as follows:

"building" includes any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building.

Paragraph 89 of the NPPF states that a Local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt. There are exceptions to this, for example buildings for agriculture and forestry but there is no exception for the construction of boundary walls or security fencing. There is therefore an objection in principle to the proposal as it is considered contrary to the guidance set out in the NPPF and therefore constitutes inappropriate development in the Green Belt. As a consequence the proposal is also contrary to Policy CP8 of the Bath and North East Somerset Council Core Strategy (2014) and the provisions of the National Planning Policy Framework (2012).

Paragraph 87 of the NPPF (2012) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 explains that when considering any planning application, Local Planning Authorities should ensure that substantial weight is given to any harm to

the Green Belt and 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of appropriateness, and any other harm, is clearly outweighed by other considerations.

The applicant has put forward the following "very special circumstances" in support of the application:

- o The former school land has been within the ownership of the original developer for 16 years and it has not been possible for the applicant to negotiate the purchase of the land from the existing owners. Therefore the former school buildings have been neglected and subject to vandalism, fires and decay which there is a safety and security concern regarding the old school buildings.
- o The Manor House is grade II\* listed and within the Chew Magna Conservation Area. Therefore the derelict school buildings have a significant negative impact on the setting of the grade II\* listed Manor House and wider conservation area.

Paragraph 88 explains that when considering any planning application, Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt and 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of appropriateness, and any other harm, is clearly outweighed by other considerations.

The very special circumstances put forward have been considered in detail but it is considered that safety reasons could apply to many other cases where people wish to erect fences within the Green Belt and therefore cannot be regarded as very special in this case.

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

The scheme proposes to erect a 3m high security fence spanning approximately 157m along the western boundary separating the Manor House with the old school buildings. The security fence will be constructed from black powder coated galvanised steel with 70mm square steel posts at 3m centres. the fence will comprise of vertical wires 6mm in diameter and horizontal double wires 8mm in diameter. There is also an Irish Yew proposed to be planted to the front of the fence.

The style of boundary treatment would result in a discordant and incongruous appearance and would adversely affect the presentation of the house and its traditional garden setting. The proposal would fail to preserve or enhance the setting of the conservation area as a metal security fence boundary treatment is not regarded as characteristic.

The fence boundary would in time, once the associated hedge has matured and grown, provide some screening and would possibly visually soften the appearance of the metal fence although the chosen variety of planting, Irish Yew, is very slow growing.

Within the application it has been explained that the fence would be a temporary solution. Whilst it is thought that a temporary time limit could be imposed there has been no confirmation of a timescale by the applicant. Therefore the proposal is also considered to

have a significant negative impact on the setting of the listed building and this part of the conservation area.

#### **IMPACT ON RESIDENTIAL AMENITY:**

It is not considered that the proposal will have a significant negative impact on the neighbouring occupiers.

#### **PLANNING OFFICER ASSESSMENT OF HIGHWAY ISSUES:**

The development is not considered to have any impact on the existing approved access arrangement or highway safety.

#### **CONCLUSION:**

The proposal amounts to inappropriate development in the Green Belt, which is harmful by definition. In the absence of very special circumstances to outweigh this harm, the proposed development is contrary to Policy CP8 of the Core Strategy and the aims of the National Planning Policy Framework.

The proposal harms the setting of the grade II\* listed building and this part of the Chew Magna Conservation Area and is contrary to Policies BH.2 and BH.6 of the Bath and North East Somerset Local Plan (2007), Policy HE.1 of the draft Placemaking Plan and the provisions of the National Planning Policy Framework (2012).

There is a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. It is considered that the proposal would be detrimental to the character and appearance of the Conservation Area and is therefore unacceptable development in this location.

Whilst it is considered that the proposal causes harm to the character and appearance of this part of the Conservation Area this harm is considered to be less than substantial. Therefore in accordance with paragraph 134 of the NPPF this harm should be weighed against the public benefits of the proposal. It is not considered that the proposal results in any benefits to the public and therefore it is recommended that this application is refused permission for the reasons as outlined on the decision notice.

#### **RECOMMENDATION**

REFUSE

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

1 The proposal amounts to inappropriate development in the Green Belt, which is harmful by definition. In the absence of very special circumstances to outweigh this harm, the proposed development is contrary to Policy CP8 of the Core Strategy and the aims of the National Planning Policy Framework.

2 The proposed fence due to its design and location harms the setting of the grade II\* listed building and this part of the Chew Magna Conservation Area and is contrary to



Policies BH.2 and BH.6 of the Bath and North East Somerset Local Plan (2007), Policy HE.1 of the draft Placemaking Plan and the provisions of the National Planning Policy Framework (2012).

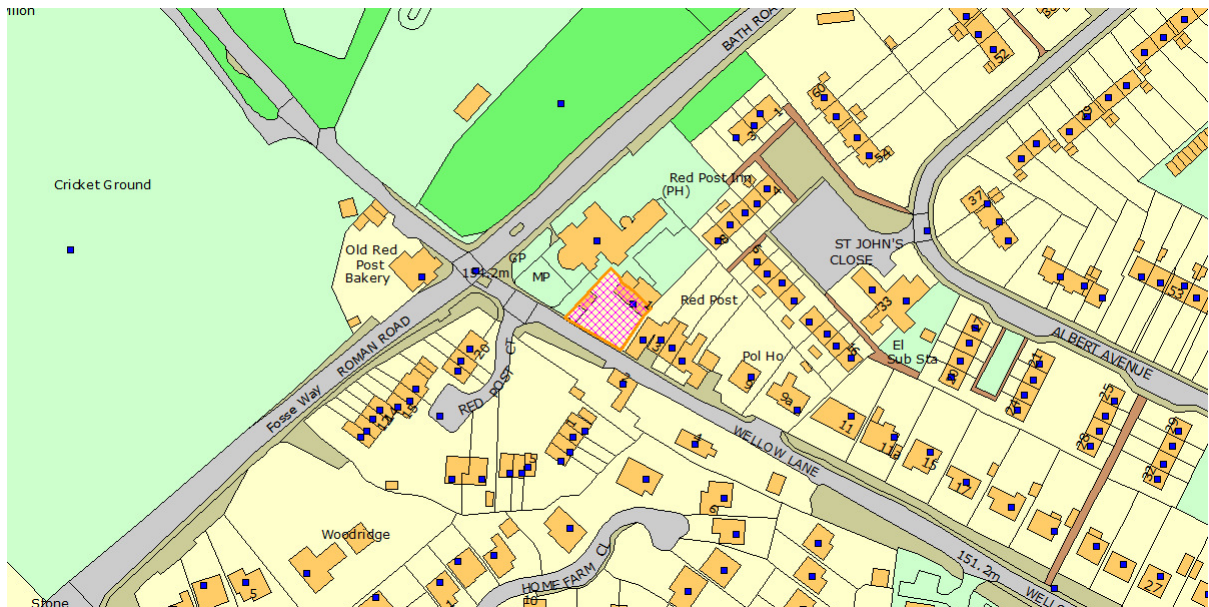
**PLANS LIST:**

This decision relates to the Site Location Plan (no reference) and Proposed Site Plan, Elevations and Section (1472/217.A) received 23rd March 2017.

**DECISION TAKING STATEMENT:**

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The applicant was advised that the application was to be recommended for refusal. Having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.

**Item No:** 10  
**Application No:** 17/01965/FUL  
**Site Location:** 1 Wellow Lane Peasedown St. John Bath Bath And North East Somerset BA2 8JQ



**Ward:** Peasedown St John

**Parish:** Peasedown St John

**LB**

**Grade:** N/A

**Ward Members:** Councillor Sarah Bevan Councillor Karen Walker

**Application Type:** Full Application

**Proposal:** Erection of single storey side extension with replacement garage and widened driveway access following demolition of existing garage.

<b>Constraints:</b>	Affordable Housing, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary, SSSI - Impact Risk Zones,
<b>Applicant:</b>	Mr P Keating
<b>Expiry Date:</b>	20th June 2017
<b>Case Officer:</b>	Samantha Mason

## REPORT

Reasons for going to committee:

Local Ward Councillor, Karen Walker, requested that if the case officer was minded to refuse the application that it be referred to committee, Peasedown St John Parish Council also support the application whilst the case officer is recommending refusal. As per the Scheme of Delegation the application was recommended to the Chair of the Committee who decided that the application will be considered at committee for the following reasons:

'I note the Parish Council support and Ward Councillor request that this application be heard by the Development Management Committee (DMC) due to the revision made from that which was previously refused. The report presented to me explains the amendments made but it is the impact on the area that remains controversial and for this reason I recommend the application be determined by the DMC.'

Site Description:

Wellow Lane is located in the south of Peasedown village. 1 Wellow Lane is a two storey stone built property with an existing lean to side extension, and a detached garage forward of the property.

The property is set back within application site, with the boundary running along the rear elevation. The properties only amenity space is set to the front of the dwelling.

The application is seeking planning permission for the erection of a single storey side extension following demolition of the existing garage, and the widening of the existing driveway access. This application follows on from a similar application refused in April 2017.

The proposed extension is set to the side of the house, attached to the modified lean-to extension, it will project forward of the property into the front garden by 10.5m. The overall footprint of the proposed extension will be approximately 15m x 5.6m.

Relevant Planning History:

DC - 00/02407/FUL - RF - 16 February 2001 - Front porch and conservatory

DC - 16/05578/FUL - RF - 6 April 2017 - Erection of single storey side extension following demolition of existing garage. Widen existing driveway access.

## SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses:

Peasedown St John Parish Council: It was reported that this resubmitted application incorporates revisions as recommended by the Case Officer from the original application. No concerns were raised and so it was resolved the application is supported.

Cllr Karen Walker: The that the application has been significantly amended since the original submission, including height and forward projection which now ends well short of the front wall of the existing garage, that is going to be demolished. In addition a previous bedroom has now been omitted to make way for an integral single garage. This new garage sited close to where the old one was. The use of external materials to match the main house as advised by the planning officer will also ensure the extension sits well with its surroundings.

Highways Team: No objections subject to conditions.

Representations Received:

None received.

## **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:

CP6: Environmental Quality

Local Plan:

The following saved policies of the Bath and North East Somerset 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

BH.2: Listed Buildings and their setting

Placemaking Plan:

Following the Examination hearings the Inspector has now issued her Interim Statement and has advised the Council of her recommended Main Modifications required to make the plan sound. The Main Modifications and Minor Proposed Changes are now subject to public consultation prior to the Inspector issuing her Final Report. The following policies can now be given substantial weight:

D1: General Urban Design Principles  
D2: Local Character and Distinctiveness  
D.3: Urban Fabric  
D.5: Building Design  
D.6: Amenity

The following policies can now be given significant weight:

HE.1: Historic Environment

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**

Wellow Lane is located in the south of Peasedown village. 1 Wellow Lane is a two storey property with an existing lean to side extension and a detached garage forward of the property. The site is within the Housing Development Boundary and adjacent to the Red Post Inn, a Grade II Listed Building.

The application is seeking planning permission for the erection of a single storey side extension following demolition of the existing garage, and the widening of the existing driveway access.

The main considerations are the impact character and appearance and impact on residential amenity.

Planning History:

An application was previously submitted for a similar scheme which was refused in April 2017. The application was refused on the grounds that the proposed development of a single storey side extension following demolition of the existing garage was considered to have a detrimental impact on the character and appearance of the host dwelling and locality due to its location, size, design and materials contrary to Saved Policy D.4. This current scheme is very similar with the main change being the proposed wall materials and integral garage now being incorporated into the scheme.

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.

In the case of residential extensions policy D.4 also states that development should respect and complement the host building.

1 Wellow Lane is a natural stone built property with a side lean two extension finished in render, the detached garage is also finished in render to match. The property is set back in the plot meaning the only residential amenity space is to the front of the property.

Wellow Lane is a small residential lane that has a more enclosed appearance towards the eastern end opening up towards the western end leading onto Roman Road and Bath Road. The property is visible in wider views from the west. There is a variety of development styles and the road does not have a uniform appearance.

The proposed extension is sited in the west of the plot close to the boundary; the garage will be demolished to make way for the development.

The proposed extension will have a larger footprint than the existing property, 15m long by 5.6m wide (the current property is 13.3m x 4.4m) resulting in an extension that is considerably wider and longer than the existing property. Whilst the extension is to the side of the house it will extend 10.5 metres to the front. Due to the large scale of the extension and its' prominent location on what is an elevated site the proposal is not considered to result in a subservient addition to the existing house and would be out of keeping with the character of this traditional dwelling. It will also be visually prominent from the surrounding area, including Bath Road as it is located in the front garden of the current dwelling; this is considered to impact on the character of the street scene by reducing the open appearance at this end of Wellow Lane. The proposal has the same dimensions as the previously refused application, and is sited in the same location. As a consequence the proposal is still considered to result in the overdevelopment of the site.

It is also worth noting that an application for the addition of a conservatory and porch to the property was refused in 2000 for being an incongruous addition out of keeping with the character of the property.

The applicant was advised to revise the scheme to reduce the size during the last application, this advice was not taken and the application was subsequently refused. The applicant has now chosen to submit a similar scheme which does little to address the concerns raised about the excessive size of the previous proposal.

The current property is a natural stone with architectural dressings. The existing lean-to is rendered. The materials proposed as part of this scheme are Cambrian Slate to the roof to match that of the existing dwelling, reconstructed Bath Stone to the West elevation of the proposed extension, natural stone to match the existing dwelling to all other elevations, and cedar weather board cladding to the front elevation of the existing lean-to.

The west elevation in reconstructed Bath Stone will be seen in views of the adjacent Red Post Inn, a Grade II Listed Building. Although the Listed Building Officer does not consider the application will harm the setting of the Listed building it will be seen in the context of this building. This will be a large prominent elevation and the use of reconstructed Bath stone is not considered to be in keeping with the host dwelling which is natural local stone and also has a natural local stone boundary wall. The proposal will result in a mix of materials which will result in a disjointed appearance of the property.

For the above reasons the proposed side storey extension is considered overdevelopment of the site with an incongruous appearance due to the mix of materials, and will have an adverse impact on the character and appearance of the host building and the locality, therefore the proposal is considered to be contrary to Saved Local Plan Policy D.4 regarding design principles.

#### Residential Amenity:

Saved Local Plan policy D.2 states that development should not cause significant harm to the amenities of existing or proposed occupiers.

Given the design, scale, massing and siting of the proposed development the proposal would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, smell, traffic or other disturbance. In this regard the proposal accords with saved policy D.2 of the Bath and North East Somerset Local Plan (2007) and paragraph 17 and part 7 of the NPPF.

#### Highways Safety and Parking:

The proposals would result in the demolition of the existing detached single garage within the curtilage. The driveway is proposed to be widened to accommodate to parking spaces.

Under the current application, an integral garage will be constructed (in place of an additional bedroom proposed under the previous application) in addition to a parking area to the front of the site which will accommodate a further 2 vehicles. Thus the development will not result in a loss of on-site parking or in an increase in parking demand.

The Highways Team consider the proposal to be acceptable and have therefore raised no objection to the proposal.

Overall the means of access and parking arrangements are acceptable and maintain highway safety standards. The proposal accords with saved policies T.24, T.26 of the Bath and North East Somerset Local Plan (2007) and part 4 of the NPPF.

#### Conclusion:

Notwithstanding the above comments on residential amenity and highways safety, the proposed development is considered to have a detrimental impact on the character and appearance of the host dwelling and locality due to its location, size and design and is considered to be contrary to Council planning policy.

### **RECOMMENDATION**

REFUSE

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

1 The proposed development of a single storey side extension following demolition of the existing garage is considered to have a detrimental impact on the character and

appearance of the host dwelling and locality due to its location, size, and design contrary to Saved Policy D.4 of the Bath and North East Somerset Local Plan including minerals and waste policies adopted 2007, D.2 of the draft Placemaking Plan and section 7 of the National Planning Policy Framework.

**PLANS LIST:**

This decision relates to the following plans:

- 25 Apr 2017 2016-Keating-07 Location and Block Plan
- 25 Apr 2017 2017-Keating-03 Proposed Plans
- 25 Apr 2017 2017-Keating-04 Sections and Notes
- 25 Apr 2017 2017-Keating-05 Roof Plans
- 25 Apr 2017 2017-Keating-06 Proposed Elevations

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.