

Bath & North East Somerset Council

MEETING: **Development Management Committee**

MEETING DATE: **11th April 2018**

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.

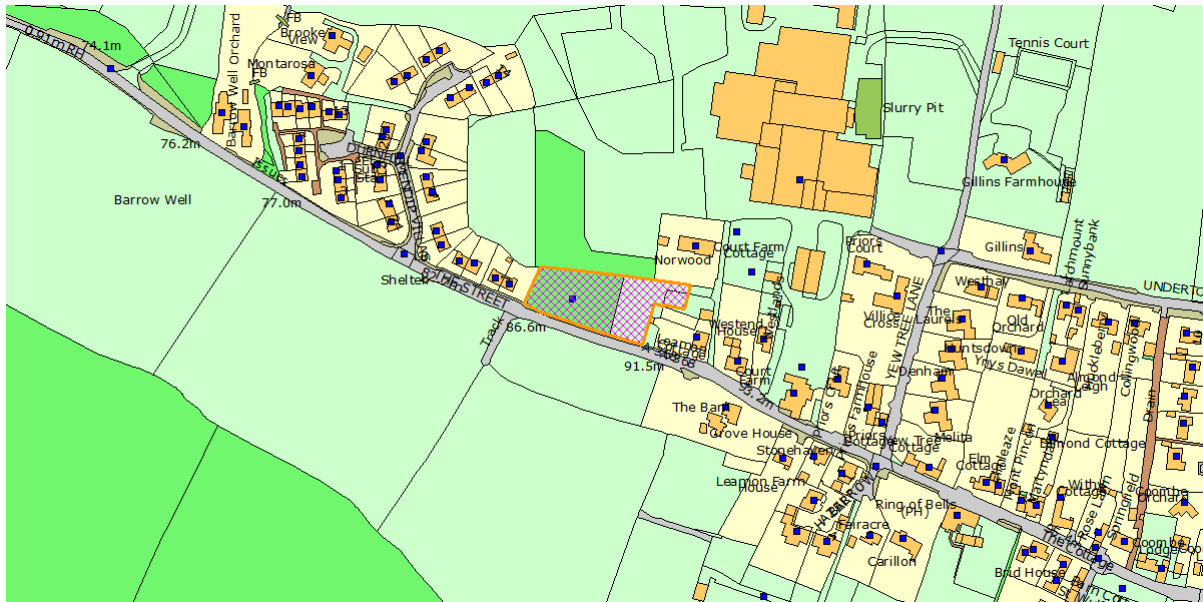
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting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

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| 01 | 17/00075/FUL 31 October 2017 | Freemantle Developments (Compton Martin) Limited Land Between Leamon Cottage And Mendip Villas, The Street, Compton Martin, Bristol, Bath And North East Somerset The erection of 10no. dwelling houses, including access on to The Street, 26no off-street parking spaces, and associated soft/hard landscaping | Chew Valley South | Tessa Hampden | Delegate to PERMIT |
| 02 | 17/05062/FUL 16 April 2018 | New Millennium Developments Ltd 148 London Road West, Lower Swainswick, Bath, Bath And North East Somerset, BA1 7DD Erection of 4no. dwellings following demolition of 2no. existing run down dwellings. | Lambridge | Alice Barnes | REFUSE |
| 03 | 15/01802/FUL 27 July 2017 | Mr Martin Pera Church Farm Derelict Property, Church Hill, High Littleton, Bristol, Construction of new pedestrian and vehicular access to Church Farm, High Littleton from A39 High Street following removal of section of boundary wall. | High Littleton | Laura Batham | REFUSE |
| 04 | 18/00413/FUL 26 March 2018 | Miss S A Halladey 22 Innox Grove, Englishcombe, Bath, Bath And North East Somerset, BA2 9DX Erection of two-storey side extension following demolition of existing conservatory. | Bathavon West | Rae Mephram | REFUSE |
| 05 | 18/00460/FUL 29 March 2018 | Mr & Mrs Blackburn 35 Hantone Hill, Bathampton, Bath, Bath And North East Somerset, BA2 6XD Erection of two storey side and single storey rear extension, and external alterations. | Bathavon North | Alice Barnes | PERMIT |

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

Item No: 01
Application No: 17/00075/FUL
Site Location: Land Between Leamon Cottage And Mendip Villas The Street
Compton Martin Bristol Bath And North East Somerset

**Ward:** Chew Valley South**Parish:** Compton Martin**LB Grade:** N/A**Ward Members:** Councillor Vic Pritchard**Application Type:** Full Application

Proposal: The erection of 10no. dwelling houses, including access on to The Street, 26no off-street parking spaces, and associated soft/hard landscaping

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

Applicant: Freemantle Developments (Compton Martin) Limited**Expiry Date:** 31st October 2017**Case Officer:** Tessa Hampden

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| To view the case click on the link here . |
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REPORT

Reason for calling this application to committee

The application has been referred to committee following the call in request of Cllr Pritchard and due to the objection comments received from Compton Martin Parish Council.

Site description and proposal

The site is a former orchard and is around 0.3ha in area. The site is relatively flat and is surrounded by housing on the east and the west, by a road to the south and to the north of the site is woodland. There are no Listed Buildings surrounding the site however to the east of the site is the Compton Martin Conservation Area. The application site lies within the Mendip Hills Area of Outstanding Natural Beauty and is situated on a reasonably prominent site in the village.

The application seeks planning permission for ten dwellings and associated works. The dwellings will be sited in a courtyard form enclosing a parking courtyard, car ports and access road. The scheme has been designed so that areas of green space front the dwellings. Revised plans have been submitted during the course of the planning application to overcome concerns raised by officers and third parties.

Planning history

There is no planning history directly relevant to this planning application.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Ecology - no objection subject to conditions

Landscape - not acceptable in current form as the development is considered to be too uniform and suburban in character, failing to conserve or enhance local distinctiveness of the landscape, AONB or the Conservation Area

Urban Design - no objection following amendments made to the scheme

Arboriculture - no objection

Highway development - further information requested

Cllr V Pritchard - objects and called this application to committee

Compton Martin Parish Council - objects to this development and have commented on a number of versions to the plans. Their comments can be summarised as follows

-development does not assist in joining Mendip Villas with the village/-properties should face the A368

-density not in keeping with the village/-overdevelopment of the site

- parking unworkable and will lead to parking on the A368 and associated highway safety problems
- development highly suburban and out of keeping with the character of the village and the Conservation Area
- car ports will be dominant
- lack of visual linkages to the wider villages
- lack of frontages to gardens
- refuse collection concerns
- materials
- development not suitable for families or older people due to layout and siting of parking
- lack of information in relation to drainage/flooding
- lack of communal green space
- lack of connectivity statement
- parking provision insufficient and unworkable

Third party comments - 3 comments and 2 objection comments have been received. These can be summarised as follows

- hedge to the rear is in a different ownership
- footpath on road too narrow
- hedge at frontage should be removed to better link the development to village
- development not connected to adjacent development
- flooding issues
- traffic calming measures should be considered
- urban design
- 10 dwellings difficult to achieve
- development should have 2 bedroom dwellings
- lack of information in relation to renewable energy

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

- o Bath & North East Somerset Core Strategy (July 2014)
- o Bath & North East Somerset Placemaking Plan (July 2017)
- o West of England Joint Waste Core Strategy (2011)
- o Bath & North East Somerset saved Local Plan policies (2007) not replaced by the Core Strategy or the Placemaking Plan
- o Made Neighbourhood Plans

RELEVANT CORE STRATEGY POLICIES

- DW1 District Wide Spatial Strategy
- RA2 Villages outside the Green Belt not meeting the listed criteria
- CP2 Sustainable Construction
- CP6 Environmental Quality

RELEVANT PLACEMAKING PLAN POLICIES

The Placemaking Plan for Bath and North East Somerset was formally adopted by the Council on 13th July 2017. The following policies of the Placemaking Plan are relevant to the determination of this application:

- D1 General Urban Design Principles
- D2 Local Character & Distinctiveness
- D3 Urban Fabric
- D4 Streets and Spaces
- D5 Building Design
- D6 Amenity
- SCR5 Water efficiency
- NE2 Landscape character
- NE2A Landscape setting
- RE4 Essential dwellings for rural workers
- HE1 Historic Environment
- ST1 Promoting sustainable travel
- ST7 Transport requirements for managing development

CHEW VALLEY NEIGHBOURHOOD PLAN

- HDE1 Rural Landscape Character
- HDE2 Settlement Build Character
- HDE3 Important views
- HDE7 Traffic Impact
- HDE8a Parking - Domestic Dwellings
- HDE8b Parking - Domestic Dwellings
- HDE9a Sustainable Drainage
- HDE9b Sustainable Drainage
- HDE12b Tree and Ancient Hedgerow Conservation
- HDE13 Green Corridors and Biodiversity
- HDE15 Dark Skies Policy
- BF7 Fibre to the premises

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

There is also a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding conservation area.

OFFICER ASSESSMENT

Principle of development

The application is an allocated site under Placemaking Plan Policy (PMP) SR17 (The Former Orchard). This policy contains a number of development and design principles that will be considered within this report. This policy allocates this site for around 10 dwellings. The development of this site can therefore be supported in principle.

Housing mix

Policy CP10 of the Core Strategy requires that new housing development must provide for a variety of housing types and sizes to accommodate a range of different households. Policy HDE5a of the Chew Valley Neighbourhood Plan (CVNP) states that the housing mix of development should accord with the most recent Housing Needs Survey across the

individual Parish or whole Plan area. The latest housing needs survey for the area demonstrates that there is a need for 2 and 3 bedroom dwellings in Compton Martin.

The housing mix has been amended during the application process. This scheme now includes 8 no. 3 bedroom units of varying layouts, which is considered to ensure that the development contributes positively to the mix of dwellings in the locality in line with local need. Whilst the development includes 2 no 4 bedroom units, the overall balance of units is considered to be acceptable.

Character and appearance

CP6 of the Core Strategy and NE2 of the PMP seek to ensure that development will conserve and enhance landscape character and local distinctiveness. Policy HDE2 of the CVNP requires development proposals to reflect conserve and enhance the locally distinctive design attributes (including scale, materials and density) and the characteristics of the settlement provided in the accompanying character assessment summaries. This identifies a number of important characteristics.

A historical assessment of the surrounding area has been submitted during the course of the planning application, and this has been considered alongside the submitted proposals. The overall siting, design and layout has changed significantly during the course of the planning application. The dwellings are now sited in a courtyard arrangement, enclosing communal green spaces and a parking area with the access from the Street. Compton Martin does not have a uniform built grain, with the overall siting of the buildings varying throughout the village. The preamble to the allocation policy SR17 explains that a tight-knit linked form of development emulating a farm courtyard or similar may be acceptable on this site. The overall design approach is therefore considered to be acceptable.

The CVNP character appraisal explains that important features of existing houses are the height of the roof lines, the size, shape and type of window and highlights that there are relatively tall brick chimneys on a number of houses. There is also a variation in height and angle of connecting roof lines. The scheme has introduced some subtle variation in height and angle of roof lines and this is considered to respond to the Neighbourhood Plan. The proposed drawings also demonstrate that chimneys would be included which again aids in ensuring the development sits appropriately in this context.

Concern has been raised with the fact that the courtyard arrangement results in the gable ends of 2 of the buildings facing onto the Street. However, this would not introduce an alien form into the village. Officers are satisfied that these have been appropriately articulated as to ensure that this presents an acceptable solution to the public realm. The use of local stone on these elements will ensure that this part of the scheme is acceptable.

Concern has also been raised that the development is too uniform in appearance which leads to a suburban appearance. However, design mechanisms ensure that there will be variation in the scheme. For example, as referenced above, there is variation in roof heights, and the gables ends are not mirror designs due to this and differing fenestration detail.

The development comprises a relatively large amount of hard surfacing; however this is partly dictated by the parking requirements of the PMP and Neighbourhood Plan. The

hard surfacing will be broken up by the car ports, and the soft landscaping adjacent to the parking areas. The central space forms the setting for the buildings and its detailing is critical in ensuring that the development has a satisfactory overall finish. It needs to be as informal as possible, whilst maintaining the ability for it to be adopted and a careful balance is therefore required. Manual for Streets recommends block paving for shared space areas. The final details of the hard landscaping scheme can be secured via the inclusion of a condition on any planning permission. Given the level of parking required for this development, it is difficult to achieve discrete parking across the site, which delivering the envisaged quantum of development. Officers are satisfied that an appropriate balance has been struck between providing acceptable parking levels whilst ensuring that the parking area does not dominate the scheme.

The character appraisal for Compton Martin within the CVNP explains that Compton Martin does not have street lights and therefore dark skies are an important feature. The installation of street lighting should be place sensitive, and in rural locations such as this, it is not unusual for there to be flexibility. The lighting of the road will be a matter for discussion during the adoption process.

PMP SV17 requires that public green space is provided within the development. The spaces in front of plots 1-4 and 8-12 have some communal green space with some tree planting and this is considered to be appropriate for this semi rural context. The green parcels soften the development and retains a degree of openness through the site. The final details of the landscaping scheme can be secured through the inclusion of a condition on any planning permission.

It is recognised that a number of the dwellings only benefit from small gardens; however it is difficult to achieve generous gardens without reducing the quantum of development on the site. The policy specially states around 10 dwellings. On balance, these are considered to be acceptable. The rear gardens at the east and west do however provide a green buffer between the neighbouring developments as required through the PMP requirements.

Using the correct materials is critical in ensuring that the development integrates successfully within the context of Compton Martin village. The CVNP explains that within Compton Martin walls are constructed of local stone, (geologically terms dolomitic conglomerate) surface showing or painted white. The roofs are pitched and tiled with Bridgwater (Double Roman) or pan tiles. The scheme introduces sandstone, to match the characterful stone of the village. Render is also proposed, but subject to a satisfactory colour and finish being approved this is considered to be acceptable. Concern has been raised with the use of Redland Breckland Black groveberry pan tiles. Final details of the materials can be secured via condition.

In summary, it is considered that the proposal will conserve the character and local distinctiveness of this part of the village and will not adversely affect the natural beauty of the AONB. The scheme design is considered to broadly accord with the design principles set out in policy SR17 and is considered to reflect and respect the locally distinctive design attributes and characteristics of Compton Martin. It is also considered to preserve the setting of the nearby Conservation Area.

Highway safety

The additional traffic movements associated with the development will not have a material impact on the operation of the local highway network. The proposed visibility splay is considered to be appropriate, it is noted that The Street at this location is subject to a 30mph speed limit. The proposed access width is also considered to be adequate. The proposal presents a shared surface arrangement for vehicular access to the development, and this is sensible given the scale of the proposed site. The access will be constructed to an adoptable standard and this will need to be approved as part of a Section 38 agreement following the granting of any planning permission. The proposed turning head will be appropriate to accommodate refuse and other service vehicles.

Significant concerns have been raised by the Parish Council in relation to the parking provision on the site. Revised plans have been submitted during the latter part of the planning application process which has reduced the size of two of the four bed dwellings which now comprise 3 bedroom dwellings. This has allowed for additional space within the site for on site parking. Additional visitor spaces have also been provided within the communal green space to the front of the plots. A total of 26 parking spaces have now been provided.

The parking proposed now meets the PMP requirement, but does not meet the CVNP parking levels. The CVNP requires 5 visitor spaces for a development of the size, compared to that of the PMP which requires 2 visitor parking spaces. As there is a conflict between the 2 policies, as the more recent, the PMP takes precedent. However, good practice would be to comply with the Neighbourhood Plan policy. The agent has explored ways to meet the CVNP parking requirements, but it has proved difficult to achieve these visitor spaces, which need to be accessed independently of other spaces, without compromising the layout of the scheme, or fundamentally changing the scheme. As noted above, there are already concerns with the level of hard standing proposed, and it is considered on this limited site which has a number of PMP design and development principles to adhere to, that the level of parking proposed is considered acceptable. Tracking details have been submitted to show that this area is workable. Cycle storage will be provided within the curtilages of each individual property and this is considered to be acceptable.

The Highway Development Officer has noted that the footway width along the site frontage is constrained, and is below the required standard. They have therefore requested that the applicant widens this footway (along the frontage) and it is recommended that a width of 1.8m should be provided. The simplest mechanism to achieve this would be the removal of the hedgerow to the front of the site. However, the PMP policy requires that this is retained. The applicant has explained that the hedge can be cut back and the undergrowth removed to allow for an increase in space for pedestrians but this will still be below the preferred standard. Given the conflicts between the PMP requirements, the proposed highway layout is considered to be acceptable.

Residential amenity

PMP SR17 design principle states that the site should be designed to safeguard the amenity of neighbouring residential properties. The development is considered to be sited a sufficient distance from the neighbouring dwellings to ensure that the amenity of these

occupiers is not significantly compromised. The gardens of the dwellings act as a buffer between the built forms.

Further, the development is considered to result in satisfactory living conditions to the neighbouring occupiers. The size of the gardens provided for plot 4 in particular is relatively small and will be partly shaded by trees to the rear. However this garden and the others in the proposed development is large enough to provide a useful outdoor amenity space. Furthermore, given the location of the site on the edge of a rural settlement close to existing public rights of way, there is plenty of opportunity for potential occupiers to access and utilise outdoor space. Whilst mature landscaping may limit the amount of light reaching the rear windows including at plot 4, the impacted main habitable rooms tend to be dual aspect, and therefore this is not considered to be a significant concern. The depth of the site is limited, and it would be difficult to deliver a scheme that would not have any rear gardens facing onto the rear boundary, whilst achieving the overall aims of the PMP allocation policy. It is noted that the rear hedgerow is in different ownership to the applicant, and this would therefore be outside of the control of any future occupiers of the site.

Ecological considerations

A number of the PMP policy SR17 development requirement and design principles relate to ecological considerations including no.11 and 12.

A revised landscape plan and revised mitigation measures within the Bat and Reptile Survey report have been submitted, which and these are considered sufficient to ensure that the scheme is ecologically acceptable. Whilst there are some outstanding issues, this detail can be secured by condition.

The proposed bat and bird boxes, hedgerow provision and reptile habitat provision, separated from residential curtilages by fencing, which includes gaps for wildlife movement, are welcome. The details submitted in relation to lighting, within the Bat and Reptile Survey report, are also accepted at this stage subject to final details being submitted and approved in due course, which would need to demonstrate equivalent light containment and minimal light spill standards.

The wildlife mitigation and enhancement measures described will need to be adhered to and must be secured by condition. It is noted that while the revised landscape plan 1236-04 Rev B shows the reptile mitigation area now fenced off from residential gardens and extended along the northern and western boundaries, indicated as "Reptile Receptor Area" and "Reptile Corridor Refugia", which is welcome, there is no planting specification shown on this plan for the creation of the reptile habitat, the proposed specification for which is described in the Bat and Reptile Survey report as

- " Grassland areas in the reptile receptor site will be sown with a species-rich seed mixture such as Emorsgate Seeds EM3 - Special General Purpose Meadow Mixture. This contains a wide range of herb and grass species which would provide foraging habitat to a range of invertebrates," and
- "Grassland areas in the proposed reptile corridor will be sown with Emorsgate Seeds EH1 - Hedgerow Mixture. This contains wild flowers and grasses that are tolerant of semishade and is suitable for sowing beneath newly planted or established hedges";

The detailed planting / grassland seeding specifications for these reptile habitat areas have not been incorporated into the landscape plans. This will be a requirement and is essential due to the limited area of habitat being provided for reptiles, as compensation for the loss of the whole site. Therefore a landscape condition is required which would enable submission of a revised landscape plan to include these details. The responsibility for ongoing maintenance for the reptile receptor area and corridors will also need to be secured.

Planning obligations/affordable housing

A S106 agreement will accompany any planning permission to include a commuted sum for off site affordable housing. This is line with the advice in the National Planning Practice Guidance which states that Local Planning Authorities can seek this for sites of between 5 to 10 dwellings with an Area of Outstanding Beauty. Detailed discussions have been held between the agent and officers in relation to impact of the provision of this sum on the viability of the scheme. The Council has had the applicant's viability report assessed and is satisfied that commuted sum does not render the scheme unviable. This is strongly disputed by the applicant. However in order to progress the application, it has been agreed that any planning permission will be accompanied by a S106 to secure the commuted sum. The S106 would includes a clause which would allow for a review of sales values, and if they are significantly lower than envisaged within the independent assessment, the commuted sum would be reviewed.

Housing accessibility

PMP Policy H7 requires that all market housing should have enhanced accessibility standards and should meet the optional technical standard 4(2) in the Building Regulations Approved Document M. Based on evidence available to the LPA, 19% of units are required to meet this standard which in this case would be two of the dwellings.

Other matters

There is a requirement within policy LCR7B of the emerging Placemaking Plan and policy BF7 of the CVNP for new residential developments to make provision for high speed internet connections. The applicant has submitted a 'Connectivity Statement' as required by policy BF7 of the CVNP. It should however be noted that Building Regulations now include a requirement for this provision.

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. This can be secured by condition.

Policy SCR5 also requires all residential development to include a scheme for rainwater harvesting or another method of capturing rainwater for use by residents (e.g. water butts). These matters can be secured by a relevant planning condition.

Policy SCR1 requires major developments 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. This matter can be secured by a relevant planning condition.

Flooding

Limited information has been submitted in relation to the drainage strategy. As major development there is an expectation in the National Planning Policy Framework that Sustainable Drainage Systems (SuDS) will be used. Onsite infiltration testing will be required to demonstrate the viability of using soakaways before discharge to a lower destination can be considered.

The Environment Agency's Surface Water Flood Risk Maps indicate that The Street off which the development is accessed is at risk of surface water flooding. Accordingly it needs to be demonstrated that the development will not discharge surface water onto the highway at events up to and including the 1in100+climate change event.

A full drainage strategy will therefore be required but this can be secured through the inclusion of a condition on any planning permission.

Planning balance/other issues

The development is considered to broadly comply with the development requirements and design principles of PMP policy SR17 and the Development Plan as a whole. The comments of the Parish Council and third parties have been given due consideration as part of this assessment, but on balance, the development is considered to bring forward a scheme in line with PMP policy SR17 and there is not considered to be any significant conflict with adopted policy. Any limited harm is considered to be outweighed by the delivery of 10 houses within this rural location.

The development is therefore recommended to approval subject to a legal agreement to secure a commuted sum for off site affordable housing provision, and a management plan for the reptile habitat area.

RECOMMENDATION

Delegate to PERMIT

CONDITIONS

0 A Authorise the Head of Legal and Democratic Services to enter a Section 106 Agreement to secure the terms outlined in this report, and

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

1 Standard Time Limit (Compliance)

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

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

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

Notwithstanding the approved plans, 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 D1, D2, D3 and D5 of the Bath and North East Somerset Placemaking Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

3 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 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.

4 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.

5 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 Bath and North East Somerset Placemaking Plan.

6 Housing Accessibility (Compliance)

Two of the dwellings hereby approved shall meet the optional technical standards 4(2) in the Building Regulations Approved Document M and prior to the first occupation of any of the dwellings hereby approved the Local Planning Authority shall be advised as to which dwellings these are.

Reason: Reason: To ensure that the optional technical standards for accessibility are met in accordance with policy H7 of the Bath and North East Somerset Council Placemaking Plan.

7 Reptile mitigation (pre commencement)

No occupation shall commence until a revisions have been submitted to and approved in writing by the Local Planning Authority to the soft landscape scheme drawing 1236-04 Rev B to incorporate the planting, seeding and hibernacula construction specifications for the reptile mitigation measures and provision of reptile habitat, and provide details of proposed long term maintenance as reptile habitat, including provision for funding, ownership and maintenance responsibilities. The drawing shall show details of all trees, hedgerows and other planting to be retained; finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs; seeding specifications, species compositions, and sources, and a programme of implementation.

Reason: To ensure the provision of an appropriate landscape setting to the development and to incorporate specifications for reptile mitigation and habitat provision into the scheme

8 bmitigation - (compliance condition)

The development hereby permitted shall be carried out constructed and maintained thereafter only in accordance with the wildlife mitigation and enhancement measures described in Sections 7.1 and 7.2 and shown on Figure 6 of the approved Bat and Reptile Survey dated September 2017 by Ethos Environmental Planning. This shall include, prior to site clearance works, completion of a reptile translocation exercise by a suitably experienced ecologist in accordance with published good practice guidelines and using the methods described in section 7.2 of the approved bat and reptile survey report and implementation of a reptile mitigation scheme.

Reason: to avoid harm to wildlife and protected species including reptiles and bats and to mitigate for ecological impacts and provide biodiversity gain

9 Implementation of Wildlife Scheme (Pre-occupation)

No occupation of the development hereby approved shall commence until a report produced by a suitably experienced ecologist confirming and demonstrating, using photographs as appropriate, completed implementation of the wildlife and reptile mitigation and enhancement measures described in Sections 7.1 and 7.2 and shown on Figure 6 of the approved Bat and Reptile Survey dated September 2017 by Ethos Environmental Planning, in accordance with the approved details and specifications, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the implementation of the wildlife and reptile mitigation measures and to provide feature for additional biodiversity gain

10 ECO04 External Lighting (Bespoke Trigger)

No new external lighting shall be installed without full details of proposed lighting design being first submitted and approved in writing by the Local Planning Authority; details to include lamp specifications, positions, numbers and

heights; details of predicted lux levels and light spill, and details of all necessary measures to limit use of lights when not required and to prevent upward light spill and light spill onto trees and boundary 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 wildlife in accordance with policies NE.10 and NE.11 of the Bath and North East Somerset Local Plan.

11 Soft Landscaping (Pre-occupation)

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

Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with Policies D1, D2 and NE2 of the Bath and North East Somerset Placemaking Plan.

12 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 D1, D2 and NE2 of the Bath and North East Somerset Placemaking Plan.

13 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 ST7 of the Bath and North East Somerset Placemaking Plan.

14 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 Policy ST7 of the Bath and North East Somerset 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.

15 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.

16 Flood Risk and Drainage - Infiltration Testing (Pre-commencement)

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

Reason: To ensure that an appropriate method of surface water drainage is installed and in the interests of flood risk management in accordance with Policy CP5 of the Bath and North East Somerset Core Strategy and Policy SU1 of the Bath and North East Somerset Placemaking Plan. This is a condition precedent because it is necessary to understand whether soakaways are appropriate prior to any initial construction works which may prejudice the surface water drainage strategy.

17 Flood Risk and Drainage - Surface Water Discharge Rates (Pre-commencement)

No development shall commence, except ground investigations, until written confirmation from the sewerage company (Wessex Water) accepting the surface water discharge into their network including point of connection and rate has been submitted to the Local Planning Authority. If the sewerage company are not able to accept the proposed surface water discharge, an alternative method of surface water drainage, which has first been

submitted to and approved in writing by the Local Planning Authority, shall be installed prior to the occupation of the development.

Reason: To ensure that an appropriate method of surface water drainage is installed and in the interests of flood risk management in accordance with Policy CP5 of the Bath and North East Somerset Core Strategy and Policy SU1 of the Bath and North East Somerset Placemaking Plan. This is a condition precedent because it is necessary to understand whether the discharge rates are appropriate prior to any initial construction works which may prejudice the surface water drainage strategy.

18 Arboricultural Method Statement and Tree Protection Plan (Pre-commencement)

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

Reason: To ensure that trees to be retained are not adversely affected by the development proposals in accordance with Policy NE6 of the Bath and North East Somerset Placemaking Plan. This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore these details need to be agreed before work commences.

19 Arboriculture - Compliance with Arb Method Statement (Pre-occupation)

The approved development shall be carried out in accordance with the approved Arboricultural Method Statement and Tree Protection Plan. 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 NE6 of the Bath and North East Somerset Placemaking Plan. To ensure that the approved method statement is complied with for the duration of the development.

20 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:

23 Feb 2018 2793/101 D PROPOSED SITE PLAN

| | | |
|-------------|------------|---|
| 23 Feb 2018 | 2793/103 B | PROPOSED PLANS: PLOTS 1-4 |
| 23 Feb 2018 | 2793/104 B | PROPOSED SOUTHEAST & NORTHWEST ELEVATIONS |
| 23 Feb 2018 | 2793/105 B | PROPOSED SOUTHWEST & NORTHEAST ELEVATIONS |
| 23 Feb 2018 | 2793/107 B | PROPOSED PLANS: PLOTS 7-10 |
| 23 Feb 2018 | 2793/108 B | PROPOSED ELEVATIONS: PLOTS 7-10 |
| 23 Feb 2018 | 2793/109 B | PROPOSED ELEVATIONS: PLOTS 7-10 |
| 23 Feb 2018 | 2793/111 D | PROPOSED SITE DRAINAGE PLAN |
| 23 Feb 2018 | 2793/112 B | PROPOSED STRIP ELEVATION & SECTIONS |
| 23 Feb 2018 | TR16 A | SWEPT PATH OF PROPOSED PARKING AREA |
| 09 Jan 2017 | 10A | EXISTING SITE PLAN |
| 08 May 2017 | 2793/01 | LOCATION PLAN |
| 02 May 2017 | 2793/110 | PROPOSED ELEVATIONS: CAR PORTS |

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.

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 or send it direct to 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.

Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **Before** commencing any

development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council before development commences, failure to comply with the regulations can result in surcharges and additional payments. 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

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

Item No: 02
Application No: 17/05062/FUL
Site Location: 148 London Road West Lower Swainswick Bath Bath And North East Somerset BA1 7DD



Ward: Lambridge **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Rob Appleyard Councillor Lin Patterson
Application Type: Full Application
Proposal: Erection of 4no. dwellings following demolition of 2no. existing run down dwellings.
Constraints: Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, SSSI - Impact Risk Zones,
Applicant: New Millennium Developments Ltd
Expiry Date: 16th April 2018
Case Officer: Alice Barnes

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| To view the case click on the link here . |
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REPORT

Reason for Reporting Application to Committee

The application has been referred to the committee at the request of Councillor Rob Appleyard.

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

Description of Site and Application

Number 148 London Road West is located on the eastern edge of Bath close to the village of Batheaston. The application site comprises a pair of semi-detached properties. It is located within the Conservation Area and World Heritage Site.

This is an application proposing the demolition of the two existing semi-detached properties and the construction of a terrace of four townhouses.

The existing site slopes downwards from the road so that the existing dwellings appear as two storey properties from the street dropping to three stories at the rear. Permission has been granted for the provision of two dwelling to be constructed within the rear garden and work is nearing completion of the permitted dwellings.

The proposed dwellings have been designed to appear as three storey dwellings from the road and will appear as four stories to the rear. The proposed development includes underground parking and the proposed gardens will be contained behind proposed retaining walls. Vehicle access is provided on the eastern side of the site.

Relevant History

DC - 14/01298/FUL - PERMIT - 22 January 2015 - Erection of new dwelling with associated access to rear of 148A London Road West and extensions and alterations to 148A London Road West

DC - 15/00356/FUL - PERMIT - 19 March 2015 - Erection of dwelling and alterations and extensions to 148 and 148A London Road West.

DC - 16/01572/FUL - PERMIT - 1 June 2016 - Erection of 2no four bed dwellings on the land south of 148A London Road West.

DC - 17/01224/FUL - PERMIT - 4 May 2017 - Erection of 2no four bed dwellings on the land south of 148A London Road West (Resubmission of 16/01572/FUL)

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Highways: Having reviewed the additional supporting information, there is now no highway objection to the planning application. This confirms that the appropriate transition zones can be provided on the vehicular access ramp.

Drainage: The applicant has not provided enough detail with regards to surface water management in order to come to a conclusion on the proposals.

Councillor Rob Appleyard: Given the design challenges to the site and the concern that may arise from the potential visual aspect of a main retaining wall leading down to an underground car park and an existing development can I request that if this is being considered for refusal that the application is brought to the committee. Where the principle of development may be accepted there can be, and are, imaginative solutions to satisfy planning concerns.

Representations: One representation has been received from the Bath Preservation Trust.

Our first impression of these buildings is that they will appear quite dominant in the streetscape and we assume that the case officer will be satisfied as to their visual impact on the character and appearance of the conservation area. We find the drawings to be confusing, particular relating to how the parking and access will actually work. Our main concern however is the poor design approach that gives a faux Georgian frontage and a contemporary rear elevation. We would always prefer to see authentic design that delivers an overall architectural composition in a particular style. In this location a contemporary approach taking cues from local context, forms and character would in our opinion be the most appropriate.

POLICIES/LEGISLATION

On 13th July the Council adopted the B&NES Placemaking Plan. It now becomes part of the statutory Development Plan for the district, against which planning applications are determined. The statutory Development Plan for B&NES now comprises:

- o Core Strategy (July 2014)
- o Placemaking Plan (July 2017)
- o B&NES Local Plan (2007) - only saved Policy GDS.1 relating to 4 part implemented sites
- o Joint Waste Core Strategy
- o Made Neighbourhood Plans

Core Strategy:

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. 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

Placemaking Plan:

The Placemaking Plan for Bath and North East Somerset was formally adopted by the Council on 13th July 2017. The following policies of the Placemaking Plan are relevant to the determination of this application:

D.2 - Local character and distinctiveness
D.3 - Urban Fabric
D.5 - Building design
D.6 - Amenity
ST.7 - Transport requirements for managing development
HE.1 - Historic environment
H7 - Housing accessibility
SCR5 - Water efficiency
LCR9- Increasing the Provision of Local Food Growing

There is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding Conservation Area.

OFFICER ASSESSMENT

This is an application proposing the demolition of the two existing semi-detached properties and the construction of a terrace of four townhouses.

The existing site slopes downwards from the road so that the existing dwellings appear as two storey properties from the street dropping to three stories at the rear. Permission has been granted for the provision of two dwelling to be constructed within the rear garden and work is nearing completion on the permitted dwellings.

The main issues to be considered here are;
Principle of residential development
Design and layout
Highways
Amenity

Principle of residential development

The existing site is located within the city of Bath therefore the principle of residential development is accepted in accordance with policy B.1, subject to compliance with all other policies in the local plan.

Design and layout

The proposed development will replace two semi-detached properties with a terrace of four townhouses.

The existing streetscene surrounding the site is characterised by detached and semi-detached properties. There are gaps between the buildings within the streetscene and there is a low density of development. The proposed development will result in a terrace of four properties within a site that currently accommodates two properties. This will result in an intensification of development within the site and will appear to be visually cramped within the streetscene.

The proposed dwellings have been designed as traditional town houses and would be of a similar height to the existing buildings. The buildings would be constructed using Bath Stone. However as stated above the proposed development will result in an intensification of development of the site which is not characteristic of the surrounding streetscene. In this respect the proposed townhouses are not considered to preserve the character of the surrounding Conservation Area.

The rear elevations are of a different design to the front elevations. The rear elevations include floor to ceiling windows and large retaining walls. To the rear the proposed dwellings are four storey properties which again appear to be at odds with the character of the adjacent properties. In addition the provision of the large retaining walls serve to increase the perceived height of the buildings resulting in a property which appears overbearing within the site.

To accommodate the scale of development the proposed works include large retaining wall to the side and rear of the site. The applicant is proposing to install a green wall to soften the appearance of the proposed walls. However the provision of such large retaining walls to allow for the proposed scale of development will appear to be dominant and overbearing within the site. The provision of a large retaining wall will not respond to the topography of the existing site.

Given the size of the proposed development and its design the proposed buildings are not considered to respond to the topography of the site.

Policy HE1 of the placemaking plan states that development, within or affecting the setting of a Conservation Area will only be permitted where it will preserve or enhance those elements which contribute to the special character or appearance of the Conservation Area. The proposed development will be harmful to the existing hillside which forms part of the Bath Conservation Area. Therefore the proposed development is in conflict with policy HE.1 of the placemaking plan.

Paragraph 134 of the NPPF states that where a development would lead to less than substantial harm to a heritage asset the harm should be weighed against the public benefits. In this case the proposed development would provide one additional dwelling which would not make a substantial contribution to the councils housing targets. The council can demonstrate a five year housing land supply and the provision of four dwellings at this site will not outweigh the harm caused to the surrounding Conservation Area.

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. Here it is considered that the proposed development will fail to preserve the character of the surrounding Conservation Area.

Highways

The highways officer original objected to the application. Following receipt of further information the highways officer has withdrawn their objection. The proposed development will allow for adequate off street parking and will not result in harm to highway safety as vehicles enter and exit the site. The revised information shows that there is an adequate

transition zone between the access ramp and entrance to the proposed parking area to allow for vehicles to safely access that parking area.

Amenity

The proposed dwellings will primarily overlook the rear gardens of the proposed building. They will not result in increased overlooking of the properties being constructed to the rear of the site. The proposed dwellings are not considered to appear overbearing to the properties to the west and east of the site and the proposed development will not result in harm to the amenity of neighbouring occupiers.

Other matters

The proposed dwellings have been designed to comply with the technical standards set out in policy H7 of the Placemaking Plan.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed dwellings due to their siting, scale and design will result in the overdevelopment of the existing site and will fail to respond to the character of the surrounding streetscene. Due to the siting, scale and design of the buildings the proposed dwellings will fail to preserve the character of the Conservation Area. There are not considered to be any public benefits to outweigh the harm to the Conservation Area and therefore the development is contrary to policies HE.1, D2, D3 and D5 of the Placemaking Plan for Bath and North East Somerset

PLANS LIST:

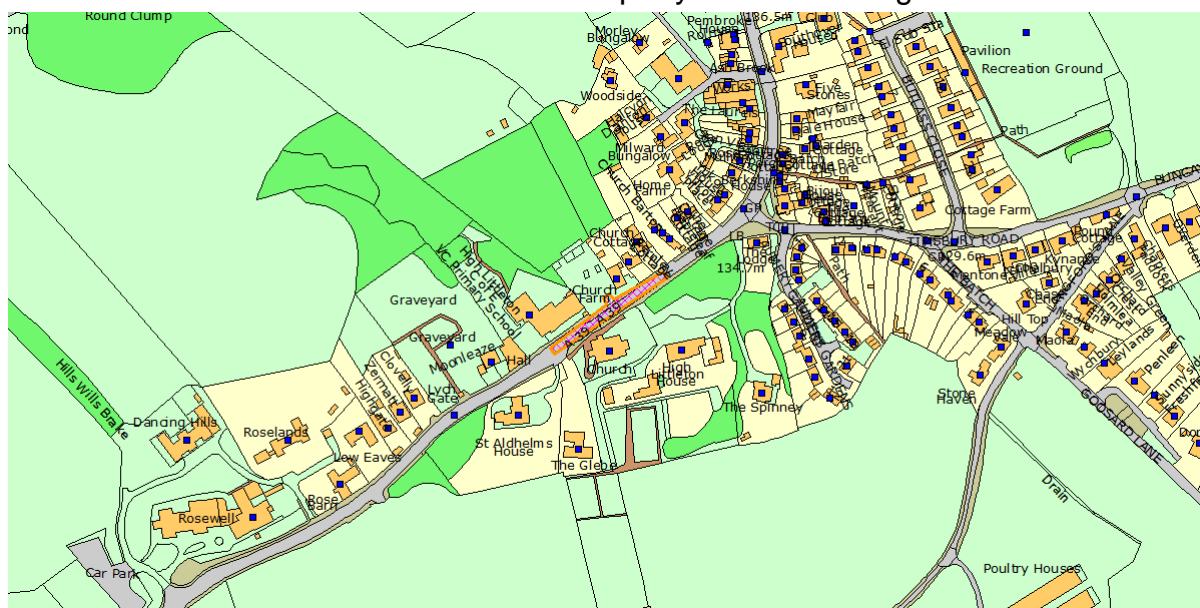
Proposed site- basement 110 rev M
Proposed site - ground floor 111 rev G
Side elevation - east 156 rev J
Proposed elevations 156 rev T
Proposed rear elevations 157 rev D
Proposed section 158
Location plan 101 rev C
Proposed floor plans 150 rev K
Proposed section A-A 160 rev F
Proposed street view 170 rev B
Existing ground floor plan E01
Existing ground floor plan E02
Existing first floor plan E03
Existing first floor plan E04
Existing side elevation E05
Existing rear elevation E06
Existing side elevation E07

Community Infrastructure Levy

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

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was unacceptable for the stated reasons and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.

Item No: 03
Application No: 15/01802/FUL
Site Location: Church Farm Derelict Property Church Hill High Littleton Bristol



Ward: High Littleton **Parish:** High Littleton **LB Grade:** II
Ward Members: Councillor L J Kew
Application Type: Full Application
Proposal: Construction of new pedestrian and vehicular access to Church Farm, High Littleton from A39 High Street following removal of section of boundary wall.

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| Constraints: | Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary, SSSI - Impact Risk Zones, Tree Preservation Order, |
| Applicant: | Mr Martin Pera |
| Expiry Date: | 27th July 2017 |
| Case Officer: | Laura Batham |
| To view the case click on the link here . | |

REPORT

Reason for application being considered by Committee:

This application was previously considered by the Committee when it was decided by Members to delegate authority to Officers to permit the application subject to the completion of a S106 to ensure the adjoining bus stop was re-sited to facilitate safe access to the site. Despite numerous requests for the S106 to be completed the legal agreement has not been signed by the applicant and therefore the application has been referred back to Committee with a recommendation for refusal.

Site Description:

Church Farm is a single dwelling and group of barns located in the centre of High Littleton. The property is grade II listed. The main house is in a poor state of repair and currently covered by scaffolding which is protecting the roof from further damage. The associated farm barns are also in a poor state of repair and in a progressing state of dilapidation with a barn having recently collapsed in bad weather. To the north west of the site is open countryside and there are further dwellings to the north east. To the south east is the grade II listed Church of Holy Trinity and to the south west, High Littleton Primary School. The main road through the village (A39) runs to the south of the property. The site does not have a current vehicular access and pedestrian access has been made by punching a gap through the boundary wall to the south.

Proposal:

The application seeks consent for the construction of new pedestrian and vehicular access to Church Farm, High Littleton from A39 High Street following removal of section of boundary wall.

History:

AP - 14/00027/RF - DISMIS - 17 June 2014 - Removal of section of boundary wall to create vehicular and pedestrian access.

AP - 14/00028/RF - DISMIS - 17 June 2014 - Alterations including removal of section of wall to facilitate new vehicular and pedestrian access.

DC - 97/02338/FUL - REF - 6 August 1997 - Demolition and rebuilding of Church Farm and erection of two detached dwellings

DC - 09/01584/OUT - WD - 14 June 2009 - Erection of 2no. dwellings following demolition of existing outbuildings, erection of garage and provision of new access.

DC - 09/01586/LBA - WD - 14 June 2009 - Internal and external alterations for the renovation of Church Farm (description TBC).

DC - 10/05250/LBA - RF - 28 November 2012 - External and internal alterations to include raising roof slates by 50mm, new Spanish slates to replace stolen slates, external spreader plates, new velux rooflights, new chimney stack and rebuild of north gable end, new foundations to kitchen boundary wall

DC - 13/01857/FUL - RF - 1 October 2013 - Removal of section of boundary wall to create vehicular and pedestrian access.

DC - 13/01858/LBA - RF - 1 October 2013 - Alterations including removal of section of wall to facilitate new vehicular and pedestrian access.

DC - 15/02290/LBA - External alterations to create a new agricultural entrance to the rear of Church farm from the A39. This application is also for consideration by Committee at this meeting.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

High Littleton Parish Council:

The Parish Council have objected to the application for the following reasons:

- The application is very similar to a number of other access applications to this land all of which have been refused. The access was refused on appeal in 2014.
- Whilst reference is made for an agricultural access only, the width of the access is the same as previously applied for and it is reasonable to assume that this application is to enable a future application for development of the land beyond.
- The approval of the access could set a precedent for similar applications.
- The access is too large and the use would create serious risk for pedestrians and school children.
- The Inspector concluded in the last appeal that the risk to highways would be too great.
- Concerns with the effect on the setting of the Church Farmhouse. The removal of such a large portion of wall would have a significant detrimental impact upon the listed building. The wall is an important aspect of the character of what is the oldest part of the village.
- The relocation of the bus stop would exacerbate the passing place on this length of road.

Highways:

The proposal

I note that the description of the proposal is: "Construction of new pedestrian and vehicular access to Church Farm, High Littleton from A39 High Street following removal of section of boundary wall". I note also some inconsistency within the supporting documents on what the access might serve. It seems to me that the text of the Supporting Statement is in full agreement with the description when it states that:

"This application is for the construction of a vehicular agricultural access off of the A39 Church Hill in High Littleton onto land forming the property known as Church Farm adjacent to the High Littleton Church of England Primary School.

Currently the only access to Church Farm House and the land at the rear is from Church Hill via a narrow gap in the stone boundary wall provided for pedestrian use only".

However, the Technical Statement states that:

"The access proposals have been formulated to consider serving the following existing and potential future uses:-

- o The existing Church Farm House
- o The Byre/Store Road (in a separate unit)
- o Agricultural Access to the rear of the land
- o The potential to serve 2-3 new dwellings situated in the former yard (subject to planning permission)".

I believe the final bullet extends the description to include potential development which would require separate planning consent and, because its inclusion in the Technical Statement is at odds with both the description of the application and the Supporting Statement, I have ignored it. As a consequence it is important to note that the remainder of this advice is based on the assumption that the potential to serve 2-3 new dwellings situated in the former yard does not form part of the application.

The access

In dismissing the appeal following refusal of application 13/01857/FUL the Inspector noted the Council's suggestions that to facilitate the repair of the listed building the access:

- o need be no wider than 4.5 metres;
- o would not require separate pedestrian facilities;
- o need not be designed with full kerb radii and a 'give way' junction;
- o a simple dropped kerb would suffice and promote pedestrian priority;
- o would need appropriate levels of pedestrian/vehicle inter-visibility; and
- o on-site turning should be provided.

The design shown on drawing R300/13 addresses all of these to the satisfaction of highways officers. For clarity it is important to note two of these. Firstly, the applicant has demonstrated that the 5.5metre entrance is necessary to ensure that agricultural vehicles can enter and leave the site without crossing the centreline of High Street. It has also been demonstrated that on site turning can be achieved for light vehicles and tractors without trailers or towed implements. Lorries used in the delivery of good and materials to the site, or being used in the renovation of the property, will inevitably need to reverse to or from the highway.

Subject to a condition there is no highway objection to the proposal.

Ecologist:

No objection. The proposal appears not to have any significant ecological implications. Unless information comes to light indicating this is not the case, I have no objection to the proposal. Any necessary vegetation clearance should be completed outside of the bird nesting season.

Arboriculturalist: No objection

Archaeologist:

The development site lies within the medieval settlement area of High Littleton as defined by the BANES Historic Environment Record (MBN10366), opposite the Grade II Listed medieval Church of Holy Trinity (MBN1111) with its prominent 15th century tower. Church Farm House (also Grade II Listed) with its mullioned windows is thought to be the surviving wing of a once much larger 17th century house that would have covered more of the site. The proposed access road onto the site will require significant ground works and re-grading of the existing ground surface, which is likely to have a detrimental impact on any surviving archaeological remains in the area. Previous proposals on this site have been met with the recommendation that a pre-determination archaeological evaluation is carried out to determine the date, extent, and significance of any archaeological deposits on the site, and the likely impact of the proposed development. The current proposals have now been submitted with a desk-based heritage assessment (CGMS, February 2015), which in its executive summary has concluded that:

"Based on current evidence a moderate potential has been identified for non-designated buried archaeological remains of Medieval/Post-Medieval date. It is concluded that further survey is likely to be required to address this archaeological interest, but could be secured with an appropriate planning condition."

I am now inclined to accept this conclusion, and would therefore recommend that conditions are attached to any planning consent, to ensure (1) a field evaluation of the site, (2) a subsequent programme of archaeological work or mitigation, and (3) publication of the results.

Drainage: No objection

Third Parties/Neighbours:

Four letters of objection received raising the following points:

- The proposed access is at the peak of a hill from Hallatrow to High Littleton which despite being a 30 MPH speed limit, is not adhered to, with cars traveling far in excess of this in and out of the village, which in itself is a danger without the addition of a new access for agricultural and construction vehicles.
- The school is also adjacent to Church Farm House, and will increase the risk of danger to children and parents due to the movements to and from the site.
- Why does the access need to be 5.5 metres wide? There are very few agricultural entrances that are so wide, which all cope without issue. I can only assume the applicant wants the access to be as wide as this in order to accommodate the further traffic that will no doubt materialise if further properties are built on the land.
- If any entrance is granted, there should in my opinion be a caveat that the renovation of Church Farm House must be completed before any further building will be considered on the land.
- This application to provide vehicular and pedestrian access appears similar to a previous application (13/01857/FUL) which was refused in October 2013 and dismissed at appeal in July 2014 in the main impact on traffic and pedestrian safety in the immediate area of access.
- Again this submission appears contrived with a with future intentions to develop the entire site although previous planning permission has been refused to extensively develop the site, in part due to site access and traffic safety concerns on the A39.
- The repositioning of the bus stop may improve the proposed access/egress from the Site, but it will exacerbate traffic congestion on the A39 and impact on vehicle driver

sight lines along the A39 towards the Village centre. Moreover the proposed repositioning of the bus stop would adversely impact on the safe access/egress from Church Cottage and Fernley Cottage, which are located between the site and the Village centre.

- The removal of a significant part of the boundary wall would have an adverse effect on the appearance and character of the immediate area of Church Hill.
- The revised drawings are no different to the previously submitted plan. The entrance is 5.5m wide on each, along with a further 0.5m wide pavement on each side of the proposed roadway.

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

- Bath & North East Somerset Core Strategy (July 2014)
- Bath & North East Somerset Placemaking Plan (July 2017)
- West of England Joint Waste Core Strategy (2011)

RELEVANT CORE STRATEGY POLICIES

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The following policies of the Core Strategy are relevant to the determination of this application:

CP6 - Environmental Quality

RELEVANT PLACEMAKING PLAN

The Placemaking Plan for Bath and North East Somerset was formally adopted by the Council on 13th July 2017. The following policies of the Placemaking Plan are relevant to the determination of this application:

D.1: General Urban Design Principles

D.2: Local Character and Distinctiveness

HE.1: Historic Environment

RE.2: Agricultural Development

ST.7: Transport Requirements for Managing Development

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

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

OFFICER ASSESSMENT

The application seeks consent for a new vehicular access to Church Farm which requires the removal of a section of wall and re-alignment of the existing wall to allow the appropriate site lines. The applicant currently has no vehicular access to the site or specifically the farmland to the north of the site. The farmland is particularly overgrown and access could not be gained to the first field. The fields have therefore remained

unmanaged for a number of years. The application seeks consent for an agricultural access to allow vehicles to enter the site and use the land. There is a bus stop currently located in front of the proposed access and a S106 legal agreement is required to ensure this bus stop is moved and a safe access can therefore be provided.

History:

The property has a detailed history which commences with the removal of the original access to facilitate the building of the Victorian school to the south west of the site. Access to the site was then re-aligned to skirt to the north of the school. This secondary access was subsequently compulsorily purchased by the Council at the time to allow the expansion of the school to the north. The removal of the access resulted in Church Farmhouse and its outbuildings being severed from a formal vehicular access. Shortly after, consent was granted for a new access in a similar location to that proposed currently. At the same time consent was granted for the erection of dwellings. However, this consent was never implemented and subsequently the main farmhouse was listed as Grade II in 2004. The previous decisions to grant an access and dwellings on site does not provide a justification for this new application or set a precedent given the change in policy and significantly, the relatively recent listing of the building.

Following the listing of the property in 2009 the applicant sought consent for a new access and the erection of 2 dwellings which was subsequently refused. Permission was also refused in 2013 for a new access for the following reasons:

1 The application failed to provide sufficient information to describe the significance of the heritage asset affected by the development and no assessment has been provided in respect of the impact on the archaeological interest identified as having potential on the site.

2 The proposed access due to its over engineered design, lack of sufficient detail and incomplete finish would have a harmful impact on the character of the surrounding area and the setting of the Listed Building.

3 The formation of an access of the design proposed together with the introduction of vehicular movements on the A39, High Street, generated by the proposed development, would be prejudicial to pedestrian safety.

4 The application failed to make provision for the relocation of the bus stop which is required to facilitate the works.

Subsequently the appeal of this decision was refused by the Planning Inspectorate. In the determination of the appeal the Inspector advised that the access would result in sufficient additional risk to other highway users. Within the appeal a legal agreement to facilitate the alterations to the bus stop, archaeological assessment or assessment upon the significance of the listed building were not provided and the Inspector concluded that without this the appeal should fail.

Archaeology:

The Archaeologist has advised that previous proposals on this site have been met with the recommendation that a pre-determination archaeological evaluation is carried out to determine the date, extent, and significance of any archaeological deposits on the site, and the likely impact of the proposed development. The current proposals have now been submitted with a desk-based heritage assessment (CGMS, February 2015), which in its executive summary has concluded that:

"Based on current evidence a moderate potential has been identified for non-designated buried archaeological remains of Medieval/Post-Medieval date. It is concluded that further survey is likely to be required to address this archaeological interest, but could be secured with an appropriate planning condition."

It is considered that this conclusion is acceptable and there are no longer objections to the scheme subject to archaeological conditions to ensure the applicants undertake the following: (1) a field evaluation of the site, (2) a subsequent programme of archaeological work or mitigation, and (3) publication of the results.

Impact upon the Setting of the Listed Building:

The Inspector assessed the impact of the loss of wall fabric to facilitate the access and advised that whilst some changes would occur, in the wider context it would result in only limited material harm and should not weigh against the proposal. The new access would result in the removal of 5.5m of wall and require the realignment of the remaining wall. The wall is a later addition to the building's setting, and the re-alignment proposed is considered acceptable. Conditions would be required to ensure the walls are re-built to match that of the original wall in terms of appearance and to ensure use of lime based mortars.

With regards to the impact upon the listed building, the Inspector concluded that insufficient information had been submitted to justify the access with little sensitivity to the listed building. Concern was specifically raised with regards to the engineered road suddenly ending within the site and the impact upon the group of barns to the north west.

The applicants have undertaken more work to address the previous concerns and have completed a heritage desk-based assessment which includes an historical analysis of the building. This information was crucially missing in the last application.

The revised plans have removed the engineered road into the site which stops abruptly in the centre of the land. Given that the access is proposed to enable agricultural access, the engineered road was considered unnecessary. The revised access is now the minimum necessary to allow safe access for farm vehicles. As such the visual appearance of the access is lessened. A condition will be added to ensure that no further engineering works to extend the access into the site are undertaken.

It is acknowledged that any future occupier of the main house is likely to require a vehicular access and the access would also allow delivery of materials to allow works to commence. Notwithstanding this, the potential for the access to provide this is not considered to hold significant weight as the applicant has neither proposed to undertake works nor submitted a listed building application to enable works to start. Should a more

detailed access be needed in the future for occupiers of the house, more detailed plans would be required.

To the north west of the access are a dilapidated group of barns which are in a poor state of repair. The construction of these barns are mainly stone built and are considered historic; however, there are also elements of concrete block buildings. These barns have collapsed in places with few roofs remaining. Initial plans indicated a turning circle over these buildings which would have resulted in their demolition. The applicants supporting statement indicates that these buildings are not within the curtilage of the listed building. The LPA consider the barns to be listed and disagree with this conclusion. However, the proposal which would have resulted in the barns' demolition has now been removed as turning would be available in the fields beyond the barns. Farm vehicles could enter the site, circumvent the buildings, enter the field, return and exit the site in a forward gear. Given that the access is no longer considered over-engineered for its intended use and the barns are no longer considered at risk, the level of harm upon the significance of the setting of the listed building has been reduced. The agricultural access proposed will have limited harm on the setting of the listed building. Given that an engineered road will no longer enter the site and the realignment has been altered, the scheme has been improved from that previously submitted.

Potential future uses:

It is acknowledged that any future occupier of the main house is likely to require a vehicular access and the access would also allow delivery of materials to allow works to commence. Notwithstanding this, the potential for the access to provide this is not considered to hold significant weight as the applicant has neither proposed to undertake works nor submitted a listed building application to enable works to start. Should a more detailed access be needed in the future for occupiers of the house, a separate application would be required and an assessment of the most appropriate access lane and parking could be provided.

Concern has been raised by local residents regarding the intention of the access being to enable the future development of the land beyond the farm complex or on the site itself. This too was raised by the Planning Inspector on the previous application as being ambiguous. Within the submission, reference by the applicant's highways engineer does make reference to the development providing access for 2-3 houses.

The application does not apply for this type of application and no plans show the location of any houses. The Local Planning Authority can only assess the current access and whether it is appropriate for the agricultural use. However, to avoid confusion, the area of land to the north of the site is outside of the settlement boundary and recent analysis of land available for development has discounted this area for housing owing to the landscape impact. Therefore support for housing in this field would not be forthcoming as it would be contrary to the local plan should the applicant seek consent.

Should the applicant choose to subsequently apply for a development of houses, the impact of subsequently upgrading this access to a road capable of serving a development would be assessed. Within this assessment, officers would consider the impact upon the setting of the listed building of a substantial, engineered road in close proximity to the house

Highways Impact:

Following a site meeting with the highways team Officers looked at whether the access was over-engineered and whether any potential alterations could be made. The Highways officer considers that the revised access would be appropriate for the description on the application form of 'New agricultural access to Church Farm'. As outlined above there are some indications of more than an agricultural access but this has not been applied for. Any further use or development would require separate planning consent and as such has been discounted in the assessment. The advice for the access relates to the development as applied for and not for any intensification.

In dismissing the appeal following refusal of application 13/01857/FUL the Inspector noted the Council's suggestions that to facilitate the repair of the listed building the access:

- o need be no wider than 4.5 metres;
- o would not require separate pedestrian facilities;
- o need not be designed with full kerb radii and a 'give way' junction;
- o a simple dropped kerb would suffice and promote pedestrian priority;
- o would need appropriate levels of pedestrian/vehicle inter-visibility; and
- o on-site turning should be provided.

The design shown on the revised drawing is consider to address all of these requirements to the satisfaction of highways officers. Initial recommendations were to reduce the width to 4.5m; however, the applicant has demonstrated that the 5.5 metre entrance is necessary to ensure that agricultural vehicles can enter and leave the site without crossing the centreline of High Street. It has also been demonstrated that on site turning can be achieved for light vehicles and tractors without trailers or towed implements in the fields beyond. Lorries used in the delivery of good and materials to the site, or being used in the renovation of the property, will inevitably need to reverse to or from the highway. However, as highlighted above, no consent is sought for the development of the site and further assessment would need to be made of the impact of an intensified use. The Highways Engineer has concluded that subject to a condition there is no highways objection. The separate pavement into the site has been removed from the scheme.

As part of the facilitation of the access, the current bus stop would need to be moved. A legal agreement would be required to ensure this was undertaken. This would require signing prior to issuing a planning decision. The application was previously recommended for approval subject to the completion of the legal agreement. Following the previous Committee's decision on 10th February 2016 the applicant has not completed the required legal process following requests to do so. As such the application cannot secure a safe access without the alteration to the bus stop and therefore the application cannot be supported.

Amenity:

The access is not considered to affect the amenity of the adjacent dwellings to the north east of the site. The vehicles will need to pass adjacent to the school, however, owing to the boundary between the two sites, this impact is not considered significant. There are no further properties affected by the development.

Other Matters:

The Ecologist is happy that the proposed works would not affect protected species subject to ensuring clearance works take place outside of the nesting season. The arboriculturalist and drainage engineers also have no objections to the proposals.

A representation received has requested that the access be granted subject to an agreement that works to repair the house commence. It is not possible or reasonable to restrict the implementation of the access in this way. However, enforcement action can be taken if the property is considered at risk and suffering neglect.

Balance:

The current agricultural land to the north west of the site has no vehicular access and as such the fields are unable to be used for farming. There are no other locations for an access owing to the land being surrounded by fields outside of the ownership of the applicant. The altered access from the previous application, downgrading the access to an agricultural size with no pavement is considered to cause a less than substantial impact upon the farmhouse. The NPPF advises that where the harm is less than substantial, the harm should be weighed against the public benefits of the proposal, including securing its optimal viable use. The harm of inserting an agricultural access upon the setting of the listed building must also be weighed against the need for access to the site. Allowing farmland to be used for the farming practices is considered to be a benefit to the area and would allow future management of the land. The new access, without an engineered hard surface extending significantly into the site and with a pavement is considered a significant improvement to the previous application and the previous objections are considered to have been overcome. On balance, the harm is considered to be outweighed by the benefits of access which will allow access to the building and allow future maintenance.

The indications that this access is intended for housing cannot be considered as this has not been sought for by the applicants. The highways safety concerns are considered to have been overcome following the alterations to the scheme from that previously refused.

Whilst the proposal in this case was considered acceptable, without the securing of a S106 agreement, the proposal would not allow for the safe use of the access itself or the bus stop and therefore the application cannot be supported. The application is therefore recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

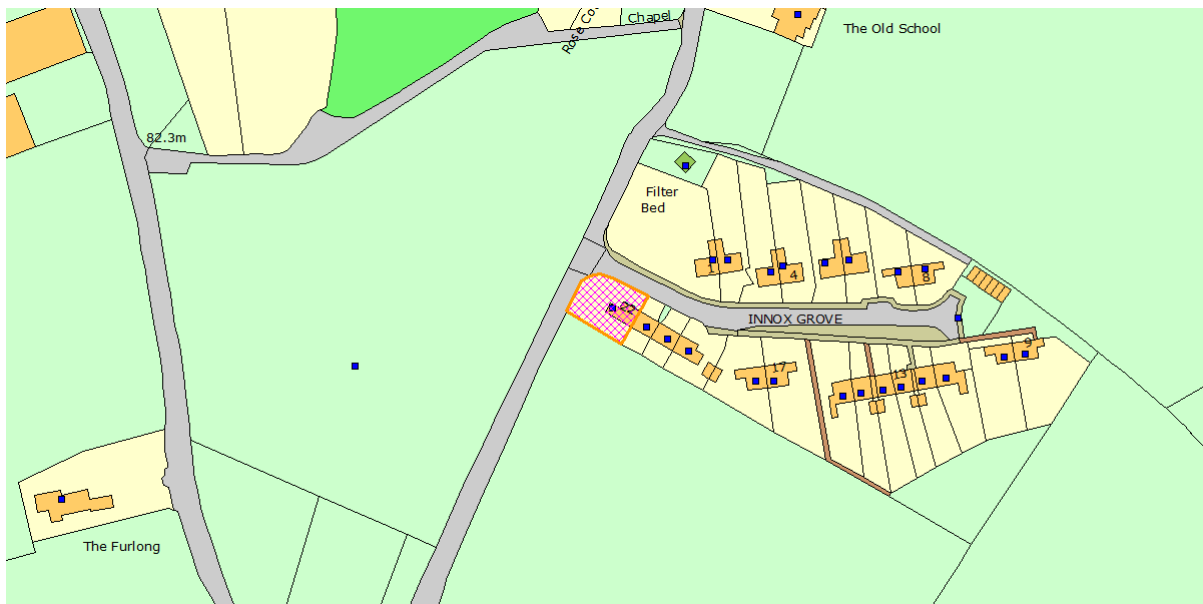
1 In the absence of a Section 106 agreement to relocate the existing bus stop the proposed access would be prejudicial to highway safety and as such the proposal is considered contrary to saved policy ST.7 of the Bath and North East Somerset Placemaking Plan.

PLANS LIST:

This decision relates to revised block plan received on 3rd December 2015, site location plan and proposed wall elevations only received on 21st April 2015.

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 the initial recommendation for approval, the applicant chose not to enter into a legal agreement as required to achieve the access. The submitted application was unacceptable for the stated reasons and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.

Item No: 04
Application No: 18/00413/FUL
Site Location: 22 Innox Grove Englishcombe Bath Bath And North East Somerset BA2 9DX



Ward: Bathavon West **Parish:** Englishcombe **LB Grade:** N/A
Ward Members: Councillor David Veale
Application Type: Full Application
Proposal: Erection of two-storey side extension following demolition of existing conservatory.
Constraints: Agric Land Class 1,2,3a, Policy B4 WHS - Indicative Extent, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Housing Development Boundary, MOD Safeguarded Areas, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,
Applicant: Miss S A Halladey
Expiry Date: 26th March 2018
Case Officer: Rae Mepham
 To view the case click on the link [here](#).

REPORT

Reason application being referred to committee

Support from Englishcombe Parish Council contrary to officer recommendation.

Details of location and proposal

22 Innox Grove is a two storey end terrace property located in Englishcombe, and sited within the Bristol/Bath Green Belt. The proposal is for the erection of a two storey side extension following the demolition of an existing conservatory.

Relevant history

None.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation responses

Englishcombe Parish Council - At its meeting on 26 February 2018 Englishcombe Parish Council voted to support this application as it complies with policies D2, D5, D10, GB3, GB1 and CP8 of the adopted core strategy and placemaking plan and P&D3 of the Englishcombe N Plan.

By way of its design and materials the proposed development respects the local character of Innox Grove and thereby complies with policy D2. The proposed extension also by way of its design and materials complements the host building and therefore conforms to policy D5.

Similarly by way of its design and materials it enhances the public realm and so complies with policy D10.

With reference to the Green Belt the proposed extension does not represent a disproportionate addition over and above the size of the original building and is therefore consistent with policy GB3. By way of its design and materials it does not prejudice the visual amenity of the Green Belt and is therefore compliant with GB1. Therefore the proposed extension is appropriate development in the Green Belt and meets policy CP8.

This proposed extension does not adversely impact on the Green Belt and is therefore compliant with policy P&D3 of the Englishcombe Neighbourhood Plan.

Third party representations

None received.

POLICIES/LEGISLATION

On 13th July the Council adopted the B&NES Placemaking Plan. It now becomes part of the statutory Development Plan for the district, against which planning applications are determined. The statutory Development Plan for B&NES now comprises:

- Core Strategy (July 2014)
- Placemaking Plan (July 2017)
- B&NES Local Plan (2007) - only saved Policy GDS.1 relating to 4 part implemented sites
- Joint Waste Core Strategy

- Made Neighbourhood Plans

The following Core Strategy policies are applicable:

CP8 - Green Belt

DW1 - District Wide Spatial Strategy

The following B&NES Placemaking Plan policies have been considered:

D2 - Local character and distinctiveness

D3 - Urban fabric

D5 - Building design

D6 - Amenity

GB1 - Visual amenities of the Green Belt

GB3 - Extensions and alterations buildings in the Green Belt

Englishcombe Neighbourhood Plan:

P&D3 - The Neighbourhood Plan will support buildings, conversions and additions of a size, design and height which does not have an adverse impact on the Green Belt, Cotswold Area of Outstanding Natural Beauty or the historical assets of the Parish.

VE1 - Any development should be within the defined Housing Development Boundary as shown on the map below and at Appendix 14.

CC1 - Recycled materials. The Neighbourhood Plan will support development that seeks to incorporate sustainable and natural building materials.

T&M1 - The Neighbourhood Plan will support development if adequate off road parking is included within the area of the development, and is in accordance with other policies in this plan.

Consideration has been given to the National Planning Policy Framework and the National Planning Practice Guidance.

OFFICER ASSESSMENT

Principle of development

The property is sited within the Green Belt and as such Section 9 of the NPPF applies. Para 89 allows for the extension of a building within the Green Belt, providing it does not result in disproportionate additions over and above the size of the original building.

The Council has produced the "Existing Dwellings in the Green Belt" SPD, which clarifies a proportionate extension at being a volumetric increase of around a third, or 33%.

The proposal would result in an increase of around 63% of the volume of the original building, which is considered to be a disproportionate increase. The proposal is two storey, and constructed at the same ridge and eaves level of the original dwelling. The proposal replaces an existing single storey conservatory, however is significantly larger than the existing structure. The proposal is located on an end terrace and would be visible from open countryside. The combination of the increase in volume, large two storey structure and visibility from outside the site all contribute to the fact the proposal is a disproportionate addition to the existing dwellinghouse.

The application is therefore considered to be inappropriate development within the Green Belt, and harmful by definition. No very special circumstances have been submitted.

Character and appearance

The proposal is not considered to constitute overdevelopment of the site. The proposal will use matching materials to the existing dwelling, which is considered appropriate in this instance.

Residential amenity

The proposal is not located adjacent to neighbouring properties, and will therefore not cause harm to residential amenity.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed development, due to the size, scale and siting of the extension would result in a disproportionate addition over and above the size of the original dwelling which would be harmful to openness and would be harmful to the rural character of the area. The proposal represents inappropriate development within the Green Belt, which is, by definition, harmful. No very special circumstances have been submitted which would be sufficient to outweigh the presumption against inappropriate development in the Green Belt. The proposal is contrary to policy CP8 of the Bath and North East Somerset Core Strategy, policies GB1 and GB3 of the Placemaking Plan and policy P&D3 of the Englishcombe Neighbourhood Plan.

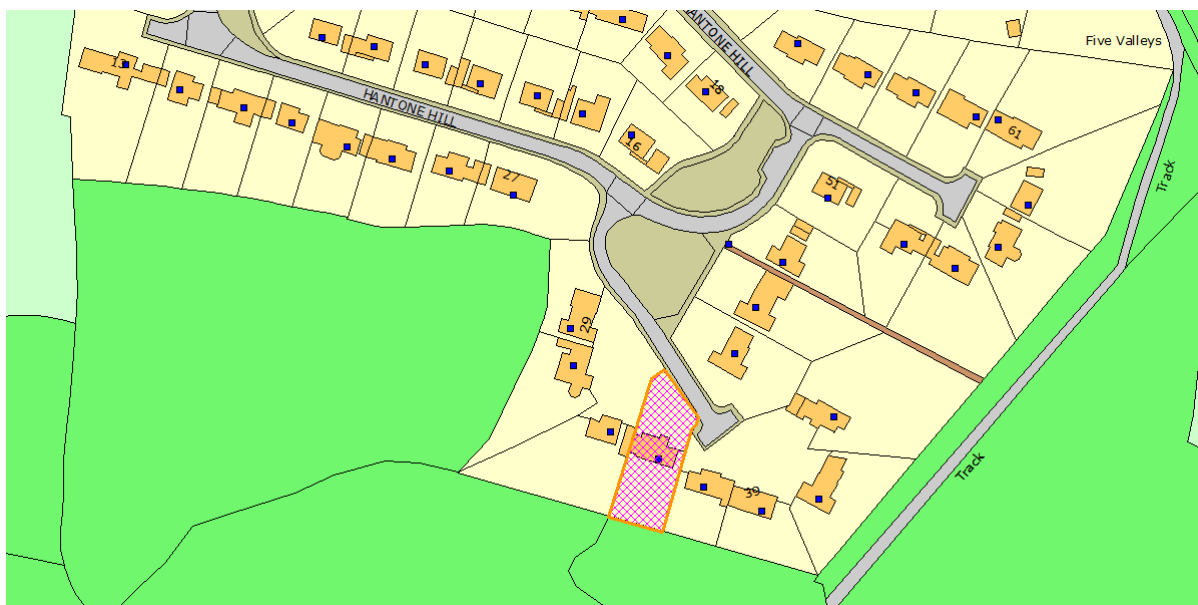
PLANS LIST:

This decision relates to:

Proposed elevations and layouts (1)
Site location and block plan (3)

both received 29th Jan 2018

Item No: 05
Application No: 18/00460/FUL
Site Location: 35 Hantone Hill Bathampton Bath And North East Somerset BA2 6XD



Ward: Bathavon North **Parish:** Bathampton **LB Grade:** N/A
Ward Members: Councillor M Veal Councillor Alison Millar Councillor Geoff Ward

Application Type: Full Application

Proposal: Erection of two storey side and single storey rear extension, and external alterations.

Constraints: Agric Land Class 1,2,3a, Policy B4 WHS - Indicative Extent, Policy CP9 Affordable Housing Zones, Housing Development Boundary, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2A Landscapes and the green set, Policy NE3 SNCI, Policy NE5 Ecological Networks, Policy NE5 Strategic Nature Areas, Neighbourhood Plan, SSSI - Impact Risk Zones,

Applicant: Mr & Mrs Blackburn

Expiry Date: 29th March 2018

Case Officer: Alice Barnes

To view the case click on the link [here](#).

REPORT

Reason for reporting application to committee

The application has been submitted by Councillor Colin Blackburn

Description of site and application

Hantone Hill is located on the southern slopes of Bathampton village. Number 35 is a detached two storey property located outside of the Conservation Area, Area of

Outstanding Natural Beauty and Green Belt. The site is located to the south of the A36 and forms part of an existing cul-de-sac. The street is characterised by two storey detached properties. The land slopes upwards behind the existing dwelling.

This is an application for the erection of two storey side extension on the west elevation. A front gable extension and single storey rear extension. The proposed extensions will be constructed using tiles to match the existing building and the proposed development will be clad in render.

Relevant History

DC - 99/02178/FUL - PER - 15 April 1999 - Single storey front porch.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Bathampton Parish Council: Bathampton Parish Council considers that the proposed works will result in a house which is far too large and not in keeping with the neighbourhood.

There are also concerns about the proximity to No 33 and potential for overlooking it.

Representations: One representation has been received objecting to the application for the following reasons:

The proposed works will be close to the neighbouring property of number 33.

Builders would need to access land at number 33 to construct the extension

Number 35 has already been extended

There is potential for overshadowing of neighbouring properties

The development will breach the rules set out on the councils website.

There is a hedge on the boundary between numbers 33 and 35.

POLICIES/LEGISLATION

On 13th July the Council adopted the B&NES Placemaking Plan. It now becomes part of the statutory Development Plan for the district, against which planning applications are determined. The statutory Development Plan for B&NES now comprises:

- o Core Strategy (July 2014)
- o Placemaking Plan (July 2017)
- o B&NES Local Plan (2007) - only saved Policy GDS.1 relating to 4 part implemented sites
- o Joint Waste Core Strategy
- o Made Neighbourhood Plans

Core Strategy:

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The following policies of the Core Strategy are relevant to the determination of this application:

CP6 - Environmental Quality

Placemaking Plan:

The Placemaking Plan for Bath and North East Somerset was formally adopted by the Council on 13th July 2017. The following policies of the Placemaking Plan are relevant to the determination of this application:

D.2 - Local character and distinctiveness

D.3 - Urban Fabric

D.5 - Building design

D.6 - Amenity

ST.7 - Transport requirements for managing development

HE.1 - Historic Environment

There is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding Conservation Area.

OFFICER ASSESSMENT

This is an application for the erection of two storey side extension on the west elevation. A front gable extension and single storey rear extension.

The main issues to be considered here are:

Design

Amenity

Design

The existing streetscene is characterised by two storey detached properties. It is noted that some properties within the cul-de-sac have been previously extended. This includes the provision of a two storey front extension at nearby number 31.

The proposed side extension will extend the existing ridgeline of the property on the western elevation. The provision of the side extension will retain the built form of the existing building and will complement the appearance of the host building.

The proposed two storey front extension will take the form of the two storey gable fronted extension. As stated above there is an extension with a similar built form at number 31 and therefore the proposed front extension is not considered to appear as an incongruous addition to the existing streetscene. The proposed extension will include the provision of a small section of timber cladding on the front elevation. The proposed material will cover a small section of the front elevation and is considered to be acceptable in this instance.

The proposed rear extension is a single storey extension with a mono pitched roof. Due to the topography of the land which slopes upwards to the rear of the dwelling the proposed single storey extension will be set slightly above ground floor level. Given this this is a small addition to the exiting property the proposed single storey rear extension is considered to be appropriate to the host dwelling.

The applicant is proposing to construct the extensions using tiles to match the existing building. It is also proposed to render the exterior of the property. The provision of render would likely be acceptable provided that the proposed render colour complements the appearance of the surrounding buildings. This can be required by condition.

Amenity

The proposed side extension will face the side elevation of number 33. As the proposed extension will face an existing blank side elevation it is not considered to result in overshadowing or overlooking of number 33.

The proposed single storey extension will be set close to the boundary with number 33. Being a single storey it is not considered to be overbearing to the occupants of number 33. No glazing is proposed on the west side elevation and the proposed extension will not result in increased overlooking of number 33.

Other matters

The submitted objection has raised concern that the development will breach planning rules and has listed a number of parameters which the proposed extension exceeds. The parameters listed are for permitted development set out in the General Permitted Development Order 2015 and do not form part of the planning policy which the proposed extension has been assessed against. The proposed development is considered to be compliant with policies adopted in the Placemaking Plan.

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

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

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

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

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

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies D1, D2, D3 and D5 of the Bath and North East Somerset Placemaking Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

3 Plans List (Compliance)

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

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

PLANS LIST:

Existing plans, section and elevations including block and location plans EX01

Proposed plans, section and elevations P01

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 or send it direct to 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.

Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council before development commences, failure to comply with the regulations can result in surcharges and additional payments. 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

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.

This application seeks retrospective planning approval for a variation to the approved landscape plan for the site. Permission for the erection of a detached property on this site was permitted under application 13/05112/FUL and subsequently various amendments to the proposal have been approved. The current approved landscape plan application 15/01408/VAR showed a 'low level rubble stone wall' to the rear of the site perpendicular to the road.

During the construction of the dwelling and associated landscaping the Council were informed that the wall in question had been finished in cream render rather than the rubble stone as annotated on the approved drawing. This application seeks to regularise this breach in planning control.

During the course of the application 3 different proposals had been put forward; the initial submission was to retain the cream rendered wall and use planting to partially obscure it, this was considered unacceptable in principle. The second proposal was to clad the wall in natural timber however this was also deemed unacceptable in the landscape context. The third proposal, and the one to be considered by this application is to clad the wall in a natural stone tile replicating the arrangement of a rubble stone wall. The proposal will result in an external finished appearance consistent with the approved scheme. It is debatable therefore whether this still represents a variation to the approved plans and officers are of the view that the amendment now proposed could be considered "non-material".

This recommendation is based on the third and final proposal that has been submitted.

Relevant Planning History:

AP - 03/00032/RF - ALLOW - 29 May 2003 - Detached dwelling as amplified by report received 10.12.2002

DC - 02/01378/OUT - RF - 27 December 2002 - Detached dwelling as amplified by report received 10.12.2002 (land adjacent to Hill Farmhouse)

DC - 06/01116/VAR - PERMIT - 28 April 2006 - Variation of condition 2 of planning permission 02/01378/OUT to extend period within which reserved matters must be submitted

DC - 06/01378/RES - WD - 12 October 2006 - Reserved matters application for a single dwelling in pursuance of condition 2 planning permission 02/01378/OUT

DC - 06/04205/RES - RF - 13 April 2007 - Reserved matters for a single dwelling in pursuance of condition 2 of planning permission 02/01378/OUT dated 11.12.2006 (Resubmission)

DC - 07/01629/RES - PERMIT - 21 September 2007 - Reserved matters for a single dwelling in pursuance of condition 2 of planning permission 02/01378/OUT (land adjacent to Hill Farmhouse)

DC - 09/01977/FUL - PERMIT - 7 August 2009 - Erection of dwelling with garage

DC - 09/02455/FUL - WD - 2 September 2009 - Erection of a new dwelling with parking

DC - 11/02661/FUL - PERMIT - 31 October 2011 - Erection of a dwelling with garage, drive and landscaping.

DC - 13/05112/FUL - PERMIT - 1 April 2014 - Erection of a dwelling with garage, drive and landscaping. (Revised proposal)

DC - 15/01140/NMA - APP - 22 April 2015 - Non-material amendment to application 13/05112/FUL (Erection of a dwelling with garage, drive and landscaping. (Revised proposal)).

DC - 15/01407/COND - DISCHG - 15 July 2015 - Discharge of condition 2, 3 and 9 of application 13/05112/FUL. (Erection of a dwelling with garage, drive and landscaping. (Revised proposal))

DC - 15/01408/VAR - PERMIT - 20 July 2015 - Variation of condition 8 (landscaping) attached to planning permission 13/05112/FUL (Erection of a dwelling with garage, drive and landscaping. (Revised proposal))

DC - 15/02851/COND - DISCHG - 24 July 2015 - Discharge of conditions 6 and 13 of application 13/05112/FUL (Erection of a dwelling with garage, drive and landscaping. (Revised proposal))

DC - 16/00005/NMA - APP - 1 February 2016 - Non material amendment to application 13/05112/FUL (Erection of a dwelling with garage, drive and landscaping.)

DC - 17/04225/COND - DISCHG - 9 November 2017 - Discharge of condition 2 of application 15/01408/VAR (Variation of condition 8 (landscaping) attached to planning permission 13/05112/FUL (Erection of a dwelling with garage, drive and landscaping. (Revised proposal)))

DC - 17/04811/COND - DISCHG - 21 February 2018 - Discharge of condition 13 of planning application 15/01408/VAR (Variation of condition 8 (landscaping) attached to planning permission 13/05112/FUL (Erection of a dwelling with garage, drive and landscaping. (Revised proposal))

DC - 17/05695/FUL - PERMIT - 19 March 2018 - Erection of rear outbuilding and associated works (Retrospective).

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Priston Parish Council.

Priston Parish Council have been consulted on all three proposals that have been put forward for the site. Objections were raised to the initial proposal to retain the rendered wall and for the second proposal to clad the wall in timber on the grounds that neither proposal preserved the local character and distinctiveness of the area nor conserved or enhanced the landscape and landscape character of the area.

A final revised plan was put forward on the 26th February 2018 this proposed that the wall be clad with a natural stone rubble effect tile. The Parish were again consulted but were advised that due to a specific tile not being chosen any approval would be conditioned for a sample to be agreed on site.

The Parish's response has been that the information supplied about the stone cladding is still vague and that they would not be willing to remove their objection until they had seen samples on site that they were satisfied with and understood how the tiles would be laid against the wall.

Landscape

Landscape were consulted on the initial proposal for render and the second proposal for timber cladding on the grounds that:

The render or the timber would not conserve or enhance local landscape character, landscape features, local distinctiveness or views, would prejudice the visual amenities of the Green Belt by reason of its siting, design and the materials and would be vulnerable to removal or changes to ownership/maintenance regime

Given the similarity between the previous landscape plan and the final proposal landscape were not re-consulted.

Drainage and Flooding

No objection. This proposal does not affect drainage or flood risk.

Highways

Highways DC have no objection to the proposed variation as it will not have an impact on the safety and operation of the public highway relative to that previously approved.

There have been 59 third party objections summarised below:

The rendered or timber cladding to the wall are out of character with the village and surrounding area and are particularly visible from approaches to the village from the east.

The wall is not low level as indicated by the initial drawings and is significantly higher than approved. It is not only the material finish which has detrimental effect on the landscape setting but also the scale and massing of the wall.

Any planting to disguise the wall is not a suitable solution as it cannot be guarantee that it will be retained or maintained in the long run.

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

- o Bath & North East Somerset Core Strategy (July 2014)
- o Bath & North East Somerset Placemaking Plan (July 2017)
- o West of England Joint Waste Core Strategy (2011)

Core Strategy:

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The following policies of the Core Strategy are relevant to the determination of this application:

CP6 - Environmental Quality
CP8 - Green Belt

Placemaking Plan:

The Placemaking Plan for Bath and North East Somerset was formally adopted by the Council on 13th July 2017. The following policies of the Placemaking Plan are relevant to the determination of this application:

Policy D1 General Urban Design Principles
Policy D2 Local Character & Distinctiveness
Policy D5 Building Design
Policy D6 Amenity
Policy NE2 Conserving and enhancing the landscape and landscape character.
Policy NE2A Landscape setting of settlements
Policy GB1 Visual amenities of the Green Belt

LEGAL FRAMEWORK

Town and Country Planning Act, 1990

NATIONAL PLANNING POLICY FRAMEWORK

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

NATIONAL PLANNING PRACTICE GUIDANCE, 2014

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

OFFICER ASSESSMENT

This proposal seeks a variation of condition 6 (landscaping) of application 15/01408/VAR which reads as follows:

All hard and/or soft landscape works shall be carried out in accordance with revised Drawing No's SK250, SK251 and SK252 received on the 29th June 2015. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason: To ensure that the landscape scheme is implemented and maintained.

This variation relates specifically to a wall to the north of the upper lawn. The wall runs parallel to the road to the south and encompasses a curved seating area to the west. In

Drawing SK250 the wall is annotated as 'Low level rubble stone wall'. The variation seeks to alter the finish of the wall, a new landscape plan has been submitted, drawing SK255 A and the wall is now proposed to be clad with a natural stone (rubble effect) slips/tile with a low level planter in front.

It is noted that two other proposals were initially put forward one to retain the render that is currently in place and the other to clad the wall in timber. The applicant was advised that both of these proposals were considered to be out of keeping with the character and appearance of the area and unlikely to receive officer support this proposal.

The recommendation in this report is based on the proposal for rubble stone slips/tiles which is the outcome of negotiations between the applicant and the case officer. For clarification the previous proposals to retain the render or alternatively use timber cladding are no longer under consideration and do not form part of the application.

The natural stone tiles are thin slices of natural stone that are attached directly to the wall. Whilst the method of construction is different to that of a traditional rubble stone wall and the thickness of the stones is much less, the finished external appearance would be almost identical. The previous landscape plan did not specify the type of rubble stone to be used however it is envisaged that a stone that matches the coursed rubble stone wall of the main dwelling would be most appropriate. The applicant has not proposed a specific product however several suppliers and styles of tile have been proposed. For this reason a condition is recommended requiring that within 1 month of the decision a sample of the proposed material shall be made available on site for inspection to be agreed in writing with the local planning authority.

The original plan stated 'low level rubble stone wall'. There have been complaints that the wall that has been constructed is not "low level". Whilst no specific measurements were given on the approved plan or the plan submitted with this application, following an officer site visit it is accepted that the wall that has been constructed on site could not be described as "low level". This application is however a variation to the original landscape plan and reference to the wall being low level has been removed; the wall that has been constructed and viewed on site is the wall under consideration. The positioning of the wall which is set back into the site means only the very top is visible from public views within the village. It should be noted that the current finish to the wall (in render) exacerbates the appearance in the landscape and makes the wall appear prominent from the elevated approach to the east of the village. The variation in colour and texture of the natural stone slips will help to break up the appearance and prominence of the wall and lessen the overall impact. This will be further aided by the low level planter which gives the opportunity for planting to further soften the wall.

The previous application was approved on the basis that the wall would be rubble stone, the proposal under consideration, whilst not a "solid" rubble stone wall would effectively have a very similar appearance and therefore whilst the method of construction is different the material appearance (subject to condition) would be the same as the approved scheme.

Whilst the original application (for retention of the render) was considered significant, the revised proposal could be considered "non-material" and had that been proposed in the

first instance could have been dealt with as a non-material amendment to the original scheme under Section 96A of the Town and Country Planning Act 1990.

Other matters:

The Parish Council have raised the issue that all the rendered wall surfaces should be covered with this stone. There is no reference on the original approved plans to any other walls being rubble stone nor are there any conditions requiring materials for any landscaping features to be agreed. Therefore it would be unreasonable and unenforceable to require any other wall aside from that that is specifically referenced to be clad in rubble or rubble stone tiles.

Conclusion

For the reasons stated, it is considered that the proposed use of natural stone slips (subject to a condition requiring the submission of a sample of the material) is acceptable and will result in an external finished appearance consistent with the original approved scheme for the site. It is accepted that this application has received a substantial amount of objection however these stems largely from the current rendered finish to the wall. As the applicant has agreed not to pursue retention of the render it is the opinion of officers that a refusal of the current proposal could not be substantiated. It is recommended therefore that planning permission is granted for this amendment subject to conditions. As this is a variation application, all other conditions that have not already been addressed shall be carried over.

Scheme of delegation

The Council's scheme of delegation in regard to planning applications states that "an application has been subject of a letter of objection, comment or support from the Ward Councillor or Parish Council for the area including the application site (or for an adjoining area) which is contrary to officer recommendation, when there shall be prior consultation with the Chair of the Development Control Committee before a decision is made whether or not to refer the application to committee. For the purpose of this section, letters of objection or support that do not give Planning Policy based reasons will be disregarded, although all representations will be taken into account in determining the application".

Priston Parish Council have raised objections so the application was duly referred to the Chairman of the Development Management Committee who considered the application and stated " I have looked at the application, I am aware of PC comments & third party objections. I know a condition can be part of the approval but as this wall is controversial due to its visual prominence I understand the PC request linked to the sample the developer could provide & therefore I recommend the application be determined by the DMC so all concerns can be debated fully."

RECOMMENDATION

PERMIT

CONDITIONS

1 Wall Materials (Bespoke Trigger)

Within 1 month of the date of this permission a sample of the cladding for the retaining wall at the rear of the site shall be made available for inspection on site and approved in writing by the Local Planning Authority. Upon approval of the cladding the wall shall clad in the approved material with 6 months.

Reason: In the interests of the appearance of the development and the appearance of the landscape and surrounding area in accordance with Policies D1, D2, D3 and D5 of the Bath and North East Somerset Placemaking Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

2 Garages (Compliance)

The garage(s) hereby approved shall be retained for the purpose of parking a motor vehicle(s) associated with the dwelling.

Reason: To retain adequate off-street parking provision.

3 Drainage (Bespoke Trigger)

Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety

4 Garages (Compliance)

The area between the nearside carriageway edge and a line drawn 2.0m parallel thereto over the entire frontage shall be cleared of any obstruction (including removal of part of the post and rail fence) to visibility at and above a height of 600mm above the nearside carriageway level.

Reason: In the interests of highway safety.

5 Landscape (Compliance)

All hard and/or soft landscape works shall be carried out in accordance with revised Drawing No SK255 A received on the 26th February 2018. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason: To ensure that the landscape scheme is implemented and maintained.

6 Removal of Permitted Development Rights - No Windows (Compliance)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no windows, roof lights or openings, other than those shown on the plans hereby approved, shall be formed in the at any time unless a further planning permission has been granted.

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

7 Removal of Permitted Development Rights - No extensions or alterations (Compliance)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no extension, external alteration or enlargement of the dwelling(s) or other buildings hereby approved shall be carried out unless a further planning permission has been granted by the Local Planning Authority.

Reason: Any further extensions require detailed consideration by the Local Planning Authority to safeguard the amenities of the surrounding area.

8 Removal of Permitted Development Rights - No outbuildings (Compliance)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no garages or other free standing buildings shall be erected within the curtilage of the dwelling(s) hereby approved, other than those expressly authorised by this permission, unless a further planning permission has been granted by the Local Planning Authority.

Reason: The introduction of further curtilage buildings requires detailed consideration by the Local Planning Authority to safeguard the appearance of the development and the openness of the Green Belt, the amenities of the surrounding area and to safeguard the approved landscape scheme.

9 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:

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.

This decision relates to the following drawings submitted for application 13/05112/FUL - 13135(L)001 Rev B, 13135(L)003 Rev A, 13135(L)004 Rev B, 13135(L)005 Rev A,

13135(L)006 Rev A, 13135(L)007 Rev B, 13135(L)008 Rev A, 13135(L)009 Rev A date stamped 22nd November 2013 and the Engineering Site Investigation and Engineering specifications date stamped 7th January 2014. And drawing No SK255 A received on the 26th February 2018 with this application.

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 or send it direct to 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.