

Bath & North East Somerset Council	
MEETING:	Development Control Committee
MEETING DATE:	14th December 2011
RESPONSIBLE OFFICER:	Lisa Bartlett, Development Manager, Planning & Transport Development (Telephone: 01225 477281)
TITLE:	SITE INSPECTION APPLICATIONS
WARDS:	ALL
BACKGROUND PAPERS:	
AN OPEN PUBLIC ITEM	

BACKGROUND PAPERS

List of background papers relating to this report of the Development Manager, Planning and Transport Development 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

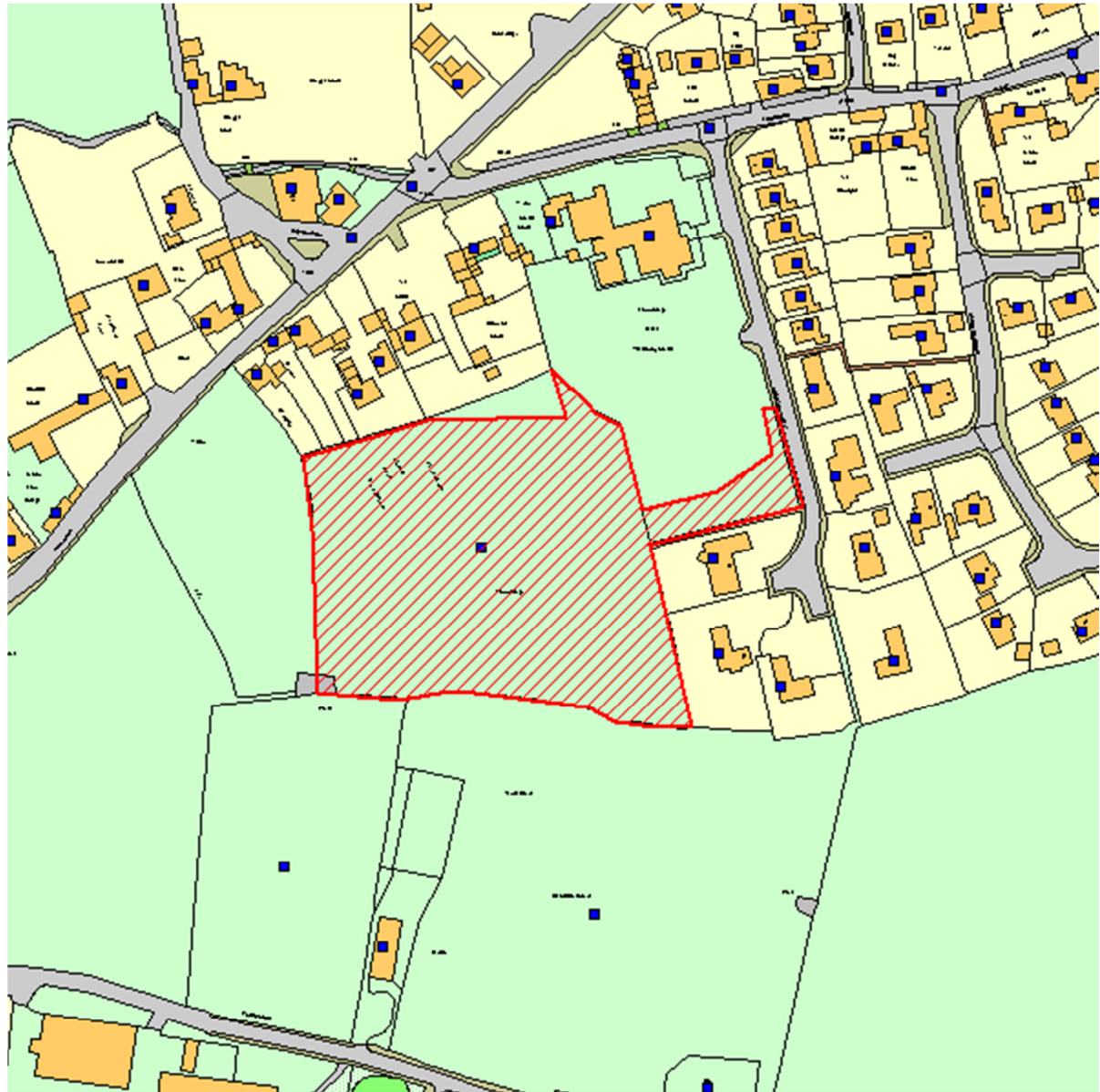
relevant to an application which will be relied on in preparing the report to the Committee or a related report, but which legally are not required to be open to public inspection.

- [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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ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	11/02432/OUT 14 September 2011	Blue Cedar Homes Land Rear Of Holly Farm, Brookside Drive, Farmborough, Bath, BA2 0AY Residential development comprising 38 dwellings with associated access, car parking and landscaping	Farmborough	Tessa Hampden	Delegate to PERMIT

Item No: 01
Application No: 11/02432/OUT
Site Location: Land Rear Of Holly Farm, Brookside Drive, Farmborough, Bath



Ward: Farmborough	Parish: Farmborough	LB Grade: N/A
Ward Members:	Councillor S Davis	
Application Type:	Outline Application	
Proposal:	Residential development comprising 38 dwellings with associated access, car parking and landscaping	
Constraints:	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary, Public Right of Way,	
Applicant:	Blue Cedar Homes	
Expiry Date:	14th September 2011	
Case Officer:	Tessa Hampden	

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE

This application was deferred from Development Control Committee 23 November 2011 to allow Members to visit the site, to assess the development within the context of its surroundings.

Cllr Sally Davies requested that this application comes before Committee as it represents an increase of 8% in the housing stock of the village and is controversial. Access issues are causing much comment, the likelihood of a Section 106 and what it might give the village may be seen by some as influencing comments and the total number of houses in this application has caused comment of overdevelopment of the site.

DESCRIPTION OF SITE AND APPLICATION

The application site relates to a parcel of land of approximately 1.3 hectares in size, located to the south west of Farmborough. The land has previously been used for agricultural purposes. The site is bound by residential development to the north and the south east, by Farmborough Primary School and the associated playing field to the north east, open fields to the west and a recreation ground to the south. The buildings to the north include listed buildings including the properties, the Hollies and Richmond House.

The site is relatively level and set within well-defined boundaries comprising hedgerows, trees and fencing. The strip of land which will form the access to the site contains a number of trees. Two public right of ways run through the site, the first runs from Brookside Drive between no. 14 and the school playing fields and crosses the site to the north west corner. It is at this point that it meets the second right of way, this crosses the site to the south, leading to the recreation ground.

The application site is located outside of the Housing Development Boundary of Farmborough but the land is however identified in Local Plan Policy GB.4 as safeguarded land in the context of Planning Policy Guidance 2 - Green Belts. The site is set adjacent to the designated Bristol/Bath Green Belt.

The application seeks outline planning consent for residential development comprising 38 dwellings. The application has been submitted for outline consent, with detailed approval being sought at this stage for the means of access. The proposed access to the site is from Brookside Drive and a land exchange has been agreed with the school to allow for this.

The application illustrates that the dwellings would be a mix of fourteen 2-bed retirement cottages, eleven private dwellings (comprising two 3-bed houses and nine 4-bed houses) and thirteen affordable homes (comprising three 1-bed flats, eight 2-bed houses and two 3-bed houses). The Transport Statement indicates that the layout would incorporate 74 parking spaces, which include 31 garages. The allocation of parking would appear to be generally a minimum of 2 spaces per dwelling, with the exception of the affordable housing units. Indicative plans have been included within the application, including an indicative layout and elevations.

RELEVANT PLANNING HISTORY

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

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

HIGHWAY DEVELOPMENT - Additional information has been submitted in response to the initial concerns raised by the Highway Development Officer. Whilst they object to the scheme as the development is outside of the Housing Development Boundary, they accept that this is a safeguarded site. There is no objection to the proposed access to the site, and given this is an outline application, the details of the internal road layout and parking can be determined at reserved matters stage. Following discussions with the agents, revised contributions have been agreed.

ARCHAEOLOGY - Following the submission of the additional information, there is no objection to the scheme subject to a condition relating to a watching brief.

URBAN DESIGN - Object to the development in its current form. The proposal requires further concept development in order to ensure that the development integrates successfully with the existing development and the rural character of the area.

PLANNING POLICY - Whilst development at this site is contrary to saved Local Plan policy GB.4 and government policy as set out in PPG2 on safeguarded land, the position of PPS3 on prematurity is noted which states that applications should not be refused solely on the grounds of prematurity. Planning policy therefore has no objection to the proposal if prematurity is to be the sole reason for refusal.

The housing land supply calculation provided by the applicant needs to be updated. In the lead up to the Examination of the Core Strategy the Council considers its 5 year land supply requirement to be 3,011 and identifies 3,346 units to deliver this requirement. The Strategic Housing Land Availability Assessment identifies this site as having the potential for 35 houses.

ARBORICULTURAL OFFICER - No objection subject to the inclusion at full planning stage, of a detailed Tree Protection Plan and Arboricultural Method Statement in accordance with BS5837:2005 'Trees in Relation to Construction'.

ECOLOGY - Following revised information no objection subject to a number of conditions

ENVIRONMENTAL HEALTH - No objection subject to the inclusion of informative/conditions on any permission

ENVIRONMENT AGENCY - No objection subject to the inclusion of a condition to prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

CRIME PREVENTION OFFICER - No objection. There is insufficient detail to determine the security of individual properties but from the layout provided there is no objection on layout grounds. A detailed paragraph within the Design & Access

statement addressing security, crime and safety and the mitigation measures. This is likely to require Secured by Design certification.

WESSEX WATER - Provides comments on a number of options submitted with regards to foul drainage options, and surface water drainage option. It is suggested that the developer contacts Wessex Water in relation to these issues.

CHILDREN'S SERVICES - Total contribution of £4, 202.10 is sought for this development

PARKS AND GREEN SPACES - Total contribution of £83, 588.91 is sought for this development

HOUSING - Following additional information Strategic Housing Services maintain the affordable housing contribution is insufficiently detailed and in parts is not policy compliant, in terms of the lack of pepper potting and tenure blindness. The market housing mix needs to be justified.

FARMBOROUGH PARISH COUNCIL - Comments only: Support residential development in principle but major concerns with development as proposed, including density of development - 38 houses too many for this site. Too many of the houses are retirement homes, further clarification needed on affordable housing, highway safety issues, including issues during construction, surface water drainage, foul water drainage, sustainability. The Parish Council also highlight the wish to get involved in any S106 Agreement

CLLR SALLY DAVIS - Requested that this application comes before development control committee as it represents an increase of 8% in the housing stock of the village and is controversial. Access issues are causing much comment, the likelihood of a Section 106 and what it might give the village may be seen by some as influencing comments and the total number of houses in this application has caused comment of overdevelopment of the site.

SPORT ENGLAND - Response will be reported to Committee

THIRD PARTY REPRESENTATIONS: A representation has been submitted by Ashford Solicitors on behalf of 113 residents. A number of these residents have also submitted individual representations.

30 representations have been received objecting to the application and 2 general comments have been received

The comments can be summarised as follows:

- The development is unsustainable
- Overdevelopment of the plot including inappropriate design
- Lack of community support
- Loss of green field
- Detrimental impact upon the rural character
- Detrimental impact upon the landscape

- Limited employment opportunities in the village
- Prematurity of development the context of local and national planning policy
- Reduction in dwellings in the draft Core Strategy compared to the RSS
- Inappropriate scale
- Lack of Parish Support
- Lack of key facilities as out lined in draft policy RA1
- Reliance on public transport
- Narrowness and dangerous nature of nearby roads
- Inappropriate approach with regards to the 5 year land supply argument of the applicant
- Lack of need within the village for the affordable housing and retirement housing as proposed
- Brookside Drive and The Street are seriously substandard in their width and alignment and do not cater adequately for existing levels of traffic; even the smallest increase in traffic would exacerbate existing problems
- Impact upon Brookside Drive in terms of school traffic. Inaccurate Traffic Statement
- Substandard and dangerous junction of the Street with Bath Road
- Construction Issues
- Ecology issues, ecological value of site, including the pond and hedgerows not fully recognised
- Risk of flooding (including from Conygre Brook
- Concerns with the long term retention of hedgerows
- Loss of footpaths
- Drop in property value
- Unsuitable on sociological grounds
- Loss of sunlight and noise
- Risk to safety of school children
- Lack of village facilities, or residents to support them
- Impact upon neighbouring amenity, particularly due to proximity of proposed dwellings
- Loss of views
- Inappropriate design
- Supply of houses in nearby villages such as Paulton
- Loss of trees
- Loss of privacy
- Impact of pumping station
- Impact upon school numbers - could decrease due to problems resulting from the development
- Issues with community consultation process

2 further supporting comments have been received. The comments can be summarised as follows:

- Demand for houses in the village

POLICIES/LEGISLATION

Draft Revised Regional Spatial Strategy for the South West (incorporating the proposed changes) - July 2008

SD1 The Ecological Footprint

SD3: The Environment and Natural Resources

Development Policy C: Development at Small Towns and Villages

Development Policy E: High Quality Design

HMA1: West of England HMA

HD1: Sub-Regional Distribution of Housing 2006-2026

RTS3: Parking

H1: Housing Affordability

H2: Housing Densities

H3: Mix of Housing

ENV1: Protecting and Enhancing the Region's Natural and Historic Environment

ENV5: Historic Environment

Joint Replacement Structure Plan - adopted September 2002

Policy 1

Policy 2

Policy 4

Policy 16

Policy 17

Policy 18

Policy 19

Policy 33

Policy 35

Policy 59

Planning Policy Guidance/Statements

PPS1: Delivering Sustainable Development (2005)

PPG2: Green Belts (1995)

PPS3: Housing (2011)

PPS5: Planning for the Historic Environment (2010)

PPG13: Transport (2011)

Bath and North East Somerset Local Plan (including minerals and waste) adopted October 2007

IMP.1: Planning obligations

D.2: General design and public realm considerations

D.4: Townscape considerations

ET.7 Use of agricultural land

GB.1: Control of development in the Green Belt

GB.2: Visual amenities of the Green Belt

GB.4: Safeguarded land

CF.1: Contributions from new development to community facilities

CF.2 Provisions of new or replacement community facilities

SR.1A Protection of playing fields and recreational open space
SR.3: Provision of recreational facilities to meet the needs of new development
S9 Retention of local needs shops outside of the identified centres and development of new small scale local shops
ES14 Unstable land
HG.1: Meeting the District housing requirement
HG.7: Minimum housing density
HG.8: Affordable Housing on allocated and large windfall sites
HG.10: Housing outside settlements (agricultural and other essential dwellings)
NE.1: Landscape character
NE.4: Trees and woodland conservation
NE.10: Nationally important species and habitats
NE.11 Locally Important Species and their habitats
NE.12: Natural features: retention, new provision and management
BH12 Important archaeological remains
T.1: Overarching access policy
T.24: General development control and access policy
T.25: Transport assessments and travel plans
T.26: On-site parking and servicing provision
Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007

Planning Obligations Supplementary Planning Document - adopted July 2009

Bath and North East Somerset Submission Core Strategy (May 2011) is out at inspection stage and therefore will only be given limited weight for development management purposes. The following policies should be considered:

DW1: District wide spatial strategy
RA1: Development in the Villages meeting the listed criteria
CP2: Sustainable construction
CP6: Environmental quality
CP8: Green Belt
CP9: Affordable housing
CP10: Housing mix

Policies IMP1, D.2, D.4, ET7, GB2, GB4, BH.2, HG.8, HG10, T.24, T.26, NE1, NE4, NE11, NE12, BH12, T1, T24, T26 are Saved Local Plan Policies

OFFICER ASSESSMENT

PRINCIPLE OF DEVELOPMENT: Farmborough is identified as an R1 village within Policy SC.1 of the Bath and North East Somerset adopted Local Plan. Policy HG.4 states that proposals for residential development within the Housing Development Boundary in R1 villages will be permitted provided other criteria are met. The proposed development site is however outside of the Housing Development Boundary but it is identified in Local Plan Policy GB.4 as safeguarded land in the context of Planning Policy Guidance 2 (PPG2), to meet demands for development beyond 2011. Policy GB.4 has been saved until its review through the Local Development Framework process.

Policy GB4 states 'Land defined on the Proposals Map between the existing limits of development and the Green Belt at Whitchurch and Farmborough is safeguarded during the period of the Plan to meet the demands for development beyond 2011. In the meantime Policy GB.1 will be applied.' It should be noted however that the site is, in fact, not within the Green Belt.

PPG2 (Annex B) Green Belts provides more detail on safeguarded land. This highlights that permanent development on safeguarded land should only be allowed following local policy review that proposes the development of the land. Of particular relevance is paragraph B6:

'Development plan policies should provide that planning permission for the permanent development of safeguarded land should only be granted following a local plan or UDP review which proposes the development of particular areas of safeguarded land. Making safeguarded land available for permanent development in other circumstances would thus be a departure from the plan'.

The Placemaking Plan (Site Allocations DPD) will be the vehicle for the review of the safeguarded land. Any development of this land ahead of this process would represent a departure from local planning policy and PPG2. The Bath and North East Somerset Core Strategy was submitted to the Secretary of State for independent examination in May 2011 and the Examination hearings are scheduled to commence in January 2012. This means that the Core Strategy is a material consideration, albeit with limited weight at this stage.

Emerging policy has identified Farmborough as a settlement capable of accommodating additional growth. Farmborough is identified as an RA1 Village within the Draft Core Strategy. Policy RA1 states that residential development of an appropriate scale, character and appearance will be acceptable in and adjoining the Housing Development Boundary provided that the village has at least three key facilities (i.e. post office, school, meeting place and community shop), at least a daily Monday-Saturday public transport service to main centres and local support for the principle of development can be demonstrated.

Farmborough meets the criteria of policy RA1 with the exception of key facilities (having only 2 rather than the minimum 3 out of 4). Small scale development at Farmborough under Policy RA1 would be contingent on this criteria being met through the development, in this case the provision of a sustainable transport link to local shopping facilities or demonstrated financial support for a community shop as outlined in the Infrastructure Delivery Programme. Provided this is fulfilled, small scale development within or adjoining the Housing Development Boundary (subject to other criteria) will therefore be considered appropriate in principle once the Core Strategy is adopted. The detail of this, including identifying and allocating appropriate sites in the qualifying villages, will be considered through the Placemaking Plan.

Following discussion with the agent, in order to meet the above criteria, the agent has confirmed that they would provide a financial contribution to aid in setting up a village community shop. It is apparent that a number of villagers have been actively

involved in this, and a detailed letter has been submitted by a member of the committee in support of this. This summarises their actions so far in investigating a future village shop, and the steps required to enable this. Questionnaires have been sent out to each household within the parish to gain an idea of the level of support, and establish potential opening times, and details of what services are required. The letter states that approximately 20 residents have already indicated that they would volunteer to staff the shop and the most popular locality for the facility will be the Memorial Hall, where, with some alterations there is an area within the hall which would provide sufficient area to house a community shop. Funding would be required to undertake the building, fitting out the shop and establishment of stock. This contribution could be secured through the S106 Agreement. It is therefore considered that with the funding secured through a S106 Agreement, and the village shop in place, Farmborough would have 3 out of the 4 key facilities necessary for an RA1 village.

Further to this letter, an additional letter has been submitted from a villager also involved in setting up the village shop, who states that this process has been underway since before the previous shop closed last year. There is concern that the perceived link between the development and the shop has caused people to actively stop supporting the proposed community shop which could have an impact upon its future. These letters provide conflicting information but on the basis of the information provided by the agent and a committee member, it is considered that the likelihood of a village shop coming forward is high.

The Parish are supportive of the establishment of a village shop. Although it is recognised that they have a number of concerns with the development as proposed, the Parish Council support, in principle, residential development at this site.

Under the emerging Core Strategy a scale of up to and around 30 dwellings is appropriate in those villages that meet the criteria of Policy RA1. The scale of the development at 38 dwellings is greater than that envisaged in the Core Strategy, and this will be fully considered as part of this planning application. It is also recognised that the land is identified in the Strategic Housing Land Availability Assessment (SHLAA) as having the potential for approximately 35 dwelling.

The position on safeguarded land set out in PPG2 is discussed above. A further consideration is PPS3, which at Paragraph 72. states that 'Local Planning Authorities should not refuse applications solely on the grounds of prematurity. Should prematurity be the sole reason for refusal, a pragmatic approach to the application should be considered'.

As the land is identified in the SHLAA as having the potential for approximately 35 dwellings, the Council envisages this land coming forward for development in the next 5 years and whilst there is scope for this to be achieved within the programme for the review of local policy through the Placemaking plan (and provided the criteria of policy RA1 continue to be met), the procedural delay caused by awaiting this review of policy could be avoidable in this instance. This applies to this particular site due to previous consideration of its suitability for housing through the safeguarded land designation and it need not conflict with the aspirations of emerging local policy.

Delaying the development of the site pending the outcome of the Placemaking Plan is considered to be imposing an artificial constraint on its delivery.

The draft National Planning Policy Framework does not detract from the existing national policy position and retains the position of PPG2 on safeguarded land as well as the sentiment of PPS3 on prematurity, stating that local authorities should 'approach development management decisions positively looking for solutions rather than problems so that applications can be approved wherever it is practical to do so.

Consideration needs to be given to Policy GB1, as in the current plan period Policy GB4 (which is also saved within the Core Strategy) states that ' in the meantime Policy GB.1 will be applied. '

Policy GB.1 has been drafted with PPG2 in mind and lists the criteria for which development is considered to be not inappropriate in the Green Belt. Point i reflect the provisions of paragraph 3.4 of PPG2 and list the following circumstances for when the construction of new buildings is considered to be not inappropriate;

- a) agriculture or forestry;
- b) essential facilities for outdoor sport and recreation, for cemeteries and for other uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) limited extensions, alterations or replacement of an existing dwelling provided it is in accordance with Policies HG.14 and HG.15;
- d) infilling in accordance with Policy HG.6 in the villages defined by Policy SC.1 as R3 villages;
- e) affordable housing to meet local needs in accordance with Policy HG.9; or
- f) limited infilling or redevelopment of major existing developed sites identified in Policy GB.3.

The proposed development fails to meet the criteria set out in Local Plan Policy GB.1 and very special circumstances would therefore need to be demonstrated to allow for a departure from the normal policies of constraint.

The above 'prematurity' argument, which takes into account that the site is not within the Green Belt, is considered to contribute to very special circumstances to allow for this departure. The agent has provided further very special circumstances which are outlined below:

- The Council cannot demonstrate a 5 year supply of deliverable housing land (this will be fully discussed below)
- The site is included within the recently published SHLA as forming part of the Housing supply to be delivered over the next 5 years.
- The development would help sustain local facilities - the local primary school is operating under capacity
- The provision of a contribution towards a much needed community shop
- The provision of affordable housing
- The provision of elderly person's accommodation to meet an identified need
- The recommendation by the Local Plan Inspector that the site should be allocated for residential development

- The Planning for Growth ministerial statement and in particular that the Government's 'clear expectation is that the answer to development and growth should wherever possible be yes, except where this would compromise the key sustainable development principles set out in national planning policy

The above, particularly the fact that the development has been identified within the SHLAA and is likely to come forward for development within the next 5 years, and given the fact that PPS 3 advises that development should not be refused solely on prematurity, is considered to represent very special circumstances which outweigh the harm by reason of its inappropriateness. It should be noted that there is only one other safeguarded site within the Local Plan, and this site has specific constraints, so the proposal is not considered to set a precedent for future development.

Whilst it is acknowledged that the site is not within the Green Belt, it is located adjacent to the Green Belt. Following consideration as to whether the development is inappropriate, which is harmful by definition to Green Belt, it must now be considered whether the proposed development is harmful to the openness of the Green Belt and its rural character. The site is currently open fields, bounded with hedgerows and by nature of the scale of the development, the proposal is considered to be harmful to the openness of the Green Belt. However, as recognised by the Local Plan Inspector, the development will have a close visual link to the existing built form, and the harm to the visual amenities of the Green Belt is not considered to be so significant as to warrant the refusal of this application.

HOUSING SUPPLY: The agent has cited that they do not believe the LPA can demonstrate a 5 year land supply. However the LPA do not consider that the methods used by the agent to be the correct approach to calculating the 5 year housing land supply requirement at this time.

The Draft Core Strategy plans for 11,000 dwellings for the period 2006-2026, which results in an average annual rate of 550. During the first 5 years of the period, 1,967 homes have been completed at an annual rate of 393.4. This results in a residual requirement of 9,033 homes to 2026, which is a revised annual rate of 602.2. Using the annual delivery rate of 550 to the period 2006/7 -2010/11, this results in a notional requirement of 2,750 and the delivery of 1,967 homes during this period represents a shortfall against this of 783.

The applicant argues that the five year land supply should be 3,533 ($783 + 5 \times 550$), which implies that the 5,500 should be completed by halfway through the plan period i.e. 2016. The Local Planning Authority is not prohibited from annualising its historical shortfall over the remaining plan period, which is what it has chosen to do and this approach is based on the approach taken by Inspectors at various appeals.

In light of this, the 5 year land supply is calculated as 3,011. The Council's SHLAA (July 2011) shows a deliverable supply of 3,346 homes.

The examination into the Core Strategy will consider whether the Council is planning for enough houses and the weight that should be afforded to the emerging and intended to be abolished RSS.

The applicant appears to argue that, as the housing delivery in the district was 800 units behind schedule, the submission Core Strategy target should increase to 11,800. For the reasons given above, the Local Planning Authority does not consider that this is the correct approach for calculating the 5 year land supply

In the lead up to the Examination of the Core Strategy the Council considers its 5 year land supply requirement to be 3,011 and identifies 3,346 units to deliver this requirement

LOSS OF PLAYING FIELD: The access from Brookside Drive will involve the loss of a small section of the school grounds adjacent to the formal playing field. However, in order to facilitate this, a land swap agreement has been made with the school, which will be of equal value and will not compromise the ability of the school to use these facilities. Overall there will be no loss of playing field facilities for the school site and there will be no harm resulting from this arrangement.

HIGHWAY SAFETY: With regards to the development of the site the Highway Development Officer has concerns over the location of the site and its resultant accessibility and sustainability, but it is recognised that the site has been allocated as a safeguarded site for residential development. The applicants have submitted a Framework Travel Plan which sets out their objectives and initiatives to reduce the need to travel by residents of the development. It is acknowledged that the applicants have now demonstrated a commitment towards improving the sustainability of the village with contributions towards a village shop. Improvements to public transport have been also put forward.

The application has been submitted with full permission sought for access but has indicated a detailed layout of the internal access roads and housing layout, however the applicants have advised that this is indicative, and only detailed approval of the means of access from Brookside Drive is sought. If the application for outline permission is approved, the detailed arrangements can be agreed through a reserved matters submission.

The junction of the new access road with Brookside Drive is proposed with visibility splays of 2.4m x 43m to the north and 2.4m x 17m to the south, which are considered appropriate for the form of development. The proposal also includes the provision of a continuous footway from the junction of the new access road, to the north, to link with the footway by the School, at the junction of Brookside Drive with The Street.

The Transport Statement indicates that the layout would incorporate 74 parking spaces, which include 31 garages. The allocation of parking would appear to be generally a minimum of 2 spaces per dwelling, with the exception of the affordable housing units.

The plans submitted with the application do not provide details of the garage sizes, but it seems that they would not conform to minimum dimensions of 3m wide by 6m long, which are considered to be the most appropriate to accommodate car parking, with some element of storage. The driveways in front of the garages should also be

a minimum of 6m long, to ensure a car can park on the driveway and also allow for garage doors to be opened. It is clear from the layout plan, at this stage, that this may not be achieved for all driveways. This needs to be addressed at the reserved matters stage.

The access road serving the private and affordable housing is proposed to be constructed to adoptable standards for dedication as public highway, but the access road serving the retirement cottages would be constructed to adoptable standards but maintained privately by a management company. The access road leading off Brookside Drive is shown with a carriageway width of 5.5m and 2m footways to both sides for the first 65m, and then continues with a single footway on the northern side as it leads in to a shared surface road. The carriageway width then appears to vary between 3.5m and 6m, but does not include for separate service margins throughout. There are also unacceptable widths around the turning heads within the site, such that service vehicles could have difficulties manoeuvring with unacceptable conflicts with residential properties and parking areas. Again, these issues need to be addressed at the reserved matters stage.

The Agent has confirmed that during the construction stage, an access has been agreed from Tilly Lane. This is to prevent the need for larger vehicles to travel along Brookside Drive during the construction process to minimise the disruption for the users of Brookside Drive. Details of this can be secured through a construction management plan.

Any application for reserved matters stage would also deal with the need to maintain or divert the Public Rights of Way within the site. The Transport Statement refers to the two public rights of ways which are within the application site, and states that one of the routes (CL9/18) will be generally incorporated within the access road layout, and the other route (CL9/21) is proposed to be legally diverted to allow for the development on the western side of the site. The Rights of Way Team have highlighted that they do not currently have the resources to process diversion applications. The development would obstruct the current legal line of the rights of way and the Public Rights Of Way Team therefore objects to the application. The Agent has been made aware of this and they have cited that they will deal with this issue at reserved matters stage.

In relation to required contributions further information has been received from the applicants Transport Consultants, in support of their justification for a reduction in the level of highway contributions as initially requested, as a consequence of the development.

The Strategic Highway and Transport Works contribution was initially based on a straight calculation from the formula contained in the Supplementary Planning Document, but the applicants Consultants have provided census information to indicate that the proposed development would only generate 80 trips per day by residents traveling to and from work. Of the census and survey data, it has been demonstrated that of the 40 residents generating these 80 daily work related trips, only 85% travel to and from Bristol or Bath.

The Consultants have also looked at the schemes listed in the SPD and considered their relevance to the residents of the development. Clearly some residents from Farmborough have been shown to travel to Bristol and Bath for work, and therefore the schemes for the Greater Bristol Bus Network and the Bath Package would be of some benefit.

The Consultants have therefore calculated an appropriate cost per trip for this site to be £214.40, which for the 85% of the 80 trips by 40 residents traveling to and from Bristol or Bath for work, results in a contribution of £14,579.20. This is a considerable reduction in the level of contribution originally requested, but the justification put forward by the Transport Consultants is considered to be both robust and fair by the Council's Senior Highway Development Officer. The applicants have also agreed to the local contributions of £26,000 towards improvements to public transport in the vicinity of the site, and £5,000 towards traffic management measures in the vicinity of the site.

The reductions in contributions are therefore agreed and no highway safety objections are raised subject to a legal agreement to secure the following:-

- The construction of a footway within the existing highway, from the site access to the junction of Brookside Drive with The Street.
- A contribution of £14,579.20 towards Strategic Highway and Transport Works.
- A contribution of £26,000 towards improvements to public transport facilities, in the vicinity of the site.
- A contribution of £5,000 towards traffic management measures in the vicinity of the site.

On balance, although the proposed development site is outside of the Housing Development Boundary of Farmborough, it is designated as a safeguarded site and given the commitment towards improving the sustainability of the village with contributions towards a village shop and the improvements to public transport which have been put forward, the highway sustainability concerns are considered to be outweighed. Whilst the comments of the third parties are noted, the development is considered to result in a satisfactory level of highway safety with regards to the access to the site, and is not considered to result in any undue harm to the highway users of the surrounding highway network. Whilst the indicative layout raises concerns with the layout of the streets and parking layout within the site, it is considered that this can be fully addressed at reserved matters stage, and on balance, no highway safety objections are raised.

CHARACTER AND APPEARANCE OF THE PROPOSED DEVELOPMENT:
Although the application is an outline application, indicative details of the design and layout have been put forward. There are concerns with this indicative layout in that it does not demonstrate fully how the scheme integrates with the wider context and community. It is critical that the new housing on this site will be readily assimilated into the landscape and visual context without detriment to the character of the area. Further work is needed with regards to concept development in relation to a numbers

of factors to ensure the successful integration of this development. There is concern that the retirement community appears to be segregated from the proposed development and the wider community although it is recognised that the northern dwellings address the main access route, and this is welcomed. This part of the development should be connected to the street, space and green infrastructure.

A key factor in the success of the development lies with the landscape treatment and the protection of the hedgerows. The current proposals create a more vulnerable arrangement and removes amenity and biodiversity asset from the community and these needs to be given careful consideration in any future planning application. There is scope for landscape enhancement within the scheme and this could include planting a specimen tree within a central focus space or elsewhere in the development. The entrance from Brookside Drive also has the potential for an avenue landscape treatment.

A density of 29 dwellings per hectare is proposed which is considered appropriate for this edge of settlement location. The indicative layout indicates that it is likely that this density can be achieved without compromising the overall character and appearance of the site and the rural character of the wider area. However, it is noted that this may not be in the form of the indicative layout submitted due to the concerns previously raised, including parking and access issues within the development. Any future development is likely to require changes to this indicative layout, which may include the reduction in house sizes, the omission of a number of the garages etc. in order to accommodate this number of houses successfully.

An indicative building design has also been put forward. On balance, this would seem to be acceptable, proposing a mixture of individual and grouped buildings to reflect the identified character of the village. It is stated that the materials and styles of the buildings will reflect the local character of the area, and again full consideration will be given to this during any future application. The dwellings propose a mixture of 1.5 and 2 story buildings, which will ensure that the development is in keeping with the surrounding area and does not compromise the rural character of the area.

The development will be set in close proximity to listed buildings and any development needs to be designed to ensure that the development does not impact upon their setting. The concept plan illustrates that the buildings have been positioned to minimize the disruption to the setting of the listed buildings by placing a buffer in the form of open space between the listed buildings and the proposed development. Careful consideration would need to be given to the scale of the adjacent buildings at the time of any future reserved matters application.

On balance, it is considered that the development proposed could be achieved without harming the rural character of the area, and at the density proposed would have an acceptable overall appearance, subject to the approval of the details at reserved matters stage.

TREES/LANDSCAPE: A tree survey has been submitted with the outline planning application and this has been fully assessed by the Arboriculture Officer. The Tree Report correctly identifies that the majority of trees currently within or adjacent to the

proposed development site are predominantly of poor/fair form and located within the matrix of the existing hedgerows. Any future full planning application should indicate which trees and hedgerows are to be retained and which are to be removed within the boundaries of the proposed development site.

The Tree Report indicates that trees T10-T21 located within the playing field of the adjacent school will be removed to accommodate the proposed new access road to the development. None of these trees have any individual merit with regard to visual amenity. The removal of these trees could be mitigated for by the planting of new trees elsewhere within the grounds of the school in particular within the area identified for 'land exchange' on the sketch layout. This could be included within a detailed landscaping scheme.

ARCHAEOLOGY: The submission included a desk-based archaeological assessment which concluded that the proposed housing development could lie within an area of significant archaeological interest. Given this, in line with PPS5, a pre determination field evaluation was requested in order to fully assess the archaeological impacts of the proposed development. The agent subsequently provided additional information and based on this, the Archaeological Officer has no objection to the development subject to the inclusion of a condition relating to a watching brief.

RESIDENTIAL AMENITY: The access road will pass number 14 Brookside Drive, which will result in a significant number of vehicles passing this property and its associated curtilage. It is considered that appropriate screening should be put in place, which may involve the erection of an acoustic fence, to ensure that the occupiers of this property do not suffer from an unacceptable level of noise and disturbance. This can be fully considered at reserved matters stage.

Enhanced planting is proposed along the boundaries with the existing residential boundaries and this is necessary to provide the required screening between these properties and the proposed development. It is considered, that subject to satisfactory details being submitted, in terms of proposed screening and the design of the dwellings, that the privacy of the existing neighbouring occupiers can be safeguarded.

The impact upon the neighbouring occupiers will be fully considered at reserved matters stage. It is essential to carefully consider these details to ensure that the occupiers of these properties are not unduly harmed by this development, with regards to loss of privacy, light, overbearing impact upon any other noise and disturbance.

LAND CONTAMINATION: A Ground Investigation has been submitted with the application and has been assessed by the Environmental Health Team. In view of the observations of the contamination investigation standard conditions should be applied in respect of land contamination on any planning permission granted.

FLOODING: A Flood Risk Assessment (FRA) and Drainage Strategy has been prepared for the site. The FRA concludes that as the site is located within Flood Zone 1 there is a low risk of it flooding. The Environmental Agency have raised no

objection to this development subject to the inclusion of a condition to prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal. It is requested that the surface water drainage scheme for the proposed development must meet a number of set criteria. This can be secured through the inclusion of a condition. Wessex Water has also assessed the information submitted and analysed the options put forward.

HOUSING: The development proposes 13 affordable houses

2 x 1 bedroom flats at 45m² for affordable rent
5 x 2 bedroom houses at 75m² for affordable rent
2 x 3 bedroom houses at 85m² for affordable rent
1 x 1 bedroom flat at 45m² for shared ownership sale
3 x 2 bedroom houses at 75m² for shared ownership sale

11 Open market family homes

2 x 3 bedroom houses at 83m²
6 x 4 bedroom houses at 115m²
3 x 4 bedroom houses at 130m²

14 age restricted cottages for market sale

14 x 2 bed cottages at 105m²

The 13 affordable units represent 35% of the total development and this is considered to be acceptable and compliant with policy HG.8 of the Local Plan. Further, the affordable housing unit size and mix meets the identified parish needs. The applicant has confirmed that they have been in discussions with Knightstone, a registered social landlord, regarding development at this address. It should be noted however that the Knightstone are not yet under contract with the developers, and their views may differ from other registered social landlords.

As this is an outline application, there is no detailed design at this stage, but with regards to the Design and Building Standards of the affordable housing, the agent has confirmed that they are willing to comply with the internal sizes contained within the annexes to the SPD. Any application for reserved matters approval in respect of the design & layout of the development will be expected to include details of the proposed affordable housing design standards to be applied in respect of each unit proposed to be designated as affordable housing.

All the affordable housing units must fully comply with the current Homes & Communities Agency (HCA) 'Design and Quality Standards' and that the Code for Sustainable Homes (CSH) level 4 will be achieved to ensure that internal and external storage space provision for all homes exceeds the Housing Quality Index (HQI) unit layout requirement for the designed occupancy. It is the Developers responsibility to take on board future improvements to the HCA and CSH standards and to include certification from a suitably qualified professional that design standards have been met for the designed occupancy levels. The level of design

detail to undertake the necessary assessment is not available at this stage and these standards can be met through a S106 Agreement.

The Planning Obligations SPD Affordable Housing Annexes provide further guidance on the implementation of Local Plan Policy HG.8. The SPD requires that affordable housing should not be distinguishable from the market housing in terms of location and appearance. In this instance, the inclusion of smaller market dwellings could help mitigate this. The car parking provision for the affordable housing is primarily communal parking courts with no garages provided, which allows it to be distinguished from the surrounding market housing. This needs to be fully addressed at reserved matter stage to ensure tenure blindness. On sites of more than 30 units, the Local Planning Authority will seek that not more than 8 affordable dwellings are clustered together to aid de-concentration of deprivation and prevention of social and economic segregation. This proposal has 10 units (plots 10-19) clustered together. It is therefore considered that the proposal does not comply with Local Plan Policy HG.8 and the guidance contained within the Planning Obligations SPD. It is noted that Knightstone raise no concern over the scheme design and layout of the affordable units and have commented that they would prefer the units to be located together rather than the affordable units being 'pepper potted' around the scheme. They do however state that it would be preferable to them if the parking spaces are located within the curtilage of the units.

Improved 'pepperpotting' or clustering would be achieved if the overall mix of the development was improved with a supply of smaller and more affordable market housing in lieu of the larger market houses proposed. However it is considered that if the majority of the affordable housing units were given the benefit of on plot parking then this could be a good compromise to offset the lack of pepperpotting on this site.

There are however concerns with the market housing mix and Strategic Housing Services suggest that the application contain fewer 4 bed market dwellings and instead provide a number of 1 and 2 bedroom market dwellings and maintain a local plan allocated site should deliver a market housing mix that is more in tune with local market need, rather than general market demand. This is supported by the Strategic Housing Market Appraisal (SHMA) & national guidance supporting this is contained within PPS1 & PPS3. Within any reserved matters planning application justification should be provided to demonstrate that there is a demand for the market housing mix as proposed.

ECOLOGY: An ecological assessment was submitted with the outline planning application. The main features of ecological value of the site are the boundary hedgerows with associated vegetation and scrub; and the use of these by wildlife in particular badgers, bats and birds. There is also a silted up pond in the south west corner of the site.

A significant proportion of the eastern hedgerow will be removed. From the indicative layout and the information submitted, the other hedgerows appear to be proposed for retention as rear garden boundaries. This will impact significantly in the long term on the hedgerows and their ecological value, through their future management as garden hedgerow maintained hedgerows, rather than by

management as a wildlife habitat. In the long term there is the potential for them to be removed by householders or replaced with other planting.

The site and its hedgerows, in particular the eastern hedgerow that will be affected and partially removed, are used by badgers. The location that appears to be most heavily used by badger coincides with where the proposed access road would necessitate hedgerow removal, and this access road will cross the existing badger path. Animals are likely to continue trying to use this route, crossing the access road, giving rise to impacts on wildlife in particular potential road casualties.

The proposal does not appear to consider the retention or restoration of the pond in the south west corner of the site. This is a regrettable loss and if unavoidable, should be compensated with replacement habitat.

Following the initial comments from the Council's Ecologist, the Agent has submitted additional information and have confirmed the following:

- Traffic calming will be located to address protection of badgers
- The pond will be fenced and retained
- Covenants will be incorporated into the house deeds to protect native hedgerow from removal
- There will be new native hedgerow planting and reinforcement planting of existing hedges to compensate for hedgerow removal
- New & retained native hedgerow will be appropriately managed in the future
- Bat bricks and bird boxes will be incorporated into the scheme
- The homebuyers welcome pack will contain information about the development
- Precautionary measures & appropriate timing of works will be incorporated into the scheme

It would be difficult to ensure that a covenant is incorporated into the house deeds to protect native hedgerow from removal. It is considered more practical to control this through a landscape condition which will ensure that these hedgerows are retained in perpetuity. The remaining issues can also be controlled through a condition. Details of new planting, bat and bird boxes will need to be incorporated into the landscape and planting proposals and drawings, in accordance with the submitted ecology proposals. These needs to be specified in the landscape condition to ensure landscape drawings are not finalised in isolation from ecological requirements.

Following these comments, the Ecologist has withdrawn her objection subject to the above being adhered to. On balance therefore the proposed development is not considered to have a detrimental impact upon the ecology of the local area.

SUSTAINABLE DEVELOPMENT: The Design & Access statement confirms that the affordable elements of the scheme will be designed to the Code for Sustainable Homes (CSH) level 4 and it is intended that the remainder of the scheme will achieve compliance with the Code for Sustainable Homes Level 3 as a minimum.

PLANNING OBLIGATIONS: The agent has agreed to enter into a S106 to secure financial contributions as detailed below:

£4, 202.10 - Children's Services

£83,588.91 - Parks and Open Space

£45,579.20 - Highway Contributions

£10,000 - Contributions to allow for the setting up of the village shop (as discussed above)

Affordable housing provision and details of design etc. as detailed below:

- 1 35% of the overall residential provision is affordable and grant free, with a 75/25 per cent split between Social Rent and Intermediate Market housing. (Affordability, including service charges and size mix as set out in the Housing Development Officers report).
- 2 The affordable housing obligation is secured in perpetuity through a section 106 Agreement as set out in the Development Officers report.
- 3 Lift the stair casing restrictions for New Build Homebuy Lessees and instead ring fence the released equity.
- 4 The Council has full nomination rights as set out in the section 106 Agreement.
- 5 All the affordable housing units must fully comply with the current Homes & Communities Agency (HCA) 'Design and Quality Standards' and that the Code for Sustainable Homes (CSH) level 4 will be achieved. It is the Developers responsibility to take on board future improvements to the HCA and CSH standards.
- 6 All the affordable housing units must fully comply with the B&NES SPD design, layout & construction standards.
- 7 Certification submitted showing that 60% of the affordable housing achieves lifetime home standards and be identified on plan.
- 8 Certification submitted showing that 10% of the affordable housing achieves full wheelchair user standards and be identified on plan.
- 9 To transfer the units to an approved partnering Registered Housing Provider (HP) or other Affordable Housing Provider (AHP) as approved by the Council.
- 10 The affordable housing land is transferred to a HP or AHP at nil cost.
- 11 Public subsidy (grant) will only be made available in the event that the HPs or AHPs supportable deficit is insufficient to pay for the build costs. Grant will be subject to a comprehensive financial viability assessment.

- 12 The development is tenure blind.
- 13 Phasing conditions on affordable housing triggers to be set out in the Section 106 Agreement.

CONCLUSION

The proposed development is considered to be acceptable in principle, and although the development is considered to be premature, given the advice in PPS 3, it is not considered reasonable to refuse the application on these grounds. The applicant is considered to have provided very special circumstances which allow for a departure from the normal policies of constraint. An acceptable access is to be provided for the development and the scheme is not considered to result in significant harm to highway safety. Although there are concerns with the indicative layout, the concerns can be addressed at reserved matters stage.

RECOMMENDATION

(A) Application be referred to Secretary of State as a departure from the Development Plan.

(B) Authorise the Planning and Environmental Law Manager to secure an Agreement under Section 106 of the Town and Country Planning Act 1990 as detailed in the report to Committee.

(C) Upon completion of the Agreement authorise the Development Manager to PERMIT the application subject to the following conditions:

CONDITIONS

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

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

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

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

3 No development shall commence on the site until the Public Rights of Way within the site have been legally diverted.

Reason: In order to protect the users of the Public Rights of Way.

4 Before the access hereby permitted is first brought into use the area between the nearside carriageway edge and lines drawn between a point 2.4m back from the carriageway edge along the centre line of the access onto Brookside Drive and points on the carriageway edge 17m to the south and 43m to the north of the centre line of the access shall be cleared of obstruction to visibility at and above a height of 150mm above the nearside carriageway level and thereafter maintained free of obstruction at all times.

Reason: In the interests of highway safety.

5 No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

6 Finished floor levels should be set no lower than 300 mm above surrounding ground level.

Reason: To protect the development from flooding.

7 The hedgerows as marked on the 'concept plan' or as otherwise agreed in writing by the Local Planning Authority shall be retained in perpetuity. In the event that they die or become seriously damaged or diseased they 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.

Reason: To safeguard the rural character of the area

8 No development shall take place until full details of a Wildlife Management and Enhancement Scheme have been submitted to and approved in writing by the local planning authority. These details shall be in accordance with submitted proposals including the letter from Malford Environmental Practice dated 27th July 2011, and shall include:

- (i) Wildlife-friendly habitat management practices that shall be implemented for all native hedgerows, pond, and all other wildlife habitat, to include frequency, timing, locations and methods
- (ii) The information that shall to be included within the homebuyers welcome pack about ecology
- (iii) Details of precautionary measures & appropriate timing of works will be incorporated into the scheme for protection of wildlife
- (iv) Details of new planting, bat and bird boxes
- (v) Details of all enhancements

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

Reason: In the interests of safeguarding the local ecology and wildlife.

9 No development shall commence until a construction method statement has been submitted to and approved in writing by the Local Planning Authority and shall include details of the access for construction vehicles. The development shall thereafter be carried out/occupied in accordance with the approved method statement/operational statement.

Reason: To ensure the safe operation of the highway.

10 No 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 details so approved.

Reason: In the interests of the appearance of the development and the surrounding area.

11 An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

12 Submission of Remediation Scheme (Where applicable)

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

13 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

14 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 13, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 14, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in any approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 15.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

15 No materials arising from the demolition of any existing structure(s), the construction of the new dwelling, nor any material from incidental works shall be burnt on the site.

Reason: In the interests of neighbouring amenity

16 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no extension, 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.

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

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

18 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 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.

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

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

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

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

PLANS LIST:

1 The developer should comply with the BRE Code of Practice to control dust from construction and demolition activities (ISBN No. 1860816126). The requirements of the Code shall apply to all work on the site, access roads and adjacent roads.

The requirements of the Council's Code of Practice to Control noise from construction sites and should be fully complied with during demolition and construction of the new building. (copy attached.)

In all cases the best practicable means of minimising noise on the site must be adopted. (In this respect guidance is given in British Standard BS 5228:2009 Code of Practice for Noise Control on Construction and Open Sites.)

2 REASONS FOR GRANTING APPROVAL:

1 The proposed development is considered to be acceptable in principle, and although the development is considered to be premature, given the advice in PPS 3, it is not considered reasonable to refuse the application on these grounds. Although the development is not within the Green Belt, policy GB1 applies. The applicant is considered to have provided very special circumstances which allow for a departure from the normal policies of constraint. An acceptable access is to be provided for the development and the scheme is not considered to result in significant harm to highway safety. Although there are concerns with the indicative layout, the concerns can be addressed at reserved matters stage. The development is not considered to result in an increase in flooding, or significantly harm residential amenity. Subject to a satisfactory design, siting and scale, it is considered that the development will integrate successfully with the surrounding area.

2. The decision to grant approval has taken account of the Development Plan, relevant emerging Local Plans and approved Supplementary Planning Guidance. This is in accordance with the Policies set out below at A.

A.

IMP1, D2, D4, ET7, GB1, GB2, CF1, CF2, SR1A, SR3, S9, ES14, HG1, HG7, HG8, HG10, NW1, NE4, NE10, NE11, NE12, BH12, T1, T25, T26, of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007.