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# Bath & North East Somerset Council

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## Democratic Services

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Date: 24 June 2015

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**To: All Members of the Development Management Committee**

**Councillors:-** Rob Appleyard, Jasper Becker, Paul Crossley, Matthew Davies, Sally Davis, Eleanor Jackson, Les Kew, Bryan Organ, Caroline Roberts and David Veale

**Permanent Substitutes:- Councillors:** Neil Butters, Ian Gilchrist, Liz Hardman, Donal Hassett, Liz Richardson, Dine Romero and Karen Warrington

Chief Executive and other appropriate officers  
Press and Public

Dear Member

**Development Management Committee: Wednesday, 1st July, 2015**

You are invited to attend a meeting of the **Development Management Committee**, to be held on **Wednesday, 1st July, 2015 at 2.00pm** in the **Council Chamber - Guildhall, Bath**

The Chair's Briefing Meeting will be held at 10.00am on Tuesday 30<sup>th</sup> June in the Meeting Room, Lewis House, Bath.

The rooms will be available for the meetings of political groups. Coffee etc. will be provided in the Group Rooms before the meeting.

The agenda is set out overleaf.

Yours sincerely



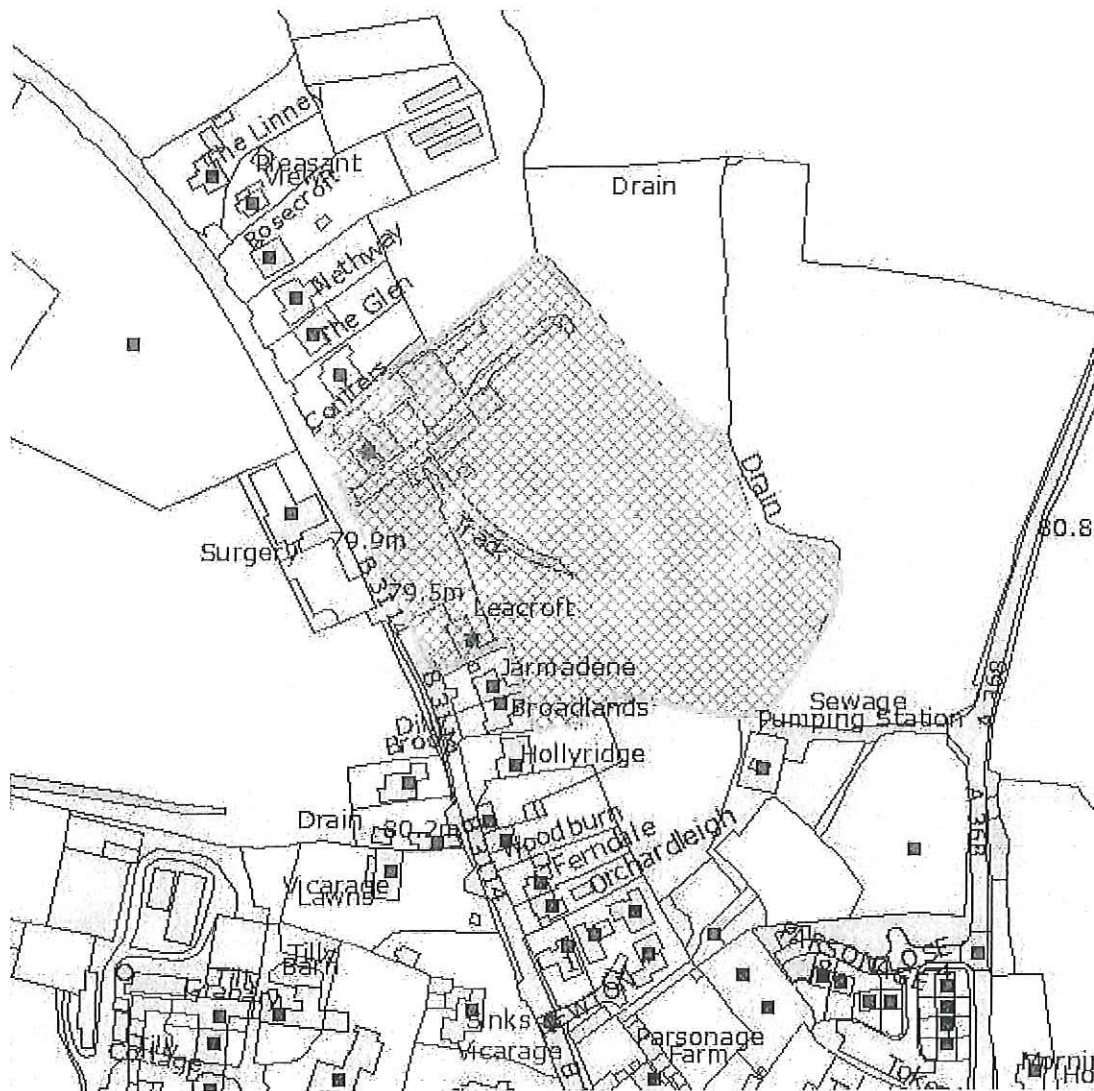
David Taylor  
for Chief Executive

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

**Item No:** 01  
**Application No:** 14/05899/OUT  
**Site Location:** Leacroft House Bristol Road West Harptree Bristol BS40 6HF



**Ward:** Mendip

**Parish:** West Harptree

**LB Grade:** N/A

**Ward Members:** Councillor T Warren

**Application Type:** Outline Application

**Proposal:** Erection of new dwellings, access, landscaping and attenuation pond and refurbishment of Leacroft House, following demolition of Leacroft Bungalow and outbuildings associated with former builders yard.

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

**Applicant:** Mr & Mrs Payne



<b>Expiry Date:</b>	3rd July 2015
<b>Case Officer:</b>	Rachel Tadman

## REPORT

Reason for Reporting Application to Committee:

Cllr Tim Warren has requested that, if Officers are minded to approve, it be referred to the Development control committee for determination.

The reasons for this request include the following:

- Part of the proposed development will be outside of the housing development boundary and the number of proposed dwellings are greater than the amount required in the placemaking plan.
- The Parish council held several meetings concerning placemaking, which concluded with a referendum, where all residents were entitled to vote.
- The outcome of this favoured smaller sites which the residents thought more in keeping and less detrimental than one large one.

The Chair of Development Control Committee to this request due to the controversial nature of the proposal.

Description of development:

The application relates to the dwelling and garden of Leacroft House along with its surrounding land and outbuildings and also including an adjacent dwelling, Leacroft Bungalow. The site has a mixed use with the Leacroft House towards the front of the site and a former builder's yard and showroom to the side and rear.

The builder's yard and showroom are no longer in operational use but still contain considerable amounts of building materials, equipment and tools. Some of the former builder's yard buildings are in a poor state of repair and many areas of this part of the site are overgrown.

Leacroft Bungalow is a detached single storey building within its own garden and access off Bristol Road. It is vacant at present.

The site is within the Mendip AONB and is partly contained within West Harptree's Housing Development Boundary.

The proposal is for the erection of new dwellings, landscaping, the construction of an attenuation pond, refurbishment of Leacroft House and the demolition of Leacroft Bungalow and outbuildings associated with former Builders Yard. The application is in outline with all matters reserved apart from access.

The existing Leacroft House would retain its existing highway access with a new highway access being proposed to the south of the existing.

An indicative layout has been submitted to show the provision of 17 new dwellings, a net increase of 16 dwellings. The site would also include an area of open space to the East.

Relevant History:

No recent planning history for this site.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Planning Policy: No objections

West Harptree meets the criteria of Policy RA1 in the adopted B&NES Core Strategy. However, the B&NES Rural Facilities Audit (2014) (a Core Strategy evidence base document) states that West Harptree lies within the Mendips Hill Area of Outstanding Natural Beauty (AONB) which could inhibit opportunities for residential development. Therefore the Core Strategy relies on a smaller number of dwellings (e.g. 10-15) coming forward in the Plan period in this settlement. I note that this planning application is for 17 dwellings would contribute towards the 10-15 figure and therefore no policy objection would be raised.

Principle of Development Part of the proposed development is within the Housing Development Boundary and the remainder of the site is outside of the housing development boundary. The Core Strategy states that large sites (over 10 dwellings) should be identified within the HDB and where there are no sites within the HDB then suitable sites adjacent to the HDB will be supported and the HDB will be amended accordingly to accommodate the 10-15 dwellings., therefore no policy objection would be raised subject to urban design, landscape and providing satisfactory highways access.

Illumination - It should be noted that there are no existing street lights. Where illumination is proposed, it should be designed to avoid intruding into areas where darkness is valued as a characteristic feature of the village.

Highways Development Officer: Pre-application advice earlier last year confirmed that the site was in a generally sustainable location; however there were specific local access issues which need to be addressed to ensure any development can be considered truly accessible. This includes discontinuous footways and lack of crossing points.

I would agree that a development of the scale proposed would not result in an adverse highway impact in terms of the capacity of the local highway network. It is also the case that an appropriate access from Bristol Road can be created, with appropriate visibility splays.

Improvement works to the local walking network have been identified and a scheme has been submitted to address the issues.

Additional comments dated 6th May 21015:

I am in receipt of the revised footway proposals to be undertaken by the developer, to improve pedestrian facilities between the development site and the village. They reflect the discussions held with the applicants agent, and I am therefore of the view that



provision for walking would be improved to the extent that accessibility of the development was demonstrated.

Subject to these measures being included in a S106 agreement, there would be no highway objection.

Education Services: No objections

Total for Early Years provision £0 (Sufficient provision in the area)

Primary age pupil places - 1.586 places at a cost of £20,605.97

Secondary age pupil places - 3.051 places at a cost of £0 (sufficient provision in the area projected)

Post 16 places - 1.039 places at a cost of £0 (sufficient provision in the area projected)

Total for school places £20,605.97

Youth Services provision places - 2.4 places at a cost of £3,201.60

Total for Youth provision £3,201.60

Therefore a total contribution sought of £23,807.57

Affordable Housing: No objection subject to a S106 legal agreement.

The application proposes an affordable housing contribution of 30% (5 dwellings). This is in keeping with Planning Policy CP9.

The planning Support Statement proposes an affordable housing mix, however taking into account local housing need data held on the Councils Housing Register (24th Jan 2014) the following mix is considered appropriate.

2 x 1 bed 2 person house type flats

2 x 2 bed 4 person houses (one of which to be designed and delivered to full Wheelchair User Standards.

1 x 3 bed 5 person house

Design standards - This is an outline application thus no affordable housing design & affordability detail is available for appraisal.

The affordable housing design, layout, construction & affordability requirements will be inserted within the associated Section 106 legal document.

Site Layout Issues - the orientation of the dwellings is largely North / South. This does not promote solar gain and the reduction of utility cost to the householder.

The illustrative master plan appears to include un-adopted roads and much green space. Every effort must be made to reduce the impacts of service charges against affordability to the occupiers of the affordable housing.

Ecology: No objections subject to conditions.

Landscape: No objection subject to conditions.

Arboriculture: No objections.

Contaminated Land: No objection subject to conditions.

Flood Risk and Drainage: No objection subject to conditions.

Archaeology: No objections subject to conditions

West Harptree Parish Council: Object in principle.

1. Site is outside the existing Housing Development Boundary.
2. The existing housing along Bristol Road has no development behind it, and runs along the road predominantly one dwelling deep - any non-frontage housing development would be inappropriate and unsightly.
3. The site is in an Area of Outstanding Natural Beauty (AONB), and this proposal would be contrary to policy.
4. Site is subject to historic flooding.
5. No capacity in the school or space to extend.
6. Harmful to highway safety.
7. Existing Pedestrian and cycle access is unsafe and the proposals should include improvements to address this.
8. The site is fronted by a large number of mature trees, which should all be protected.
9. Site is potentially contaminated.
10. The accuracy and evidence within the submitted information is generally challenged as being insufficient or inaccurate.
11. West Harptree is a village that is considered to be covered by Policy RA2 of the Core Strategy and not Policy RA1 as referred to in the submission.
12. The Parish Council has made representations to the Placemaking Plan to seek that new housing should be spread over several smaller sites and not all on one site.

Furthermore the Parish Council have raised the following concerns from residents who have made representations direct to the Parish Council:

1. Road traffic safety issues
2. Lack of school places
3. Proposal in direct conflict with WHPC's Placemaking Plan submitted proposals
4. Historic flooding issues on the site
5. Disproportionate increase in the number of houses along the Bristol Road
6. The application states that West Harptree is an RA1 village, however it is actually an RA2 village in all Bath and North East Somerset Council (B&NES) documentation
7. The negative impact on the landscape in a rural setting
8. The size of the proposed development, looking like a housing estate in a rural setting



Local Representations: A total of 15 letters of representation have been received. 11 of which object, 3 give general comments and 1 letter supported the development. The concerns raised are:

1. This site was rejected by the Parish Council as part of the Placemaking Plan representations
2. Site is outside the Housing Development Boundary
3. Too many houses for the size of the existing village
4. Detrimental impact on the character of the village
5. Harmful impact on the Area of Outstanding Natural Beauty
6. Detrimental impact on residential amenity through overlooking
7. Increased risk of flooding
8. Impact on highway safety
9. Increased light pollution from street lighting and houses
10. Lack of school places
11. Existing joinery sheds should be retained as they add to the character of the village
12. Increased noise from traffic
13. No assurance that the open space will be retained as such
14. No reference to existing cess pit on the site

#### **POLICIES/LEGISLATION**

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

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

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

- DW1 - District Wide Spatial Strategy
- RA1 and RA2 - Development in villages outside the Green Belt
- SD1 - Presumption in favour of sustainable development
- CP2 - Sustainable Construction
- CP5 - Flood Risk Management
- CP6 - Environmental Quality
- CP7 - Green Infrastructure
- CP9 - Affordable Housing
- CP10 - Housing Mix
- CP13 - Infrastructure Provision

The following saved policies of the Bath and North East Local Plan, including minerals and waste policies, adopted October 2007 are also relevant to the determination of this application.

- Policy SC.1: Settlement classification
- Policy D.2: General design and public realm considerations

- Policy D.4: Townscape considerations
- Policy T.24: General development control and access policy
- Policy T.26: On-site parking provision
- Policy NE.1: Landscape character
- Policy NE.2: Area of Outstanding Natural Beauty
- Policy NE.4: Flood Risk
- Policy SR.3: Provision of recreational facilities to meet the needs of new development

National Planning Policy Framework

Planning Obligations SPD

### **OFFICER ASSESSMENT**

Principle of the development:

West Harptree, due to the level of facilities within the village, is considered to meet the criteria of Policy RA1 of the Core Strategy meaning that housing developments of around 50 dwellings could meet the criteria of the policy.

Notwithstanding this, the B&NES Rural Facilities Audit (2014), a Core Strategy evidence base document, states that, as West Harptree lies within the Mendips Hill Area of Outstanding Natural Beauty (AONB) which could inhibit opportunities for residential development, a smaller number of dwellings (e.g. 10-15) is envisaged to come forward in the Plan period in this settlement. However, the Rural Facilities Audit (2014), comprising an evidence base document to the Core Strategy, and not an adopted Supplementary Planning Document, has limited weight.

The Core Strategy also states that the allocation of such sites should be considered through the Placemaking Process with the Housing Development Boundary being amended at that stage to incorporate these sites or other new sites.

The Placemaking Plan Options Document, whilst also confirming the requirement for the village to accommodate around 10-15 dwellings, identifies a total of three potentially appropriate sites, all of which are located outside the existing Housing Development Boundary.

The development site is included as Site SR2 and a number of development principles are indicated which the proposed development, albeit in outline form, is considered to meet.

However; the Placemaking Plan Options Document is early in its consideration and is not yet an adopted document, therefore also has limited weight.

It should be noted that the references to 50 dwellings and 10-15 dwellings are not considered to represent a 'cap' to the number of dwellings acceptable which is indicated by the preceding word 'around'. In this case the proposed development of 17 dwellings is considered to fit within the reference of 'around 10-15 dwellings, and in any case is significantly below the higher figure of 'around 50 dwellings' that could be acceptable under Policy RA1 of the Core Strategy.



In this case a significant part of the intended developable area of the land, as shown on drawing No 28867/03) is already within the Housing Development Boundary (HDB) with the remaining area outside, but adjacent. As the level of development, at 17 dwellings, is acceptable under Policy RA1, and as there are no other sites within the HDB that would accommodate a development of this size, in the absence of any other identified harm, there is no in principle objection to the residential development of this site.

#### Design of the development:

The detailed design and layout of the proposed development are reserved matters and not under consideration at this time. The indicative information provided some detail and it is considered that there are no over-riding concerns to be raised with the design approach at this stage.

It has however been raised that there are no existing street lights within the village and therefore, at reserved matters stage, it should be demonstrated that lighting etc. should be sensitively designed.

The illustrative masterplan states that the site will accommodate 17 dwellings, at an average density of approx. 24 dwellings per hectare which provides for an acceptable density in the context of the area. The site would also include an area of open space.

It is considered that the proposed level of development could be achieved on site although the full detailed design would be subject to further approval through reserved matters.

#### Impact on residential amenity:

Whilst concerns have been raised by residents adjoining the site in relation to the impact of the development on residential amenity, the detailed design and layout of the proposed development are reserved matters and not under consideration at this time.

Notwithstanding this the indicative information shown does not indicate that the development would have an unacceptable impact on the residential amenity of neighbouring occupiers.

Nevertheless a more detailed consideration of any impact on residential amenity can only be made on the basis of a full plans submission and there would be opportunities to influence the detailed design at that stage to overcome any amenity concerns arising.

#### Impact on Ecology:

The application was submitted with some preliminary bat surveys however, following concerns from the Ecologist, further bat surveys were required for those buildings at the site for which an internal inspection had not been possible. The necessary surveys have now been carried out and no further roosts were found.

Building B4 (as shown on figure 2 of the bat report) contains a roost for Soprano pipistrelle bats, and an EPS licence will be required. However compensatory roost provision is proposed in the form of a soffit box bat box, to be incorporated into a new building at the same location.

The Local Planning Authority must consider the "three tests" of the Habitats Regulations and be satisfied that they will be met. Information to show that the development meets the 'three tests' has been submitted by the applicant and is considered below:

1. There is "no satisfactory alternative"

The information submitted argues that the site represents the ideal opportunity to redevelop existing buildings in a countryside setting whilst providing opportunities to enhance the biodiversity of the area.

It is also stated that the 'do nothing' approach to the barn is certainly an alternative, but it will result in the loss of the roost for bats in the long term since the building is in a state of disrepair and will continue to deteriorate, eventually becoming unsuitable for bats.

On consideration of the development as a whole and in light of the justification submitted, the development is considered to meet the first test.

2. The proposal would "not be detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range"

The information submitted argues that, whilst a full EPS mitigation scheme has not been drawn up at this stage, the submitted bat report clearly outlines how a mitigation strategy can be implemented on the site. It has been demonstrated how the existing roosts on site will be retained.

It is stated that the 'do nothing' scenario will in the long-term result in a net loss of habitat for bats through the continued neglect of the barn. The submission concludes that the recommendations made within the bat report will serve to ensure the continued provision of roosting habitat for bats on the site.

Again, on consideration of the development as a whole and in light of the justification submitted, the development is considered to meet the second test.

3. The proposal is "in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment"

The information submitted states that currently the barn is in a state of disrepair, and if works are not undertaken to redevelop it, then it is likely that this will continue, leading to the eventual loss of roosting sites for bats on the site. It is argued that, by redeveloping the site sympathetically, and incorporating bat access and roosts into new buildings as part of the new development, the site will continue to support a population of bats into the future.

The information submitted within the habitat and bat survey reports to address the third test has been considered by the Ecologist who is of the view that, the proposed mitigation demonstrates that the "third test" re. maintenance of the favourable conservation status of the affected species would be met and there is no reason to disagree with this view.



### Impact on Landscape and Trees:

The layout of the proposed development are reserved matters and not under consideration at this time. Nevertheless, in order to demonstrate that the proposed residential development would not have a detrimental impact on existing trees the application has been accompanied by an arboricultural report. This confirms that all 'B' category trees are to be retained with the exception of a London Plane which is set back into the site and not readily visible from outside of the site. The Arboricultural Officer is satisfied that this is acceptable and raises no objections to the proposals.

However the illustrative masterplan does show that veteran Willow (T61) has been incorporated into the front garden of plot 17. In view of the sensitive management requirements for this tree and potential ecological value it is considered necessary for the layout to be altered at reserved matters stage to ensure that the tree is retained within an area of open space.

In terms of landscape impact, the application has been accompanied by a Landscape and Visual Impact Assessment which has concluded that the impact of the proposed development would be localised and limited with no adverse effect on the intrinsic characteristics of the wider landscape of the AONB and the Upper Chew and Yeo Valleys LCA. It also concluded that there were no significant adverse visual effects and any noticeable effects would be limited to the immediate area.

The Landscape Officer has considered the submitted information and agrees with the findings of the above report, raising no objection in principle to the proposed development.

There are a number of opportunities to enhance the existing green infrastructure linkages to the east of the site including existing features such as the stream running through the site (subject to safety considerations). These should therefore form part of any future reserved matters application within a detailed landscape scheme, with the open space being designed in such a way as to include a proper use, natural play for example.

### Flooding and Drainage:

The site is within Flood Zone 1 which is the lowest level of flooding and therefore the provision of housing is acceptable and does not require the submission of a sequential test or exception test.

A drainage scheme has been submitted which includes the provision of an attenuation pond at the rear of the site. The Flood and Drainage Team have considered the details and are of the view that the proposals are acceptable.

Whilst some concerns have been raised by residents and the Parish Council that this site has history of flooding it is considered that the proposed drainage scheme would mitigate for this and Officers are therefore satisfied that the concerns in relation to drainage and flooding can be overcome to a satisfactory degree.

### Sustainability and Highway Safety:

The proposal includes the introduction of an additional vehicular access off Bristol Road, giving access to the majority of the proposed residential units, is not considered to be of concern to the Highways Development and would not result in an adverse highway impact in terms of the capacity of the local highway network.

In terms of sustainability, the location of the site in a central location within West Harptree, and given the level of facilities that exist, is considered to be sustainable. However the Highways Development Officer has identified a number of specific local problems with accessibility which need to be addressed before the development can be acceptable.

In light of this a number of footway improvements are proposed, including the provision of a continuous footway between the site and the village centre, which represent an improvement to existing pedestrian facilities to the extent that accessibility of the development has now been demonstrated.

Subject to these measures being included in a S106 agreement, the proposed development is not considered to have a harmful impact on highway safety.

#### Education Provision:

The development, being of a residential nature will put added pressure on the local school and potential lack of school places, and inability for the school to expand, has been raised as a concern by both the Parish Council and local residents.

However, Education Services have confirmed that Pupil projections for East Harptree Primary School indicate that whilst, by 2018 all places in Primary School year groups Year 5 and Year 6 will be full with no surplus capacity available, there is projected to be sufficient available capacity in the other five primary year groups to accommodate the pupils generated by the development.

In light of this there have been no objections raised by Education Services subject to a contribution. However, since the comments were made, CIL has been adopted and therefore a separate contribution by a legal agreement is no longer necessary.

#### Affordable Housing:

In accordance with Policy CP9 of the Core Strategy the submitted information proposes an affordable housing contribution of 30% (5 dwellings) which is considered acceptable.

However the proposed affordable housing mix is considered unacceptable and should be amended take into account local housing need data held on the Councils Housing Register (24th Jan 2014).

With regard to design, as the application is in outline there is no detailed design or layout of the affordable dwellings available, however the design, layout, construction & affordability requirements will be inserted within the associated Section 106 legal document.

Whilst this development is in outline, the Housing Officer has raised concerns that the orientation of the dwellings is largely North / South which does not promote solar gain and



the reduction of utility cost to the householder. Furthermore the indicative layout appears to include un-adopted roads and much green space and every effort must be made to reduce the impacts of service charges against affordability to the occupiers of the affordable housing. These are issues that need to be addressed at reserved matters stage.

#### Conclusion:

The village of West Harptree, due to its facilities, is considered to fall under Policy RA1 of the Core Strategy meaning that, potentially, a total of 50 dwellings would be acceptable within the Housing Development Boundary.

However, whilst the B&NES Rural Facilities Audit (2014) and Placemaking Plan Options Document indicate that the village should only accommodate around 10-15 dwellings, due to the location within the AONB, these documents carry limited weight.

Nevertheless the proposed development of 17 dwellings is considered to fit within the reference of 'around 10-15 dwellings, and in any case is significantly below the higher figure of 'around 50 dwellings' that could be acceptable under Policy RA1 of the Core Strategy.

Whilst the Placemaking Plan has limited weight at this time the application site is identified as one of the total of three potentially appropriate sites, all of which are located outside the existing Housing Development Boundary. The proposed development is also considered to meet the development principles stated within the Placemaking Plan.

Furthermore, as a significant part of the intended developable area of the land, is within the Housing Development Boundary (HDB) with the remaining area outside, but adjacent, in the absence of any other identified harm, there is no in principle objection to the residential development of this site.

The site is within the AONB but, following the conclusions of the submitted LVIA, and the comments of the Landscape Officer, it is considered that the proposal would not result in any adverse impact on the landscape or this part of the AONB.

The development would result in the loss of one tree but would retain all others that are worthy of retention.

As the development is in outline, with all matters reserved, no detailed layout or design of the dwellings has been provided. Despite this it is considered that the development, at the level proposed, can be accommodated on the site without having a detrimental impact on the residential amenity of neighbouring occupiers.

With regard to Ecology, an existing building on the site has been found to contain a bat roost. However following submission of further reports the scheme is considered to be acceptable and would not have a harmful impact on any protected species, subject to adequate mitigation. The proposal has been assessed against the '3 tests' of the Habitat Regulations and is considered to have met the tests.

The proposals would result in the provision of an additional access off Bristol Road which, subject to the provision of an acceptable visibility splay is considered to be acceptable. The village itself is considered to be generally sustainable although there are issues with regard to footway provision. In light of this the proposal also include footway improvements to provide a continuous pavement between the site and the centre of West Harptree village, which need to form part of a S106 Agreement.

Whilst the proposal has been subject to a number of concerns from both the Parish Council and local residents, which have been considered in full, it is nevertheless considered that, overall, as the site is considered to comply with Policy RA1, and in the absence of any identified harm, the principle of residential development is acceptable.

## **RECOMMENDATION**

Delegate to PERMIT

## **CONDITIONS**

0 Authorise the Development Group Manager, in consultation with the Head of Legal and Democratic Services, to enter into a section 106 agreement to provide the following:

### 1. Highways

Improvements to the footway between the development and the centre of West Harptree.

### 2. Affordable Housing

30% affordable housing provision in accordance with Policy CP9 and the Planning Obligations SPD

B Upon completion of the agreement, authorise the Development Group Manager to permit the application subject to the following 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 Approval of the details of the (a) layout, (b) scale, (c) appearance and (e) landscaping of the site (hereinafter called the reserved matters) shall be obtained from the Local Planning Authority before any development is commenced.



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

4 The application for reserved matters approval shall include no more than 18 dwellings (including existing) and shall show that the development in Area B, as defined on drawing no 28867/03, shall be restricted to supporting infrastructure including (but not limited to) landscaping, drainage features and footpaths.

Reason: To define the developable areas of the site.

5 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.

6 No development shall take place until a Detailed Arboricultural Method Statement with Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority.

The final method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and certificates of completion to the Local Planning Authority. The statement should also include the control of potentially harmful operations such as the storage, handling and mixing of materials on site, soil remediation (subject to contamination investigation results), burning, location of site office, service run locations including soakaway locations and movement of people and machinery.

The development shall thereafter take place strictly in accordance with the approved Arboricultural Method Statement. A signed certificate of compliance shall be provided by the appointed Arboriculturalist to the Local Planning Authority on completion.

Reason: Further information is required to ensure that the trees to be retained are adequately protected before development commences and to ensure that they are not damaged during the construction period.

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



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

Reason: As the site is within an area of potential archaeological interest and the Council will wish to evaluate the significance and extent of any archaeological remains before they are potentially destroyed by the construction process.

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

Reason: As the site is within an area of potential archaeological interest and the Council will wish to record and protect any archaeological remains before they are potentially destroyed by the construction process.

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

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

10 No development shall commence until construction details and cross sections of the proposed open channel, swales and pond structure to ensure that there is enough capacity to convey/attenuate the surface water discharge, along with calculations showing the volumes of the proposed futures including swales, pond and culvert, has been submitted to and approved in writing by the Local Planning Authority. Thereafter the surface water drainage for the site shall be constructed in accordance with the approved details and the surface water drainage strategy included in the Flood Risk Assessment (FRA) undertaken by Pba-Peter Brett in December 2014 rev A, Project ref:28867/4001 and completed prior to occupation of the approved dwellings. Surface water runoff from Bristol Road and runoff from the upstream catchment shall be intercepted via the proposed open channel.

Reason: Further details with regard to drainage of the site is required to ensure that an acceptable drainage system is provided and, as it would be located below ground, the details are required prior to the commencement of the construction process. In the interests of flood risk management and highway safety.

#### 11 Contaminated Land Condition 1. Site Characterisation

No development shall take place until an investigation and risk assessment, in addition to any assessment provided with the planning application has been 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: 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. Further details are required prior to commencement of development as any contamination of the site would need to be understood, addressed and remediated prior to construction commencing.

#### 12 Contaminated Land Condition 2. Submission of Remediation Scheme

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: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 11 of the National Planning Policy Framework.

#### 13 Contaminated Land Condition 3. Implementation of Approved Remediation Scheme

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 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: This information is necessary prior to commencement of development to ensure that the approved remediation scheme is in place before construction commence in order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 11 of the National Planning Policy Framework.

#### 14 Contaminated Land Condition 4. Reporting of Unexpected Contamination

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 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the 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 3.

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.

#### 15 Contaminated Land Condition 5. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed with the Local Planning Authority and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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 No development shall commence until details of the access, parking and turning areas, including surfacing details, where they relate to individual plot parking or shared parking areas, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out strictly in accordance with the approved details before each dwelling is occupied and shall not thereafter be used other than for the access, parking or turning of vehicles in connection with the development hereby permitted.

Reason: The information is required prior to commencement of development to ensure that the detailed design of the access, parking and turning areas are considered to be acceptable and to ensure that the development can thereafter be constructed in accordance with the details. In the interests of amenity and highway safety.

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

Reason: To ensure that the development is served by an adequate means of access.

18 The development hereby permitted shall not be occupied until the visibility splays shown on the submitted plan (28867/1008/001) have been provided with no obstruction to visibility at or above a height of 600mm above the nearside carriageway level. The visibility splays shall thereafter be maintained free of obstruction at all times.

Reason: In the interests of highway safety.

19 Prior to the commencement of the development, a Construction Management Plan shall be 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. A programme of condition surveys of the local highway network shall be included, and all damage resulting from development made good.

Reason: The details of how the construction period will be managed needs to be considered before commencement of development to ensure the safe operation and ongoing condition of the highway.

20 No development shall commence until full details of a Wildlife Protection and Enhancement Scheme have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

(i) Method statement for wildlife protection during site and vegetation clearance including details of all necessary measures to avoid disturbance or harm to reptiles, nesting birds, hedgehog, badger and other wildlife as applicable

(ii) Details of soft landscape design to include native species planting; habitat creation and long term conservation management; and provision of "bat-friendly" planting such as night scented native species; throughout the development, and all such details to be fully incorporated to the scheme and shown on all relevant planting and soft landscape plans and drawings

(iii) Detailed proposals for all other necessary wildlife protection and enhancement measures as applicable, in accordance with the approved ecological reports

All works within the scheme shall thereafter be carried out in accordance with the approved details and completed prior to the occupation of any part of the development.

Reason: Further information is required to ensure that any harm to the bats (which are a protected species) and their roosts is avoided during and after the construction period.

21 No development shall commence, including demolition, until full details of a mitigation and compensation scheme for bats has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be in accordance with the recommendations described in section 4 of the approved Bat Survey Report by IES Consulted dated May 2015, and shall include:

- 1 specifications for replacement roost provision, to be incorporated into the scheme and shown on relevant plan/s and scale drawing/s;
2. proposed timing of all works affecting known bat roost/s
3. Findings of any further surveys undertaken, as recommended in section 4.2.3 of the approved bat report, should this be deemed necessary, together with detailed proposals for any necessary further mitigation or compensation

The development shall thereafter be carried out strictly in accordance with the approved details.

Reason: Further information is required to ensure that any harm to the bats (which are a protected species) and their roosts are adequately mitigated for both during and after the construction period.

22 No external lighting shall be installed, other than that approved at reserved matters, without full details of the proposed lighting design being submitted to and approved in writing by the Local Planning Authority. The details shall include lamp specifications, positions, numbers and heights; and details of all necessary measures to limit use of lights when not required and to prevent light spill onto vegetation and adjacent land; and to avoid harm to bat activity and other wildlife. The lighting shall thereafter be installed strictly in accordance with the approved details.

Reason: To avoid harm to bats and other wildlife.

23 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 PLANS LIST:

This decision relates to drawing no's 28867/01, 28867/02, 28867/03, 28867/1008/001, 28867/1008/009, 140623-WH-TCP-LI.

#### **2 DECISION MAKING STATEMENT**

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Policy Framework. For the



reasons given, and expanded upon in a related case officer's report, a positive view of the revised \* submitted proposals was taken and consent was granted.

**3 ADVICE NOTE:**

Where a request is made to a Local Planning Authority for written confirmation of compliance with a condition or conditions attached to a planning permission or where a request to discharge conditions is submitted a fee shall be paid to that authority. Details of the fee can be found on the "what happens after permission" pages of the Council's Website. Please send your requests to the Registration Team, Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG. Requests can be made using the 1APP standard form which is available from the Planning Portal at [www.planningportal.gov.uk](http://www.planningportal.gov.uk).

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

**BATH AND NORTH EAST SOMERSET COUNCIL**  
**DEVELOPMENT MANAGEMENT COMMITTEE**

**29th July 2015**

**DECISIONS**

<b>Item No:</b>	001	
<b>Application No:</b>	14/05899/OUT	
<b>Site Location:</b>	Leacroft House, Bristol Road, West Harptree, Bristol	
<b>Ward:</b> Mendip	<b>Parish:</b> West Harptree	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Outline Application	
<b>Proposal:</b>	Erection of new dwellings, access, landscaping and attenuation pond and refurbishment of Leacroft House, following demolition of Leacroft Bungalow and outbuildings associated with former builders yard.	
<b>Constraints:</b>	Airport Safeguarding Zones, Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Housing Development Boundary, Public Right of Way, SSSI - Impact Risk Zones, Water Source Areas,	
<b>Applicant:</b>	Mr & Mrs Payne	
<b>Expiry Date:</b>	31st July 2015	
<b>Case Officer:</b>	Rachel Tadman	

**DECISION**

Delegate to Permit - Pending Legal Agreement

<b>Item No:</b>	002	
<b>Application No:</b>	15/01336/FUL	
<b>Site Location:</b>	Shortwood Common Cottage, Hook Lane, Hinton Blewett, Radstock	
<b>Ward:</b> Mendip	<b>Parish:</b> Hinton Blewett	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Erection of two storey side and rear extension following demolition of existing kitchen area and detached garages	
<b>Constraints:</b>	Airport Safeguarding Zones, Agric Land Class 3b,4,5, Area of Outstanding Natural Beauty, Coal - Standing Advice Area, SSSI - Impact Risk Zones,	
<b>Applicant:</b>	Mr & Mrs J Hill	
<b>Expiry Date:</b>	7th August 2015	
<b>Case Officer:</b>	Martin Almond	

**DECISION REFUSE**



1 The proposed two storey side extension will result in a incongruous and prominent addition to the existing dwelling which is not subservient to the existing building and does not complement or respect the host building, the proposal would therefore have a significant and unacceptable impact on the character and appearance of the dwelling itself and the character and appearance of the surrounding area and as such the proposal is contrary to Saved Policies D.2 and D.4 of the Bath and North East Somerset Local Plan (including minerals & waste policies) adopted 2007.

2 The proposed two storey rear extensions will result in incongruous additions to the existing dwelling which will increase the bulk of the property and will result in the loss of character to the existing dwelling and as such the proposal is contrary to Saved Policy D.4 of the Bath and North East Somerset Local Plan (including minerals & waste policies) adopted 2007.

3 The proposed extensions by reason of their size, position and prominence will have an adverse impact upon the natural beauty of the landscape of this part of the designated AONB and as such is contrary to Saved Policy NE.2 of the Bath and North East Somerset Local Plan (including minerals & waste policies) adopted 2007 and Paragraph 115 of the National Planning Policy Framework 2012.

#### **PLANS LIST:**

This decision relates to drawings 1732-02 P1, 1732-03 P1, 1732-04 P1, 1732-06 P1 dated as received 20th March 2015 and drawings 1732 - 01 P2, 1732 - 05 P2, 1732 - 07 P2 and 1732 - 08 P2 dated as received 1st May 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 informal advice offered by the Local Planning Authority the submitted application was unacceptable for the reasons outlined above and the applicant was advised that the application was to be recommended for refusal.