

Democratic Services

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Date: 6 January 2016
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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, Dine Romero and Karen Warrington

Chief Executive and other appropriate officers
Press and Public

Dear Member

Development Management Committee: Wednesday, 13th January, 2016

You are invited to attend a meeting of the **Development Management Committee**, to be held on **Wednesday, 13th January, 2016 at 2.00pm** in the **Brunswick Room - Guildhall, Bath**

The Chair's Briefing Meeting will be held at 10.00am on Tuesday 12th January 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

If you need to access this agenda or any of the supporting reports in an alternative accessible format please contact Democratic Services or the relevant report author whose details are listed at the end of each report.

This Agenda and all accompanying reports are printed on recycled paper

NOTES:

- 1. Inspection of Papers:** Any person wishing to inspect minutes, reports, or a list of the background papers relating to any item on this Agenda should contact David Taylor who is available by telephoning Bath 01225 394414 or by calling at the Guildhall Bath (during normal office hours).
- 2. Public Speaking at Meetings:** The Council has a scheme to encourage the public to make their views known at meetings. They may make a statement relevant to what the meeting has power to do. They may also present a petition or a deputation on behalf of a group. Advance notice is required not less than two full working days before the meeting (this means that for meetings held on Wednesdays notice must be received in Democratic Services by 4.30pm the previous Friday)

The public may also ask a question to which a written answer will be given. Questions must be submitted in writing to Democratic Services at least two full working days in advance of the meeting (this means that for meetings held on Wednesdays, notice must be received in Democratic Services by 4.30pm the previous Friday). If an answer cannot be prepared in time for the meeting it will be sent out within five days afterwards. Further details of the scheme can be obtained by contacting David Taylor as above.

- 3. Details of Decisions taken at this meeting** can be found in the minutes which will be published as soon as possible after the meeting, and also circulated with the agenda for the next meeting. In the meantime details can be obtained by contacting David Taylor as above.

Appendices to reports are available for inspection as follows:-

Public Access points - Reception: Civic Centre - Keynsham, Guildhall - Bath, The Hollies - Midsomer Norton. Bath Central and Midsomer Norton public libraries.

For Councillors and Officers papers may be inspected via Political Group Research Assistants and Group Rooms/Members' Rooms.

- 4. Recording at Meetings:-**

The Openness of Local Government Bodies Regulations 2014 now allows filming and recording by anyone attending a meeting. This is not within the Council's control.

Some of our meetings are webcast. At the start of the meeting, the Chair will confirm if all or part of the meeting is to be filmed. If you would prefer not to be filmed for the webcast, please make yourself known to the camera operators.

To comply with the Data Protection Act 1998, we require the consent of parents or guardians before filming children or young people. For more information, please speak to the camera operator

The Council will broadcast the images and sound live via the internet www.bathnes.gov.uk/webcast An archived recording of the proceedings will also be available for viewing after the meeting. The Council may also use the images/sound recordings on its social media site or share with other organisations, such as broadcasters.

5. **Attendance Register:** Members should sign the Register which will be circulated at the meeting.
6. THE APPENDED SUPPORTING DOCUMENTS ARE IDENTIFIED BY AGENDA ITEM NUMBER.

7. Emergency Evacuation Procedure

When the continuous alarm sounds, you must evacuate the building by one of the designated exits and proceed to the named assembly point. The designated exits are sign-posted.

Arrangements are in place for the safe evacuation of disabled people.

**Development Management Committee - Wednesday, 13th January, 2016
at 2.00pm in the Brunswick Room - Guildhall, Bath**

A G E N D A

1. EMERGENCY EVACUATION PROCEDURE

The Chairman will ask the Committee Administrator to draw attention to the emergency evacuation procedure as set out under Note 7

2. ELECTION OF VICE CHAIRMAN (IF DESIRED)

3. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

4. DECLARATIONS OF INTEREST

At this point in the meeting, declarations of interest are received from Members on any of the agenda items under consideration at the meeting. Members are asked to indicate:

(a) The agenda item number and site in which they have an interest to declare.

(b) The nature of their interest.

(c) Whether their interest is a **disclosable pecuniary interest** or other interest (as defined in Part 2, A and B of the Code of Conduct and Rules for Registration of Interests).

Any Member who needs to clarify any matters relating to the declaration of interests is recommended to seek advice from the Council's Monitoring Officer before the meeting to expedite dealing with the item during the meeting.

5. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

6. ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS

(1) At the time of publication, no items had been submitted.

(2) To note that, regarding planning applications to be considered, members of the public who have given the requisite notice to the Committee Administrator will be able to make a statement to the Committee immediately before their respective applications are considered. There will be a time limit of 3 minutes for each proposal, ie 3 minutes for the Parish and Town Councils, 3 minutes for the objectors to the proposal and 3 minutes for the applicant, agent and supporters. This allows a maximum of 9 minutes per proposal.

7. ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

To deal with any petitions or questions from Councillors and where appropriate Co-opted Members

8. MINUTES: 16TH DECEMBER 2015 (PAGES 9 - 56)

To approve as a correct record the Minutes of the previous meeting held on Wednesday 16th December 2015

9. SITE VISIT LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (PAGES 57 - 86)

10. MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (PAGES 87 - 146)

11. NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES (PAGES 147 - 152)

To note the report

The Committee Administrator for this meeting is David Taylor who can be contacted on 01225- 394414

Delegated List Web Link: <http://www.bathnes.gov.uk/services/planning-and-building-control/view-and-comment-planning-applications/delegated-report>

Member and Officer Conduct/Roles Protocol*

Development Control Committee

(*NB This is a brief supplementary guidance note not intended to replace or otherwise in any way contradict the Constitution or the Code of Conduct for Members and Co-Opted Members adopted by the Council on 19th July 2012 to which full reference should be made as appropriate).

1. Declarations of Interest (Disclosable Pecuniary or Other Interest)

These are to take place when the agenda item relating to declarations of interest is reached. It is best for Officers' advice (which can only be informal) to be sought and given prior to or outside the Meeting. In all cases, the final decision is that of the individual Member.

2. Local Planning Code of Conduct

This document, as approved by Full Council and previously noted by the Committee, supplements the above. Should any Member wish to state/declare that further to the provisions of the Code (although not a personal or prejudicial interest) they will not vote on any particular issue(s), they should do so after (1) above.

3. Site Visits

Under the Council's own Local Code, such visits should only take place when the expected benefit is substantial eg where difficult to visualize from a plan or from written or oral submissions or the proposal is particularly contentious. The reasons for a site visit should be given and recorded. The *attached note* sets out the procedure.

4. Voting & Chair's Casting Vote

By law, the Chair has a second or "casting" vote. It is recognised and confirmed by Convention within the Authority that the Chair's casting vote will not normally be exercised. A positive decision on all agenda items is, however, highly desirable in the planning context, although exercise of the Chair's casting vote to achieve this remains at the Chair's discretion.

Chairs and Members of the Committee should be mindful of the fact that the Authority has a statutory duty to determine planning applications. A tied vote leaves a planning decision undecided. This leaves the Authority at risk of appeal against non-determination and/or leaving the matter in abeyance with no clearly recorded decision on a matter of public concern/interest.

The consequences of this could include (in an appeal against "non-determination" case) the need for a report to be brought back before the Committee for an indication of what decision the Committee would have come to if it had been empowered to determine the application.

5. **Protocol for Decision-Making**

When making decisions, the Committee must ensure that it has regard only to relevant considerations and disregards those that are not material. The Committee must ensure that it bears in mind the following legal duties when making its decisions:

- Equalities considerations
- Risk Management considerations
- Crime and Disorder considerations
- Sustainability considerations
- Natural Environment considerations
- Planning Act 2008 considerations
- Human Rights Act 1998 considerations
- Children Act 2004 considerations
- Public Health & Inequalities considerations

Whilst it is the responsibility of the report author and the Council's Monitoring Officer and Chief Financial Officer to assess the applicability of the legal requirements, decision makers should ensure that they are satisfied that the information presented to them is consistent with and takes due regard of them.

6. **Officer Advice**

Officers will advise the meeting as a whole (either of their own initiative or when called upon to do so) where appropriate to clarify issues of fact, law or policy. It is accepted practice that all comments will be addressed through the Chair and any subsequent Member queries addressed likewise.

7. **Decisions Contrary to Policy and Officer Advice**

There is a power (not a duty) for Officers to refer any such decision to a subsequent meeting of the Committee. This renders a decision of no effect until it is reconsidered by the Committee at a subsequent meeting when it can make such decision as it sees fit.

8. **Officer Contact/Advice**

If Members have any conduct or legal queries prior to the meeting, then they can contact the following Legal Officers for guidance/assistance as appropriate (bearing in mind that informal officer advice is best sought or given prior to or outside the meeting) namely:-

1. Simon Barnes, Principal Solicitor and Deputy Monitoring Officer
Tel. No. 01225 39 5176
2. Simon Elias, Senior Legal Adviser
Tel. No. 01225 39 5178

General Member queries relating to the agenda (including public speaking arrangements for example) should continue to be addressed to David Taylor, Senior Democratic Services Officer Tel No. 01225 39 4414

**Planning and Environmental Law Manager, Development Manager,
Democratic Services Manager, Monitoring Officer to the Council
August 2013**

Site Visit Procedure

- (1) Any Member of the Development Control or local Member(s) may request at a meeting the deferral of any application (reported to Committee) for the purpose of holding a site visit.
- (2) The attendance at the site inspection is confined to Members of the Development Control Committee and the relevant affected local Member(s).
- (3) The purpose of the site visit is to view the proposal and enhance Members' knowledge of the site and its surroundings. Members will be professionally advised by Officers on site but no debate shall take place.
- (4) There are no formal votes or recommendations made.
- (5) There is no allowance for representation from the applicants or third parties on the site.
- (6) The application is reported back for decision at the next meeting of the Development Control Committee.
- (7) In relation to applications of a controversial nature, a site visit could take place before the application comes to Committee, if Officers feel this is necessary.

DEVELOPMENT MANAGEMENT COMMITTEE

Minutes of the Meeting held

Wednesday, 16th December, 2015, 2.00pm

Councillor Rob Appleyard - Bath & North East Somerset Council
 Councillor Jasper Martin Becker- Bath & North East Somerset Council
 Councillor Paul Crossley - Bath & North East Somerset Council
 Councillor Matthew Davies - Bath & North East Somerset Council
 Councillor Sally Davis - Bath & North East Somerset Council
 Councillor Eleanor Jackson - Bath & North East Somerset Council
 Councillor Les Kew - Bath & North East Somerset Council
 Councillor Bryan Organ - Bath & North East Somerset Council
 Councillor Caroline Roberts - Bath & North East Somerset Council
 Councillor Martin Veal (In place of Councillor David Veale) - Bath and North East Somerset Council

Also attending: Councillors Colin Blackburn, Charles Gerrish, Francine Haerberling, Paul May, June Player, Brian Simmons and Karen Warrington

81 ELECTION OF VICE CHAIRMAN (IF DESIRED)

A Vice Chairman was not required

82 EMERGENCY EVACUATION PROCEDURE

The Senior Democratic Services Officer read out the procedure

83 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There was an apology for absence from Councillor David Veale whose substitute was Councillor Martin Veal

84 DECLARATIONS OF INTEREST

There was a declaration of disclosable interest by Councillor Rob Appleyard on Parcel 0006 Maynard Terrace, Clutton (Item 1, Report 10) as he is a Director of Curo, the applicants, and he would therefore leave the meeting for its consideration. Councillor Les Kew also declared an other interest in this application as a family member lives in Maynard Terrace. He also declared an interest in the Consultation on the Masterplan at Horseworld, Whitchurch (Item 2, Report 10) as his family holds land adjoining the site and therefore he would leave the meeting for the consideration of these items.

85 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was none. However, the Chairman informed the public that the applications at The Old Parsonage, Farrington Gurney, had been withdrawn and therefore would

not be considered at this meeting.

86 ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS

The Senior Democratic Services Officer informed the meeting that there were a number of people wishing to make statements on planning applications and that they would be able to do so when reaching their respective items in Reports 9 and 10.

87 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

Councillor Paul Crossley raised the issue of whether this Committee would be webcast in the future which was a matter he had raised earlier in the year. The Chairman replied that she should be able to respond to this question at the next meeting in January.

88 MINUTES: 18TH NOVEMBER 2015

The Minutes of the previous meeting held on Wednesday 18th November 2015 were approved and signed by the Chairman as a correct record

89 SITE VISIT LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE

The Committee considered

- The report of the Group Manager – Development Management on applications for planning permission etc.
- An Update Report by the Group Manager on Items 1, 3 and 4, a copy of which is attached as *Appendix 1* to these Minutes
- Oral statements by members of the public etc. on Item No 1, a copy of the Speakers List being attached as *Appendix 2* to these Minutes

RESOLVED that, in accordance with their delegated powers, the applications be determined as set out in the Decisions List attached as *Appendix 3* to these Minutes

Item 1 No 1 Sydenham Terrace, Tynning Road, Combe Down, Bath – Erection of 1 three bed dwelling and single storey rear extension to existing house following demolition of single storey side extension and some outbuildings –

The Case Officer reported on this application and her recommendation to grant permission subject to conditions. She referred to the Update Report which contained the Highways Officer's comments on parking in the area.

The applicant's agent made a statement in favour of the proposals.

Councillor Les Kew considered that it was a beneficial site visit and was a sensible application and good use of the space. Parking would always be a problem here as it was in any other area of the City. He therefore moved the Officer recommendation which was seconded by Councillor Eleanor Jackson who considered that it would be an improvement to the street scene and would enhance the Conservation Area and it was in a sustainable location. Councillor Paul Crossley disagreed and considered

that it was overdevelopment which would impact on neighbours and create further parking problems in the area.

The motion was put to the vote and was carried, 9 voting in favour and 1 against.

Item 2 Garage blocks between 60 and 100 Greenvale Drive, Timsbury – Erection of 2 three bedroom semi-detached houses with parking spaces following demolition of 8 single garages (2 blocks of 4) (Outline application with access and layout to be determined and all other matters reserved) – The Case Officer reported on this application and her recommendation to grant permission subject to conditions.

Members asked questions to which Officers responded. There was concern regarding the location of the houses and insufficient space for the turning circle into garages. Councillor Martin Veal considered that this was overdevelopment with an unsympathetic design and an unacceptable loss of off-street parking – it would not suit the character of the neighbourhood. For these reasons, he moved that the recommendation be overturned and that permission be refused which was seconded by Councillor Bryan Organ.

Members debated the motion. It was generally considered that this was a good location and an acceptable design which would complement the existing houses. The Team Manager – Development Management pointed out that that this was an outline application with details to be approved.

The motion was put to the vote. Voting: 3 in favour and 7 against. Motion lost.

It was therefore moved by Councillor Eleanor Jackson to approve the Officer recommendation to grant permission subject to conditions which was seconded by Councillor Paul Crossley. The motion was put to the vote and was carried, 7 voting in favour and 3 against.

Items 3&4 The Old Parsonage, Main Street, Farrington Gurney – (1) Internal and external alterations to include erection of single storey lean-to extension (Resubmission) (Ref 15/03632/LBA); and (2) erection of single storey lean-to extension (Resubmission) (Ref 15/03574/FUL) – These applications were withdrawn from the Agenda

90 **MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE**

The Committee considered

- The report of the Group Manager – Development Management on various planning applications etc.
- An Update Report by the Group Manager on Item Nos 4 and 8, a copy of which is attached as *Appendix 1* to these Minutes
- Oral statements by members of the public etc. on Item Nos 1-5, 7-10 and 12, a copy of the Speakers List being attached as *Appendix 2* to these Minutes

RESOLVED that, in accordance with their delegated powers, the applications be

determined as set out in the Decisions List attached as *Appendix 4* to these Minutes.

Item 1 Parcel 0006 Maynard Terrace, Clutton – Modification of Planning Obligation 12/01882/OUT to reduce the affordable housing provision to 33% (Erection of 36 dwellings and associated works - Revised submission) – The Case Officer reported on this application and her recommendation that the Officers be authorised to amend the S106 Agreement as the proposed reduction in the level of affordable housing to 33% would comply with Core Strategy Policy CP9 and as such the S106 Agreement should be modified accordingly. The application was to reduce the amount of affordable housing and consideration needed to be given to whether the reduction to 33% would make the scheme viable - other planning issues were not up for debate.

The public speakers made their statements against and in favour of the application. The Ward Councillor Karen Warrington made a statement against the proposal.

Councillor Eleanor Jackson had attended the public local inquiry on the appeal and was aware of the issues. She considered that this was a reasonable application and that it was better to use Curo than a private developer. She moved the Officer recommendation to amend the S106 Agreement which was seconded by Councillor Paul Crossley.

Members debated the motion. The Group Manager – Development Management stated that Members needed to consider whether the 53% affordable housing originally proposed was now not deliverable. The land was allocated in the Core Strategy and part of the 5 year land supply. The risk of costs against the Council on an appeal against a refusal should be taken into account. In response to a Member's query, he stated that the case for viability was confidential. He summed up that the report showed the development would be unviable at over 33% affordable housing provision and that this had been independently assessed and agreed. If Members wanted to see further details, then the matter would need to be deferred for a private briefing session to go through the viability appraisal.

The motion was put to the vote. Voting: 4 in favour and 4 against. The Chairman decided to use her second and casting vote in favour and therefore the vote was carried, 5 voting in favour and 4 against.

(Note: Councillors Rob Appleyard and Les Kew were not present for this matter in view of their interests declared earlier in the meeting)

Item 2 Horseworld, Staunton Lane, Whitchurch – Comprehensive Masterplan and Design Principles for the proposed redevelopment of the land at Whitchurch pursuant to Policy RA5 of the Bath & North East Somerset Core Strategy 2014 – The Case Officer reported on this Consultation and her recommendation that the submitted Masterplan be agreed. She read out the Council's policy statement on the matter and reported on further representations received.

The public speakers made their statements against and in favour of the proposals. The Ward Councillor Paul May then made a statement (1) advising that he had been attending local meetings on behalf of the Chairman in her capacity as Ward Councillor to maintain the Chairman's impartiality on the matter; and (2)

recommending that the North-South route be reinstated or that the matter be deferred for further consultation. The Highways Officer gave advice on the route and the changes that had taken place.

Members asked questions for clarification to which Officers responded. Councillor Paul Crossley moved that the general principles of the Masterplan should be agreed but that the North-South link be reinstated with three access roads to the site. The motion was seconded by Councillor Matthew Davies.

Members asked questions for clarification and debated the motion. In response to a Member's question, the Case Officer stated that the North-South route was contentious and a Transport Assessment was required. The Masterplan would agree the principles of future development but there was still the detailed design stage for developers to submit their proposals.

Councillor Eleanor Jackson moved an amendment that the general principles of the Masterplan be agreed but that further consultation be undertaken with local residents regarding highway options so that they can indicate their support accordingly. The motion was not seconded.

Members continued to discuss the matter. It was generally felt that the Masterplan could be agreed in general terms but that access roads and the North-South route needed to be reassessed. Councillor Paul Crossley stated that this was a large extension to the village – a bus route and three access roads were preferable. He therefore amended his motion to the Masterplan being approved but not the presumption to sever the North-South route. Significant work was required to the transport options with a better bus route facility. There needed to be full engagement with the community on these issues. The motion was seconded by Councillor Matthew Davies.

Members briefly debated the motion. It was pointed out by one Member that there had been no reference to the effect on roads in Stockwood and therefore highway issues needed to be assessed on a wider basis than just the roads round or through the site.

The motion was put to the vote and was carried unanimously.

(Note: Councillor Les Kew was not present for this matter in view of his interest declared earlier in the meeting)

Item 3 Broadmead, Broadmead Lane, Keynsham – Development of land off Broadmead Lane for a marina which comprises 326 berths and designed to accommodate a variety of craft sizes; a marina facilities building with 24 hour access to toilets, showers and laundry together with daytime access to a reception and chandlery; car parking for a maximum of 144 cars will be designed for a series of satellite car parks screened by suitable vegetation; and a tearoom and office included within the facilities building – The Case Officer reported on this application and her recommendation to refuse permission.

The public speakers made their statements against and in favour of the application.

Councillor Bryan Organ, the Ward Member on the Committee, stated that this was a

major and significant application. He moved that it be deferred for a Site Visit in view of various issues to be considered including access, parking and the cycle route. The Group Manager – Development Management emphasised the reasons for refusing the application, some of which would not be changed or overcome by visiting the site and suggested that a Site Visit may not be necessary in this case.

The motion was put to the vote and was carried, 6 voting in favour and 4 against.

After the vote, Members requested that, at the site visit, an example of the narrowness of the access be provided and it was also suggested that the Newbridge Marina could be viewed as an example of a working marina.

Item 4 Playing Field, Former Mod, Ensleigh, Granville Road, Lansdown, Bath – Outline planning permission for the erection of 1 210 place primary school (Use Class D1), up to 95 residential units (Use Class C3), associated infrastructure and open space. Approval of access with all other matters reserved – The Case Officer reported on this application and his recommendation to (A) authorise the Planning and Environmental Law Manager to enter into a S106 Agreement to secure Affordable Housing; Education; Open Space; Highway works; and (as recommended in the Update Report) Construction Obligations; and (B) subject to the prior completion of the above Agreement, authorise the Group Manager to grant permission subject to conditions. He recommended that a further Condition be added.

A representative of Charlcombe Parish Council made a statement against the application.

Members discussed the proposals and raised various issues including the fact that a drop-off and collection point for children had not been included in the application and the possible increased use of Colliers Lane and Charlcombe Lane – more analysis was required of the road network. The Case Officer responded that, although illustrative, a loop road was included in the proposals and also access from Granville Road which would provide a pinch point to limit cars in the loop road. Space for a drop-off point was available adjoining Lansdown Road but no official point was being provided. Councillor Paul Crossley considered that children from the new development would use the school but couldn't speculate on where attendees would live. The loop road should be included as part of the scheme. It needed to be developed quickly. He therefore moved the Officer recommendation but including a Condition for the loop road to be included. This was seconded by Councillor Eleanor Jackson.

Members debated the motion. Councillor Martin Veal felt that further consideration should be given to the concerns expressed by Members.

The motion was put to the vote and was carried, 9 voting in favour and 0 against with 1 abstention.

Item 5 Land rear of Unit 3, Lymore Gardens, Oldfield Park, Bath – Erection of 8 flats – The Case Officer reported on this application and her recommendation that permission be granted subject to conditions.

The public speakers made their statements against and in favour of the application.

The Ward Councillors June Player and Colin Blackburn made statements expressing various concerns about the proposals and requesting that members make a Site Visit before determining the application.

Councillor Paul Crossley considered that a Site Visit was not necessary. He felt that the proposals did not meet the views of the Appeal Inspector and that there were reasons for refusing the application, namely, insufficient parking, poor access for vehicles and pedestrians including no provision for disabled people. On these grounds, he moved that permission be refused which was seconded by Councillor Martin Veal.

Members debated the motion. The reasons for refusal were generally supported and it was also felt that this was not a good location adjoining industrial buildings and emergency vehicles would have difficulty in accessing the site. The Officers pointed out that the Fire Authority had not objected to the application and that it had to be considered on its merits taking into account the Inspector's views on the earlier appeal and that the Inspector had not concluded that there would be harm to neighbouring amenity. These issues did not form part of the refusal.

The motion was put to the vote and was carried, 7 voting in favour and 1 against with 2 abstentions.

(Note: At this point in the meeting, the Committee heard the comments of Councillor Neil Butters on the application at Castle Farm Barn, Midford (Item 8) as he had to leave the meeting before its consideration)

Item 6 New Kingdom Hall, Charlton Road, Keynsham – Erection of a three storey block comprising 8 residential apartments following demolition of existing buildings (access and layout to be determined with all other matters reserved) – The Case Officer reported on this application and her recommendation to (A) authorise the Head of Legal and Democratic Services to enter into a S106 Agreement to secure the provision of affordable housing; and (B) subject to the completion of the above, authorise the Group Manager - Development Management to grant permission subject to conditions.

The Ward Councillor Brian Simmons declared that he is a Member of the Conservative Club adjoining the site and made a statement against the application. The other Ward Member, Councillor Charles Gerrish, then made a statement informing that he was not a Member of the Conservative Club and was also against the application.

Members asked questions for clarification to which Officers responded. Councillor Paul Crossley considered that this was an acceptable application and was not overdevelopment. He therefore moved the Officer recommendation which was seconded by Councillor Rob Appleyard.

Members debated the motion and expressed some concerns.

The motion was put to the vote and was carried, 7 voting in favour and 1 against with 1 abstention.

(Note: Councillor Caroline Roberts was absent from the meeting for this application)

Item 7 No 96 Charlton Road, Keynsham – Erection of 1 two bed bungalow, front porch to existing dwelling and creation of parking – The Case Officer reported on this application and her recommendation to refuse permission.

The applicant's agent made a statement in support of the application.

Councillor Bryan Organ felt that there were some inconsistencies in this application as other similar applications had been granted permission. On the basis that there was sufficient space to erect a small bungalow, there was no problem with car parking with direct access off the road, he moved that the recommendation be overturned and Officers be authorised to grant permission subject to appropriate conditions. The motion was seconded by Councillor Les Kew.

Members debated the motion. It was considered that this was a sustainable location and there would not particularly be a problem for cars parked on the site. The Highways Officer advised that, in his opinion, there would be a hazard to highway users from this application which was on a difficult junction with Ashcroft Avenue.

After a short debate, the motion was put to the vote. Voting: 6 in favour and 3 against. Motion carried.

(Note: (1) Councillor Caroline Roberts was absent for this application; and (2) Councillor Rob Appleyard left the meeting)

Item 8 Castle Farm Barn, Midford Road, Midford – Erection of an agricultural workers dwelling (Outline application with all matters reserved) – The Case Officer reported on this application and her recommendation to grant permission subject to conditions. The Update Report gave the Officer's Assessment on the reasons for the development.

The public speakers made their statements against and in favour of the application. A statement by the Ward Councillor Neil Butters had been considered earlier in the meeting.

As she could appreciate the need for the development, Councillor Eleanor Jackson moved the Officer recommendation which was seconded by Councillor Bryan Organ.

After a short debate, the motion was put to the vote and was carried, 7 voting in favour and 1 against with 1 abstention.

Item 9 Waterleat, Mead Lane, Saltford – Installation of rooftop pavilion following removal of existing pitched roof (Resubmission) – The Planning Officer reported on this application and the recommendation to refuse permission.

The applicant's agent made a statement in support of the application which was followed by a statement by the Ward Councillor Francine Haerberling who also supported the application.

Councillor Les Kew felt that the application was acceptable in Green Belt terms, it reduced the volume of the property and would be an improvement on the existing design and not harmful to amenity. On this basis, he moved that the

recommendation be overturned and that Officers be authorised to grant permission subject to appropriate conditions. The motion was seconded by Councillor Bryan Organ.

Some Members disagreed and considered that it was overdevelopment and would detrimentally affect the street scene. The Team Manager – Development Management gave advice reinforcing the recommended reasons for refusal.

The motion was put to the vote and was carried, 5 voting in favour and 3 against with 1 abstention.

(Note: After this decision, Councillor Paul Crossley left the meeting)

Item 10 West House Farm, Back Lane, Hinton Blewett – External alterations to remove 18 existing single glazed windows, replace with painted hardwood framed double glazed windows and install pennant stone sub-cills – The Case Officer reported on this application and her recommendation to refuse permission.

The Chairman read out the comments of the Ward Councillor Tim Warren who supported the application and couldn't attend the meeting.

Councillor Eleanor Jackson referred to the situation if permission was refused and enforcement action would be required and that it would not be expedient to do so. This one style of fenestration in this location was acceptable. There were also benefits from the application of heat conservation and energy efficiency. Councillor Les Kew considered that the design of new windows was fine and that there would not be any harm to the character of the building. On this basis, he moved that the recommendation be overturned and that Officers be authorised to grant permission which was seconded by Councillor Bryan Organ.

The motion was put to the vote and was carried unanimously.

Item 11 No 5 Hatfield Buildings, Widcombe, Bath – Internal and external alterations to existing extension and installation of glazed roof light – The Case Officer reported on this application and her recommendation to grant permission subject to conditions.

Councillor Eleanor Jackson moved the Officer recommendation which was seconded by Councillor Martin Veal.

The motion was put to the vote and was carried unanimously.

Item 12 No 15 Station Road, Keynsham – Erection of rear extension to facilitate the conversion of 4 two bedroom town houses with parking and associated works (Revised proposal) – The Case Officer reported on this application and his recommendation to grant permission subject to conditions.

The applicants' agent made a statement in favour of the proposal which was followed by a statement by the Ward Councillor Charles Gerrish who read out a statement by the adjoining resident and then expressed his own concerns about the application.

Councillor Bryan Organ considered that the application had not been properly thought out. It was overdevelopment at a dangerous junction in a congested area with a narrow access to Pool Barton; it would also impact detrimentally on the adjoining resident. On this basis, he moved that the recommendation be overturned and that permission be refused. The motion was not seconded.

Members went on to discuss the proposed development and asked various questions. The Officers responded that it may be difficult to defend on appeal and there was always the possibility of costs being awarded against the Council. Members considered that the concerns expressed were not sufficient to outweigh the benefits of the scheme.

The motion was put to the vote and was carried, 6 voting in favour and 2 against.

Item 13 No 17 Foxcombe Road, Newbridge, Bath – Installation of new white Upvc windows to replace existing timber windows – The Case Officer reported on this application and her recommendation to grant permission subject to conditions.

Councillor Caroline Roberts moved the Officer recommendation which was seconded by Councillor Les Kew. The motion was put to the vote and was carried 7 voting in favour and 0 against with 1 abstention.

91 **NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES**

The report was noted

The meeting ended at 7.45pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services

BATH AND NORTH EAST SOMERSET COUNCIL

Development Management Committee

Date 16th December 2015

OBSERVATIONS RECEIVED SINCE THE PREPARATION OF THE MAIN AGENDA

Members may be aware that at the Cabinet meeting on 2nd December 2015 the draft Placemaking Plan was approved for consultation purposes and this consultation will take place between 16th December 2015 and 3rd February 2016. The Plan was also approved for Development Management purposes but Members are advised that currently the Plan has limited weight in the determination of planning applications. With regard to planning application, if necessary, Members will be advised on a case by case basis what weight to give the Plan.

ITEMS FOR PLANNING PERMISSION

Item No.	Application No.	Address
001	15/03402/FUL	Sydenham Terrace, Combe Down,Bath

Following the previous Development Management Committee in November, a parking/traffic note has been submitted in relation to the application outlining the availability of parking within the vicinity of the site. In order to ascertain the availability of on-street parking in the area, a parking beat survey was undertaken on 8th December 2015 over the period 06:30 to 19:30.

The Highways Officer has made the following comments on the findings: The survey covered nine separate zones on Tynning Road as well as sections of Church Road, which forms a junction with Tynning Road to the south. A number of zones were deemed unsuitable for parking due to a combination of inadequate road widths and unavailable parking. Four of the nine zones were deemed possible for use for parking, two of these on Church Road and two on Tynning Road, which would be considered far more convenient for residents of the proposed development. The survey concluded that there were at least 5 empty parking spaces available at all times within a 250m or so walk of the site. In the early morning and evenings, the period when peak parking demand is expected to occur, at least 11 unoccupied parking spaces were recorded.

Highways acknowledge that there will be space available at all times throughout the day either on Tynning Road or Church Road to accommodate 2 no. additional vehicles, though not all are considered convenient relative to the location of the site. Also, the parking/traffic note suggests that the development is only expected to demand 1 no. parking space or, at most, 2 parked cars (based on Neighbourhood Statistics data for the area). It is acknowledged that there may even be no demand for parking due to the sites sustainable location.

While concerns remain regarding vehicles parking along narrow streets and obstructing the flow of traffic, the Highways Officer now raises no objection to the development on the grounds of sites sustainable location and the availability of parking in the vicinity at all times. It is also acknowledged that the possible addition of 1 or 2 vehicles parked in the vicinity will not have a detrimental impact on the operation of the local road network.

Item No.	Application No.	Address
003	15/03632/LBA	The Old Parsonage, Main Street, Farrington Gurney

The proposal was included as an item at the November 18 Committee meeting and was deferred to the Dec 16 Committee at the request of Cllr Les Kew. The case officer accompanied the Cllrs at the site meeting to provide further clarification regarding the officer concerns and the rationale of the recommendation to refuse the applications. The Cllrs expressed their agreement with the case officer’s concerns and the advice to the applicant to withdraw the current applications and seek pre-application advice and guidance from the LPA to attempt to find a solution.

Historic England have provided clarification regarding their initial consultation response which is provided below:

We have been sent further information by the applicant concerning the above site and have been asked to visit the site. The information takes the form of photographs from various points around the main house. I visited the property on the 9 December 2015.

Our previous advice on this application was sent on 26 August 2015 without the benefit of a site visit. It is apparent that there are a number of points of clarification that should be made to our original advice.

Historic England Advice

Our previous letter stated; *“the extensionin addition to the harm caused*

by the new opening into the principal building.” We wish to point out that this is incorrect, as the proposed new opening has been omitted from this current application. The proposed scheme should only be judged on the extension to the side elevation.

The earlier advice also stated; “While the now rear elevation of the house is also of high significance, we would advise that this area has more scope for extension due to the existing outbuildings and its courtyard nature”. We accept that this statement could be open to misinterpretation. Having visited the site, we are of the view that there is little opportunity to provide additional accommodation on the courtyard elevation of the principle building apart from to the southern side in the area where single storey extensions are already present. We are also aware that this part of the site has been altered by the addition of visitor accommodation, making any further additions to this area difficult to achieve without re-planning the present guest accommodation.

Our final point of clarification is over the degree of harm that this proposal will have on the significance of the listed building. In our original response we stated there would be “*considerable harm caused to the striking and symmetrical western elevation*” of the listed building. However, we are aware that this letter also stated that we had not visited the site. From our recent site visit, our view is that the proposal will have some harm, in terms of the impact on the side elevation of the main house but less harm to the symmetrical balance of the main facade. The harm to the symmetrical balance of the western elevation will be partially mitigated by the presence of the existing planting (evergreen) and boundary walls to the front garden, that block most views towards the southern end of the house where the proposed extension will be located. There will be some clear views of the proposal from the main road but these will be from the southwest where the extension will be read against the backdrop of the rendered gable end wall of the main house, the existing lean-to roofline of the single storey extension and the high garden wall. Thus through the set back to the proposed development, its main impact will be on the side elevation. This side elevation is not as significant, in our opinion, as the principle elevations to the east and west.

In conclusion, we believe that there will be some harm caused to the character and setting of the listed building but that this could be offset by judicious changes to the design of the development and balancing the harm against any public benefits that may be achieved. We, therefore, recommend that this proposal be judged against Paragraph 134 of the National Planning Policy Framework.

Recommendation

We would urge you to address the above issues, and recommend that the

application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. However, if you would like further advice, please contact us to explain your request. We are happy to attend any meetings that may be required in the future.

Officer Assessment

The concerns of the officer remain the same which is that the proposed location for the new, single storey extension would cause significant harm to the balance and symmetry of the principal elevation of the building. The proposed design is also inappropriate for the building and would cause harm. There is scope for an extension to the rear of the building within the courtyard that, subject to detail, is likely to cause less harm.

Item No.	Application No.	Address
004	15/03574/FUL	The Old Parsonage, Main Street, Farrington Gurney

The proposal was included as an item at the November 18 Committee meeting and was deferred to the Dec 16 Committee at the request of Cllr Les Kew. The case officer accompanied the Cllrs at the site meeting to provide further clarification regarding the officer concerns and the rationale of the recommendation to refuse the applications. The Cllrs expressed their agreement with the case officer's concerns and the advice to the applicant to withdraw the current applications and seek pre-application advice and guidance from the LPA to attempt to find a solution.

Historic England have provided clarification regarding their initial consultation response which is provided below:

We have been sent further information by the applicant concerning the above site and have been asked to visit the site. The information takes the form of photographs from various points around the main house. I visited the property on the 9 December 2015.

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application. The proposed scheme should only be judged on the extension to the side elevation.

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In conclusion, we believe that there will be some harm caused to the character and setting of the listed building but that this could be offset by judicious changes to the design of the development and balancing the harm against any public benefits that may be achieved. We, therefore, recommend that this proposal be judged against Paragraph 134 of the National Planning Policy Framework.

Recommendation

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. However, if

you would like further advice, please contact us to explain your request. We are happy to attend any meetings that may be required in the future.

Officer Assessment

The concerns of the officer remain the same which is that the proposed location for the new, single storey extension would cause significant harm to the balance and symmetry of the principal elevation of the building. The proposed design is also inappropriate for the building and would cause harm. There is scope for an extension to the rear of the building within the courtyard that, subject to detail, is likely to cause less harm.

Item No.	Application No.	Address
04	15/03511/EOUT	Playing Field, Granville Road, Lansdown, Bath

Economic Development have advised that in line with the Council's Planning Obligations SPD a Site Specific Targeted Recruitment and Training in Construction Obligation should be applied with the following outcomes and contributions:

Residential	
Work placements	14
Apprenticeship starts	2
New jobs advertised through DWP	2
Contribution £	£6,250

Non-residential / commercial sq ft range	
(Primary School)	1000 5000
Work placements	8
Contribution	£1,200

They note that it is a requirement of the developer to provide a method statement following a template and guidance produced in partnership with the B&NES Learning Partnership that will outline the delivery of the TR&T target outcomes. The developer will also be required to participate and contribute to a TR&T Management Board supported by the B&NES Learning Partnership that will have the overall responsibility of delivering the outcomes. The first Management Board should be set up within three months of permission being granted and the method statement should be written within three months of the first management board.

It is recommended that this obligation and financial contribution is added to the s.106 Heads of Terms

Item No.	Application No.	Address
08	15/03325/FUL	Castle Farm, Midford Road

One further letter of objection has been received from the Bath Preservation Trust objecting to the application for the following reasons;

No justification has been submitted for the development.

Concern is raised that inappropriate siting of the dwelling could cause harm to the openness of the green belt and area of outstanding natural beauty. The site is in an elevated position and is isolated from surrounding development.

In the previous appeal the inspector commented that the permission for the temporary dwelling is not an endorsement for a permanent dwelling. The application fails to provide adequate justification of very special circumstances.

The desire to waive the need for audited accounts made by the applicant is based on the HMRC waiver for tax purposes for an enterprise of this size. The HMRC waiver is not sufficient reason however in planning circumstances.

If, contrary to the above, the proposal is deemed to be adequately justified on the basis of viability and need, we would strongly urge the LPA to place significant emphasis on the appropriate siting of the dwelling (we note the revised location further back on the site), to insist upon a full landscaping plan, and also to ensure that the dwelling is modestly sized and one storey only to reduce the impact and intrusion such a dwelling could have on long views to this hillside and therefore the AONB and setting of the World Heritage Site.

Officer Assessment

As stated in the case officers report paragraph 89 of the NPPF allows for the construction of building for agriculture and forestry. The applicant has demonstrated that there is a need for a worker to live on site so the development is considered to comply with paragraph 89 of the NPPF. The case for very special circumstances does not need to be made.

The proposed building would not be easily visible to the surrounding area and in the wider context will be viewed adjacent to the existing barn. This is an outline application with all matters reserved so the siting, scale and landscaping will be considered at reserve matters stage.

The submitted comments do not raise any new issues and the officer recommendation will remain to permit the application.

**SPEAKERS LIST
BATH AND NORTH EAST SOMERSET COUNCIL**

**MEMBERS OF THE PUBLIC ETC WHO MADE A STATEMENT AT THE
MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE ON
WEDNESDAY 16TH DECEMBER 2015**

SITE/REPORT NAME/REPRESENTING FOR/AGAINST

SITE/REPORT	NAME/REPRESENTING	FOR/AGAINST
SITE VISIT – REPORT 9		
1 Sydenham Terrace, Tynning Road, Combe Down, Bath (Item 1, Pages 35-43)	Simon Chambers, LPC (Applicant's Agents)	For
MAIN PLANS LIST – REPORT 10		
Parcel 0006 Maynard Terrace, Clutton (Item 1, Pages 65-69)	Rosemary Naish, Clutton Parish Council Gerraint Oakley, Managing Director, Curo (Applicants)	Against For
Horseworld, Staunton Lane, Whitchurch (Masterplan & Design Principles) (Item 2, Pages 70-86)	1.Ashton Broad, Whitchurch Parish Council 2.Chris Willows, Compton Dando Parish Council 1.Jill Britten 2.Mary Walsh 3.John Barnard 4.Rachel Chandler Geraint Jones, Savills (Applicants' Agents)	Against – Up to 3 minutes each Against – To share 8 minutes For – Up to 8 minutes
Land at Broadmead Lane, Keynsham (Item 3, Pages 87-113)	1.Jeremy Douch 2.Ruth Baker 3.Kevin Wiltshire 4.Stewart Kemp Chris Whitehouse, Next Phase Developments (Applicants' Agents)	Against – To share 8 minutes For – Up to 8 minutes
Playing Field, Former Mod, Ensleigh, Lansdown, Bath (Item 4, Pages 114-135)	Alistair MacKichan, Charlcombe Parish Council	Against For

Land rear of Unit 3, Lymore Gardens, Oldfield Park, Bath (Item 5, Pages 135-144)	1. Anna Gifford 2. Martin Dormer 3. David Cox 4. Holly Marks (not present) John White (Applicant)	Against – To share 8 minutes For - Up to 8 minutes
96 Charlton Road, Keynsham (Item 7, Pages 154-159)	Mike Younie (Applicant's Agent)	For
Castle Farm Barn, Midford Road, Midford (Item 8, Pages 159-171)	Robert Hellard, South Stoke Parish Council Jill Pizey Mark Edwards (Applicant)	Against Against For
Waterleat, Mead Lane, Saltford (Item 9, Pages 172-177)	Jon Foulds, Whitebox Architects (Applicant's Agents)	For
West House Farm, Back Lane, Hinton Blewett (Item 10, Pages 178- 183)	Greg Beale, Planning Heritage <u>AND</u> Chris Dance, LPC (Applicants' Agents)	For – To share 3 minutes
15 Station Road, Keynsham (Item 12, Pages 188-197)	Fergus Sykes, Pegasus Group (Applicants' Agents)	For

BATH AND NORTH EAST SOMERSET COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE

16th December 2015
SITE VISIT DECISIONS

Item No:	001	
Application No:	15/03402/FUL	
Site Location:	1 Sydenham Terrace, Tynning Road, Combe Down, Bath	
Ward: Combe Down	Parish: N/A	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of 1 no three bed dwelling and single storey rear extension to existing house following demolition of single storey side extension and some outbuildings.	
Constraints:	Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, Water Source Areas, World Heritage Site,	
Applicant:	Ms Olga Fladmark	
Expiry Date:	23rd September 2015	
Case Officer:	Chris Griggs-Trevarthen	

DECISION PERMIT

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

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

2 Prior to the construction of the external surfaces of the dwelling hereby approved, a sample panel of all external walling materials to be used shall be erected on site, approved in writing by the Local Planning Authority, and kept on site for reference until the development is completed. The development shall thereafter be undertaken in accordance with the approved sample panel.

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

3 The first floor window in the north elevation of the dwelling hereby approved shall be obscurely glazed and fixed shut unless the parts of the window which can be opened are more than 1.7m above the level of the floor in the room in which it is installed. The window shall be retained permanently as such thereafter.

Reason: In the interests of residential amenity and preventing overlooking towards Granville House.

4 Prior to the commencement of the development, a Construction Management Plan (CMP) 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, hours of working, wheel washing facilities and any need for cranes for construction. The construction phase shall be undertaken in accordance with the CMP so approved.

Reason: In the interests of highways safety and residential amenity. This condition needs to be prior to commencement to prevent initial site works being undertaken which might harm highways safety or residential amenity.

5 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:

P_00_001 P2	PROPOSED SITE PLAN & STREET ELEVATION
P_10_00 P2	PROPOSED GROUND FLOOR PLAN
P_10_01 P2	PROPOSED FIRST FLOOR PLAN
P_10_02 P2	PROPOSED SECOND FLOOR PLAN
P_10_03 P2	PROPOSED ROOF PLAN
P_20_01 P2	PROPOSED SECTION 1-1 AND ELEVATION A-A
P_20_02 P2	PROPOSED SECTION 2-2 AND ELEVATION B-B
P_20_03 P2	PROPOSED ELEVATIONS C-C AND D-D
E_00_00-P1	SITE LOCATION PLAN
E_00_01	EXISTING SITE PLAN
E_10_00	EXISTING GROUND FLOOR PLAN
E_10_01	EXISTING FIRST FLOOR PLAN
E_10_02	EXISTING SECOND FLOOR PLAN
E_10_03	EXISTING SECOND FLOOR PLAN

DECISION MAKING STATEMENT

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

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.

All species of bats and their roosts are legally protected. Demolition works to the roof should be carried out by hand, lifting tiles (not sliding) to remove. If bats are encountered

all work should cease and the Bat Conservation Trust (Tel 0845 1300 228) or a licenced bat worker should be consulted for advice.

Item No:	002	
Application No:	15/02859/OUT	
Site Location:	Garage Blocks Between 60 And 100, Greenvale Drive, Timsbury, Bath	
Ward: Timsbury	Parish: Timsbury	LB Grade: N/A
Application Type:	Outline Application	
Proposal:	Erection of 2no. three bedroom semi-detached houses with parking spaces following demolition of 8no. single garages (2 blocks of 4). (Outline application with access and layout to be determined and all other matters reserved)	
Constraints:	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary, SSSI - Impact Risk Zones,	
Applicant:	Mr Iftakhar Ahmed	
Expiry Date:	18th December 2015	
Case Officer:	Alice Barnes	

DECISION APPROVE

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 Approval of the details of the scale, appearance and 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 the Development management Procedure Order 2015.

3 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.

4 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) hours of operation,

contractor parking, traffic management and any need for cranes for construction. The development shall thereafter be carried out in accordance with the details approved.

Reason: Details are required prior to the commencement of the development to ensure the safe operation of the highway and to ensure that the construction of the development does not cause disruption to the highway. To ensure that the development does not occur during anti-social hours in the interests of residential amenity.

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

Reason: In the interests of amenity and highway safety.

6 The development hereby permitted shall not be occupied or the use hereby permitted commence until the parking [and turning] area(s) have been surfaced in a consolidated material in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to avoid lose material on the highway

7 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:

Plans List:
Site location plan
Block plan
Proposed front elevation

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 submitted proposals was taken and consent was granted.

Item No:	003	
Application No:	15/03632/LBA	
Site Location:	The Old Parsonage, Main Street, Farrington Gurney, Bristol	
Ward: High Littleton	Parish: Farrington Gurney	LB Grade: IISTAR
Application Type:	Listed Building Consent (Alts/exts)	
Proposal:	Internal and external alterations to include erection of single storey lean-to extension (resubmission)	
Constraints:	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary, Listed Building, SSSI - Impact Risk Zones,	

Applicant:	Mr And Mrs B.T. Murray
Expiry Date:	5th October 2015
Case Officer:	Adrian Neilson

DECISION Application Withdrawn

Item No:	004	
Application No:	15/03574/FUL	
Site Location:	The Old Parsonage, Main Street, Farrington Gurney, Bristol	
Ward: High Littleton	Parish: Farrington Gurney	LB Grade: IISTAR
Application Type:	Full Application	
Proposal:	Erection of single storey lean-to extension (resubmission)	
Constraints:	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary, Listed Building, SSSI - Impact Risk Zones,	
Applicant:	Mr And Mrs B.T. Murray	
Expiry Date:	5th October 2015	
Case Officer:	Adrian Neilson	

DECISION Application Withdrawn

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BATH AND NORTH EAST SOMERSET COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE

16th December 2015

DECISIONS

Item No:	01	
Application No:	15/04031/MDOBL	
Site Location:	Parcel 0006, Maynard Terrace, Clutton, Bristol	
Ward: Clutton	Parish: Clutton	LB Grade: N/A
Application Type:	Modify/Discharge a Planning Obligation	
Proposal:	Modification of Planning Obligation 12/01882/OUT to reduce the affordable housing provision to 33% (Erection of 36no. dwellings and associated works (revised resubmission))	
Constraints:	Airport Safeguarding Zones, Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Coal - Referral Area, Cycle Route, Flood Zone 2, Flood Zone 3, Forest of Avon, Housing Development Boundary, Public Right of Way, SSSI - Impact Risk Zones,	
Applicant:	Curo Enterprise Limited	
Expiry Date:	29th October 2015	
Case Officer:	Suzanne D'Arcy	

DECISION AGREED – To amend the agreement under Section 106 of the Town and Country Planning Act 1990.

Item No:	02	
Application No:	15/03406/CONSLT	
Site Location:	Horseworld, Staunton Lane, Whitchurch, Bristol	
Ward: Publow And Whitchurch	Parish: Whitchurch	LB Grade: II
Application Type:	Consultation	
Proposal:	Comprehensive Masterplan and Design Principles for the proposed redevelopment of the land at Whitchurch pursuant to Policy RA5 of the Bath & North East Somerset Core Strategy 2014.	
Constraints:	,	
Applicant:	Barratt Homes, Bellway Homes Ltd & Whitecroft Developments	
Expiry Date:	18th August 2015	
Case Officer:	Rachel Tadman	

DECISION AGREED the principle of the Masterplan but not the issue of whether the north south link through the site should be severed which requires further testing.

Item No:	03
Application No:	13/04822/EFUL
Site Location:	Broad Mead, Broadmead Lane, Keynsham,
Ward: Keynsham East	Parish: Keynsham Town Council LB Grade: N/A
Application Type:	Full Application with an EIA attached
Proposal:	Development of land off Broadmead Lane, Keynsham, for a marina which comprises: 326 berths and designed to accommodate a variety of craft sizes; a marina facilities building with 24-hour access to toilets, showers and laundry, together with day time access to a reception and chandlery; car parking for a maximum of 144 cars will be designed as a series of satellite car parks screened by suitable vegetation; and a tearoom and office included within the facilities building.
Constraints:	Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Agric Land Class 3b,4,5, British Waterways Major and EIA, British Waterways Minor and Householders, Coal - Standing Advice Area, Flood Zone 2, Flood Zone 3, Forest of Avon, Greenbelt, Railway, Sites of Nature Conservation Interest,
Applicant:	Enzygo Limited
Expiry Date:	25th June 2014
Case Officer:	Rachel Tadman

DECISION Defer consideration to allow members to visit the site to view the access and the wider context.

Item No:	04
Application No:	15/03511/EOUT
Site Location:	Playing Field, Former Ministry Of Defence Ensleigh, Granville Road, Lansdown
Ward: Lansdown	Parish: N/A LB Grade: N/A
Application Type:	Outline Application with an EIA attached
Proposal:	Outline planning permission sought for the erection of a 210 place primary school (Use Class D1), up to 95 residential units (Use Class C3), associated infrastructure and open space. Approval of access, with all other matters reserved.
Constraints:	Agric Land Class 1,2,3a, Core Business Area, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, Sites used as playing fields, Sites of Nature Conservation Interest, SSSI - Impact Risk Zones, Tree Preservation Order, World Heritage Site,
Applicant:	IM Group (Ensleigh) Ltd
Expiry Date:	24th November 2015
Case Officer:	Gwilym Jones

DECISION Delegate to PERMIT - pending agreement under Section 106 of the Town and Country Planning Act 1990 and subject to 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 (a) No part of the Outline Application hereby permitted shall be commenced unless and until an application or applications for written approval of the matters reserved by this planning permission in respect of that part of the Development have been submitted to and approved in writing by the Local Planning Authority and the reserved matters applications shall include detailed plans, sections and elevations showing:

- Layout
- Scale
- Appearance
- Landscaping

(b) Application(s) for approval of the matters reserved by this planning permission must be made not later than the expiration of two years from the date of this decision notice

(c) The Outline Application 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: This is in part 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 to avoid the accumulation of unimplemented planning permissions.

3 Reserved Matters

Reserved Matters in respect of the development hereby permitted shall be in strict accordance with the approved Parameter Plans, and in general accordance with the access and layout principles set out in Drawing 14102(L)006 Rev.G (Indicative Movement and Access) and 008 Rev.E (Illustrative Site Layout).

Reason: To ensure the site is developed in a comprehensive manner in accordance with Core Strategy Policy B3c.

4 Prior to the commencement of development at the site, details of a Construction Management Plan for all works of construction and demolition shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall comply with the guidance contained in the Council's Code of Construction Site Noise (copy attached) practice note and the BRE Code of Practice on the control of dust from construction and demolition activities and shall also include details of the location of the site compound and on-site parking provision for vehicles associated with the construction

and demolition works. The details so approved shall be fully complied with during the construction of the development.

Reason: To protect the amenities of the occupants of adjacent residential properties.

5 No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include a plan showing biodiversity protection zones; Practical measures (both physical measures and sensitive working practices) to avoid or reduce ecological impacts during construction (may be provided as a set of method statements, to include a method statement for prevention of harm to reptiles); Responsible persons and lines of communication; the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; Use of protective fences, exclusion barriers and warning signs. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To prevent harm to ecology during construction

6 No part of the development approved in outline shall commence until samples of the materials to be used in the construction of the external surfaces including elevations, windows, doors, balconies, roofs of buildings for that part have been submitted to and approved in writing by the Local Planning Authority and a sample panel of all external walling materials to be used has been erected on site and kept on site for reference until the development is completed. 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 character and appearance of the area.

7 No part of the development approved in outline shall commence until samples of hard landscape materials have been first submitted to and approved in writing by the Local Planning Authority. The details shall include all walls, fences and other boundary treatments and finished ground levels; details of the surface treatment of the open parts of the site; and a programme of implementation.

No development other than the access road hereby permitted in full shall commence until details of the soft landscape scheme for that part of the development has been first submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all trees, hedgerows and other planting which are to be retained; 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.

8 All hard and/or soft landscape works shall be carried out in accordance with the approved details. The landscape works shall be carried out prior to the occupation of any part of the development or in accordance with a 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 scheme 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

9 No part of the development approved in outline shall commence until details of the proposed estate roads, footways, footpaths, verges, street lighting and street furniture 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: To ensure that the roads and public highway are designed, laid out and constructed to an adoptable standard.

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

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

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

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

12 The development shall not commence until a detailed sustainable drainage strategy (in line with the "West of England Sustainable Drainage Developers Guide" and the submitted FRA) has been submitted and approved by the LPA.

Reason: In the interests of flood risk management

13 No part of the development approved in outline shall commence until Electronic Micro Drainage files (.mdx files) have been submitted to the Local Planning Authority so that the performance of the proposed system can be simulated. These simulations should

demonstrate that no flooding to property will occur on site up to the 1in100 year (+30% for climate change) rainfall events. Details of the existing surface water runoff rates and volumes should be presented, illustrating that the proposed method of drainage will as a minimum result in no increase in these rate and where feasible reduce them.

Reason: In the interests of flood risk management.

14 No part of the development shall commence until 'witnessed soakaway tests' have been conducted with the Council's Highways Developments team in attendance to demonstrate the infiltration feasibility for the proposed highway soakaways.

Reason: In the interests of highway safety.

15 In the event that contamination is found at any time when carrying out the approved development, work must be ceased and it must be reported immediately to the Local Planning Authority. The Local Planning Authority Contaminated Land Department shall be consulted to provide advice regarding any further works required. Contamination may be indicated by soils that have unusual characteristics such as: unusual colour, odour, texture or containing unexpected foreign material.

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 Prior to approval of reserved matters, full details of proposed lighting design and specification shall be submitted to the Local Planning Authority for approval in writing, which shall be in accordance with the requirements for 'dark corridors' as shown on the approved Green Infrastructure Strategy Parameter Plan drawing number NPA10630E 311. The scheme shall show that the 'dark corridors' shall be completely unlit, and demonstrate, through predicted lux level modelling and lux contour plans, that the dark corridors have predicted lux level or increased lux level of no more than zero lux, and with a buffer zone adjacent where lux levels are no more than 1 lux. The scheme shall also show predicted lux light spill levels onto all other boundary and habitat vegetation to be within acceptable limits as indicated by the approved street lighting strategy dated July 2015. The lighting design scheme will provide details and plans showing numbers, specifications, positions and heights of lamps; details of all necessary measures that shall be incorporated into the scheme to minimise impacts on bats and other wildlife and achieve the necessary levels of darkness within the 'dark zones' and onto adjacent habitats and boundary vegetation; for example, use of 'warm white' led; directional lighting, use of baffles and screening, times of use and dimming regimes.

Upon approval in writing, the details shall be implemented and thereafter the development shall be operated in accordance with the approved details.

Reason: to provide a sensitive lighting scheme that avoids harm to bat activity and other wildlife.

17 No development shall take place until full details of a Wildlife Mitigation, Compensation and Enhancement Scheme to be produced by a suitably experienced ecologist have been

submitted to and approved in writing by the local planning authority. These details shall include all necessary measures to minimise, mitigate and compensate for ecological impacts, including preventing harm to protected species and compensating for losses to habitat and the Site of Nature Conservation Interest. Measures shall include specifications, numbers, positions and locations for all wildlife habitats and features to include provision for reptiles; nesting birds (including permanent nesting opportunities for birds, including swifts, to be incorporated into buildings); bats; and wildlife friendly planting. All measures shall be incorporated into the design of the scheme and shown as applicable on all relevant plans and drawings. 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 completed prior to the occupation of any part of the development.

Reason: to avoid harm to, and compensate for impacts on, ecology and protected species.

18 Prior to the occupation of the development A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by the local planning authority. The content of the LEMP shall include the following:

- a) Description and evaluation of features and habitats to be managed and a plan showing locations and boundaries of all features and habitats;
- b) Key ecological issues on site that might influence management;
- c) A list of aims and objectives for wildlife-friendly management including, where applicable, species- and habitat-specific objectives;
- d) Appropriate management options and prescriptions for achieving aims and objectives;
- f) a work schedule, including an annual work plan capable of being rolled forward over a five-year period;
- g) Details of the body or organization/s responsible for implementation of the plan;
- h) a programme for post-development ecological monitoring, inspection and remediation, to include a monitoring scheme for bats which would involve the deployment of static recording devices in the same locations used to inform the approved bat report, to determine the level of bat activity along the tree lined boundaries post development.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details

Reason: to deliver long term habitat management and the approved ecological mitigation and compensation measures

19 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 (LPA) and details within the approved document implemented as appropriate. The final method statement shall incorporate a provisional programme of works;

supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and certificates of completion to the LPA. The statement should also include the control of potentially harmful operations such as the storage, handling and mixing of materials on site, burning, location of site office, perimeter footpath construction details, service run locations including soakaway locations and movement of people and machinery.

Reason: To ensure that trees to be retained are not adversely affected by the development proposals

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

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

21 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:

Parameter Plans: 14102(L)003 Rev.A, 004 Site Rev.A, 005 Rev.H, 007 Rev.J, 011 Rev.C, NPA10630E311 Rev.P02

Detailed Drawings: I069-08D

In preparing reserved matters for the development the developer should consult with the Council's Waste Services to ensure compliance with our requirements: <http://www.bathnes.gov.uk/services/bins-rubbish-and-recycling/waste-strategy-statistics-and-health-safety/waste-planning-guida>

In preparing reserved matters for the development the developer is recommended to address the advice of Avon and Somerset Constabulary (Crime Prevention Design Adviser) and Avon Fire and Rescue.

Any lighting scheme should comply with the Institution of Lighting Engineers Guidance Note on Light Pollution dated 2005. It should be designed so that it is the minimum needed for security and operational processes and be installed to minimise potential pollution caused by glare and spillage.

The developer shall 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.

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

Decision Making Statement

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. For the reasons given, and expanded upon in the related case officer's report, and following a visit to the site and adjoining properties by Members a positive view of the revised submitted proposals was taken by the Development Management Committee and permission granted.

Item No:	05	
Application No:	15/03801/FUL	
Site Location:	Land At Rear Of Unit 3 Lymore Gardens, Claude Vale, Twerton, Bath	
Ward: Westmoreland	Parish: N/A	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of 8no. flats	
Constraints:	Agric Land Class 3b,4,5, Article 4, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,	
Applicant:	Mr John White	
Expiry Date:	18th December 2015	
Case Officer:	Tessa Hampden	

DECISION REFUSE

1 The development would not provide on-site parking or safe pedestrian access. It would generate additional parking demand within the vicinity of the site, within streets which have unsafe accesses and lack adequate available on-street car parking. Pedestrians would be required to use an unsafe and poor quality entrance which would be uninviting and threatening and the development would be inaccessible for wheelchair bound visitors/occupiers. The development would result in a severe threat to highway safety and the development is therefore contrary to saved policies T24 and T26 of the Bath and North East Somerset Local Plan 2007 and paragraph 32 of the NPPF.

PLANS LIST:

1447 AL(0)02 B Proposed Residential Development Proposed Block Site Plan 3rd December 2015

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

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The Council entered into pre application discussions and negotiated improvements to the scheme during the application process. Notwithstanding this, the Planning Committee chose to refuse this application for the reason stated.

Item No:	06
Application No:	15/03650/OUT
Site Location:	New Kingdom Hall, Charlton Road, Keynsham, Bristol
Ward: Keynsham North	Parish: Keynsham Town Council LB Grade: N/A
Application Type:	Outline Application
Proposal:	Erection of a three storey block comprising 8no residential apartments following demolition of the existing buildings (access and layout to be determined with all other matters reserved)
Constraints:	Agric Land Class 3b,4,5, Centres and Retailing, Conservation Area, Forest of Avon, Sites with Planning Permission, Housing Development Boundary, Public Right of Way, SSSI - Impact Risk Zones,
Applicant:	Hill Development
Expiry Date:	27th October 2015
Case Officer:	Alice Barnes

DECISION APPROVE - pending agreement under Section 106 of the Town and Country Planning Act 1990 and subject to conditions

PLANS LIST:

- Site location plan 1888-1
- Existing site plan 1888-3
- Illustrative upper floor plans 1888-5
- Proposed site and ground floor plan 1888-4 rev A

Advice Note:

The application is advised to contact Wales and West Utilities prior to the commencement of the development. There are pipelines within the local area which may be affected by the development.

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 submitted proposals was taken and consent was granted.

Item No:	07
Application No:	15/04500/FUL
Site Location:	96 Charlton Road, Keynsham, Bristol, Bath And North East Somerset
Ward: Keynsham North	Parish: Keynsham Town Council LB Grade: N/A

Application Type:	Full Application
Proposal:	Erection of 1no two bed bungalow, front porch to existing dwelling and creation of parking.
Constraints:	Airport Safeguarding Zones, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary, SSSI - Impact Risk Zones,
Applicant:	Mrs E Dockrill
Expiry Date:	18th December 2015
Case Officer:	Alice Barnes

DECISION PERMIT

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

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

2 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.

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

Reason: In the interests of highway safety

4 The access, parking and turning areas shall not be brought into use until these areas have been properly bound and compacted (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority

Reason: In the interests of highway safety

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

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

PLANS LIST:

Site location plan
Block plan

Proposed plans and elevations 01B
Proposed elevations 2

Advice Note

The applicant should be advised that they will need contact the Highway Maintenance Team on 01225 394337 with regard to securing a licence under Section 184 of the Highways Act 180 in order to widen the existing vehicular access. The access shall not be brought into use until the details of the access have been approved and constructed in accordance with the current Specification.

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 the development management committee have resolved to grant permission.

Item No:	08	
Application No:	15/03325/OUT	
Site Location:	Castle Farm Barn, Midford Road, Midford, Bath	
Ward: Bathavon South	Parish: South Stoke	LB Grade: N/A
Application Type:	Outline Application	
Proposal:	Erect of an agricultural workers dwelling (Outline application with all matters reserved).	
Constraints:	Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Greenbelt, MOD Safeguarded Areas, SSSI - Impact Risk Zones, Water Source Areas,	
Applicant:	Mr Mark Edwards	
Expiry Date:	18th December 2015	
Case Officer:	Alice Barnes	

DECISION APPROVE

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 Approval of the details of the scale, access, layout, appearance and 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 Development management Procedure Order 2015.

3 The 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.

4 The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, on the existing agricultural holding, or a widow or widower of such a person, and to any resident dependants.

Reason: To accord with the policies in the Development Plan and to ensure an adequate availability of dwellings to meet agricultural or forestry needs in the locality.

5 In the event that unexpected contamination is found at any time when carrying out the approved development, work must be ceased and it must be reported in writing immediately to the Local Planning Authority. The Local Planning Authority Contaminated Land Department shall be consulted to provide advice regarding any further works required. Unexpected contamination may be indicated by unusual colour, odour, texture or containing unexpected foreign material.

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.

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

Reason: In the interests of highway safety.

7 Prior to the construction of the development infiltration testing and soakaway design in accordance with Building regulations Part H, section 3 shall be undertaken to verify that soakaways will be suitable for the development. The soakaways shall be installed prior to the occupation of the development unless the infiltration test results demonstrate that soakaways are not appropriate in accordance with Building regulations Part H, section 3. If the infiltration test results demonstrate that soakaways are not appropriate, an alternative method of surface water drainage, which has first been submitted to and approved in writing by the Local Planning Authority, should be installed prior to the occupation of the development.

Reason: To ensure that an appropriate method of surface water drainage is installed and in the interests of flood risk management in accordance with policy CP5 of the Bath and North East Somerset Core Strategy.

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

(i) Mapped survey findings for all trees hedgerows scrub and other habitats affected by the proposal, together with mapped findings of pre-commencement protected species survey of the site together with details of all necessary measures, including fenced exclusion zones, to protect wildlife and retained habitats during construction and to ensure no harm to protected species

(ii) Details of proposed new planting and habitat creation and all other proposed measures to benefit wildlife

(iii) Details of external and internal lighting design, demonstrating avoidance of or minimal new external lighting, and avoidance of light spill onto habitats used by bats and other wildlife, with 0 lux increase in light levels being required in these areas. All works within the scheme shall be carried out in accordance with the approved details, unless otherwise approved in writing by the local planning authority. The works shall be carried out prior to the occupation of any part of the development.

Reason: To avoid harm to wildlife including protected species and bats and to provide biodiversity enhancement in line with NPPF

9 No development shall take place until an arboricultural method statement with tree protection plan identifying measures to protect the trees and other landscape features to be retained, has been submitted to and approved in writing by the Local Planning Authority. The statement shall include proposed tree protection measures during site preparation (including demolition, clearance and level changes), during construction and landscaping operations. The statement should also include the control of potentially harmful operations such as the position of service runs and soakaways, storage, handling and mixing of materials on site, burning, location of site office and movement of people and machinery.

Reason: To ensure that no excavation, tipping, burning, storing of materials or any other activity takes place which would adversely affect the trees to be retained.

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

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

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

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

PLANS LIST:

Location plan
Landscape plan
Proposed site plan

Advice note

Where development is proposed, the developer is responsible for ensuring that the development is safe and suitable for use for the purpose for which it is intended. The developer is therefore responsible for determining whether land is suitable for a particular development. It is advised that a Desk Study and Site Reconnaissance (Phase 1 Investigation) survey shall be undertaken to develop a conceptual site model and preliminary risk assessment. A Phase I investigation should provide a preliminary qualitative assessment of risk by interpreting information on a site's history considering the likelihood of pollutant linkages being present. The Phase I investigation typically consists of a desk study, site walkover, development of a conceptual model and preliminary risk assessment. The site walkover survey should be conducted to identify if there are any obvious signs of contamination at the surface, within the property or along the boundary of neighbouring properties. It is also advised that Building Control are consulted regarding the conversion.

Informative

The applicant has not indicated the size of the proposed dwelling. The application for the reserved matters will be expected to propose a dwelling which is of a size proportionate to the size of the existing enterprise.

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 submitted proposals was taken and consent was granted.

Item No:	09	
Application No:	15/03870/FUL	
Site Location:	Waterleat, Mead Lane, Saltford, Bristol	
Ward: Saltford	Parish: Saltford	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Installation of rooftop pavilion following removal of existing pitched roof (Resubmission).	
Constraints:	Agric Land Class 1,2,3a, British Waterways Major and EIA, British Waterways Minor and Householders, Flood Zone 2, Flood Zone 3, Forest of Avon, Greenbelt, MOD Safeguarded Areas, Regionally Important Geological Site, SSSI - Impact Risk Zones,	
Applicant:	Mr Pete Denmead	
Expiry Date:	2nd November 2015	
Case Officer:	Rae Mepham	

DECISION PERMIT

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

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

2 The vertical timber weather boarding slatted screen, horizontal weather boarding and glass balustrade shown on drawings 021A, 023B and 024B shall be installed prior to the roof terrace being brought into use, and permanently retained as such.

Reason: In order to protect the residential amenity of neighbouring properties.

3 The roof area of the development labelled as "In-accessible flat roof area" shall not be used as a balcony, roof garden or similar amenity area, without the prior approval of the local planning authority.

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

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

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

PLANS LIST:

This decision relates to:

27 Aug 2015	1918/019A	PROPOSED SITE PLAN
27 Aug 2015	1918/020A	PROPOSED FIRST FLOOR PLAN
27 Aug 2015	1918/021A	PROPOSED ROOF TERRACE PLAN
27 Aug 2015	1918/022A	PROPOSED ROOF PLAN
27 Aug 2015	1918/023B	PROPOSED NE SE ELEVATIONS
27 Aug 2015	1918/025A	PROPOSED SECTION AA
27 Aug 2015	1918/026	PROPOSED SECTION BB
27 Aug 2015	1918/027	PROPOSED STREET VIEW 1
27 Aug 2015	1918/028	PROPOSED STREET VIEW 2
27 Aug 2015	1918/029	PROPOSED STREET VIEW 3
07 Sep 2015	1918/024B	PROPOSED NW SW ELEVATIONS

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. For the reasons given at the Development Management Committee, a positive view of the submitted/revised proposals was taken and consent was granted.

Item No:	10	
Application No:	15/04642/LBA	
Site Location:	West House Farm, Back Lane, Hinton Blewett, Bristol	
Ward: Mendip	Parish: Hinton Blewett	LB Grade: II
Application Type:	Listed Building Consent (Alts/exts)	

Proposal:	External alterations to remove 18No. existing single glazed windows, replace with painted hardwood framed double-glazed windows and install pennant stone sub-cills
Constraints:	Airport Safeguarding Zones, Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Sites with Planning Permission, Listed Building, SSSI - Impact Risk Zones,
Applicant:	Mr & Mrs Martin Ward
Expiry Date:	8th December 2015
Case Officer:	Laura Batham

DECISION CONSENT

This decision relates to elevations and location plan received on 13th October 2015.

Whilst the officer recommendation was to refuse the application the Committee considered the proposal acceptable and approved the decision.

PLANS LIST:

This decision relates to elevations and location plan received on 13th October 2015.

Item No:	11
Application No:	15/04574/LBA
Site Location:	5 Hatfield Buildings, Widcombe, Bath, Bath And North East Somerset
Ward: Widcombe	Parish: N/A LB Grade: II
Application Type:	Listed Building Consent (Alts/exts)
Proposal:	Internal and external alterations to existing extension and installation of glazed roof light.
Constraints:	Agric Land Class 3b,4,5, Article 4, Article 4, Article 4, British Waterways Major and EIA, British Waterways Minor and Householders, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,
Applicant:	Ms Wendy Mitchell
Expiry Date:	2nd December 2015
Case Officer:	Laura Batham

DECISION CONSENT

1 The works hereby approved shall be begun before the expiration of three years from the date of this consent

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

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

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

PLANS LIST:

This decision relates to drawings 4546-2015-04, 4546-2015-06, 4546-2015-08, 4546-2015-09, 4546-2015-10, 4546-2015-11, 4546-2015-12, 5619-2015-BP and Site plan received on 7th October 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. For the reasons given, and expanded upon in a related case officer's report, a positive view of the submitted/revised proposals was taken and consent was granted.

Item No:	12	
Application No:	15/04428/FUL	
Site Location:	15 Station Road, Keynsham, BS31 2BH,	
Ward: Keynsham North	Parish: Keynsham Town Council	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of rear extension to facilitate the conversion of vacant Public House to 4no. 2 bedroom town houses with parking and associated works (Revised Proposal).	
Constraints:	Agric Land Class 3b,4,5, Centres and Retailing, Conservation Area, Forest of Avon, Housing Development Boundary, SSSI - Impact Risk Zones,	
Applicant:	Mr & Mrs G & E Baio	
Expiry Date:	27th November 2015	
Case Officer:	Chris Griggs-Trevarthen	

DECISION PERMIT

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

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

2 The construction of the external surfaces shall not begin 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 character and appearance of the Conservation Area.

3 Prior to the commencement of development a Construction Environmental Management Plan (CEMP) shall be submitted to an approved, in writing, by the Local Planning Authority. The CEMP will include but not be restricted to:

- A description of the sensitive features or receptors associated with the application site and surrounding area, and the rationale for protection of these features (known as the Environmental Impacts/ Aspects register).
- An overall programme for demolition and construction activities, together with method statements and risk assessments relating to certain activities.
- The control measures and monitoring requirements to be implemented during each stage of the construction works to minimise resource use, protect the environment or minimise disturbance of sensitive receptors.
- Names of the nominated person(s) responsible for implementing these measures and undertaking the required monitoring, and the person(s) responsible for checking that these measures have been implemented and monitoring completed.
- Reporting procedures and documentation requirements in relation to implementation of the control measures and monitoring.
- Actions to be taken in the event of an emergency or unexpected event.
- Details of working hours, delivery times, dust suppression, traffic control (where necessary) and parking of contractors vehicles

Thereafter the development shall be undertaken in accordance with the approved CEMP.

Reason: In the interests of amenity and highway safety. This condition has to be pre-commencement to ensure that the details of the CEMP are appropriate to protect amenity and highways safety prior to any work starting on site.

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

Reason: In the interests of amenity and highway safety.

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

Reason: The site is within an area of significant archaeological interest and the Council will wish to examine and record items of interest discovered.

6 In the event that unexpected contamination is found at any time when carrying out the approved development, work must be ceased and it must be reported in writing immediately to the Local Planning Authority. The Local Planning Authority Contaminated Land Department shall be consulted to provide advice regarding any further works

required. Unexpected contamination may be indicated by unusual colour, odour, texture or containing unexpected foreign material.

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.

7 Prior to the construction of the development written confirmation from the sewerage company (Wessex Water) accepting the surface water discharge into their network including point of connection and rate shall be submitted to the Local Planning Authority. If the sewerage company are not able to accept the proposed surface water discharge, an alternative method of surface water drainage, which has first been submitted to and approved in writing by the Local Planning Authority, should be installed prior to the occupation of the development.

Reason: To ensure that an appropriate method of surface water drainage is installed and in the interests of flood risk

8 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:

3622_002A
3622_005A
3622_007A
3622_008A
3622_020J
3622-021G
3622-030H
3622-031J
3622-040K
3622-051
3622-001C

DECISION MAKING STATEMENT

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

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.

Item No:	13	
Application No:	15/04681/FUL	
Site Location:	17 Foxcombe Road, Newbridge, Bath, Bath And North East Somerset	
Ward: Newbridge	Parish: N/A	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Installation of new white uPVC windows to replace existing timber windows.	
Constraints:	Agric Land Class 3b,4,5, Article 4, Article 4, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,	
Applicant:	Ms Deirdre Horstmann	
Expiry Date:	18th December 2015	
Case Officer:	Kate Whitfield	

DECISION PERMIT

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

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

2 The front elevation windows shall be as replaced as detailed in the quotation from 'Clearglaze Windows' dated 9 November 2015.

Reason: To safeguard the character and appearance of the building and the Bath Conservation Area.

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

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

PLANS LIST:

This decision relates to the following plans:

Existing Elevations, drawing number 2094.1 dated 15 October 2015

Proposed Elevations, drawing number 2094.2a dated 16 November 2015

Site Location Plan, drawing number 2094.3 dated 15 October 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. For the reasons given, and expanded upon in a related case officer's report, a positive view of the submitted/revised proposals was taken and consent was granted.

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Bath & North East Somerset Council	
MEETING:	Development Management Committee
MEETING DATE:	13th January 2016
RESPONSIBLE OFFICER:	Mark Reynolds – Group Manager (Development Management) (Telephone: 01225 477079)
TITLE:	SITE VISIT AGENDA - APPLICATIONS FOR PLANNING PERMISSION
WARDS:	ALL
BACKGROUND PAPERS:	
AN OPEN PUBLIC ITEM	

BACKGROUND PAPERS

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

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

The following notes are for information only:-

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

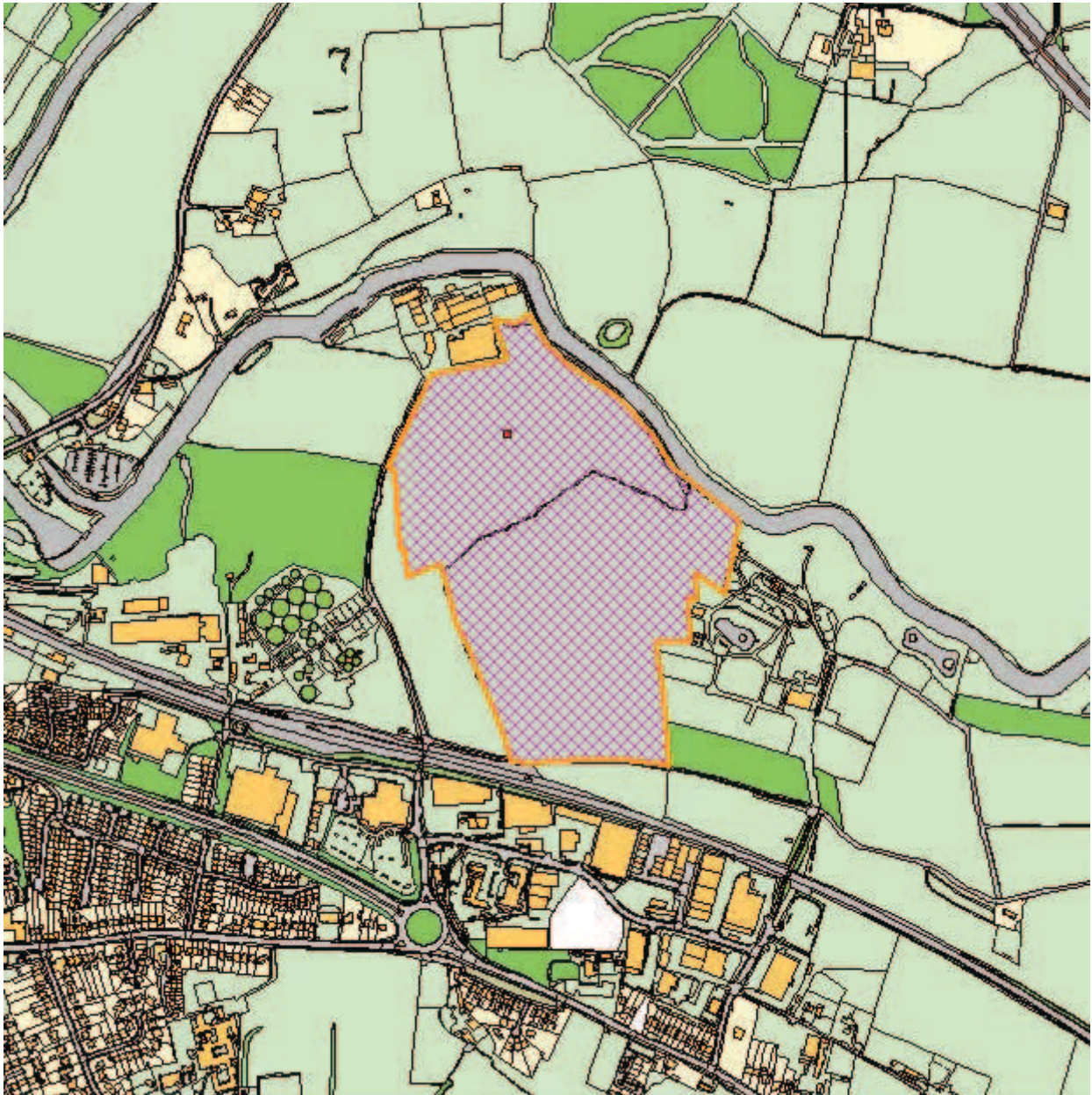
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting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

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ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
001	13/04822/EFUL 25 June 2014	Enzygo Limited Broad Mead, Broadmead Lane, Keynsham, , Development of land off Broadmead Lane, Keynsham, for a marina which comprises: 326 berths and designed to accommodate a variety of craft sizes; a marina facilities building with 24-hour access to toilets, showers and laundry, together with day time access to a reception and chandlery; car parking for a maximum of 144 cars will be designed as a series of satellite car parks screened by suitable vegetation; and a tearoom and office included within the facilities building.	Keynsham East	Rachel Tadman	REFUSE

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

Item No: 001
Application No: 13/04822/EFUL
Site Location: Broad Mead Broadmead Lane Keynsham



Ward: Keynsham East **Parish:** Keynsham Town Council **LB Grade:** N/A
Ward Members: Councillor Marie Longstaff Councillor Bryan Organ
Application Type: Full Application with an EIA attached

Proposal:	Development of land off Broadmead Lane, Keynsham, for a marina which comprises: 326 berths and designed to accommodate a variety of craft sizes; a marina facilities building with 24-hour access to toilets, showers and laundry, together with day time access to a reception and chandlery; car parking for a maximum of 144 cars will be designed as a series of satellite car parks screened by suitable vegetation; and a tearoom and office included within the facilities building.
Constraints:	Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Agric Land Class 3b,4,5, British Waterways Major and EIA, British Waterways Minor and Householders, Coal - Standing Advice Area, Flood Zone 2, Flood Zone 3, Forest of Avon, Greenbelt, Railway, Sites of Nature Conservation Interest,
Applicant:	Enzygo Limited
Expiry Date:	25th June 2014
Case Officer:	Rachel Tadman

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

The applicant is being considered by the Development Management Committee at the request of the Group Manager, Development Management. At the last meeting of the Committee consideration of the application was deferred to allow Members to visit the site.

DESCRIPTION OF SITE AND APPLICATION:

The site is located approx. 2.5 km from Keynsham town centre which is a medium sized town between Bath and Bristol. The site is 21.2 hectares in size over two fields currently in agricultural use. It is located adjacent to the River Avon and the Broadmead Lane industrial area.

The site contains a number of trees and hedgerows. Along the River Avon riverbank is a track that provides access to around 35 online moorings that are either moored directly onto the riverbank or from pontoons attached to the riverbank. The track is used as a parking area by the residents of the moorings and, alongside, is a number of sheds and areas that form informal gardens for the moorings.

The site is within the Green Belt and open countryside. It is also located in Flood Zones 2, 3a and 3b, forming a fluvial floodplain from the River Avon. The site also contains two Sites of Nature Conservation Interest (SNCI), one adjacent to Stidham Lane and the other along the River Avon riverbank.

The application is for the development of land off Broadmead Lane, Keynsham, for a marina to comprise: 326 berths designed to accommodate a variety of craft sizes with direct access off the River Avon.

A breach would be made within the riverbank to access the marina. The design of the marina would include floating pontoons and two facility buildings (A and B) such that the structures can rise and fall during a flood event sourced from the adjacent River Avon.

The marina basin would be created by excavating the northern field to a depth of 2.7m below existing ground level with the water being 1.4m in depth.

Vehicular access would be off Stidham Lane primarily using Broadmead Lane as a route from the A4 Bath Road and Broadmead roundabout. It is proposed to widen Stidham Lane to 5.5m with a 2m pedestrian footway.

From Stidham Road the access road would pass across the southern field, through the car park in a northerly direction to the northern field where the marina is located. At the northern point of the southern field the access track would be raised above the existing ground by 2.85m and culverted.

The spoil from the marina basin would be deposited onto the adjacent field to the south within which the car park would be located. The levels within the field would be raised in the region of 2.4m over a large area.

The car park would provide a total of 144 spaces along with facilities building C which would contain a café, changing rooms and office.

Facilities buildings A and B would measure approx. 3.7m high at the ridge, 10.6m long and 8.8m wide on a platform measuring 13.9m by 10.2m and would appear to be of timber construction under a shingle roof.

Facilities building C is L shaped and would measure 6.5m high at the ridge, 17.1m wide and 15.4m deep. Due to the deep eaves the footprint of the building measures 15.7m wide and 5.9m deep extending to 14m. It would appear to be of timber construction under a shingle roof.

The development will result in the loss of around 35 online residential moorings.

The application is accompanied by an Environmental Statement that deals with:

Planning Policy
Traffic and Transport
Ecology and Nature Conservation
Landscape and Visual Impacts
Archaeology and Cultural Heritage
Hydrology and Flooding
Noise and Vibration
Geology, Soils and Hydrogeology
Lighting

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

CONSULTATIONS AND REPRESENTATIONS:
OTHER REPRESENTATIONS / THIRD PARTIES

Highways Development Officer: Object for the following reasons:

1. Unacceptable access to the site for pedestrians and cyclists

2. The site is located remote from local facilities and represents unsustainable development
3. Lack of details regarding cycle parking
4. The layout of the parking area shows disabled parking spaces that are to an unacceptable size.

Planning Policy: Object:

It is the view of Planning Policy that there would be substantial harm to the Green Belt through inappropriateness and other harm - particularly reduction in openness, checking unrestricted sprawl, preventing towns merging into one another, and safeguarding the countryside from encroachment. Harm of some weight would result from developing on Grade 3a agricultural land, and developing on a SNCI.

There would be an economic benefit if the proposal was to proceed. However, the benefits do not clearly outweigh the harm to the Green Belt and other identified harm, and that therefore very special circumstances do not exist to justify inappropriate development in the Green Belt. Planning Policy therefore objects to the application.

Urban Design: No objections.

Environment Agency: No objections subject to conditions.

In light of WSP's recent River Avon modelling submission, with supporting letters dated the 27 and 28 January 2015, we are now in a position to support the background information of the Flood Risk Assessment (FRA) for the proposed marina development.

We wish to make it clear that we are not approving the model as there still remain instability issues but we are comfortable that the latest results prove that the marina development will not increase flood risk upstream or downstream. It is important that the Local Planning Authority is aware that the modelling indicates the marina will increase water levels over the Broadmead Industrial Estate access road by 14mm for the 1 in 10 flood return period (10% chance of occurring in any one year) and 17mm for the 1 in 100 year return period (1% chance of occurring in any one year) but we do not believe that this will occur in reality and would not change the existing flood risk, which is already high due to the close proximity to the River Avon.

Flood risk and drainage: Not acceptable in its current form.

Further details are required to show precisely how surface water will be managed and how any drainage features (e.g. filter drains) would be maintained which can be dealt with by condition.

In terms of flood risk management during a flood event, the Council's Emergency Planning and Business Continuity team should be consulted in particular regarding Section 9.5 and 9.7 of the Flood Risk Assessment. A condition requiring the submission of a Flood Evacuation and Emergency Plan prior to occupation is recommended but are not comfortable approving the application until the Emergency Planning and Business Continuity team have commented.

Emergency Planning Team: No comments received.

Contaminated Land: No objection subject to conditions

Education Services: If there was any possibility at all that a boat/mooring could be considered to be a 'residence' and therefore to contain residents that would be permanent - or even temporarily resident for a short period of time - then developer contributions would be required in order to provide the necessary educational facilities that would be needed as a result as primary school, Youth and Early Years provision in Keynsham is at capacity.

Network Rail: No objections subject to informatives.

Coal Authority: The application site does not fall with the defined Development High Risk Area and is located instead within the defined Development Low Risk Area.

Canal and Rivers Trust: No objections subject to comments on the submitted need assessment which has subsequently been withdrawn from consideration by the Agent.

Bristol Water: We have reviewed this application and note that this development may interfere with our 12 inch strategic main. We suggest that the applicant submit an application to us for a water supply in which we may comment further.

Wessex Water: The Keynsham sewage treatment works are in close proximity to the site and there is a risk of nuisance to, and subsequent complaints from, users of the marina due to odours and flies. Our odour assessment approach would classify these users as high risk receptors.

A programme of detailed odour modelling should be carried out to understand the potential impacts on the site, its operators/owners, and users before a decision is issued.

Arboricultural Officer: Object as the application does not demonstrate due consideration of policy CP7 of the adopted Core Strategy and retained policy of the Bath & North East Somerset Local Plan (2007) NE.4 Trees and Woodlands

Natural England: A proper assessment of the impacts of the development on European Protected Species cannot be made in order to inform the planning decision due to a lack of information.

Lightspill from the proposed development could have adverse impacts on the use of the river corridor by bats, particularly Horseshoe bats from the Bath and North East Somerset Bat SAC.

A lux contour plan has not been provided and there is still uncertainty about the impacts from lighting from the proposed development and therefore the potential for significant effects on the bat SAC cannot be ruled out at this stage based on the information submitted.

A clear assessment of the potential impacts on otters, or an indication of additional mitigation and enhancement measures which are proposed, has not been provided.

Otters are known to breed close to the proposed site and as this is a full application, we would expect this information to be provided at this stage.

Ecology Officer: Object:

The proposed development would have an impact on two Sites of Nature Conservation Interest and a range of habitats and species, including hedgerows, and nesting birds as well as a significant stretch of the river bank and associated habitats. The development would also have an impact on European protected species of otter and bats, including bats of the Bath & Bradford on Avon Bats Special Area of Conservation (SAC) and habitat on which they may depend.

The ecological assessment, and the ecological aspect of environmental assessment, remain incomplete and do not provide a clear picture of likely ecological impacts for all the habitats, species and features at and near to the site.

Landscape Officer: Not acceptable in its current form:

The site is in the Green Belt and would, (i) cause harm to the fundamental aim of the Green Belt of keeping land permanently open, and cause additional harm to the purposes of (ii) checking unrestricted sprawl of large built up areas, (iii) preventing neighbouring towns from merging into one another, and (iv) assisting in safeguarding the countryside from encroachment.

The scheme would also have an impact on the openness of the Green Belt.

Although the provision of an appropriately scaled marina in this location is a use/development that one may reasonably expect to see beside a river or waterway and may have an acceptable level of impact on the surrounding landscape, my primary concern is one of the size of the scheme and the resulting overall impact on the landscape on both a local and wider level.

Archaeology: No objections subject to conditions.

Historic England: The development area has the potential to impact upon the setting of a number of heritage assets including conservation areas, listed buildings and scheduled monuments. However we do not consider that there will be any unacceptable impact on any highly graded listed buildings, conservation areas or scheduled monuments.

To ensure that the amount of lighting required for the development should be carefully designed so as not to produce any adverse effect on surrounding heritage assets.

Conservation Officer: Concur with the comments of Historic England above.

Environmental Health: No objections subject to conditions.

Parks and Open Spaces: No issues in relation to increased pressure or, or loss of, existing provision.

Housing: No comments or objections

Avon and Somerset Police: Object as the application does not comply with the appropriate sections of the National Planning Policy Framework. The following comments are made:

- Emphasis has focused on an 'inclusive', 'safe', and 'easily accessible' site rather than in any way a secure site or even one where the potential for crime is reduced.
- There is very easy access to the site from the adjacent road, the trading estate and the existing access track allowing excessive permeability through the site.
- For the security and safety of the property contained on site surveillance is an important consideration. The application does not propose any form of electronic or additional natural surveillance i.e. security patrols.
- Lighting -bollard lighting is not an acceptable form of lighting for security.
- The vehicle parking area is at risk of crime being remote from the site with little night surveillance.
- No details of the location of cycle storage.

South Gloucestershire Council: Comments only:

- Ecology: Increased activity, noise and lighting would have a major negative impact on bats and otter, which are protected by law. Should the development be permitted the Council would need to be reassured that Favourable Conservation Status will be maintained for both bats and otter.
- River Avon Trail: This highly valued and well used route would be impacted upon due to substantial increase in noise, impacts from boat wash, movement and congestion affecting the appearance and quality of the river environment. The tranquillity of the river corridor will be affected and the scale of the development would create a significant quantity of disturbance.
- Landscape and Wider Environment: The site would be visible in short, medium and elevated views and would represent a change to the landscape character and appear as an extension to the edge of Keynsham into the River corridor. The visual impact will be greatest in winter.
- The development is contrary to Policy L1 of the South Gloucestershire Local Plan which requires that the character, distinctiveness, quality and amenity of the landscapes of South Gloucestershire are conserved and enhanced.

Keynsham Town Council: Object on the following grounds:

- The flood planning and modelling plans are still not clear.
- There is no flood mitigation plans in place that would deal with the present day flooding conditions that occur in this isolated location. Information supplied still only looks at flooding history in the past and has not considered recent heavy flooding incidents in this location.
- Access to the site is poor and the proposed raised road will create further flooding problems.
- There are concerns regarding the construction of the surface of the car park. The proposed chippings will be washed away should flooding occur.
- There will be a loss of amenity and mooring for the families that live in this vicinity.

- A full ecology report has not been submitted with the application.
- The odour analysis that has been carried out is inclusive. There is no mention of the historical problem of flies in this location as a result of the nearby sewage works.

Local Representations: A total of 44 representations have been received which is made up of 5 representations, 37 objections and 1 letter of support. The concerns raised are summarised below:

1. Harm to wildlife and their habitats particularly bats, otters and the SNCI, the submitted information is inadequate and fails to assess the ecological impacts of the full development site.
2. Loss of high quality agricultural land
3. Unacceptable harm to Green Belt and openness of the Green Belt
4. The marina is too large and out of scale to any similar marinas in the vicinity
5. Increase in flood risk and flaws in the flood data and Flood Risk Assessment submitted, no flood compensation measures, no assessment of impact on adjoining landowners.
6. Sequential test for site selection is flawed and disregards a number of sites, including the neighbouring site of Avon Valley Country Park.
7. Close proximity to sewage treatment plant
8. Poor quality and unsafe access from both Broadmead Lane and Pixash Lane, unacceptable increase in traffic, harmful to highway safety and lack of parking
9. Increase in boating traffic will have an impact on already congested locks on the River network
10. Increased river traffic would put a strain on the waterway facilities, lack of riverbank moorings or stopping places at facilities such as pubs and negative impact on existing users, harmful impact on local businesses
11. Concerns about enforcement of the mooring agreement particularly with regard to persons 'living' on the boats.
12. Loss of around 35 existing moorings on the riverbank
13. Lack of consultation with residents on existing moorings
14. Impact on the river: safety, riverbanks, noise and chemical pollution
15. Impact on trees and hedges, particularly with regard to widening of Stidham Lane.
16. Lack of residential moorings within the development
17. Loss of potential land for industrial use

POLICIES/LEGISLATION

PLANNING ISSUES:

RELEVANT PLANNING HISTORY:

There is no recent or relevant planning history for this site.

POLICY CONTEXT:

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

- 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:

- Policy SD1 - Sustainable Development
- Policy CP5 - Flood Risk Management
- Policy CP6 - Environmental Quality
- Policy CP2 - Sustainable Construction
- Policy CP3 - Renewable Energy
- Policy CP6 - Environmental Quality
- Policy CP7 - Green Infrastructure

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 GB.2: Visual impact on the Green Belt
- 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.4: Trees and woodlands
- Policy NE.9: Sites of Nature Conservation Interest (SNCI)
- Policy NE.10 and NE.11: Nationally protected and Locally Important species
- Policy NE.12: Natural features, trees and woodlands
- Policy NE.15: River corridor character, amenity and wildlife value
- Policy SR.5: Recreational facilities outside the scope of Policy SR.4
- Policy SR.10: Development with Water Recreational Activity Areas
- Policy SR.11: Development outside Water Recreational Activity Areas
- Policy HG.14A: Residential Moorings

Planning Obligations SPD

National Planning Policy Framework
National Planning Practice Guidance

OFFICER ASSESSMENT

ENVIRONMENTAL IMPACT ASSESSMENT:

The proposed development is considered to constitute EIA development under Schedule 2 development of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The application is accompanied by an Environmental Statement that

identifies the environmental effects of the development as well as any proposed measures to mitigate those impacts.

PRINCIPLE OF THE DEVELOPMENT:

The Proposed Use

It is proposed that the marina would be used solely for leisure moorings and that residential use of the boats would be prohibited by their lease agreements.

The application includes very little detail as to how the development would be managed but it would appear that the boats would be privately owned being predominantly used for day trips with the occasional overnight stay and restricted or one or two nights.

Nevertheless the marina would also include two floating facilities buildings that would contain a laundry area, toilets, wash hand basins and showers. A third building located within the car park would also provide a laundry area, toilets, wash hand basins and showers along with a reception area and café.

Whilst the information submitted implies that overnight stays on boats would be infrequent, and that most boats have their own toilet/shower facilities in any case, the level of washing facilities proposed, particularly within the building located in the car park which is some distance from the marina itself, would imply that overnight stays maybe more frequent than currently stated.

The facilities buildings would be open between 8am to 5pm Monday to Friday and 10am to 4pm at weekends with boat owners having 24 hour access to the relevant facilities buildings, accessible by key fob.

There are no details of the opening hours of the actual site i.e. access to the car park, access and egress of boats onto the River Avon although the wider site and facilities building within the car park would be open to the general public.

Two moorings would be required for a manager and an assistant manager who would live permanently on site for which a justification of functional need has not been provided. Whilst this is disappointing it is considered that, due to the size and level of the proposed development it is likely that a justification could be made and that on site security is not an unreasonable requirement.

In terms of access to the site, cars would access the site from Stidham Lane and parking within the car park. Visitors and boat owners would then walk approx. 140m to the edge of the marina where they can then either walk around the water on the paths laid out or access their boat from the surrounding pontoons and walkways. There will be the facility for electric buggys to be used to access the marina with small parking areas dotted around at pontoon entrances.

Whilst the proposal has been submitted with limited information, it is considered that many of the issues outlined above could be controlled by appropriately worded conditions were the development otherwise considered acceptable.

Green Belt:

The site lies within the Bristol/Bath Green Belt where the National Planning Policy Framework (NPPF) states that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open and that the most important characteristic of Green Belts are their openness.

In the Green Belt there is a presumption against inappropriate development which is, by definition, harmful and should not be approved except in very special circumstances.

The NPPF states that 'local planning authorities should ensure that substantial weight is given to any harm to the Green Belt' and that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations'.

Furthermore the NPPF (footnote 9) states that land designated as Green Belt is regarded as one of the specific policies in the Framework where development is to be restricted; the presumption in favour of sustainable development therefore does not apply in this instance.

The proposed development would involve the change the use of the site to a marina and ancillary parking areas from its existing use as agricultural land.

Paras 89-91 of the NPPF provides an exhaustive list of forms of development which are not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt.

However the NPPF does not include change of use within this list and therefore the material change of use of land in the Green Belt is considered to be inappropriate development which is by definition harmful to the Green Belt.

Notwithstanding this the development does involve engineering works to excavate the marina basin and deposit on the field to the south. Whilst these works could be considered to be not inappropriate within the Green Belt under Para 90 of the NPPF, as they are entirely incidental to the construction of the development this is not considered to be the case in this instance.

There is also an argument that the proposed use of the site as a leisure marina can be described as appropriate facilities for outdoor sport and outdoor recreation and therefore also has the potential to be not inappropriate development within the Green Belt. However, even if the proposals did not have a harmful impact on the openness of the Green Belt or the purposes of including land within it, this exception would only apply to new buildings in any case.

Turning to consider the impact of the development on the openness of the Green Belt and the purposes of including land within it, the submitted information acknowledges that the development will have an impact on the openness of the Green Belt although it judges this impact to be low.

The assertion that there would be harm to openness is not in dispute but it is considered that of the level of impact is incorrect and for the reasons explained below the harm is actually considered to be significant. In any case the NPPF does not consider levels of harm in terms of the Green Belt, there is either harm or there is not. If there is harm, the development is considered inappropriate in principle and it falls to be considered whether there are very special circumstances to outweigh that harm. This is also considered below.

Whilst the simple construction of the marina to form a body of water would not have an impact on the openness of the Green Belt, it is considered that the proposed development would significantly change the character of the site and the activity that goes on within with the introduction of boats, cars and increase in daily activity would.

For instance, timber jetties would be constructed within the basin to accommodate the moorings for boat owners. Although not buildings or structures, boats (wide beam craft/Dutch barges, narrow boats and small leisure craft will all be accommodated) are substantial man-made objects which would be visible within the marina and from the surrounding landscape.

Boats would move in and out on a regular basis and a substantial number of berths would be occupied at any one time. The overall effect would be a substantial, near permanent physical presence. This would amount to an encroachment into the countryside which would not maintain openness.

A high level of car parking (144 spaces) would also be introduced to the site, and whilst the number of vehicles would vary at any one time, a proportion of the vehicles would be likely to remain for substantial periods whilst the owners' boats were in use. The presence of vehicles on the site would further erode the openness of the Green Belt.

The proposed facilities buildings, of which there are three, could, in isolation, be justified as providing essential facilities for outdoor sport and recreation were it not for the change of use being inappropriate development. However, in conjunction with the impact of the canal boats and car park, and other paraphernalia (such as lighting, high visibility life belts, fuel and pump out facilities, security fencing etc.) would further contribute to erosion of the openness of the Green Belt.

Finally the proposed development would result in an intensified use of the site with a substantial increase in activity, cars, boats and people coming and going which would also erode the openness of the Green Belt.

The Council's Green Belt Review was published in 2013 covering the area within which the site is located. The review concludes that the Green Belt designation across the majority of the land parcel within which the site lies is of high importance on the basis that it lies directly in the Green Belt corridor between Bristol, Keynsham, Salford and Bath (fundamental to the reasons behind the designation of the Bristol and Bath Green Belt).

It prevents the merger of Bristol, Bath and Keynsham and is also considered to play a role in constraining the potential urban sprawl of Bristol (specifically Oldland and Willsbridge which lie to the north of the site, the latter just over 1km away from the northern edge of the proposed marina) in a southerly direction towards Keynsham.

It is clear from the above that the site is important in serving to safeguard the countryside from encroachment and assisting urban regeneration and that the development would have a significant harmful impact on these qualities.

Overall it is considered that the development would represent inappropriate development that would have a harmful impact on the openness of the Green Belt and would be contrary to the purposes of including land within it.

Finally it needs to be considered whether very special circumstances exist that would outweigh the harm to the Green Belt. The proposed development was originally accompanied by a Need Assessment and Socio- Economic Statement dated October 2013 which attempted to justify the need for the development as a very special circumstance. However it came to light that the document very closely resembled one that was withdrawn at another appeal public inquiry in Daventry and was consequently withdrawn from the consideration of this application as well.

An assessment of alternative sites has also been submitted which has assessed whether there are any potential sites in a more urban area, if not, are there better sites within the Green Belt than the application site. The assessment carried out a desk top study, identifying 10 sites of which 3 were considered feasible with the development site being the most suitable. Whilst the assessment is considered to be very narrow in its area of search given the length of the River Avon, and in the absence of any compelling reasons as to why the proposed marina should be located in the stretch assessed, it is considered that the assessment does not represent a very special circumstance that would outweigh the harm to the Green Belt.

A number of other arguments have been put forward as very special circumstances including the removal of on-line moorings, economic benefits, opportunities of outdoor sport and recreation, biodiversity benefits, improved navigability of the River Avon and improvements to flood risk.

Many of these arguments are considered further in the report below but despite these arguments being considered in full they are not considered to represent very special circumstances and it is therefore concluded that very special circumstances do not exist to outweigh the harm to the Green Belt by reason of inappropriateness.

Economic Benefit

The NPPF states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

If implemented, the proposal would clearly deliver new economic investment into the Keynsham area. The application states that the marina and accompanying facilities would have the potential to provide a significant number of new employment opportunities. The application estimates that the marina will directly create 8 FTE jobs and generate £300,000 GVA, and indirectly create an additional 12 FTE jobs and £480,000 GVA. The

application estimates that construction of the marina will temporarily create between 20 and 30 FTE jobs. This is considered to be a benefit of the proposed scheme.

Loss of on-line moorings:

The site currently provides moorings for around 35 boats which form the permanent residential homes for the people and families living within which would be lost as a result of the development.

The loss of the moorings has attracted a number of objections, primarily from the residents, but also from the business that manages and rents out those moorings. Unfortunately there are no policies to protect existing residential moorings and therefore, whilst the loss is very disappointing, a reason for refusal on this point is not considered to be justified.

Furthermore, due to the design of many of the boats on the existing moorings, it is likely that they could not be accommodated within the Marina itself.

Local Plan Waterside Recreational Activity Areas

The Local Plan states that development proposals need to be carefully controlled to avoid the gradual erosion of the inherent character of the River, Canal and Lakes of their immediate environment. The Local Plan therefore identifies a number of Waterside Recreational Activity Areas (WRAAs). Policy SR.10 states that recreational development will only be permitted in Bath and the WRAAs, unless they comply with Policy SR.11. The proposed site is not identified in Policy SR.10 as a WRAA.

Policy SR.11 deals with proposals outside WRAAs and aims to prevent the introduction of pursuits that would be detrimental to the character of the area including their cumulative impact on the environment. In this case the development, for reasons that are explained below, would have a harmful impact on the landscape and nature conservation interests and is therefore contrary to Policy SR.11 of the Local Plan.

Provision of Recreational Facilities

Policy SR.5 of the Local Plan deal with proposals for development of recreational facilities outlining the requirements that need to be met before such a development can be considered acceptable.

In this regard an assessment of alternative sites has been submitted which has considered whether there are any potential sites in a more urban area, if not, are there better sites within the Green Belt than the application site.

For the reasons already outlined above the assessment is considered to be very narrow in its area of search given the length of the River Avon and there are no compelling reasons as to why the proposed marina should be located in the stretch assessed. Therefore it is considered that an inadequate assessment has been carried out to show that the development could be located elsewhere. Furthermore, for reasons that will be discussed further below, the development is considered to have a harmful impact on landscape character and, as the information regarding lighting is considered inadequate, there is also

a risk that the development would cause light pollution. For these reasons it is considered that the development is contrary to Policy SR.5 of the Local Plan.

Loss of Agricultural Land:

The development would result in the loss of agricultural land which is designated as Grade 3a, considered by the NPPF as amongst the best and most versatile. The NPPF states (para 112) that where significant development of agricultural land is demonstrated to be necessary, Local Planning Authorities should seek to use areas of poorer quality land in preference to that of a higher quality. In light of this, as the development would result in the loss of the best and most versatile agricultural land it is considered contrary to paragraph 112 of the NPPF.

DESIGN AND LAYOUT OF THE PROPOSED DEVELOPMENT AND IMPACT ON THE CHARACTER OF THE AREA AND THE SURROUNDING LANDSCAPE:

The overall development is spread out across a wide area of two fields with the character of the site being significantly changed as a result.

The character of the site is flat and open, with the River forming the principal feature of importance. The industrial estate is a prominent feature within the views and adds clutter in contrast to the simple and open nature of the site.

The site is located on the boundary with South Gloucestershire Council and as a result they have been consulted and provided comments on the scheme.

The River Avon Trail runs along the northern bank of the River Avon, on the opposite side to the site. South Gloucestershire Council has assessed the River Avon Trail as a heavily used recreational route from which there are important views of the site. At present these views are cluttered by existing moorings but more distant views of the site can be found from the Bath to Bristol Cycle Path, from Monarchs Way and from the higher ground North of Bitton. The Monarchs Way and cycle path are also heavily used representing strategic recreational routes.

The site is also, of course, located within the Green Belt where visual impact also needs to be considered.

In terms of the overall design of the marina, it comprises a standard functional marina design with the provision of some islands which, to a small extent, break up the body of water and will provide some screening of views.

The marina itself contains numerous pontoons that would rise and fall with the water levels depending on whether the site is in flood or not. Despite requests it is still unclear how the pontoons would be anchored to the water bed and how they would rise and fall whilst still remaining in place. There is a concern that this may require pilings that would project some distance above the water when the site is not in flood.

The access track between the car park and the marina itself is raised above existing ground levels by 2.4m with culverts incorporated into its design to allow the free flow of water across the road and wider site in times of flood. The culverts are an engineered

solution and would measure in width 4m, widening to 7m and 1.5m high. There would be 7 culverts and it is considered that this area of the development would appear incongruous and be prominent in medium and long range views.

The car park itself is of a significant size, measuring 67m x 90m which, whilst screened to a small extent by the bunds surrounding, would nevertheless be very prominent within medium and long range views of the site.

Once the site is in use the water would be dominated by the moored boats and the general paraphernalia that would accompany them. In isolation the proposed facilities buildings are considered to be of simple timber construction that is not considered to be objectionable.

The proposed development would result in the loss of on line moorings and parking which has been argued to improve the appearance of the river and the immediately adjoining riverbank offsetting the impact of the proposed development. However it is considered that whilst there may be an improvement, it would be relatively small in that moorings along the river are a feature to be expected in a rural location.

Whilst views from the River Avon Trail and Monarchs Way of the site would not be from within the Council's boundaries it is considered that the development would have a harmful impact on these views. Furthermore the development would also have a harmful impact on views from the Bristol to Bath Cycle Path with views particularly being affected during winter. The development is also considered to have a harmful visual impact on the Green Belt.

The increase in boats using the river is also considered to have a harmful impact on the tranquillity of the river environment.

Although the provision of an appropriately scaled marina in this location is a use or development that one would expect to see beside a river or waterway, overall the size and design of the scheme, increase in activity within the area, and the resulting overall impact on the landscape at both a local and wider level, is considered to have a significant detrimental impact on the rural character of the area, the surrounding landscape and the Green Belt.

IMPACT ON HERITAGE ASSETS INCLUDING ARCHAEOLOGY:

With regard to heritage assets, whilst there are none bordering the site, the proposal does have the potential to impact upon the setting of a number of heritage assets including conservation areas, listed buildings and scheduled monuments that are located further afield. However both Historic England and the Conservation Officer are of the view that there would not be any unacceptable impact on any highly graded listed buildings, conservation areas or scheduled monuments.

Notwithstanding this the main potential for harm would stem from the lighting of the site which, were the proposal otherwise acceptable, could be carefully controlled by condition.

Turning to Archaeology, a geophysical survey has been submitted which discovered archaeological remains in the form of linear field boundaries and ditches.

Of most interest was the discovery of human remains which it is thought could have originated from a single, isolated burial which has been truncated by a furrow and/or modern ploughing/agricultural activity.

However in the main, the findings would suggest that the site has not been intensively used in the past other than for agricultural purposes.

The Archaeologist has considered these findings and is in broad agreement of the conclusions of the submitted information although, as the significance of the human burial evidence from trench 6 could not be ascertained, it is recommended that a watching brief condition is attached to any eventual permission as a precautionary measure.

IMPACT ON RESIDENTIAL AMENITY:

Although there are a number of residential moorings close to the development site, including those on the riverbank of the site, the proposed development is not considered to have a detrimental impact on the residential amenity of the occupiers.

IMPACT ON ECOLOGY AND TREES:

The site's location within open countryside and directly adjacent to a large stretch of the River Avon means that the development of the site has the potential to have a significant impact on both nationally protected and locally important species, particularly since the River Avon is considered to provide functional habitat upon which bats of the Bath & Bradford on Avon Bats Special Area of Conservation (SAC) may depend. Therefore the foraging and commuting routes of bats within this area are protected under the Habitats Regulations. Furthermore the site is also known to provide a habitat for Otters which are also a European protected species.

The site also contains two SNCI's; the first running along the River Avon and; the second located alongside Stidham Lane to the south of the site.

The impact of the development on the ecological value of the site and protected species has been raised as a concern by a number of objectors as well as Natural England and the Ecologist. The issues are considered in turn below:

Otter - The site is known to be used by Otters and also breed close to the proposed site, which, as a European protected species, means that it is important that the LPA understands the likely impacts of a proposal, prior to issuing any permission. The LPA is also required to understand whether the proposal will require an European Protected Species (EPS) licence, and accordingly give consideration to the Habitats Regulations.

Unfortunately both the Ecologist and Natural England have concluded that the information so far submitted includes conflicting and inadequate information that fails to fully appreciate or understand the requirements of the Habitats Regs and does not include a clear assessment of potential impacts on otters, or an indication of additional mitigation and enhancement measures which are proposed.

Due to the conflicting information Officers are still unclear as to the need for an EPS licence although this is considered to be a strong possibility. If Officers are correct, and one is required, sufficient information must be submitted to demonstrate that the "three tests" of the habitats regulations would be met and that a licence would be granted. This would require an assessment of likely impacts and sufficient detail of an outline proposed mitigation plan. Greater consideration to likely long term impacts from potential increased disturbance, such as changes to frequency and proximity of boat movements; wash; noise and lighting; on the locations identified as having high otter activity on both the near and far banks would also be expected.

The submitted otter report demonstrates that SIGNIFICANT risks to otter can be avoided or mitigated against", however does not go onto provide sufficiently clear proposals for mitigation and compensation of likely impacts, to provide the necessary confidence to Officers that the proposal will not harm the species.

In cases such as this, all long term harm, which should not be limited to "significant" harm, should be appropriately avoided, and where necessary, mitigated and compensated. The report suggests that it is only a lack of a "significant" effect on otters that must be demonstrated and appears to suggest over-zealous application of the "three tests" of the habitats regulations.

This does not however change the requirement for the LPA to be confident of the likelihood of the "three tests" being met, and an EPS licence being likely to be granted, in the event of the project going ahead.

Bats - The bats & lighting report mistakenly asserts that there is no protection of bat foraging or commuting routes. As stated above, the Habitats Regulations extend protection to habitats on which bats of the Bath & Bradford on Avon Bats SAC may depend, and in accordance with Natural England advice, the River Avon is considered to provide functional habitat for bats of the SAC.

In line with the concerns of Natural England, the Ecologist is of the view that there is insufficient detail at present to demonstrate that lighting levels can be kept sufficiently low. This includes a lack of clarity regarding existing moorings, and how light levels from boats within the marina can be controlled. In accordance with the advice from Natural England, it is considered that, based on the information submitted, the risks of harm to European Protected Species and bats of the SAC cannot be demonstrated to be acceptable.

Broad Mead Field SNCI - The proposed development would result in a significant level of spoil being deposited on and within close proximity to the Broad Mead Field SNCI which is located alongside Stidham Lane.

Information in the form of a letter has been submitted stating that the SNCI would remain intact and that the proposal would not harm the SNCI. Whilst there is no particular reason to doubt this statement, the necessary information has not been provided to properly demonstrate this.

In this instance Officers would expect such statements to be backed up with a survey and the mapping of the SNCI boundary on the mapped ecological assessments and plans, in order to demonstrate that boundaries do not conflict, and to provide greater confidence in

the assessment that the proposal would be unlikely to cause "hydraulic interference" to the SNCI, which was designated for its wetland habitat value.

It is suggested within the application that the scheme is designed to provide ecological benefit to the SNCI, which is welcomed, but cannot at this stage be factored in as a mitigation or compensation measure (nor an enhancement, as suggested, without the scheme first demonstrating no net loss to ecology) without the above information, together with firmer proposals as to how this would be achieved.

Overall and in conclusion, this is a substantial proposal in a sensitive location, affecting two Sites of Nature Conservation Interest and a range of habitats and species, including hedgerows, otter, bats and nesting birds. A significant stretch of the river bank and associated habitats would be impacted by the proposed access point to the marina and associated construction works, and potentially also by any further works required to the river side habitats that may be require for access routes / footpaths, and increased human disturbance /use of these areas. There are also likely to be impacts on bankside trees and vegetation, bat flight lines and foraging locations, and trees with bat roost potential, which are not at present fully understood.

It is considered that the ecological assessment, and the ecological aspect of environmental assessment, are incomplete and do not provide a clear picture of likely ecological impacts for all the habitats, species and features at and near to the site. Although some further information has been received in response to comments from the Ecologist and Natural England, the surveys and assessments need to show mapped survey findings for the complete footprint of the site and all ecological features and habitats need to be factored in.

The scheme is not considered to demonstrate a sufficiently complete understanding of likely impacts on the River Avon SNCI and associated bank side habitats; protected species including bats and otter; and the range of important habitats that would be likely to be affected by the proposal. Nor does the proposal sufficiently demonstrate an understanding of what mitigation and compensation measures would be required and would be appropriate, to achieve avoidance of ecological harm, nor does the scheme provide sufficiently clear or detailed proposals for mitigation and compensation to demonstrate they will be effective and feasible.

In light of the above concerns and objections from both Natural England and the Ecologist, it is considered that the development is unacceptable due to the unacceptable risk of harm to the ecology of the River Avon which is a designated Site of Nature Conservation Interest, and the risk of harm to protected species including otter, and bats, including bats of the Bath & Bradford on Avon Bats Special Area of Conservation (SAC) and habitat on which they may depend.

With regard to the impact on trees within the site, the information submitted has been limited to a desk top study which, along with aerial photographs, suggests that one mature tree exists within the field with others growing within the hedgerows.

Unfortunately this single tree is not shown on any submitted documents or drawings and no arboricultural information has been submitted with regards to its condition, quality,

landscape and ecological contribution on which to make an arboricultural assessment or to justify its loss.

Furthermore the proposal includes proposals to widen Stidham Lane and incorporate a 2m footpath without any assessment on how this would impact on trees and hedging within the vicinity of the proposed works.

In light of the significant lack of information in relation to the impact of the proposed development on trees and hedgerows within the site, a comprehensive assessment has not been able to be carried out. Therefore it is considered that proposed development is contrary to Policy CP7 of the adopted Core Strategy and Policy NE.4 of the Local Plan.

ODOUR AND NOISE:

A noise and vibration assessment has been submitted as part of the application which has been considered by Environmental Health. Overall it is considered that, subject to conditions including the submission of a Construction Environmental Management Plan, the development is acceptable in terms of noise and vibration.

Due to the close proximity of Broadmoor Lane sewage works Wessex Water have raised concerns that the development could potentially be impacted on by odours from the works and requested the submission of an odour report.

The Applicant has declined to submit an Odour Report but has provided correspondence from Wessex Water which implies that a condition requiring the submission of such a report would be acceptable. Wessex Water have been re-consulted but have not provided further comments. Therefore, in light of the above, and in this case it is considered that the lack of an odour report could be dealt with by condition were the development otherwise acceptable.

PLANNING OFFICER ASSESSMENT OF HIGHWAY ISSUES:

The application has been submitted with a Transport Statement which suggests that the majority of vehicular trips would be via Broadmead Lane, which forms a roundabout junction with the A4 and Stidham Lane.

Stidham Lane is currently of single vehicle width, with hedges both sides, and no street lighting. This lane connects to Pixash Lane to the east, which has a narrow section of lane from the Avon Valley Country Park across a narrow hump bridge to the industrial estate, where the road width increases, and there are both footways and street lighting.

Stidham Lane connects to Broadmead Lane to the west, which serves industrial estates to both the north and south. The section of Broadmead Lane to the north of the junction with Stidham Lane is narrow with passing places, and is unadopted and without lighting. To the south of the junction with Stidham Lane, Broadmead Lane passes under a bridge which only permits single file traffic flow, due to its restricted width and has no pedestrian footway. Beyond the bridge the road widens and has footways and street lighting serving the industrial estate and the retail store and food outlets.

The application proposes a vehicular and pedestrian access to the site from Stidham Lane with an access track running north to a parking area that would provide 144 parking spaces for staff, boat owners and visitors.

It is also proposed to widen Stidham Lane to achieve a 5.5m carriageway width with a 2m pedestrian footway in order to achieve an acceptable access to the site for both vehicles and pedestrians. Improvements are also proposed to provide a pedestrian footway to the immediate north and south of the Broadmead Lane railway bridge to join up with existing footways to the south.

The proposals to widen Stidham Lane are considered to be acceptable as are the improvements to the pedestrian footway provision in the vicinity of the Broadmead Lane bridge.

However the lack of a pedestrian footway through the bridge remains of concern. The proposed development has been dealt with by a number of Highways Development Officers where the narrowness of the bridge and the lack of a safe pedestrian walkway was not initially raised as a concern. However, during the course of the consideration of the scheme the lack of a pedestrian footway has since attracted an objection from the Highways Development Officer.

In order to attempt to address this, revised highways information has been submitted which points out that the existing railway bridge will require modification to allow pedestrians and cyclists to pass safely when a large vehicle is also using the bridge and claims that this is mitigated by the provision of additional footways either side of the bridge.

Nevertheless the Highways Development Officer remains of the view that the proposal will not be acceptable unless pedestrians and cyclists can be segregated from the heavy goods vehicles that use this road to access the industrial estate to the north. There is an understandable concern that, whilst the speed of vehicles or number of vehicle movements is not disputed, the available width under the bridge is likely to cause HGVs to come into conflict with cyclists and pedestrians.

In light of this it is considered that, without the provision of a suitable means of access through the bridge to allow a lorry and a cycle to pass in an area flanked on both sides by the bridge walls the application is harmful to highway safety.

Furthermore there are also concerns with regard to the remote location of the site in relation to its proximity to bus stops and the town centre of Keynsham. The submitted Transport Statement initially considered that there are adequate alternative modes of travel available to visitors to the marina meaning that there would not be a disproportionate reliance on the use of the private car, and concluded that access to buses and local facilities is within appropriate walking and cycling distances.

Whilst there was no dispute with regard to access to public transport by foot, and access to local facilities by cycle, this is not considered to be the case for access to town centre facilities which would exceed the maximum preferred walking distance of 800m.

Later information submitted, in attempting to justify the lack of a safe pedestrian route through the Broadmead Lane bridge, then seemed to consider the increase in pedestrians/cyclists that will use the bridge following the construction of the marina to be very low which would suggest that the site is not as sustainable as was originally claimed.

The later Technical Note states that the site is within 2km of Keynsham town centre but the two start points referred to do not replicate the location of the development or the centre of Keynsham. Also the proposed route is considered to be onerous, unattractive and unsecure and unlikely to be used by leisure walkers, particularly with the safety issues encountered under the railway bridge to Broadmead Lane. There is no controlled crossing to aid movements across the busy A4 at Broadmead roundabout and the only available link to the Bath Road would be via the underpass at Unity Road which is uninviting and unattractive.

The Technical Note also refers to the pedestrian and cycle routes connecting the site with local destinations which will be supplemented by the infrastructure proposals associated with the scheme. However these are not shown and Officers are unaware of which routes are being referred to.

No pedestrian or cycle facilities are provided between the site and Saltford and the lack of a pedestrian footway from the site to the adjacent Avon Valley Country Park is also disappointing.

Overall it is concluded that the proposal has failed to provide suitable sustainable alternatives to the private motor car and would therefore represent unsustainable development.

Finally the Highways Development Officer has raised concerns in relation to the size of the proposed disabled spaces but it has been confirmed that the spaces will be provided to standard sizes.

In terms of construction traffic, it is proposed that the marina pool is to be constructed through cut and fill in order to reduce bulk earth movements on and off site by road. Therefore it is not considered, subject to conditions, that the development would not have an adverse impact on highway safety.

Whilst refuse management has been raised as a concern it is considered that this could be adequately dealt with by condition requiring the submission of an acceptable Refuse Management Plan.

FLOODING AND DRAINAGE:

The B&NES Level 2 Strategic Flood Risk Assessment (SFRA) identifies the site of the marina as being located within Flood Zones 3a and 3b (functional floodplain) with a significant element of the site lying within the fluvial floodplain of the Broadmead Brook and of the River Avon. The site of the proposed car park and facilities building is located within Flood Zone 1.

The Environment Agency has extensive records of the site of the marina and of the local area flooding from the 1968 and 2000 floods. In addition the Environment Agency has

confirmed that further modelling evidence from Bristol City Council's Central Area Flood Risk Assessment (CAFRA) reinforces this environmental constraint in addition to their own historic flood mapping records. The Environment Agency consider this area to be a high flood risk area that will flood frequently for very low order flood events such as the 1 in 25 year annual event. Flood depths will be in excess of 500mm for a 1 in 25 year event increasing to over a 1m for the 1 in 100 year event.

The application has been the subject of a significant number of objections with concerns not only in respect of the flooding of the site but also the potential knock on impacts on the surrounding area due to flooding being pushed elsewhere.

Whilst it is appreciated that the nature of the development requires it to be located close to the watercourse, there are ancillary elements of the development and users of the facility that will be affected by flooding and need to be aware of the flood risks relevant to this area.

The NPPG and NPPF identifies the proposed development as being water compatible and therefore a marina is an acceptable use in a high flood risk area such as this, subject to an appropriate Flood Risk Assessment (FRA) being submitted to demonstrate that it is safe.

The proposed car park, being located within Flood Zone 1 is considered to be appropriate development.

A Flood Risk Assessment has been submitted and, following initial objections by the Environment Agency, significant modelling work has also been carried out.

The Environment Agency have confirmed that the modelling reviews have highlighted some instability in the model but are comfortable that the marina development will not increase flood risk upstream or downstream.

They are still concerned that some instability issues of flows remain and highlight that the modelling indicates the marina will increase water levels over the Broadmead Industrial Estate access road by 14mm for the 1 in 10 flood return period (10% chance of occurring in any one year) and 17mm for the 1 in 100 year return period (1% chance of occurring in any one year). However they do not believe that this will occur in reality and would not change the existing flood risk, which is already high due to the close proximity to the River Avon.

In light of this the Environment Agency are now satisfied that the proposed development is acceptable subject to conditions.

The proposed development has also been considered by the Flooding and Drainage Team who remain concerned that the information submitted does not adequately show how surface water within the development will be managed, particularly with relation to the proposed car park, and how any drainage features would be maintained. However they are of the view that these can be satisfactorily dealt with by condition.

There are concerns however in relation to flood risk management to visitors and boat owners during a flood event. The Emergency Planning and Business Continuity Team have been consulted but no comments have been received at the time of writing.

However in cases such as this a condition requiring the submission of a Flood Evacuation and Emergency Plan prior to commencement of use is considered to be an acceptable approach were the development other considered acceptable.

SUSTAINABILITY AND RENEWABLE ENERGY:

The proposed development includes the provision of a Sustainable Urban Drainage Strategy (SUDs). No other details in relation to sustainability or renewable energy have been provided.

OTHER MATTERS:

Many of the residents of the existing on line moorings have objection to the scheme due to the lack of community consultation. Whilst it would appear that the Applicant did not directly consult the existing residents, a consultation exercise was nevertheless carried out which has been explained in the submitted statement of community involvement.

CONCLUSION:

Overall the information submitted as part of the application has been found to be lacking in detail, inadequate and at times inaccurate. In many cases this has resulted in requests for further information, which, if received, was variable in addressing the concerns raised and has resulted in many questions remaining unclarified.

Notwithstanding this the site is within the Green Belt where the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

The proposed marina has been assessed against the advice in the NPPF and it is concluded that the development, in comprising a change of use within the Green Belt represents inappropriate development that is unacceptable in principle. In addition, the development would have a substantial harmful impact on the openness of the Green Belt and the purposes of including land within the Green Belt, namely checking unrestricted sprawl, preventing towns merging into one another, and safeguarding the countryside from encroachment.

The proposal would deliver new economic investment into the Keynsham area with the creation of 8 FTE jobs, generation of £300,000 GVA, and indirect creation of an additional 12 FTE jobs and £480,000 GVA. It is also estimated that construction of the marina will temporarily create between 20 and 30 FTE jobs.

Due to the size, design and location of the proposed marina, within a rural area which is viewed from well used public routes such as the River Avon Trail, Monarchs Way and Bristol to Bath Cycle Path as well as other medium and long range views of the site, is considered to have a harmful impact on the rural character of the site and the surrounding landscape. Furthermore the proposal would have a harmful visual impact on the Green Belt which, overall, is considered to be unacceptable.

The site includes within its boundaries two SNCI's and also provides habitats for bats, including those of the Bath & Bradford on Avon Bats Special Area of Conservation (SAC),

and otter, both of which are protected species. The submitted information has failed to demonstrate that the proposed development would not have a harmful impact on the ecology of the designated SCNI's or on protected species and the habitats on which they may depend which is unacceptable and contrary to Policy.

The submitted information has also failed to satisfactorily assess the impact on existing trees and hedges within and adjoining the development site and therefore it is considered that it has not been demonstrated that there would not be an unacceptable impact on existing trees and hedges, or that acceptable mitigation or compensation measures would be provided to offset this harm.

In terms of accessibility and highway safety, the site is located some distance from Keynsham Town Centre and, particularly for pedestrians and cyclists, would involve passing through a narrow tunnel with no pavement under the railway at Broadmead Lane. Therefore, whilst the application has included the provision of improvements to Stidham Lane to widen the carriageway and provide a 2m pavement, as well as other short sections of pavement on Broadmead Lane, the failure to provide a safe access through the Broadmead tunnel remains of significant concern.

In light of the above it is considered that boat owners and visitors to the marina would not be provided with a safe access therefore discouraging sustainable journeys by foot or bike and therefore would be left with no option but to rely on private car journeys. Overall this is considered to represent unsustainable development and which is also harmful to highway safety.

The development, located on agricultural land designated as Grade 3a, would result in the loss of land that is considered to be amongst the best and most versatile which, in the absence of a justification for the loss, is considered contrary to Paragraph 112 of the National Planning Policy Framework.

The development would introduce facilities for outdoor sport and recreation which is of benefit to the wider area, however as the proposal would have an unacceptable impact on landscape character, nature conservation interests and would have a detrimental impact on the character and amenity value of the area, it is considered to be contrary to Policy SR.5 and SR.11 of the Local Plan.

The proposal would result in the loss of approx. 35 online moorings which, although unfortunate, cannot be objected to on policy grounds. The loss of the moorings would, however, result in a small improvement to the appearance of the riverbank.

The development would not have a harmful impact on the residential amenity of any neighbouring occupiers.

With regard to flooding, the site is located within Flood Zones 3a and 3b (functional floodplain) with a significant element of the site lying within the fluvial floodplain of the Broadmead Brook and of the River Avon. The site of the proposed car park and facilities building are, however, both located within Flood Zone 1.

The site is well known to flood with major floods in 1968 and 2000 and the Environment Agency consider this area to be a high flood risk area that will flood frequently for very low

order flood events such as the 1 in 25 year annual event. Flood depths will be in excess of 500mm for a 1 in 25 year event increasing to over a 1m for the 1 in 100 year event.

Whilst the flooding of this site has raised significant concerns by many objectors, and an initial objection by the Environment Agency, during the course of the application further information has been submitted to demonstrate that the development is acceptable. As a result the Environment Agency has now withdrawn their objection subject to conditions. As there are no reasons to disagree with this view the development, in flooding terms, is considered to be acceptable.

Finally, in conclusion, whilst it is acknowledged that there would be some benefits to the scheme, including the economic benefit, which, in many cases have been argued as very special circumstances, it is considered that they do not clearly outweigh the harm to the Green Belt and other identified harm, and that therefore very special circumstances do not exist to justify inappropriate development in the Green Belt.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed development, due to the unacceptable risk of harm to the ecology of the River Avon which is a designated Site of Nature Conservation Interest, and the risk of harm to protected species including otter and bats, including bats of the Bath & Bradford on Avon Bats Special Area of Conservation (SAC) and habitats on which they may depend. This is contrary to Policy NE.9, NE.10, NE.11 and NE.15 of the Bath and North East Local Plan, including minerals and waste policies, adopted October 2007, Policy CP6 of the Bath & North East Somerset Core Strategy (2014) along with the policies of the National Planning Policy Framework.

2 The proposed development, due to a lack of information, has failed to demonstrate that the development would not have a unacceptable impact on existing trees and hedges, or provide acceptable mitigation or compensation measures, which is considered to be contrary to Policy CP7 of the Bath & North East Somerset Core Strategy (2014) and Policy NE.4 of the Bath and North East Local Plan, including minerals and waste policies, adopted October 2007.

3 The proposed development, due to the lack of safe pedestrian and cycle routes and being located some distance from the town centre, bus stops and local facilities, would result in an reliance on the private car and represent unsustainable development that is harmful to highway safety which is considered contrary to Policy T1 and T24 of the Bath and North East Local Plan, including minerals and waste policies, adopted October 2007 and the policies within the National Planning Policy Framework.

4 The development would result in the loss of agricultural land designated as Grade 3a as amongst the best and most versatile. In the absence of a justification for the loss of this land this is contrary to Paragraph 112 of the National Planning Policy Framework.

5 The proposed development is considered to represent inappropriate development within the Green Belt that would have a harmful impact on openness and would be

contrary to the purposes of including land within it. In the absence of very special circumstances to outweigh this harm the proposal is contrary to Policy CP8 of the Bath & North East Somerset Core Strategy (2014) and the policies within the National Planning Policy Framework.

6 The proposed development, due to its size, design and location, would have a harmful impact on the rural character of the site and the surrounding landscape, and would have a harmful visual impact on the wider landscape particularly in medium and long range views of the site including those from the River Avon Trail, Monarchs Way and Bristol to Bath Cycle Path. It would also have a harmful visual impact on the Green Belt. This is considered to be contrary to Policies D4, NE.1 and GB.2 of the Bath and North East Local Plan, including minerals and waste policies, adopted October 2007 and Policy CP6 of the Bath & North East Somerset Core Strategy (2014).

7 The proposed development would have an unacceptable impact on landscape character and nature conservation interests and would have a detrimental impact on the character and amenity value of the area, potentially giving rise to light pollution, and has also failed to demonstrate that it cannot be located elsewhere. This would be contrary to Policy SR.5 and SR.11 of the Bath and North East Local Plan, including minerals and waste policies, adopted October 2007.

PLANS LIST:

1 PLANS LIST:

This decision relates to drawing nos 2089/006, 2089/007, 2098/008, 2089/009, 2089/010,

1.1

SK21225-007

2089/SCHEME E/001 Rev B, 2089/SCHEME E/002 Rev B, 2089/SCHEME E/003 Rev B, 2089/SCHEME E/004 Rev B, 2089/SCHEME E/005 Rev B, 2089/SCHEME E/011 Rev B, 2089/SCHEME E/014

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

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Bath & North East Somerset Council	
MEETING:	Development Management Committee
MEETING DATE:	13th January 2016
RESPONSIBLE OFFICER:	Mark Reynolds – Group Manager (Development Management) (Telephone: 01225 477079)
TITLE:	APPLICATIONS FOR PLANNING PERMISSION
WARDS:	ALL
BACKGROUND PAPERS:	
AN OPEN PUBLIC ITEM	

AGENDA
ITEM
NUMBER

BACKGROUND PAPERS

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

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

The following notes are for information only:-

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

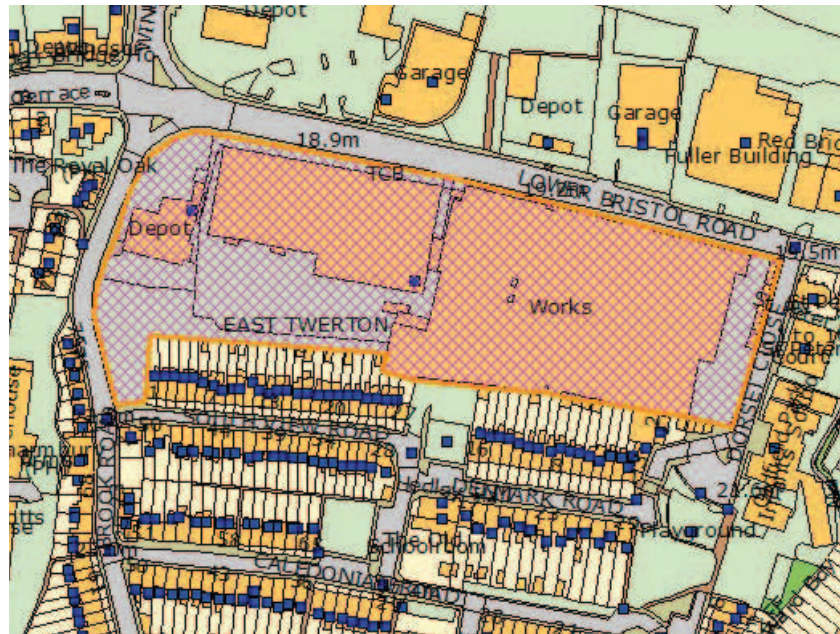
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting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

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ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	15/02162/EFUL 25 January 2016	Spenhill Developments Limited Former Bath Press Premises, Lower Bristol Road, Westmoreland, Bath, Demolition of existing buildings and redevelopment of the site to provide a residential-led mixed-use development comprising 244 dwellings (Use Class C3) and 1,485.2 square metres (GIA) flexible employment space (Use Class B1), basement car park, substation, associated landscaping and access.	Westmoreland	Andrew Ryall	Delegate to PERMIT
02	15/04215/RES 29 January 2016	Barratt Homes Bristol Parcel 3300, Temple Inn Lane, Temple Cloud, Bristol, Approval of reserved matters with regard to outline application 13/03562/OUT allowed on appeal on 19.08.2015 for 70 dwellings and associated roads, drainage, landscaping, open space, parking, layout, scale and appearance.	Mendip	Chris Gomm	PERMIT
03	15/04391/FUL 23 November 2015	Mr & Mrs Peter Hellier Kings Cottage, Nempnett Street, Nempnett Thrubwell, Bristol, Bath And North East Somerset Change of use of a traditional stone barn and its curtilage to create a two bed holiday cottage with associated external works.	Chew Valley South	Christine Moorfield	REFUSE

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

Item No: 01
Application No: 15/02162/EFUL
Site Location: Former Bath Press Premises Lower Bristol Road Westmoreland Bath



Ward: Westmoreland **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Colin Blackburn Councillor June Player
Application Type: Full Application with an EIA attached
Proposal: Demolition of existing buildings and redevelopment of the site to provide a residential-led mixed-use development comprising 244 dwellings (Use Class C3) and 1,485.2 square metres (GIA) flexible employment space (Use Class B1), basement car park, substation, associated landscaping and access.
Constraints: Agric Land Class 3b,4,5, Article 4, Flood Zone 2, Forest of Avon, HMO Stage 2 test required, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,
Applicant: Spenhill Developments Limited
Expiry Date: 25th January 2016
Case Officer: Andrew Ryall

REPORT

Reason for application being considered by Committee: The application has been referred to Committee by the Development Group Manager due to the scale and nature of the development. A request has also been made by Cllr June Player for this application to be considered by Committee if it is to be recommended for permission.

Given the scale and nature of the proposed development and having regard to its location within a World Heritage Site, the application has been submitted with an Environmental Impact Assessment. The Environment Statement covers the following topics: Traffic and Transport, Socio Economic Effects, Noise and Vibration, Air Quality, Daylighting and Sunlighting, Biodiversity, Cultural Heritage, Surface Water Drainage and Flooding, Ground Conditions and Contamination and a Townscape and Visual Impact Assessment.

This application relates to the former Bath Press site situated approximately one kilometre south-west of the City centre on the south side of Lower Bristol Road (A36) Bath. To the south of the site are the two storey residential terraces of South View Road and Denmark Road and to the west is Brook Road where there is a public house and further housing. To the east of the site is Dorset Close which gives access to Oldfield Park Infants School and St Peters Hall which has been converted into 10 flats, further housing and a commercial property and a parking area. On the north side of Lower Bristol Road opposite the application site are car show rooms and a former coach depot.

The application site is approximately two hectares in area and comprises the former Bath Press site and a tyre fitting/MOT garage fronting Brook Road. Excluding this garage the site has been vacant since 2007. The majority of Bath Press buildings are industrial type single storey buildings except for the earlier building which fronts Lower Bristol Road. This building is two storey and was mainly used as the administrative offices. It has a Bath stone façade fronting the street incorporating the main pedestrian entrance to this part of the building between reproduced columns and with rusticated features elsewhere on the frontage. This façade is a significant feature of the site as is an ornate ashlar built chimney situated just behind this façade.

The proposal involves the demolition of all the buildings on the site except for the Bath stone façade fronting Lower Bristol Road, the chimney and a rear boundary wall that separates the site from the rear of the properties in Denmark Road. Following demolition works it is proposed to erect 244 dwellings and 1,485 square metres of business space with associated parking. An underground parking area will be created to accommodate 143 vehicles of which 30 will be for the employees of the business units. The main access to the site will be from Brook Road. This will allow both entry and exit to the underground car park and will retain access to the rear of the properties situated on the north side of South View Road. In addition, the new access will branch off to give access to the proposed dwellings and business units at the west end of the site but this part of the access is proposed to be one way only leading to an exit only onto Lower Bristol Road. At the point of exit onto Lower Bristol Road vehicles will be able to turn left or right. There will also be vehicular access to the site from Dorset Close. This road will also be one way to the exit point onto Lower Bristol Road.

Within the applicant's Draft Travel Plan it is stated that the basement parking will be provided with a roller shutter, which can be operated by residents and employees with a key fob /Automatic Number Plate Recognition (ANPR). This will ensure that only permitted residents can access the car parking spaces. Visitors will be permitted access by the on-site concierge service. The Travel Plan goes on to say that the Brook Road to Lower Bristol Road one-way loop will accommodate disabled drivers, visitors, refuse /deliveries and employees. To restrict access to future residents a gated / bollarded access will be located to the north of the main Brook Road entrance. Disabled drivers and employees will be provided with a key fob / ANPR to gain access and delivery vehicles will be permitted

access by the on-site concierge service. The provision of a restricted access will minimise parking along the internal roads and vehicle movement. With regards to the proposed access route from Dorset Close it is stated that to prevent unauthorised access a gate/bollard will be located at the entrance. In addition residents will be provided with a key fob/ANPR to gain access and delivery/refuse vehicles will be permitted access by the on-site concierge service. Traffic restrictions within the proposed road layout will prohibit vehicles from entering the site from either Dorset Close or Brook Road and moving through the site to exit at the opposite end of the side.

The business units will be located at ground floor level in a new building along the north side of the site fronting Lower Bristol Road and will have rear access from within the site for servicing purposes. There will also be three business units and a central plant room attached to the rear of the retained façade that fronts Lower Bristol Road. Also at ground floor level behind the retained facade will be the bedrooms of the houses that will front this part of Lower Bristol Road.

The new buildings that front Lower Bristol Road will be four storey but where these buildings are incorporated into the retained facade the upper stories will be set back. There will be a gap behind the retained façade at the point of the existing flag pole and clock to allow pedestrian access into the development at this point. The new buildings will also be recessed around the retained chimney to frame this feature and the upper floors of the buildings behind the façade will be raked back from Lower Bristol Road. There will also be a gap created by the new access road onto Lower Bristol Road adjoining which another four story block is constructed. The roof of this block will be raked back in a similar fashion to the blocks behind the retained façade. To the west of the site facing Brook Road will be a block of 24 dwellings over four floors with the ground floor properties having small gardens facing Brook Road but with a larger communal landscape area fronting Brook Road itself. To the south of this block will be the access from Brook Road which will lead to two terraces of houses that will front each other with a pedestrian access between the two. The southernmost terrace will contain 10 three bedroom houses with balconies at the third floor facing south. The northernmost terrace will contain 12 four bedroom houses with an upper balcony facing north. At the east end of the southernmost of these terraces an open space is shown with play equipment.

Within the central part of the site are blocks of three and five storey dwellings, mostly flats but with a row of 4 three bedroom three storey houses, with balconies at the upper level facing south, which will visually link these residential blocks.

These two five storey residential blocks in addition to one other similar five storey block will have roof gardens. Fronting Dorset Close is a terrace of eight three storey four bedroom houses each with a front garden incorporating a parking space that has access directly from Dorset Close. There will also be a community building at ground floor level within the development and this will look out onto a green square.

With regard to external facing materials the applicant has stated that polished Bath stone will be used for most of the residential blocks. On the taller residential blocks within the site it is proposed to use brick that matches the colour scheme of the Bath stone. The same Bath stone is proposed for the flank walls of the buildings that abut the green space on the corner of Brook Road and Lower Bristol Road, but metal panels will be incorporated into one of the walls and on the other the stone will be carved to produce

horizontal lines and shorthand symbols. For the pitched roofs slate is proposed, with natural slate proposed for the steep pitches facing Lower Bristol Road and a reconstituted slate elsewhere.

The green space that is shown in the north west corner of the site at the junction with Brook Road and Lower Bristol Road also incorporates pedestrian access to the site. A new pedestrian access is also shown in the central part of the south boundary of the site. This pedestrian access will be made at the end of the retained boundary wall and will create a link to the land between South View Road and Denmark Road. A variety of landscaping is also shown throughout the site.

There will be 162 car parking spaces for 244 dwellings. The parking ratio for the site is proposed as 1 parking space for each house (one space each for the 10 three bed houses and one space each for the 20 four bed houses) and just under 0.7 parking spaces for each flat (214 flats will be served by 132 parking spaces). These spaces will not be allocated to individual properties. Future residents of the flats will be offered the option to purchase a parking permit, which will allow access to the non-allocated parking spaces. There will also be an option to purchase properties on a car free basis. In addition there will be the 30 parking spaces for the business uses referred to above at a ratio of 1 parking space for every 30 square metres of employment space. It is proposed that this parking will be available to employees between 8am and 7pm during the week and outside of these hours they would revert to non-allocated parking for the residential flats. Three of the car parking spaces at street level will be allocated on the basis of one space for the concierge who will control access to the site and two spaces for the local car club.

With regard to cycle parking it is proposed that each of the 30 houses will have cycle parking provision within the curtilage of each property. For the flats it is proposed to provide 336 cycle parking spaces in the form of two tier racks. These racks will be in rooms close to the entrance to each block of flats. 12 of the racks will be used to station bikes that will be available to hire through a Nextbike hire scheme. The applicant has stated that the cost of implementing the cycle hire scheme will be met by the developer and each residential unit will be provided with one year's free membership.

Of the proposed 224 dwellings 63 will be one bed, 124 will be two bed, 37 will be three bed and 20 will be four bed.

Pre-Application Consultation by Applicant

The applicant first approached the Council with a pre-application enquiry in mid-2014 with proposals to develop the site for residential and business purposes. The Council responded with concerns about the mass, bulk and height of the proposed development but it should be noted that following a workshop with local residents and a public exhibition during October 2014, consultations with local and national amenity societies and since the application was submitted to the Council the applicant has significantly amended the scheme.

In addition to the Environmental Impact Assessment the applicant has also submitted a Statement of Community Involvement which has acceptably demonstrated that a public consultation process has been carried out.

Relevant Planning History

12/01999/EFUL - Mixed-use redevelopment comprising 6,300sqm of retail (Class A1), 4,580sqm of creative work space (Class B1), 2,610sqm of offices (Class B1), 220sqm of community space (class D1/D2), 10 residential houses, basement car park, landscape and access (including realignment of Brook Road). Permission refused on 17th January 2013. Appeal dismissed on 18th December 2013.

14/05607/SCOPE - Request for scoping opinion as to what should be in an Environment Statement for a proposed residential-led mixed use development at The Former Bath Press Site, Bath. It should be noted that at this time the scoping request related to a proposal for 267 dwellings and 1400 square metres of flexible employment space.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

PLANNING POLICY: This planning application is supported in principle. The Bath Press site has been a dormant/vacant light industrial site since its closure in 2007 and the proposed redevelopment will make a vital contribution to the city's housing needs. Not only will it contribute in a significant way to delivery of 7,000 dwellings for the city by 2029 but it is also capable of securing a supply of deliverable housing land across the District for the next 5 years. The on-going maintenance of a five year supply of housing (and the consequences and likely harm arising from not having one) is a key material consideration and weighs heavily in favour of the application. The provision of affordable housing is on the low side but it is understood that there are cogent viability reasons for this (which obviously need to be verified) and in any case the applicant could pursue the vacant building credit set out in the PPG if it chose to. This itself would result in a low affordable housing requirement. (Officer Note: The vacant buildings credit has been withdrawn by the Government in August 2015).

The proposal will also yield employment space capable of hosting around 125 B1 (a) jobs, compared to the 200 B1(c) jobs that were on site when the Press closed. This shift in employment type is in tune with the strategic thrust of the Development Plan for Bath. The level of office space is commensurate with the sites out-of-centre location and the strategy of meeting the majority of office needs on more central locations.

There would be a loss of flexibility in accommodating light industrial churn within the city, but the Planning Policy Team does not consider that this outweighs the functional benefits of the scheme as proposed. Whilst some light industrial units could be provided within part of the western part of the site, this would be at the expense of housing and B1 (a) floorspace which are equally, if not more in need. For example the supply of housing land in Bath to meet the Plans requirement of 7,000 remains tight. Fundamentally, the proposed uses are most definitely needed whereas any light industrial component would provide flexibility and could be weighed differently as a benefit. These comments have been made in the knowledge that there is a proposal to develop the nearby Roseberry Road site for 175 flats, 4,500 sq metres of flexible business employment space and a local needs shop.

Comments have also been made by the Planning Policy Team relating to the District heating element of the proposal, and compliance with adopted Core Strategy Policy CP4: District Heating and Renewable Energy. While not located within the indicative "district heating priority" area (defined in Policy CP4 and based on the 2010 AECOM District Heating Feasibility Evidence), the Bath Press site (given the nature of the proposed high

density mixed use development) has been identified, in more recent technical work undertaken by Buro Happold, as a key opportunity area for District Heating. While the technical evidence is still underway, and the accompanying report has not yet been published - this significant opportunity for energy efficiency/CO2 reduction and associated cost savings to future building occupants was flagged up by the case officer in initial meetings with the design team.

The observation is noted in the Energy Strategy (AECOM), submitted by the applicant that the nearest District Energy Centre, at Bath Western Riverside, is only 250m away, however practical (crossing Lower Bristol Road) and capital costs of connection are noted as current barriers to connection. EON, the operators of the BWR Energy Centre, have reported that there is currently technical capacity to link the Bath Press development to the existing energy centre (AECOM, p18). On-site CHP has been dismissed at the site as it is considered "too small to be considered viable for an on-site CHP" (p19), with reference to Greater London Authorities guidance.

The applicant does propose to future proof the development, to allow future connection to a District Heating network, by providing a single plant room to serve the site (as indicated in Appendix D to the AECOM Energy Strategy and shown on East Block Ground Floor Plan (ref:14027 P1-120 P2). This approach is strongly supported. The positioning of the plant room on the ground floor fronting Lower Bristol Road is good. No further detail about the scale/sizing of the plant room is given - so there is no evidence to determine whether this appropriate or not - further design detail and justification on this issue should be sought.

It is also noted that the stated position on p21 does not accurately reflect the Council's policy position on building integrated and roof mounted solar PV (see Core Strategy policies CP2 and CP3 and the Sustainable Construction & Retrofitting SPD), and the emerging Placemaking Plan policy on building integrated solar PV. The applicant may wish to reconsider this approach.

ECONOMIC DEVELOPMENT AND REGENERATION: It is acknowledged that the proposal will result in the loss of 14,242 sq metres of vacant B2 industrial floorspace but it is accepted that this site no longer provides a suitable environment for similar B2 uses and that its location is also not suitable to provide a complete conversion to more appropriate B1 uses, which would also detract from the development potential of the core employment City Centre. Whilst it is preferable that a greater proportion of the site is developed for employment use it is also pointed out that Policy B1 of the Core Strategy sets out the business and employment aims of the City which includes a net increase of 7,000 jobs; expansion of knowledge intensive and creative sectors and an increase of 40,000 sq metres of office accommodation in addition to planning for a contraction in demand for industrial floorspace. More specifically Policy B3 sets out the strategic development policies for the Twerton and Newbridge Riverside, where the Bath Press site is located and identified as a key development opportunity. Policy B3 states the '...area is suitable for a broader range of uses and there is scope to redevelop new business premises and housing.' It is also pointed out that Core Strategy Strategic Objective 3 and 4 further direct the Councils' business and employment growth aims by increasing the availability of office accommodation (3) and introducing more commercial space, suitable for a range of enterprise, as part of new mixed use developments on underperforming sites in and close to Bath City Centre. There is therefore no objection to the proposal as it will provide

approximately 100 new jobs, will lead to an expansion of knowledge intensive and creative sectors and provide 1,485 sq metres of office accommodation.

The Economic and Regeneration Team has requested that Section 106 obligations are placed on any approval to provide a guarantee of B1 employment space delivery, through restrictions to B1 a - c only, with a suitable set of development triggers. This should include a requirement to provide the B1 employment space to a satisfactory shell and core standard. Further to this, it would also be preferred that all of the proposed B1 employment floor space be delivered in one cohesive unit and not dispersed over three buildings, which could potentially limit attractiveness for operators and occupiers.

A Section106 Site Specific Targeted Recruitment and Training in Construction Obligation should also be applied, which is a requirement of the newly adopted Section106 Obligations SPD. This is estimated to be the following Targeted Recruitment and Training Outcomes of:

- o 48 Work Placements
- o 8 Apprenticeship Starts
- o 7 New Jobs Advertised through DWP

The estimated level of financial contribution is £34,250

ECOLOGY: No objection as revisions have been made as requested to incorporate the requirements for bats and wildlife into the objectives for lighting design and acknowledgement of the need to avoid light spill onto features such as bird and bat boxes. Conditions are requested to secure the submission and approval of a Construction Environmental Management Plan for Ecology and a Landscape and Ecological Management Plan.

NATURAL ENGLAND: Endorse the comments of the Council's Ecologist reported above.

ENVIRONMENT AGENCY: No objection subject to conditions requiring the submission and approval of finished floor levels and to deal with any ground contamination.

DRAINAGE AND FLOODING: No objection subject to the submission and approval of a detailed drainage strategy.

LANDSCAPE: With regard to the overall scheme the Council's Landscape Architect has stated there is a lack of connectivity between the areas of proposed green space and the proposed route through the site which would be used by residents of BWR to reach Oldfield Park Station is convoluted and appears to require negotiating 2 flights of steps. The Landscape Architect would like to see more of the existing buildings retained and also states that the proposals make very little provision for trees that would grow to a large size will not be conducive to a successful planting scheme. There are however opportunities to provide for larger trees for example south of the underground parking access. The uncharacteristic bulk of the development with only few trees that would be visible to break up the development would be out of character seen from important higher viewpoints.

With regard to the latest landscape proposals the Council's Landscape Architect recognises that improvements have been made but is concerned that many of the larger

trees are shown too close to the proposed buildings. Detailed comments are made about the specified planting throughout the site in addition to comments about the materials for the hard ground surfaces and the walls. It is concluded that the hard and soft landscape proposals are not acceptable as shown and will need to be addressed by condition if the application is approved. A management plan is also required preferably as part of a S106 agreement or by condition.

ARBORICULTURE: The Tree Strategy plan (drawing 1145-HED-LAN-L-DGA-00-0021 P04) which relates to tree planting proposals has been discussed with the Senior Landscape Architect who has provided more detailed comments.

The Landscape Plan requires amendments to avoid the need to provide offsite contributions in relation to the Planning Obligations Supplementary Planning Document and to ensure a long term, sustainable landscape. It is further commented that in addition to any landscape conditions a condition is attached to any permission requiring the development to be complete in accordance with the approved Arboricultural Method Statement.

There have been no significant changes to the proposed landscape scheme and therefore further comments have been received with regard to the level of financial contribution required to provide for off-site planting. The applicant's submission has indicated the removal of 17 onsite trees with varying stem diameters as detailed in the submitted Tree Survey. The replacement of these 17 trees equates to the replacement planting of 50 trees. The level of contribution per replacement tree is either: i) Tree in open ground (no tree pit required) £735.28 or ii) Tree in hard standing (tree pit required) £1,913.08. To provide the approximate equivalent provision to the removed trees 25% of replacement trees will be in hard standing, with the remaining 75% in open ground. The Council will implement a minimum of 75% of tree replacement planting within 500m of the development with the remaining number within the Bath forum area. The financial contribution required from the developer for this is calculated to be £52,075.40 which will be secured through a Section 106 Agreement.

ARCHAEOLOGIST: No objection subject to conditions to secure the recording of the buildings to be demolished and the carrying out of further archaeological investigations.

URBAN DESIGN: There has been significant negotiations with the applicant about the design and appearance of the proposed development to the point that the Council's Urban Designer has no objection to the scheme subject to conditions. He has concluded that this scheme has potential to bring a derelict site into use and conserve part of the historic factory. The design has progressed through several rounds of engagement and changes. This has produced significant improvements in key areas. There remains concern about the design of some aspects of the scheme especially relating to its public frontages to Lower Bristol Road and Dorset Street. Important matters relating to landscape, boundary treatment and materials remain to be resolved and will have sufficient weight in the quality of the scheme. Subject to this last point being resolved, the design of the scheme is considered to be acceptable.

CONSERVATION OFFICER: no objection. In relation to the latest revised drawings the Council Conservation Officer has stated the process for developing the design of the development has been characterised by the applicant responding to the advice provided

both by the Council and local stakeholders/amenity groups and this has clearly resulted in a scheme that is now supportable. In particular the near comprehensive use of pitched roofs throughout the development as opposed to flat roofs is regarded as a significant improvement and will assist in the assimilation of the new development. The Conservation Officer also notes that the classical front façade will retain significantly more of its authentic historic appearance and form, which is regarded as positive and the surviving chimney will be expressed more clearly and incorporated more convincingly within the development. Overall, the Conservation Officer is satisfied that the approach, through extensive and positive negotiations, is considerably improved and is likely to result in a high quality and appropriate redevelopment of the site that will be consistent with the requirements and aims of the primary legislation and planning policy and policy guidance.

The Conservation Officer comments further that the issue regarding the significance and retention and reuse of the industrial buildings to the rear with the characteristic 'saw tooth' style industrial roof has been assessed by the applicant within the submitted Heritage Statement. Whilst the Conservation Officer, in common with others, has expressed encouragement for the retention and reuse of this element of the building it is acknowledged that its significance as a heritage asset is limited and as has been stated the majority of the building post-dates Isaac Pitman, who died in the late C19, by more than two decades. The Heritage Statement correctly states that the Bath Press building was assessed for listing but was not deemed as possessing '...the level of architectural interest, quality and innovation necessary for a building of this type and date to be eligible for designation...'. However it is acknowledged as possessing local interest and therefore a local heritage asset but it is noted that the assessment states that this architectural interest '...varies across elements of the building.' The Conservation Officer believes that the assessment undertaken by both Historic England and the applicant is correct and the surviving architectural elements that are to be retained, the classical façade and chimney, are the most significant and therefore their retention and reuse, and not the other elements of the building, has been assessed and justified.

HOUSING: The Housing Enabling & Development Team has no objection to the proposed development on the basis that it has been demonstrated, and independently verified, that it is not viable for the developer to provide more than 14% affordable housing within the site. This is on the assumption that) 14% affordable housing is the minimum figure, ii) tenure as 75% social rent and 25% intermediate and iii) the legal agreement contains wording to enable the baseline figure to be increased should additional funding or other options become available to the Council.

CONTAMINATED LAND: No objection but due to the sensitive nature of the development (mixed use including residential) and the potential contaminative historical uses on the site requests conditions requiring that any ground contamination is properly dealt with.(Officer Note: the conditions that are suggested are similar to those requested by the Environment Agency.)

ENVIRONMENTAL PROTECTION: The Council's Environmental Health Officer has no objection to the proposal subject to conditions that i) protect future residents from road traffic noise and noise from mechanical plant and ii) conditions to protect local residents from noise and dust from delivery vehicles during construction. A condition is also

requested to control odour but it should be noted that there are no commercial uses proposed that would cause odour.

PUBLIC HEALTH: On the basis of the applicant's air quality assessment there is no objection to the proposed development subject to conditions to require the submission and approval of a Construction Environmental Management Plan for all works of construction and demolition, particularly to control dust, and details of the mechanical ventilation system. Also, as the development is showing increases in nitrogen dioxide levels at some receptors a condition is recommended to ensure that appropriate mechanical ventilation is provided to ground floor and first floor units facing Lower Bristol Road where necessary. It is also requested that electric vehicle charging points are included on site as this would be consistent with the Council's Air Quality Action Plan.

HIGHWAY DEVELOPMENT: The proposals with regards to parking and highway safety issues have been the subject of extensive dialog between the Council's Highway Development Consultant and the applicant's Highway Consultant. It has recently been noted by the Council's Highway Development Consultant that the number of parking spaces at the site will be less than originally stated by the applicant as the applicant has included within the total number 11 spaces that are located at the western end of the site which are already used by, and will be dedicated to the residents of South View Road. A check of the actual number of spaces identified on the proposed plans shows that there will be 162 parking spaces throughout the development with cycle storage for each house, and in addition 336 cycle racks for the occupiers of the proposed flats. With conditions and a legal agreement relating to a travel plan/travel coordinator, access, and the provision of parking for vehicles and cycles there is no objection to the proposal.

WASTE SERVICES: It is noted in the developer's comments that the collections would be undertaken by a commercial contractor, but in reality this is considered to be unlikely. The Council has a statutory duty to provide residents with a collection service. It is unlikely future residents of the site would opt to secure a chargeable commercial collection over the domestic services B&NES provides. On this basis, Waste Services need to ensure appropriate access, space and bin capacity has been allocated for the resident's needs. In relation to the latest information submitted by the applicant Waste Services have noted that the refuse collection vehicle (RCV) collection path has been provided for the site on 1st December 15, and the sweep path analysis provided in Appendix E of the Transport Assessment. There is however no tracking data showing the turning circle space for a large refuse collection vehicle servicing the two allocated communal bin areas behind plots P101 - P108, or the turning circle space following collection from plot F101 on the plans.

Appendix E of the Transport Assessment should therefore be revised to show vehicle tracking and turning circle space for large refuse collection vehicles along the rear of plots P101 - P108, along with vehicle tracking along plots F001 to F010 and clear turning circle plotted for an RCV.

Furthermore, in terms of access into the proposed development, Waste Services require confirmation that they are permitted to use Dorset Close and Brook Road to service the site with refuse collection vehicles on a regular basis and an agreement that these two unadoptable roads would be maintained to the required adoptable highway standards.

PARKS DEPT: The three areas of open space will need to be the subject of a Section 106 agreement to ensure their future maintenance and public access. In relation to the latest revised drawings the plans propose that the north-west play area is replaced with a planted area with seating forming an entrance to the site. The removal of this play facility will place additional demand on the Central Avenue play area. The success of this remaining play facility will depend on its detailed design and management. Details that will need to be discharged prior to the commencement of development. In view of the reduction of play space on this site, consideration needs to be given to the enlargement of the central avenue play space. This could be extended into the adjacent gated courtyard to the east. The demand for greenspace from potentially 561 occupants on this development will place considerable pressure on the small spaces being proposed. A management plan detailing the maintenance schedule and the funding mechanism for long-term maintenance and replacement of equipment is essential.

TWENTIETH CENTURY SOCIETY: Objects due to the impact of the proposed development on the existing 20th century building, which is of recognised local significance. There are particular objections to the four and five storey elements of the proposal, the alterations to retain the façade will result in substantial demolition of historic fabric, the retained chimney will be boxed in and no information has been provided on the interior of the building with regards to its significance. With regard to the revised drawings the Society is pleased to see the proposed retention of more original fabric such as the first floor window frames and the main central door, and the treatment of the main entrance is an improvement which we welcome. However, two main objections remain, the first relates to the way in which the retained chimney would sit against the taller blocks behind the frontage building and the second is the effect of the height of the rear blocks on the Lower Bristol Road elevation as a whole.

VICTORIAN SOCIETY: Object to the application which would harm the character and appearance of the Former Bath Press building - a significant non-designated heritage asset - and which would be detrimental to the 19th and early 20th century industrial heritage of this area of Bath to which the building contributes positively. The Society fully endorses the views expressed by the Twentieth Century Society.

HISTORIC ENGLAND: Has advised that there is no need to be consulted with regards to this proposal.

AVON FIRE AND RESCUE: Has requested the provision of fire hydrants at various locations throughout the site.

WALES AND WEST UTILITIES: No objection to the proposals but requires an informative to be attached to any permission advising the developer to contact Wales and West to ensure that there is no risk to their apparatus during construction works.

WESSEX WATER: Wessex Water is satisfied with the surface water strategy in principle subject to agreement of detail and compliance with the Lead Local Flood Authority i.e. the Council.

CHILDREN'S SERVICES: There would be a requirement for additional early year's provision and primary school places and youth provision in order to accommodate the children generated by the development as existing provision in this area of Bath is

projected to be at capacity. Additional secondary school places may also be required. There is no objection to the proposed development as there is no evidence to demonstrate that it will not be possible to provide sufficient mitigating local infrastructure within Bath by utilising CIL contributions to create additional places.

REPRESENTATIONS: Representations have been received from 33 individuals raising comments or objections which can be summarised as follows:

- o Lack of parking provision and the likely overspill onto adjoining streets
- o Additional traffic and congestion.
- o Loss of privacy including loss of privacy from proposed roof gardens. Loss of views.
- o Disturbance during construction works.
- o The additional housing will lead to pressure on the already oversubscribed Oldfield Park Infants School. Detailed consultation will be required on the provision of education facilities to satisfy demand.
- o Additional noise and air pollution.
- o Over development of the site with objections to the height, bulk, colour and appearance of the proposed development. Some representations have referred to the appearance of the buildings as ugly, unattractive and an eyesore and out of keeping with the area. Too much flat roof which will also attract gulls. Little external or outdoor amenity/green space and poor landscaping. Concern about loss of existing trees. Small gardens that back onto roads.
- o Poor use of materials.
- o Potential for local flooding.
- o Some residents of South View Road have concerns about maintaining their rear vehicular access.
- o The site is a local heritage asset and of local interest and makes a positive contribution to the character of the area. Too much of the original buildings are being lost and the façade has not been properly incorporated into the new build rendering it meaningless. More of the existing buildings should be restored. The chimney should have more space around it.
- o The proposals could affect the City's UNESCO status.
- o Do not consider that the balconies will appear as delicate as drawn.
- o The proportion of affordable housing is too low.
- o The play area close to the junction of Brook Road and Lower Bristol Road is too close to the road and will suffer pollution.
- o The consideration of this proposal should also take into account the proposals to develop Roseberry Road.
- o Underground car park could affect the stability of the ground.
- o Reference is made to the negative impacts students are having on the area.
- o It is pointed out that the bicycles associated with the bike hire scheme are not electric.

Cllr June Player has strongly objected to this proposal with her initial objections relating to parking, traffic pollution, the effect on Oldfield Park Infants School, over development, excessive heights of buildings, noise pollution, character of area, flooding, sea gulls, and the close proximity of the Roseberry Road proposals. Concerns are also raised about the close proximity of the play area to the Lower Bristol Road/ Brook Road junction. In response to the revised proposals Cllr Player states that whilst pitched roofs are better and not so inviting to seagulls the heights of the buildings are still too high. The proposed

houses on Dorset Close are out of keeping with the surrounding area and the other buildings are like tenement blocks. The proposals are too dense for the site and any development must keep the community feel. Cllr Player also raises concerns about the impact of additional vehicles and states that vehicles should only be allowed to turn right when exiting the site onto Brook Road.

Save Britain's Heritage: Whilst welcoming the retention of the façade states that it will still lose some of its original fabric i.e. doors and surrounds and will be dominated by the buildings behind it. The chimney will also appear boxed in and have its significance diminished.

Bath Preservation Trust: In response to the application as first submitted the Trust stated that it had a number of concerns about the proposed development, but on balance said it would meet local housing need, preserve the appearance of at least part of this locally important heritage asset and maintain a sense of place and local distinctiveness. However, the Trust is particularly concerned about i) the loss of historic fabric and detail and ii) the massing and height of the building around the chimney. The Trust has also stated that they have reservations about the views through the portico, the window and balustrade design to the Lower Bristol Road elevations and materials.

The Trust has stated that it supports the: 'Changes to roof articulation, in particular the pitched roofs to blocks A, B to D and E,F and the mansard roofs to G, I,K and M. We believe this will provide a much need variety and character to the roofscape of the scheme that references the character of the local area. The changes to the roof treatment of block G, I, K and M do appear to result in a perceived reduction in scale and therefore are less overbearing to the historic facade, though we continue to regret that the retained wall is generally dominated by the design and appearance of the residential blocks behind.

The revised plans for the massing and proximity of building structures around the chimney, meaning there is a greater space and contrasting materials around the chimney, though we continue to have concerns regarding the still relatively close proximity of the surrounding development to the historic asset. The Trust acknowledge however that the revisions do go some way to better revealing the asset. The Trust continue to propose that samples boards should be erected on site so that materials can be viewed and handled in situ and are pleased that reconstituted stone is not being proposed. However, the Trust continue to regret the loss of view through the portico but accept that the developers have taken significant steps to address other, more serious, concerns. The Trust is generally supportive of the overall scheme with some residual regrets and concerns however we acknowledge and commend the collaborative and consultative process that the developers and planning authority have engaged in.'

Bath Heritage Watchdog (BHW): The BHW objected to the proposal as first submitted and in response to revisions it has maintained its objections.

It should be noted that BHW have stated that this objection is based purely on design grounds and on the continued unsympathetic treatment of the locally important heritage asset. BHW have no objection (in principle) to the site being redeveloped as a mixed use scheme and their comments should therefore be read in conjunction with their previous objection (which is available to view on the Council's website)

Though these revisions, in particular the retention of more of the façade, are welcome addressing some of the previous points raised, there remain considerable concerns regarding the treatment of the Heritage Asset and reservations over a number of other aspects of the scheme. These can be summarised as follows:-

The lack of integration of the retained façade into the new build

The feeling more of the existing building/fabric should be retained.

The height, scale and mass of the new build elements.

Impact on the setting and views in/out and across the World Heritage Site

An overall design approach that is not in keeping or reflects its location

BHW point out that whilst the site is not within the Conservation Area it is an undesignated Heritage Asset, is locally important and is an important reminder of Bath's industrial past. As a consequence they state that it contributes to the Outstanding Universal Value of the World Heritage Site. Though the revisions leave the façade more or less intact, there are still omissions and caveats. BHW also regard the saw tooth brick and glazed roof as a visually important feature and still remain of the opinion that at least one bay of this behind the façade should be retained. There is concern that the retention of the window frames is subject to survey and costs, doors should be retained and there is no mention is made of the interior space such as the board room/offices, the feature known as the Ball-Room or the war memorial. Also the chimney should remain as a stand alone feature.

With regards to the new build BHW are of the view that it remains of a scale, mass and form that is totally out of keeping and context for the location and the retained façade remains overpowered by the elements behind it. BHW remains of the opinion that the only acceptable solution is to go no higher than the existing roofline behind the façade.

BHW do not like the proposed buildings that continue from the façade to the junction with Brook Road. They remain grossly over-scaled and of a type out of character with the location. The design style is bland and lacking in detail and devoid of any characteristic that could be termed 'Bathness'. BHW also questions the wisdom of putting residential units with balconies fronting possibly Bath's most busy, polluted and noisy main road. Concerns are raised about the design of the houses fronting Dorset Close and there are still concerns about the palette of materials proposed being of too great a variety throughout the development.

Bristol Industrial Archaeological Society (BIAS): The BIAS has objected to the loss of most of the buildings and the height of the proposed buildings has diminished the impact of retaining the façade and chimney stack. The proposed buildings make only a token reference to the existing buildings and materials. It is considered that the use of pastiche on former industrial sites is rarely successful and will only serve to confuse future generations as to the nature and function of the original buildings. A better assessment of the industrial archaeology of this site is required and a revised application should be sought that makes a more serious attempt at adapting the existing buildings.

With regard to the revised drawings and noting the retention of more of the historic façade, which is welcomed, BIAS still maintains its objections to the proposal. BIAS also states that the proposals fail to recognise the importance the building makes to the industrial heritage of Bath, the four and five storey blocks are too dominant, and reiterates that the significance of the chimney is reduced. In addition the following points are made: the previous Tesco proposal did not dominate the retained faced and chimney, other local and national amenity societies have also objected to the proposal, the Bath Press building may not be in a Conservation Area or listed but that this does not mean that a higher quality scheme should not be expected bearing in mind the industrial heritage importance of the heritage asset.

Transition Bath: Transition Bath have made a detailed objection to the application as originally submitted which in its conclusion strongly object to this proposal and request that the Council reject this application and ask the developers to resubmit including, more than 12% affordable homes (Officer Note: the applicant is proposing 14%), homes which won't overheat in the summer, CHP heating, or as a minimum strong justification why it can't be installed and perhaps solar PV on some roofs, both of which would significantly reduce the CO2 emissions from the site and reduce residents energy bills and greater car club allocation and electric vehicle charging points. In response to revisions Transition Bath has reiterated its original objections, pointed out that the Vacant Buildings Credit is withdrawn and specifically drawn attention to the need to provide 30% affordable housing.

Bath Newbridge Ward Action Group: Objects as the additional traffic will add to pollution.

POLICIES/LEGISLATION

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

- Bath and North East Somerset Core Strategy (July 2014);
- Saved policies from the Bath and North East Somerset Local Plan (2007)
- West of England Joint Waste Core Strategy (2011).

Core Strategy Policies which apply are:

CP2: Sustainable Construction

CP3 Renewable Energy

CP4 District Heating - Whilst the Bath Press site is not within either a District Heating Priory Area or District Heating opportunity Area the site has recently been identified as a as a key opportunity area for District Heating.

CP5 Flood Risk Management

CP6 Environmental Quality

CP7 Green Infrastructure

CP9 Affordable Housing

CP10 Housing Mix

CP13 Infrastructure Provision

DW1 District-wide spatial Strategy

B1 Bath Spatial strategy

B3 Twerton and Newbridge Riverside Strategic Policy - the Bath press site is identified as a key development opportunity.

B4 World Heritage Site and its setting

The saved policies of the Bath and North East Somerset Local Plan which apply are:

IMP.1 Planning obligations

BH.1 World Heritage Site

BH.5 Locally important buildings

BH.12 Archaeological remains

BH.13 Archaeological remains in Bath

BH.22 External lighting

ET.1 Employment land overview

SC.1 Settlement classification

CF.2 New/replacement community facilities

D.2 General Design and public realm considerations

D.4 Townscape considerations

T.1 Overarching access policy

T.3 Promotion of walking and use of public transport

T.5 Cycling Strategy

T.6 Cycle parking

T.17 Land safeguarded for major road improvement schemes

T.24 General development control and access policy

T.25 Transport assessments and travel plans

T.26 On-site parking and servicing provision

ES.2 Energy conservation

ES.3 Gas and Electric Services

ES.4 Water supply

ES.5 Foul and surface water drainage

ES.9 Pollution and nuisance

ES.10 Air quality

ES.12 Noise and vibration

ES.15 Contaminated land

NE.10 Nationally important species and habitat

NE.11 Locally important species

HG.1 Meeting the District Housing requirement

HG.7 Minimum residential density

WM.4 Waste recovery and recycling in new development

Other Material Policy includes

City of Bath World Heritage Site Setting SPD (2013)

Planning Obligations (2015)

Draft Placemaking Plan - this is currently at its public consultation stage and therefore can only be afforded limited weight. However, within the Plan the vision for the Bath Press site is that it will deliver a mixed use development that creates a positive identity for this area, and optimises its close proximity to Oldfield Park train station, and to nearby pedestrian and cycle routes. The building's historic significance will be retained in any redevelopment proposals, and will be imaginatively integrated with contemporary, zero carbon development that integrates and connects to existing and new green infrastructure. The development requirements and design principles for the site include a mixed use redevelopment comprised of employment (minimum of 1,500 sq metres of office floorspace) and at least 200 flats; retention of the 1920's factory façade; protect northerly views through the site; the Bath Building heights Strategy should inform proposed building heights; consider the provision of a different format of business space compared with the

more centrally located sites; create an active edge to Lower Bristol Road; provide a new green infrastructure and improve pedestrian and cycle connections with good cycle parking and storage facilities.

Bath City Riverside Enterprise Area: Within the masterplan vision report the key aspirations for the Bath Press site are stated as i) provide for the creative re-use of the former Bath Press buildings, ii) an interesting potential for a mix of uses including employment, creative and workspace - the site lends itself to larger scale building typologies that can offer a different format of business space, iii) secondary routes to integrate with local neighbourhood and particularly Oldfield Park train station, and iv) strengthening and greening street frontages with an improved pedestrian and cycle experience. Within the Action Plan it sees the site as a residential and employment site.

Building Heights Strategy (2010) - Within this Strategy, which has informed the Council's Development Plan, the Bath Press site is identified as being within Zone 3, the Valley Floor and recommends that that for new development the 'building shoulder height should be 4 storeys. One additional setback storey within the roofscape is likely to be acceptable. It is noted however that this is a recommendation only and is subject to modifiers. The 'modifiers' state i) 1 additional storey may be acceptable along Lower Bristol Road except where it is in close proximity to existing 2-3 storey residential areas, ii) 1 additional storey may be appropriate fronting public space and marking key locations such as corners or gateways and mixed use centres, ii) it may be necessary for the height to be less than 4 storeys in response to heritage assets, residential amenity and to prevent intrusion in views, and iv) the use of modifiers is at the discretion of the Council and justification will be required on a case-by-case basis.

National Planning Policy Framework (NPPF) (published March 2012) is material and the National Planning Practice Guidance is taken into account.

OFFICER ASSESSMENT

Principle of Development

Within the adopted Core Strategy the application site falls within an area identified as Twerton and Newbridge Riversides and within Policy B3 of the Core Strategy the Bath Press site is identified as a key regeneration opportunity within the area and within this policy the façade of Bath Press is specifically referred to as a non-designated heritage asset. Policy B3 also states that the 'area is suitable for a broader range of uses and there is scope to redevelop the area to provide new business premises and housing.'

Policy B1 of the Core Strategy seeks to increase the employment base of the City and seeks to increase the amount and quality of office premises. Whilst there is a focus on the City Centre to provide this office accommodation it is not considered that the level of business floorspace being proposed here will prejudice this focus. It is also recognised that there is an on-going shift in the employment base of the City that will result in a continuing decline in the demand for industrial floorspace. It is acknowledged that the proposal will lead to the loss of industrial floorspace and the site employed 200 people prior to closure, however 1,484 sq metres of higher quality employment space will be provided which should accommodate around 125 jobs. Both the Policy Team and the Economic Development and Regeneration Team have no objection to this proposal and this view takes into account that planning permission has recently been granted for the

redevelopment of the nearby Roseberry Road site for housing, retail and B1 employment space.

It should also be noted that there is still a high demand for housing, particularly in Bath and the Policy Team see the provision of 244 dwellings as a significant benefit of the scheme. The proposal is therefore considered acceptable in principle provided it meets other requirements of the Development Plan as discussed below.

Demolition

A number of objections have been received about the extent of the proposed demolition of the existing buildings. The site is not within the Conservation Area or any of the building listed. It should also be noted that relevant Council policy refers only to the retention of the façade. Whilst there could be historic merit in retaining more of the existing buildings it must be recognised that the buildings are redundant and there is no suggestion that the buildings could be brought back into beneficial use. It should also be noted that the Council has no policies in place to retain these buildings, other than the main façade and when planning permission was refused in 2013 for a retail store at this site the reasons for refusal did not include any reference to the loss of the existing buildings. Taking this into account and the fact that the proposed development will provide more up to date commercial accommodation and much needed housing it is not considered that the Council could justifiably seek to retain more of the existing building than currently being proposed by the applicant.

Height and Design

The height and design of the proposed development has drawn criticism in a number of the representations that have been received in connection with this application and the issue of height and design has been given particular attention by Officers. The design of the scheme has evolved, not only prior to the submission of the planning application but also since the submission. One of the main concerns that the applicant has looked to address is the perceived height of the development and the appearance of the flat roofs. To address this, the application has been amended to incorporate pitched roofs where flat roofs had previously been proposed, and a 'raked' roof to the upper floors fronting Lower Bristol Road which from street level helps to reduce the dominance of the top floor. As a point of reference it should be noted that the height of the roof of the three five storey blocks is approximately a metre below the height of the existing chimney and the height of the four storey blocks behind the retained façade are approximately four metres below the chimney height. It should be noted however, that a new stainless steel flue will project from the top of the chimney by approximately two metres.

It is particularly important to note the Council's guidance to building heights for new development in this part of Bath. The application site is within the Bath City Riverside Enterprise Area and the 'Bath Buildings Height Strategy' states that building heights of four storeys with an additional set back storey within the roofscape can be acceptable, but this should be modified in close proximity to 2-3 storey residential areas or in response to heritage assets, residential amenity and to prevent intrusion in views. In this regard the applicant has shown the proposed four storey buildings located along the Lower Bristol Road frontage with a further four storey block fronting Brook Road. The three five storey blocks are set back from the Lower Bristol Road frontage so that they are positioned more

within the central part of the site and the top floor is designed in the style of a mansard roof. The southern part of these five storey blocks appear as three storey with communal roof gardens on the flat roof. Three storey houses are situated close to the southern boundary of the site and fronting Dorset Close. The positioning and scale of these buildings is considered to comply with Council guidance and relate well to the scale of the surrounding buildings. This is because the positioning of the three storey buildings within the southern part of the site and fronting Dorset Close creates a transition in scale between the proposed and existing development particularly the housing to the south which sits at a higher ground level than the application site.

With regard to preventing intrusion in views across the site it must be acknowledged that for residents immediately adjoining the site, particularly to the south, the views they have over the top of the existing industrial buildings will be interrupted. However, as one moves southwards and with the ground gradually rising the interruption of any view becomes less and from a number of viewpoints around the City the development will integrate into the townscape and will not be seen as overly dominant. From the north of the City Centre any views of the site will have the high rise development of Bath Western Riverside within its foreground and it should also be noted that land immediately opposite the site on the north side of Lower Bristol Road is also likely to be developed as part of the Bath Western Riverside development. From higher ground to the south again there will not be harm to views across the site and from this direction the articulation of the proposed roofscape and the different levels of the proposed development within the application site help integrate the development within these views.

Overall, the design of the proposed development is considered satisfactory. The replacement of most of the flat roofs with low pitched roofs has helped assimilate the development with its surroundings. Whilst there remains some concern about the 'horizontal' appearance of the new commercial/residential block facing Lower Bristol Road the applicant has improved this appearance by omitting open balconies on the lower residential floors with recessed balconies retained on the top floor as this floor has greater separation from the street and offers longer north facing views.

Further details about the detailing of the windows in the retained façade are required as is a sample panel of the proposed facing materials but these can be sought via conditions if planning permission is granted.

A gabion wall has been removed from the proposed open space and pedestrian access area at the junction of Brook Road and Lower Bristol Road. The play area that was proposed in this space has also been relocated to within the site. These changes are welcomed but the boundary of this space with the junction of Brook Road and Lower Bristol Road appears to have no boundary treatment other than a grass edge. It is considered that it would be visually better to have a defined boundary, preferably a low wall that would also have the advantage of protecting this edge. Also, there are other retaining walls in this space shown in brick which would be better constructed in stone. These details can be addressed by a condition on a planning permission.

The proposed layout of the development allows a significant improvement to the 'permeability' of the site by creating pedestrian access and potential cycle routes. Pedestrians will be able to cross the site in an east-west direction but of particular note is a north-south pedestrian link that will join the area between Denmark Road and South

View Road to the south of the site with Lower Bristol Road to the north. This will also help with links to the Bath Western Riverside development when it is finally complete. Details of how the pedestrian access will join with the public area outside of the southern boundary of the site still needs to be addressed, as does the detail of any changes to this public area to facilitate this access, but these details can be addressed through planning conditions or a legal agreement.

The retention of the boundary wall that runs along the south boundary adjoining the rear gardens of houses in Denmark Road is also supported, although details of this wall will be required. Also, the detail of the proposed Bath Press entrance sign adjoining the Brook Road access needs to be considered further as such a large sign could be too imposing in a domestic street, but again this can be controlled via a condition.

Residential Amenity

The effect of the proposal on the amenity of nearby residents is also an important consideration of this proposal. Members will note that the height and design of the proposal has been criticised in some of the representation received but, as referred to above this is considered satisfactory and should not adversely affect residential amenity. However, the issue of privacy must be considered, particularly for the residents that adjoin the site because of the height of some of the buildings. The five storey blocks are considered to be sited sufficiently distant from the houses in Denmark Road and South View Road (between 32 and 40 metres from the southern boundary) with few windows facing south, so as not to have an adverse impact on privacy. The three proposed roof gardens, which are at a lower level are between 11 and 15 metres from the southern boundary and have raised planters set in from the edges of these roof gardens to restrict access to the edge of the garden and to provide screening. Provided the details of these planters are satisfactory and maintained they will prevent the direct overlooking of houses to the south. It is suggested that a planning condition controls the details and future maintenance of these planters.

The three storey housing and flats situated on the southernmost part of the site are considered to be sited in a satisfactory position but there is the potential for existing residents to the south to having a feeling of being overlooked. Whilst this overlooking should not be harmful as there is between 26 and 32 metres between the existing and proposed dwellings this can be reduced by the reduction in size of some of the proposed windows, the removal of projecting balconies and the increasing the amount and height of the stonework to the balconies of the town houses. These amendments can be negotiated with the applicant before planning permission is granted.

An assessment of the effect of the proposed development on daylight and sunlight on existing buildings to the east and west of the site has been carried out by the applicant. This shows that any effect will be negligible or minor and therefore in this regard there will be no adverse effect on the amenity of adjoining occupiers.

An assessment of the additional traffic and parking associated with the proposed development, see below, has found these issues to be satisfactory and therefore there should be no adverse effect on nearby residents. However, to safeguard both residential amenity and highway safety during the construction period of the development conditions will be attached to a planning permission if it is granted. Conditions will also be attached to

safeguard the future residents of the proposed development from traffic noise and potential noise from deliveries to the commercial units. Where necessary mechanical ventilation to the residential units facing Lower Bristol Road will also be provided which will draw air from the rear of the proposed buildings above ground level.

Materials

A significant part of the proposed development will be faced with natural Bath stone, which is to be encouraged and the steeply pitched roofs facing Lower Bristol Road will be faced in natural slate. The shallow pitched roofs elsewhere in the site will be of artificial slate except for the roofs to the three five storey blocks which are shown to be a metal standing seam roof over a slate mansard roof. The lower four floors are faced in brick, Wivenhoe Blend is suggested, as are the walls framing the retained chimney and the rear elevations of the houses. Crittall windows are shown in the five storey blocks with aluminium composite windows elsewhere. This palette of materials is considered acceptable but to ensure this it will be a condition of a planning permission that a sample panel of these facing materials is erected on site for approval, with confirmation of which elevations the facing materials will relate to.

Residential Development

The application proposes the construction of 224 dwellings and this provision is broken down as 63 one bedroom units, 124 two bedroom units, 37 three bedroom units and 20 four bedroom units. As already noted in this report this number of dwellings will make a substantial contribution to the areas provision of housing for which there is a demand. Whilst this site has not been specifically identified as a housing site it is located on a previously developed site that is in a sustainable location. The mix of dwelling type is considered appropriate for the site and taking into account that there is, from a policy point of view, no objection to the loss of the existing redundant buildings and the proposals will regenerate a large redundant site the provision of this housing is supported.

Affordable Housing

Policy CP 9 of the approved Core Strategy requires that a housing scheme of this nature provides for 30% affordable housing. However, the applicant has submitted a financial viability statement with this application stating that it is not viable to provide more than 14% affordable dwellings i.e. 34 affordable dwellings. The Council has engaged, at the applicant's expense, an independent consultant to assess the applicant's viability report but this consultant could not agree with the applicant's build cost figures. Therefore, in accordance with RICS guidance a further independent consultant was engaged, again at the applicant's expense, to arbitrate on this particular element of the viability assessment. The conclusion of this is that the applicant's figures within their viability assessment have been found to be sound and that the offer of 14% affordable housing should be accepted.

It is proposed that 25 of the affordable dwellings will be located within the westernmost block facing Brook Road, Core A, and the remaining nine dwellings will be located in western part of the new block fronting Lower Bristol Road, Core B. There is no objection to the location of these affordable dwellings and in light of the fact that the level of affordable housing has been independently tested it is proposed that the provision of these dwellings is secured through a Section 106 Agreement.

Landscape/Open Space

The Council's Landscape Architect has raised concerns about the lack of 'connectivity' between the green open spaces and the detailing of the proposed landscape planting. However, whilst the green spaces are not connected with green 'corridors' they are nevertheless publicly accessible and pedestrians can gain easy access from one space to another. The detailing of the planting proposals can be controlled and agreed with the imposition of planning conditions and any lack of planting can be mitigated against via the financial contribution the applicant will need to make in accordance with the Council's Planning Obligations SPD. It is therefore considered that with appropriate conditions and provisions within a legal agreement the landscape and planting proposals are satisfactory. However, the concerns of the Parks department with regard to the size of the central avenue play area/open space have been put to the applicant and the outcome of this will be reported to Members at the meeting of the Committee.

Arboricultural Issues

None of the existing trees on the site have been identified as worthy of retention and therefore there is no objection to their felling and replacement as part of the landscape proposals. Whilst there will be more planted areas within the site than currently exists the planting is insufficient to avoid the need to make a significant financial contribution for additional off site planting in accordance with the Council's Planning Obligations SPD. In this instance the level of on site planting combined with off-site planting is considered satisfactory.

Transport and Parking

As noted above the number of parking spaces at the site will be 162. These spaces will be allocated on the basis of one for each of the 30 houses and the remainder will be for use of the occupiers of the flats giving a ratio for these occupiers of just under 0.7 per flat. This is slightly lower than the ratio for the Bath Western Riverside development which is 0.7 spaces per flat but above the ratio of 0.49 per flat at the nearby Roseberry Road development which was resolved to be permitted by Committee at its October 2015 meeting. A significant benefit of the Bath Press proposal is the provision of ample cycle parking provision, and the opportunity to hire bicycles or pool cars. Another benefit of the scheme is the opening up of the site for pedestrian access which should be of benefit to both existing and future residents. However, it should be noted that the applicant does not control the land immediately outside of the site where the new pedestrian access is shown giving access to the land between South View Road and Denmark Road. It is essential that the applicant can use this land to provide pedestrian entrance and exit at the point where existing and proposed open spaces are proposed to be linked by the new pedestrian access. The new access would probably be the most used access point for pedestrians wanting to move in a north-south direction across the site. For this access to work the applicant will need to negotiate and secure permanent pedestrian access across land that is owned by the Council and currently used by local residents for car parking. It is likely that one car parking space will need to be lost to gain this access but the benefits of this pedestrian link is considered to outweigh the loss of a public parking space. The applicant has been in contact with the relevant Council department to negotiate and

secure this access which will also need to be secured through an appropriate Section 106 Agreement.

The vehicular access arrangements from Dorset Close and Brook Road are considered acceptable as is the exit point onto Lower Bristol Road. It is not the intention of the applicant to offer the new roads for adoption but provided they are constructed to an adoptable standard, at least in the areas where the Council's Waste Service vehicles may be expected to gain access, there is no objection to this. With the imposition of a Travel Plan and appropriate conditions and legal agreement to ensure that Local Authority collection vehicles have access to the site it is not considered that the proposals will harm highway safety and will not unduly add to street parking congestion. However, the applicant has been asked to ensure that the new pedestrian access through the southern boundary wall is served by a ramped access within the site to ensure that it is accessible to wheel chair users and to clarify the publicly accessible pedestrian and cycle routes through the site. Members will be advised at the Committee meeting if revised information is received.

Office Development

The office development, some of which is grouped together, is to be provided at ground floor level along the Lower Bristol Road frontage within nine separate units. These units will range in size from approximately 110 square metres to approximately 210 square metres of gross floorspace to give a total of 1,485.2 square metres. Whilst these units are not all within one building as preferred by the Council's Economic Development and Regeneration Team there is no objection to this as they are considered to be located in a suitable position fronting Lower Bristol Road. Most of these units will be serviced from the rear and all will have pedestrian access from Lower Bristol Road. There is no objection to the provision of such units in this location and provided their construction and delivery to the market is of a minimum standard that is safeguarded within a legal agreement their provision can be supported.

Education

It will be noted from the comments from Children's Services that the proposed development will lead to a requirement for additional early years and youth provision and primary school places in this area of Bath. Additional secondary school places may also be required. However, it is anticipated that the financial contributions required through the Community Infrastructure Levy will contribute to these additional places and therefore there is no objection to the proposal from an educational point of view.

Flood Risk

The site is mostly within Flood Zone 1 but a small part of the north of the site where it fronts Lower Bristol Road, particularly the area of the retained façade, is within Flood Zone 2 where there is a risk of flooding. Buildings that are to be used for residential purposes are regarded as 'more vulnerable' in relation to flood risk and buildings used for commercial purposes are regarded as less vulnerable. Using the diagrammatic information relating to flood zones it appears that the ground floor of four of the proposed residential units would be within Flood Zone 2 and the potential for these units to flood must therefore be considered.

According to advice within the Nation Planning Policy Framework development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. In such cases the developer should carry out a Sequential Test to identify other potential sites for the proposed development. However, in this instance it seems unreasonable for a developer to carry out a Sequential Test to identify another potential site for this development as so little of the site is within Flood Zone 2 and there are significant sustainability benefits associated with bringing a redundant 'brownfield' site back into use. The developer could be asked to move that part of the development a few metres southwards so that it is outside of Flood Zone 2 but this would mean detaching it from the retained façade which would create a visually unsatisfactory development by leaving the façade visually isolated and having no real function.

However, for the small part of the site that is within Flood Zone 2 the exception test should be applied. The NPPF states that there are two elements of the exception test that must be passed. These are:

- i) It must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and
- ii) A site specific flood risk assessment must demonstrate that the development must be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Both elements of the test have to be passed for developments to be permitted.

The application site is a key site in the Council's regeneration strategy for this part of Bath and as stated above it will bring back into use a redundant 'brownfield' site and provide much needed housing provision and up to date employment space in what is considered to be a sustainable location. In this instance it is considered that the first part of the exception test is passed.

The applicant has carried out a flood risk assessment that concludes that the flood risk can be mitigated against by ensuring that there is a minimum finished floor level height and adopting a suitable drainage strategy. With appropriate conditions attached to any planning permission the Environment Agency and the Councils' Drainage and Flooding Team have not objected to the proposal and accordingly it is not considered that an objection to the proposal could be sustained for potential flooding reasons.

Crime Prevention

The Crime Prevention Design Officer has not commented on this application but the applicant has been in direct contact with him for advice on the principles of Secure by Design.

Fire Service

In accordance with the Council's Contributions SPD a number of fire hydrants will need to be provided throughout the site and the exact number and locations will be secured through a legal agreement with the applicant.

Sustainable Construction

The site itself is considered to be located within a sustainable location within Bath and the applicant has stated that with regard to the construction of the residential part of the development the following has been incorporated into the design to reduce the potential for overheating and to reduce a reliance on air conditioning systems; specifying low energy lighting, specifying dual aspect dwellings where possible to allow for cross ventilation, designing balconies that work as overhangs to provide shading, use of thermal mass efficiency to manage the risk of overheating and incorporating high performance glass throughout the scheme to minimise solar gains in summer. It has also been stated that the proposed passive design and energy efficiency measures will exceed the minimum requirements of the Building Regulations i.e. thermal elements of walls, roofs, windows etc. Consideration has also been given to connecting the development to the district heating system within the Bath Western Riverside development but due to the modest size of the proposed development and the capital costs associated with the installation of interconnecting pipework this would likely make such a connection unviable. However, the development, particularly the central plant room will be 'future proofed' so that if it became viable the development could be connected to a district heating system. Whilst it has been noted by the Council's Policy Team that the Bath Press site has been identified as having a key opportunity for district heating the approach by the applicant is considered satisfactory as there are no policies requiring such a connection to take place.

The applicant has, within an energy strategy report, also considered the feasibility of using renewable energy technologies at the site. However, these have been discounted. For example, the use of ground source heat pumps, which using some electricity to run the heat pump is not considered appropriate due to the high installation costs and the need for further geological surveys and test boreholes. Biomass heating has also been discounted because of on-site storage space requirements, the impact on local air quality and access and maintenance requirements. Wind turbines are not proposed due to the low wind speeds at the site and roof mounted photovoltaic panels are also not proposed because they are considered to raise aesthetic issues. The use of air source heat pumps and solar hot water systems are also not proposed for technical reasons. However, the report states that a saving in regulated CO2 emissions is estimated to be 6% above that required by the Building Regulations.

With regard to the commercial units the applicant has stated that a number of passive designs and energy efficiency measures have had to be discounted for various reasons and the commercial units are not deemed large enough to warrant any of the passive cooling technologies.

Gull protection.

Initially the proposed buildings had a number of flat roofs which had the potential to attract nesting gulls. However, the proposals have been amended to incorporate pitched roofs and where flat roofs remain these will be used as communal roof terraces. In these circumstances it is not considered that the development will unduly attract gulls.

Conclusion

This proposal has been the subject of extensive negotiations with the applicant and whilst there are a number of matters relating to the details of the scheme that need to be resolved it is considered the application can be recommended for permission subject to the resolution of the outstanding details referred to within this report and subject to a Section 106 Agreement.

There are significant benefits to providing additional housing on this previously developed site in addition to providing more modern business units. The relevant Council policies support this approach and in these circumstances the National Planning Policy Framework states that there is a presumption in favour of sustainable development and where development accords with the Development Plan, as is the case here, the development should be approved without delay.

It should also be noted that as the site does not contain any listed buildings the Victorian Society and 20th Century Society need not have been consulted. Accordingly, whilst these Societies have objected to the proposals there is no need to refer the application to the Secretary of State.

RECOMMENDATION

Delegate to PERMIT

CONDITIONS

0 Subject to the submission of further and satisfactory details about the treatment of the retained windows in the retained façade fronting Lower Bristol Road and the treatment of the rear of this façade; details of the retained south boundary wall and details of the proposed pedestrian access through this wall; amendments to the windows and balconies to the southernmost housing and flats to safeguard to safeguard the privacy of existing residents to the south of the site; amendments to the on-site pedestrian links to the new pedestrian access through the southern boundary wall to ensure that there is ramped access instead of or in addition to the steps serving this access; confirmation of the unrestricted pedestrian and cycle routes through the development, and to add amend or remove conditions as appropriate as a result of the submission of any further or revised information/plans, and

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

Secure permanent access across the car park between South View Road and Denmark Road to the proposed southern pedestrian access.

To ensure that vehicular access is always available to the site from Dorset Close and Brook Road for Local Authority collection vehicles.

The provision of fire hydrants in accordance with the requirements of Avon fire and Rescue.

To provide a guarantee of B1 employment space delivery, through restrictions to B1 a - c only, with a suitable set of development triggers. This should include a requirement to provide the B1 employment space to a satisfactory shell and core standard.

A Specific Targeted Recruitment and Training in Construction Obligation is applied, This is estimated to be the following Targeted Recruitment and Training Outcomes of:

- o 48 Work Placements
- o 8 Apprenticeship Starts
- o 7 New Jobs Advertised through DWP

The estimated level of financial contribution is £34,250

Maintenance of Open/Play Spaces. A management plan detailing the maintenance schedule and the funding mechanism for long-term maintenance and replacement of equipment.

Off site landscape provision - £52,075.40

A Landscape Management Plan - to cover publically accessible landscape and other areas.

Applicant to enter into Section 278 Agreement prior to the commencement of development, other than demolition works, to deliver improvements to the pedestrian link between Lower Bristol Road and Oldfield Park Railway Station, to deliver the new access onto Lower Bristol Road in a satisfactory manner and the appointment of a Travel Plan Co-ordinator 3 months before the first occupation of any of the residential units.

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

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

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

2 Notwithstanding the information shown on the submitted plans no development shall commence on the construction of any external walling until a sample panel of all external walling materials, at a minimum one metre square, has been erected on site approved in writing by the Local Planning Authority, and kept on site for reference until the development is completed. The Local Planning Authority shall also be provided with sufficient information to identify which external walling is the subject of the sample panel.

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

3 No development shall commence until a sample of all external roofing materials has been submitted to and approved in writing by the Local Planning Authority.

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

4 No part of the development shall progress above second floor level until details of the roof garden planters, their position and maintenance have been submitted to and approved by the Local Planning Authority. Thereafter the planters shall be retained in accordance with the approved details.

Reason: In the interests of the appearance of the development and to safeguard the amenity and privacy of nearby residents.

5 Finished floor levels should be set at a minimum of 19.89m AOD.

Reason: to reduce the risk of flooding to the proposed development and future occupants.

6 No development shall commence until a scheme that includes the following components to deal with the risks associated with contamination of the site has been submitted to and approved, in writing, by the Local Planning Authority:

1) A preliminary risk assessment which has identified:
all previous uses, potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors and potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: the site is located on a Secondary Aquifer and there is a surface water course (Secondary River) located 40 m to the east. The site is considered to have a moderate sensitivity with respect to controlled water receptors. The Phase 1 Assessment identified a possible controlled waters pollutant linkage and recommended an intrusive investigation to assess the risk. The condition is therefore required to protect controlled waters and 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.

7 No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and

monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: to demonstrate that works (if any) set out in the approved remediation strategy have been completed effectively and hence protect controlled water receptors and 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.

8 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: All intrusive investigations by their nature only sample a small proportion of the overall site area. Therefore there is potential for contamination to be encountered during development works. The condition is therefore required to protect controlled water receptors and 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.

9 On completion of the works but prior to any occupation of the approved development, the applicant shall submit to and have approved in writing by the Local Planning Authority, an assessment from a competent person to demonstrate that the development has been constructed to provide sound attenuation against external noise in accordance with BS8233:2014. The following levels shall be achieved: Maximum internal noise levels of 35dBLAeq, 16hr and 30dBLAeq, 8hr for living rooms and bedrooms during the daytime and night time respectively. For bedrooms at night individual noise events (measured with F time-weighting) shall not (normally) exceed 45dBLAmax.

Reason: To protect residential amenity.

10 Noise from plant associated with the development shall not exceed the Background (LA90) limits detailed in Table NVB7 of Environmental Statement Volume 1: Main Text and Appendices, at each identified monitoring location over the daytime and night time periods, respectively.

Reason: To protect residential amenity.

11 No deliveries to the employment units shall arrive outside the hours of 0700h - 1900h daily or on Sundays or Bank Holidays.

Reason: To protect residential amenity.

12 No development shall commence until a scheme has been submitted to and agreed in writing by the Local Planning Authority that specifies the provisions that will be implemented for the control of noise and dust emanating from the site. The development shall be carried out in accordance with the approved mitigation scheme and shall not be altered without the prior written approval of the Local Planning Authority.

Reason: A pre-commencement of development condition is required to protect the residential amenity of nearby residents during the construction period.

13 No development shall commence until a detailed drainage strategy (based on the Flood Risk Assessment version 2.0 Oct 2015) has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved strategy.

Reason: In the interest of flood risk management.

14 No development shall take place, including demolition, ground works or vegetation clearance, until a Construction Environmental Management Plan (CEMP) for Ecology has been submitted to and approved in writing by the local planning authority. The CEMP Ecology shall include, in accordance with the approved ecological assessment, the following: Identification of mapped exclusion zones for the protection of any retained features of ecological value; details of barriers and sensitive working practices to avoid harmful impacts during construction; details of and named responsible persons for all necessary ecological supervision; timing of works to avoid harm to ecology including nesting birds; and the findings of all necessary pre-commencement precautionary further survey and checks together with details of any further protective measures required as a result; details of all necessary measures to prevent harmful impacts on the ecology of the nearby Site of Nature Conservation Interest (SNCI); measures to avoid dust deposition and noise and vibration impacts on the nearby SNCI; waste removal from and prevention of waste disposal or impacts on the nearby SNCI. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: to avoid harm to ecology and protected species during construction

15 No development shall take place until full details of a Landscape and Ecological Management Plan, to address: (i) all relevant habitat and landscape areas within the site, and (ii) to address management requirements and costs for nearby areas of the adjacent Linear Park that will be impacted by the proposal; have been submitted to and approved in writing by the local planning authority. These details shall include:

- a. clear ecological aims and objectives for wildlife conservation, and long term habitat provision
- b. details of wildlife friendly habitat management practices and prescriptions
- c. Details of management funding and responsibilities
- d. Details and full specifications, numbers, positions and heights as applicable, of all habitats and wildlife features to be incorporated into the scheme and its landscape design, for example bird nesting and bat roosting provision, with all details shown on all relevant plans and drawings as applicable

e. Details of proposed lighting design demonstrating avoidance of light spill onto wildlife habitat and bat roost features

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

Reason: to provide features of benefit to wildlife and to provide for their long term conservation management

16 No part of the buildings fronting Lower Bristol Road shall be occupied or brought into use until a mechanical ventilation system has been fitted to the ground and first floor units that have first been identified on a plan that has been submitted to and approved by the Local Planning Authority. Details of the mechanical ventilation system, which shall draw air in from the rear of the building from a height above ground level and a schedule of maintenance, shall be submitted to the Local Planning Authority for approval prior to the occupation of any part of the buildings fronting Lower Bristol Road. These buildings shall thereafter only be occupied in accordance with the approved details.

Reason: To protect the amenities of the occupants of residential properties

17 No part of the development shall be occupied or brought into use until details of electric vehicle charging points have been submitted to and approved in writing by the Local Planning Authority. These charging points shall thereafter be installed and retained.

Reason: In the interests of sustainable development and travel.

18 No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement unless agreed in writing by the Local Planning Authority. A signed certificate of compliance shall be provided by the appointed arboriculturalist to the local planning authority on completion of development.

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

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), temporary site access arrangements, contractor parking, traffic management.

Reason: To safeguard residential amenity and to ensure the safe operation of the highway.

20 The development hereby approved shall not be occupied until car and cycle parking spaces have been provided within the curtilage of the site in accordance with drawings 14027-P1-501 and 14027-P1-500 attached to the Addendum to the Transport Assessment October 2015 and the table provided in Appendix C of the Addendum to Transport Assessment October 2015.

Reason: In the interests of highway safety and sustainable development.

21 The houses that have been permitted as part of this development shall not be occupied until cycle parking spaces have been provided within their curtilage in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and sustainable development.

22 The development hereby permitted shall not be occupied until the access proposals shown in Drawing 6827-GA-11 revision C by WSP, attached to the Addendum to the Transport Assessment October 2015 have been implemented.

Reason: In the interests of highway safety.

23 The development hereby permitted shall not be occupied until the bollards off Dorset Close have been positioned as shown in drawing 14027-P1-101 which forms Appendix B of Bath Press, Lower Bristol Road, Bath Technical Note 1 produced by WSP.

Reason: In the interests of highway safety.

24 Before the dwellings are first occupied, new resident's welcome packs shall be issued to purchasers which should include information of bus and train timetable information, information giving examples of fares/ticket options, information on cycle routes, a copy of the Travel Smarter publication, car share, car club information etc., together with complimentary bus tickets for each household member to encourage residents to try public transport. The content of such packs shall have been approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development.

25 The proposed estate roads, footways, footpaths, verges, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be submitted to and approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: To ensure that the roads are laid out and constructed in a satisfactory manner.

26 No development shall commence until details have been submitted to and approved by the Local Planning Authority showing vehicle tracking and turning circle space for large refuse collection vehicles along the rear of plots P101 - P108, along with vehicle tracking along plots F001 to F010 and clear turning circle plotted for an Refuse Collection Vehicle. The development shall thereafter be occupied only in accordance with the approved details.

Reason: To ensure that there is suitable access for Local Authority collection vehicles to serve the site.

27 The development hereby approved shall not be occupied until the pedestrian access to the south has been provided in accordance with drawing 1145-HED-LAN-L-DGA-B1-1152 Revision PO3 and shall thereafter be maintained free of obstruction at all times.

Reason: In the interests of highway safety and to facilitate pedestrian access through the site.

28 The allocation of 21 disabled parking spaces for residential use (10 at Ground Floor level and 11 at Basement level) shall be monitored for occupancy for a period of 3 months after 3 months from the residential development being 90% occupied and the findings shall be submitted to the Local Planning Authority. A maximum of 5 spaces shall be converted to non-disabled spaces with the written consent of the Local Planning Authority should they not all be used once the development is 90% occupied.

Reason: To maximise off-street parking provision.

29 Notwithstanding the information shown on the submitted plans no development shall commence other than demolition works until a plan showing pedestrian routes through the site has been submitted to and approved in writing by the Local Planning Authority. Once constructed the approved routes shall remain open to public access in perpetuity.

Reason: To maintain pedestrian access in perpetuity through the site.

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

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

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

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

32 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.

33 No development or demolition shall take place within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a record of those parts of the building(s), which are to be demolished, disturbed or concealed by the proposed development, and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation.

Reason: The building is of significant historic interest and the Council will wish to examine and record features of architectural interest.

34 Notwithstanding the information shown on the submitted plans no development shall commence on the construction of the open space/pedestrian access area at the junction of Brook Road and Lower Bristol Road until details of the retaining walls and their facing within this area have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of the appearance of the development.

35 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.

36 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.

37 Notwithstanding the information shown on the submitted drawings no development shall commence on the construction of the Bath Press entrance sign/feature adjoining substation 2 at the access onto Brook Road until details of this sign/feature have been submitted to and approved by the Local Planning Authority.

Reason: In the interests of the appearance of the development and the appearance of this part of Brook Road.

38 No development shall commence on the buildings that are attached to the retained front façade until details of the joining of the new building with the retained façade have been submitted to and approved by the Local Planning Authority.

Reason: To ensure that the detailing of the joint with the new and existing building is satisfactory in the interest of the appearance of the development.

39 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no alteration shall take place to the balconies or roof terraces to any of the houses or flats approved by this development unless a further planning permission has been granted by the Local Planning Authority.

Reason: In the interests of the appearance of the development and to safeguard residential amenity.

40 No development shall commence on the construction of the roof structures associated with the handling of air and ventilation until minimum 1:50 scale drawings have been submitted to and approved in writing by the Local planning Authority showing the detail of their external appearance.

Reason: In the interest of the appearance of the development.

41 No development shall commence on the construction of the backlit corten or distressed steel panel façade shown on drawing no. 14027, P2-101 Rev P3 until minimum 1:50 scale drawings have been submitted to and approved by the Local Planning Authority showing the detailing of this feature.

Reason: In the interest of the appearance of the development.

42 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:

14027: P1-101 P4; P1-101b P4; P1-102 P4; P1-103 P4; P1-104 P4; P1-110 P4; P1-111 P4; P1-112 P4; P1-113 P4; P1-114 P4; P1-120 P4; P1-121 P4; P1-122 P4; P1-123 P4,

P1-124 P4; P1-125 P4; P2-100 P3; P2-101 P3; P2-102 P3; P2-103 P3; P2-104 P3; P2-105 P3; P2-106 P3; P2-107 P3; P2-108 P3; P3-100 P3; P3-200 P3; P3-201 P3; P3-202 P3; P3-203 P3; P3-204 P3; P3-205 P3; P3-206 P3; P3-207 P3; P3-208 P2; P3-209 P3; P1-202 P3; P1-300 P4; P1-301 P4; P1-302 P4; P4-101 P3; P1-500; P1-501 and 6827-GA-11 Rev C by WSP Group Ltd.

11145-HED-LAN-L-DGA-00-0015 REV P03, 11145-HED-LAN-L-DGA-B1-1154 P02, 11145-HED-LAN-L-DGA-B1-1155 P02, 11145-HED-LAN-L-DGA-B1-1152 P03, 11145-HED-LAN-L-DGA-B1-1153 P01, 11145-HED-LAN-L-DGA-B1-1151 P03, 11145-HED-LAN-L-DGA-00-0022 P04, 11145-HED-LAN-L-DGA-00-00221P04, 11145-HED-LAN-L-DGA-00-0019 P04, 11145-HED-LAN-L-DGA-00-0015 P04, 11145-HED-LAN-L-DGA-00-0101 P04, 11145-HED-LAN-L-DGA-B1-1155 P03, 11145-HED-LAN-L-DGA-B1-1152 P03, 11145-HED-LAN-L-DGA-B1-1153 P01, 11145-HED-LAN-L-DGA-B1-1154 P01, 11145-HED-LAN-L-DGA-B1-1155 P01, 11145-HED-LAN-L-DGA-00-0201 P02, 11145-HED-LAN-L-DGA-00-0202 P02, 11145-HED-LAN-L-DGA-00-0203 P02, 11145-HED-LAN-L-DGA-00-0020 P02, 11145-HED-LAN-L-DGA-B1-1150 P03.

2 Decision Making Statement

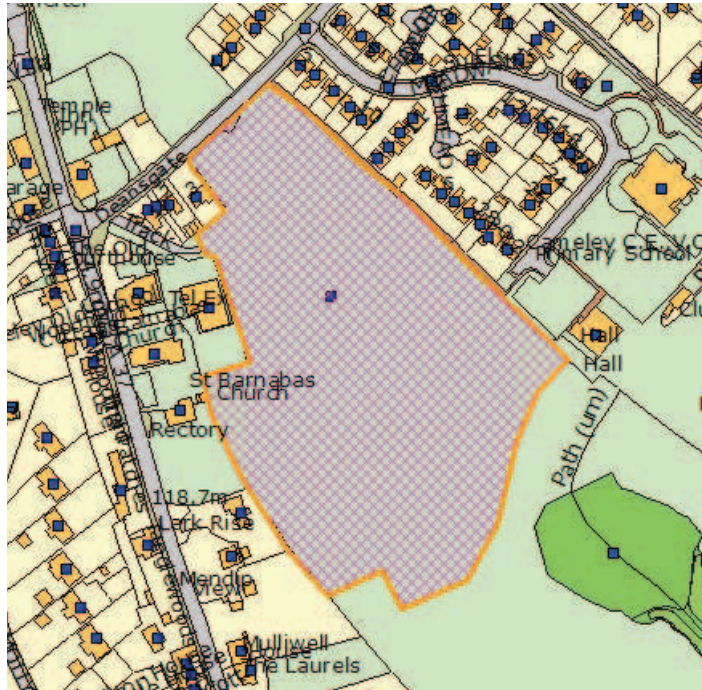
In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. For the reasons given, and expanded upon in a related case officer's report, a positive view of the submitted/revised proposals was taken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

3 Informatives:

Prior to the commencement of development the applicant or developer should contact Wales and West Utilities to ensure that there is no risk to their apparatus.

Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Agency is required for any proposed works or structures in, under, over or within 8 metres of the top of the bank of the River Avon, designated a 'main river'. To discuss the scope of our controls and to obtain an application form please contact Bridgwater.FDCs@environment-agency.gov.uk.

Item No: 02
Application No: 15/04215/RES
Site Location: Parcel 3300 Temple Inn Lane Temple Cloud Bristol



Ward: Mendip **Parish:** Cameley **LB Grade:** N/A
Ward Members: Councillor T Warren
Application Type: PI Permission (Approval Reserved Matters)
Proposal: Approval of reserved matters with regard to outline application 13/03562/OUT allowed on appeal on 19.08.2015 for 70 dwellings and associated roads, drainage, landscaping, open space, parking, layout, scale and appearance.
Constraints: Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenfield site, Housing Development Boundary, Public Right of Way, SSSI - Impact Risk Zones, Tree Preservation Order,
Applicant: Barratt Homes Bristol
Expiry Date: 29th January 2016
Case Officer: Chris Gomm

REPORT

An outline planning application (Ref: 13/03562/OUT) seeking consent for approximately 70 dwellings on the site was submitted to the Council in August 2013; all matters with the exception of the means of access were reserved for approval at a later date.

The application was reported to the March 2014 meeting of the Planning Committee (having been deferred from the February meeting for a members site visit) when it was resolved to permit the application. The application was subsequently returned to committee for reconsideration in September 2014 due to the intervening adoption of the

Core Strategy. The application was duly refused by the Planning Committee, contrary to the officer's recommendation, on the grounds that the development was unacceptable in principle and due to highway safety concerns. A subsequent appeal against the Council's decision to refuse the application was successful and outline planning permission was granted by the Planning Inspectorate in August 2015. An award of costs was also made against the Council.

Members should note that the Unilateral Undertaking agreed in connection with the outline planning permission secures the following matters: 33% affordable housing (of which 70% are to be social rented and 30% shared ownership); financial contributions towards highway works; the provision and maintenance of on-site open space; the provision of a footpath link and a financial contribution towards the provision of a footpath link (£25,000); protection of the northern hedgerow on the land.

Approval is now sought for the matters reserved by the outline permission (layout, scale, appearance and landscaping). As mentioned the means of access/egress to/from the site formed part of the outline application and as such is already consented.

The site itself is currently an area of open agricultural land which separates two parts of the village. To the east is late twentieth century housing development in Ash Mead and Mead Way. To west is a mix of generally residential development on Temple Inn Lane and the A37 itself.

History

AP - 14/00096/RF - ALLOW - 19 August 2015 - Development of the site for residential purposes (approximately 70 dwellings), with associated public open space, landscaping and parking. Primary vehicular access from Temple Inn Lane to be determined, (internal access, layout, scale, appearance and landscaping reserved for subsequent approval)

DC - 13/03562/OUT - RF - 11 September 2014 - Development of the site for residential purposes (approximately 70 dwellings), with associated public open space, landscaping and parking Primary vehicular access from Temple Inn Lane to be determined, (internal access, layout, scale, appearance and landscaping reserved for subsequent approval)

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Please note that the application as first submitted sought to discharge of a number of the conditions on the outline permission as well as obtain reserved matters approval for the detail of the scheme. A number of the consultation responses reflect this and comments have been received in relation to the outline conditions. The application has now been amended and permission is now solely sought for the approval of the reserved matters; the outline conditions are to be dealt with separately. Members therefore should concentrate on consultees comments where they relate to the merits of the reserved matters scheme rather than the outline conditions - which as stated no longer form part of the application.

Cameley Parish Council (following submission of amended plans): Objection:

1. Management Company to oversee the open spaces.

We feel this is inappropriate in a village where there is an active community and specifically a robust Parish Council who are more than willing to manage these spaces on behalf of the whole community. We fear a Them and Us situation and consider this proposal to be anti-democratic and just plain wrong.

2. The width of the road at the Southern end of the estate.

We have previously highlighted, at 4.1 metres there is insufficient room for large vehicles to navigate. We remain of the opinion that this has not been adequately addressed.

We have pointed out refuge and more worryingly, fire engines could not safely reach the south eastern area with other traffic present.

3. North eastern boundary hedge.

Whilst supporting the decision to retain a tree along the north eastern boundary, the other proposals go no way near addressing the points made by Parish Council and Residents alike and already transmitted to you. In particular, the frankly inadequate arrangements for the maintenance of the mature hedgerow. We have requested a much wider column be created to enable a tractor to maintain the hedge to the standard and quality we now have. Nothing less would be acceptable.

Cameley Parish Council (initial consultation response): Objection

Highways/infrastructure

Road Width -The width of the highway within this development is too narrow at 4.8 and 4.1 metres respectively. The Manual for Streets 2007 (Fig 7.1) clearly illustrates that this is too narrow for a fire engine to pass more than a bicycle width in the event of an emergency. The design of the estate does not allow access for a fire engine or ambulance to negotiate the 90 degree turns of the road system, or to enable these vehicles to reach the far end of the estate. The same manual recommends that to accommodate waste collection vehicles, streets should be a minimum width of 5 metres (Reference 6.8.7). The proposed width is also not wide enough to allow livestock transport to the remaining field as Barratts have advised that this will still be used for grazing. There is also no access onto the field for the livestock.

Access onto Temple Inn Lane - The original plans showed one vehicular access from the estate onto Temple Inn Lane. The detailed plans show 3 houses built onto Temple Inn Lane with driveways directly onto this road. This will create a "bottle neck" as vehicles exit their driveways, the new road and new driveways that will be built on the opposite side of Temple Inn Lane as the public house will shortly be renovated. A37/Temple Inn Lane - There appears to be no details on the Construction Management Plan that take into account the hazards for large vehicles using this junction.

Design

Site Density - Contrary to the written public Q and A, the density of the housing is not similar to the existing developments and is therefore not in keeping with other housing within the village. The Meadway development which runs parallel with the site and takes up the same amount of land has only 48 dwellings. The outline planning application submitted by GL Hearn (Planning Statement Paragraph 6.24 dated 19/08/2013) states that the distance from the new build housing to existing residents will be a minimum of 25 metres. The detailed plans show a distance of 21 metres on the North East Boundary and

13 metres to one of the existing houses on Temple Inn Lane. The density is also contrary to the comments made in 1d in the Building for Life Assessment dated September 2015 which states that the development will allow for appropriate offsets respecting adjoining housing.

Clustering - The design does not meet BANES policy of "non-clustering" housing types. There are three distinct areas that do not have affordable housing. There is one area of affordable housing that backs onto a development of detached housing which is not in keeping with the local area. The affordable housing should be more evenly distributed throughout the development.

Parking - Parking spaces 11-15 shows no room for manoeuvring vehicles. It can also be stated that the design of these parking spaces is contrary to 10c in Building for Life Assessment and is too large a parking court for the size of the development. Landscaping

Hedgerow - Present maintenance of the hedgerow along the North East boundary of development is currently done using a vehicle. This hedgerow is to be retained; however the present design will not enable present maintenance methods to be continued. There is also concern that Barratts will remove trees on the edge of the development from land that they do not own.

Grow Patches - With no running water or parking near to the grow patches, there is concern that these will not be allocated throughout the village, but only to residents on the new estate. This will create division in the village.

Open Space

Play area - The development includes an area of open space which incorporates a play area. There is no need for this as the development is surrounded by open fields and the present play area is only 500 metres away. It would be better use of this space to allow dwellings to be built further apart.

Management -There is no coherent policy associated with the development in how any open space (including "grow patches") will be administered. The original idea of a Management company involving residents will subject them to Company Law as directors. The management plan now put forward is not coherent and with no clear ownership of the "grow patches" this will duplicate some roles of both BANES and the Parish Council. It is the opinion of the Parish Council that any public open space should be owned and managed by them as a benefit to the whole community.

Housing

Social/Affordable Housing -Temple Cloud already has 90 social housing units within the village. BANES has stated that the village is not a social housing priority, what is needed is "affordable to buy" low cost housing.

Bungalows - Residents within Temple Cloud have expressed a need for bungalows within the village, rather than 2 storey houses.

Site Layout

Parking - Temple Cloud has a high car ownership rate; the vast majority of residents use their own transport. There is severe concern that parking allocated within the development is insufficient. The Manual for Streets 2007 highlights CABI research stating the level of parking in new developments is often inadequate and unrealistic for residents and visitor demand.

Local Employment

One of the conditions for granting outline planning permission was that a scheme of local employment was implemented. There is no mention of this in the submitted detailed plans.

Management Company

With the proposed formation of a management company (Landscape Management Plan September 2015) to oversee the maintenance of the development for the first 5 years, the Parish Council is of the opinion that this will create a divide, separating this development from the rest of the village. This planning application has been extremely contentious and there is concern that this will not encourage new residents to integrate themselves into the rest of the village. There is also no mention of what will happen at the end of the 5 year period. If it is expected that the Parish Council take responsibility this needs to be made clear, so that appropriate finances can be allocated.

Cameley Parish Council trusts that these comments will be taken on board and acted on as appropriate.

High Littleton Parish Council: We (the High Littleton Parish Council) are very disappointed with the view of increase of traffic coming into our parish

Clutton Parish Council: Comment:

Clutton Parish Council discussed this application at its October meeting and agreed that as this development site is outside of the Parish, there was no need to comment on many of the details within the application. However the Parish Council would like to request that the traffic management plan be further tightened to include deliveries and waste collections and that they should avoid the school run as well as the 'rush hour'. In addition to signs & barriers on the main infrastructure roads, signs are also requested to prevent access for any construction vehicles through Clutton and Marsh Lane.

Senior Arboricultural Officer: Comments; The application is now acceptable subject to conditions securing a satisfactory Tree Protection Plan and Arboricultural Method Statement.

Parks Department:

The minimum of 0.48ha of public space is to be provided by the proposed development. The submitted Landscape Management Plan (the submission of which is a requirement of the outline planning permission - Unilateral Undertaking) is generic and does not provide a funding mechanism for the management and maintenance of the public open space in perpetuity. In addition proposals for the LAP (equipment etc) has not been submitted

Highways Department: No objection. Suggest condition ensuring car parking is retained for that use only.

Waste Services:

There are concerns in relation to the access road in the south of the development (which loops around plots 30-40). The refuse vehicle would be unable to reverse safely around the corners if it is unable to pass a vehicle coming in the opposite direction. Waste collection points in relation to Plots 44-52 must be clarified; if a turning space is not feasible an allocated communal collection point will be necessary - further information is required.

Housing Department:

The Unilateral Undertaking agreed at the outline stage requires 33% affordable housing; this reserved matters proposal maintains that contribution. Similarly the proposed affordable housing mix proposed is as per the agreed Unilateral Undertaking. The Unilateral Undertaking requires certificates of Design Standards for Lifetime Homes and Wheelchair User dwellings to be submitted as part of the first reserved matters submission; these certifications have not been submitted. The car parking attributed to the affordable dwellings is not tenure blind or Secure by Design. Housing services are unable to support the application until the aforementioned certifications have been provided.

Landscape Architect:

The long term protection of the boundary hedgerow is the key issue. Larger trees should be planted where room allows. There is a need to have legacy trees in the right locations. A number of tweaks are suggested to the submitted landscape plan.

Senior Archaeological Officer:

No objection but the applicant is reminded of their obligations under Conditions 5, 6 and 7 of the outline planning permission.

Drainage and Flooding Team:

Conditions 8 and 9 of the outline permission are satisfied.

Avon and Somerset Police: No objection but comments:

Blank gable end walls should be avoided. The parking spaces between buildings are more vulnerable to crime, theft, damage and potentially personal safety. Vulnerable areas should have defensive barriers. Public rights of way should be lit.

Environmental Health: No objection and no objection to the discharge of outline Condition 17 (Construction Management Plan)

Economic Development: Recommend that the application be approved.

15 letters of objection have been received objecting to the application on the following grounds:

- o This development could generate in excess of 100 additional vehicles;
- o Temple Lane Inn has become increasingly busy in recent years;
- o There are no facilities in Temple Cloud to accommodate new residents;
- o The developers at nearby Paulton are struggling to sell their houses;

- o The development is too big and is double the size of Meadway;
- o The inspector allowed the development on the basis of the plans in front of him; the current plans are significantly different;
- o The original plans had relatively wide separation distances between the proposed houses and Meadway, this allowed light into back gardens and some kind of rural aspect;
- o The new proposal has double the density of the existing dwellings;
- o Permission was granted for approximately 70 dwellings, why therefore can the number not be reduced;
- o A development of nearer 50 dwellings would be far more in keeping;
- o The site together with the Temple Inn site over the road will result in circa 80 new dwellings in the village;
- o This proposal is for a village within a village;
- o There should only be one new entrance to Temple Inn Lane
- o What happens after 5 years of management, the open spaces should be gifted to the Parish Council;
- o The development is visual dominating and overbearing. The 25m minimum separation distance has not been achieved;
- o Overlooking and loss of privacy will result contrary to Local Plan Policy D.2.;
- o There will be a loss in standard of living
- o Terraced housing and 2.5 storey buildings will not be in keeping with the village;
- o Placing terraces adjacent to existing properties will have an adverse impact, the original plan placed these near the village hall;
- o There is nothing wrong with the tree (shown as to be felled), it should be retained.
- o If the affordable housing is constructed of red brick it will be out of keeping with its surroundings;
- o The affordable housing is clustered in groups of eight but it should be pepper potted;
- o The social housing is in multiple clusters of the maximum permitted to circumvent local policy;
- o The proposed hit and miss fencing will only enable occupiers to maintain their side of the fence, both sides of the hedge are currently cut by the farmer;
- o There should be a buffer between the hedge and the rear of the new properties;
- o Barratt's are segregating certain house types and thus creating two separate communities;
- o Temple Cloud already has a high amount of social housing, there should instead be more intermediate housing;
- o Barratt Homes have no intention of changing the layout. It has been designed purely with profit in mind;
- o One of the proposed houses is just 13 metres from an existing dwelling on Temple Inn Lane;
- o The layout includes some 90 degree turns which will hamper refuse vehicles, fire engines etc;
- o The maintenance company will cause confusion, it's not clear who will be involved in maintenance;
- o The Temple Inn is due to be renovated shortly, this will have traffic implications;
- o How will home deliveries and extra vehicles be dealt with;
- o The plans are inaccurate as a number of existing properties have been extended
- o The growing plots/allotments should be available for all members of the public, not just the development;

POLICIES/LEGISLATION

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

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

The following Core Strategy policies are relevant:

- o Policy DW1: District Wide Spatial Strategy
- o Policy RA1: Development in the villages meeting the listed criteria
- o Policy SD1: Presumption in favour of sustainable development
- o Policy CP2: Sustainable construction
- o Policy CP6: Environmental Quality
- o Policy CP7: Green Infrastructure
- o Policy CP9: Affordable Housing
- o Policy CP10: Housing Mix
- o Policy CP13: Infrastructure provision

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

The following saved Local Plan Policies are relevant:

- o Policy D.2: General design
- o Policy D.4: Townscape considerations
- o Policy SR.9: Protection of recreational routes
- o Policy ES.2: Energy conservation
- o Policy ES.5: Foul and surface water drainage
- o Policy HG.7: Minimum residential density
- o Policy NE.1: Landscape character
- o Policy NE.4: Trees and woodland conservation
- o Policy NE.5: Forest of Avon
- o Policy BH12: Important archaeological remains
- o Policy T.1: Overarching access policy
- o Policy T.6: Cycle parking
- o Policy T.17: Rural areas traffic management
- o Policy T.25: Transport assessments and travel plans
- o Policy T.26: On-site parking and servicing provision

At the Council's Cabinet meeting on 2nd December 2015 the draft Placemaking Plan was approved for consultation purposes and also approved for Development Management purposes. However, currently the Plan has limited weight in the determination of planning applications

National Policy

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

OFFICER ASSESSMENT

The principle of residential development on this site (of approximately 70 units) is established by the outline planning permission which was allowed on appeal; matters of principle therefore cannot now be revisited. As stated this reserved matters application seeks approval for the detailed matters not considered at the outline stage; these reserved matters and the issues relating to them are explored in turn below.

Design and Layout

The development takes the form of a central cul-de-sac centred around a 'square', there are also a number of spurs providing access to small courts and groupings of houses. A strong street frontage is to be provided to Temple Inn Lane across the roadside boundary of the site, this will infill the current gap in the street frontage and is to be welcomed. The square is to incorporate a Local Area of Play (LAP) and the gently sloping land to the western side of the site will be an open area dedicated to 'grow patches'; both of these areas will be offered for adoption.

In general terms the lower density part of the development, which takes the form of detached houses with relatively large gardens, forms the southern part of the development adjoining farmland, whereas the higher density semi-detached and terraced properties form the northern and eastern parts of the development adjoining the existing built form (i.e. Temple Inn Lane, Meadway, Ashmead and ribbon development on the A37). This approach provides an appropriate transition between the village and countryside and is a sensible way in which to develop the site.

It should be noted that the general density of the site as a whole is somewhat fixed as the extent of the application site and the approximate number of dwellings within it are prescribed by the outline permission. The proposed layout of the development is undeniably suburban in character but it respects the character of the existing suburban development in Meadway and Ashmead which immediately adjoins the application site. A number of local residents have raised concerns that the proposed layout is different, and indeed inferior, to that agreed as part of the outline permission. These concerns are noted but the layout drawings associated with the outline permission were illustrative only and did not form part of that permission; the scheme's proposed layout, as stated, is a reserved matter.

Architecturally the individual house types are conventional but it is evident that a degree of effort has been made to introduce a good level of variety whilst conforming with local styles. In respect of external materials, Temple Cloud is a village characterised by mainly natural stone, some render and red brickwork detailing. The proposed materials palette comprises reconstituted stone or render and in most cases brickwork detailing; these materials accord with the vernacular character of the village. The proposed scheme is considered to be in accordance with saved policies D2 and D4 of the BANES Local Plan.

Public Open Space

The Parks and Green Spaces Team have raised no objection to the quantum and nature of the proposed public open space (POS). A minimum of 0.48 ha of POS is required on a development of this nature and the submitted drawings demonstrate that this has been complied with.

The Unilateral Undertaking (UU) agreed as part of the outline planning permission requires the submission of a Landscape Scheme Management Plan (LSMP) as part of the first reserved matters application i.e. this application. A LSMP has been submitted with this application and discussions are currently underway between the applicant's and the Parks Team as to its content - particularly the future funding arrangements. These discussions are not yet concluded however it should be noted that whilst the UU requires the submission of LSMP with the reserved matters application, it does not require the LSMP to be approved/agreed as part of the reserved matters application. As such the discussions regarding the LSMP can be ongoing and this does not preclude the granting of the reserved matters; the UU instead requires the LSMP to be agreed prior to commencement of development.

Public Right of Way

A Public Right of Way crosses the site from north-west to south-east connecting the central part of the village with the countryside to the east. The proposed layout respects this long-established pedestrian route; pedestrians will continue to be able to cross the site by means of a combination of segregated footways and by using the public highway. The Rights of Way Team have raised no objections to the proposal (no response has been received); they were involved comprehensively in pre-application discussions and a Footpath Diversion Order has been applied for.

Impact on Residential Amenity

The application site is surrounded by existing residential development on its north-east and south-west boundaries and as such there is clearly the potential for the proposed development to have an impact on the amenity of the occupiers of those dwellings. The layout is such that a significant number of the proposed houses are to be positioned such that they back onto the shared boundary with Mead Way and Ashmead; indeed the majority of the objections stem from these addresses.

The distances between the proposed dwellings and the existing dwellings in Meadway and Ashmead are typically between 22-31 metres; this is sufficient to ensure that unacceptable levels of overlooking/loss of privacy does not occur. Similarly such distances will ensure that unacceptable levels of visual domination and loss of light will not occur. In one case the distance between an existing dwelling (no. 8 Ash Mead) and a proposed dwelling measures 15metres however this is a side gable-end elevation and as such the impact will be limited.

A number of the letters of objection refer to a BANES minimum separation distance (dwelling to dwelling) of 25m; the council has no such policy.

The impact of the proposed development on No. 3 Temple Inn Lane warrants particular attention. No.3 is a detached house facing north to Temple Inn Lane; the submitted layout proposes siting Plot 70 immediately alongside side it to the north-east and Plots 64-65 closeby to the rear (south). Plot 64 is approximately 13 metres from the rear elevation of No.3 however it is its side elevation that will face it. This elevation includes a first floor bathroom window, a condition can ensure this window is obscure glazed and top-hung only - no overlooking will therefore occur. Plot 65 is approximately 17m from the main rear elevation of No. 3 (as measured first floor window to window); this distance is considered sufficient to ensure that no unacceptable level of loss of privacy will occur given the oblique angle involved. Plot 70 is to be just 3.5m to the north-east of No.3 however it is its side elevation that will face No.3. This elevation includes a first floor window but given that it is a landing window and given the relationship between the two buildings and the large detached garage in the front garden of No.3 (adjacent to the boundary in question), it is not considered that unacceptable levels of loss of privacy will occur. All of the proposed dwellings are sufficiently distant from No.3 to ensure that, on balance, no unacceptable loss of light or visual domination will occur.

There is no question that the outlook from the properties in Mead Way, Ashmead and other properties in Temple Inn Lane will be radically and fundamentally changed by the development. Views from upper floor windows across open fields to the Mendips beyond will be replaced by views of housing development. Be that as it may, members will note that the loss of or change to a private view is not a material planning consideration and in any case the principle of housing development on this site is already established by the outline permission and thus so too is an inevitable change to the view.

Arboriculture

There are three mature/semi-mature trees (two oaks and a sycamore) situated along the north-eastern boundary of the site which are the subject of Tree Preservation Orders (TPOs); these trees are within the boundary hedgerow. There are also a small number of non-protected trees outside of but close to the application site.

The initially submitted Arboricultural Constraints Report concluded that the protected sycamore tree (T6) is a poor specimen with limited life expectancy and that as such it should be felled. Following concerns being raised by the Council's Senior Arboricultural Officer, who required the retention of this tree on the grounds that there are few trees along this boundary, the applicant now proposes to retain this tree. The Arboricultural Officer requires the submission of a satisfactory Arboricultural Method Statement and Tree Protection Plan but is content for these matters to be deferred to prior to commencement by means of condition.

Highway and Parking Arrangements

The means of access to the site and the wider impact of approximately 70 additional dwellings on the local highway network has been considered and approved at the outline stage and cannot now be revisited. The Unilateral Undertaking associated with the outline approval secures a financial contribution of £75,000 towards the cost of speed restraint and safety schemes on the A37 to improve the operation of the Temple Inn junction. Also secured is a financial contribution of £10,000 towards the rationalisation of signage at the Temple Inn Lane/A37 junction.

The layout of the proposed estate, its technical adequacy and highway safety issues within the site are matters that are however to be assessed at this reserved matters stage. The highways team initially raised concerns that the proposed highway may be too narrow in certain areas to enable larger vehicles, such as refuse vehicles, to pass on-coming cars. This issue has now been resolved to the highway team's satisfaction through the submission of amended plans. The proposed level of car parking within the estate is considered sufficient to meet the needs of the future occupiers and is generally in accordance with the council's maximum parking standards. There is an over provision of car parking in relation to a small number of units (generally some of the 4 bed units) but given the rural location of the site this is not objectionable. The highways team have no further concerns with the highway aspects of the development, the proposed layout or any highway safety matters. The fine detail of the highway arrangements will be agreed through the S.38 Technical Approval (adoption) process. As such the application accords with saved policies T1, T6, T17, T25 and T26 of the BANES Local Plan.

Ecological Matters

An ecological survey was submitted with the outline application. That survey found no badger setts within the site although it was evident that badgers traverse the site regularly. There is known to be a large badger set to the south of the site. The survey found a total of 15 slow worm along the north eastern boundary and three more along the south western boundary. It was identified that one of the oak trees has moderate potential to be used as a bat roost. No birds were recorded. Ultimately it was concluded that the field was of low conservation value; the north-eastern hedgerow however was deemed to be of high conservation value.

It should be noted that the Unilateral Undertaking (which was submitted as part of the appeal proceedings and which now forms part of the outline planning permission) provides for the protection of the aforementioned high-value hedgerow. The appellant is not able to transfer any plot adjacent to or abutting this hedgerow without covenants being in place that would ensure that the hedgerow is maintained to a suitable height and standard.

It should also be noted that conditions imposed on the outline consent by the Planning Inspectorate adequately mitigate the impact of the development on the aforementioned ecological interests. Outline Condition 3 requires the ecological survey recommendations to be implemented; this includes a requirement for the submission of a plan plotting the alignment of a fence alongside the high-value hedge, this must be submitted prior to commencement and erected prior to first occupation. Outline Condition 4 requires the submission of a Wildlife Protection and Management Scheme which must include, amongst other things, further surveys and details of lighting. Finally Outline Condition 11 requires details of the archway which is to be formed through hedge. A number of these matters have been submitted to the council for consideration and approval, this is a separate process to the current reserved matters application.

The ecologist has expressed concern in relation to the parking courts which are to be situated alongside the aforementioned hedge. The submission is clear that these areas are to be unlight and dark and as such of reduced ecological impact. The ecologist is concerned that there is high potential for these areas to be lit in the future by virtue of their dark, discrete location to the rear of the dwellings. Whilst these concerns are noted the

alternative to siting the car parking area to the rear of the dwellings would be to site them forward of the dwellings, this would result in a public realm dominated by car parking which is highly undesirable from an urban design point of view; the lighting of these areas can be restricted by condition.

Conclusion

The principle of a development of 70 dwellings on this site is established by the outline planning permission allowed on appeal, it cannot now be revisited. Furthermore the proposed means of access forms part of the outline permission and its adequacy (and the wider impact of the development on the highway network) cannot now be reappraised.

This is a reserved matters application and therefore only the detail of the scheme can be considered.

The design and layout of the proposed scheme is acceptable and does not compromise the character or appearance of surrounding development or wider village. An appropriate area of public open space is incorporated into the layout and the existing public right of way through the site is respected. The impact of the development on the amenity of neighbouring residents is acceptable by virtue of the distances involved and the orientation of the buildings in question. Parking provision is appropriate to the nature and accessibility of the development proposed and the internal highway arrangements will function as required. The impact of the proposed development on the protected trees, important hedgerow and ecology is acceptable and will be further mitigated through appropriate planning conditions.

A number of conditions designed to mitigate the impact of the development were imposed on the outline planning permission and the developer is required to comply with these. It is considered that for the above reasons, and subject to the conditions imposed on the outline planning permission and subject to those conditions suggested below, the development accords with the provisions of the development plan, national planning policy and other material considerations and as such is acceptable. It is recommended that permission be granted.

RECOMMENDATION

PERMIT

CONDITIONS

1 The first floor window in the north-west elevation of Plot 64 hereby approved shall be obscure glazed and if openable, top hung only; it shall remain as such thereafter.

Reason: To protect the privacy of occupiers of nearby dwellings.

2 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no windows shall be installed above ground floor in Plots 64 and 70 hereby approved without the prior written permission of the local planning authority by means of a planning application made for that purpose.

Reason: To protect the privacy of nearby residential property.

3 No development or ground preparation shall take place until an Arboricultural Method Statement or Detailed Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority. The submissions shall incorporate supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and certificates of completion. The submissions shall also take into account the storage, handling and mixing of materials on site, burning, location of site office, service run locations including soakaway locations, provision of hard surfacing within root protection areas, landscaping operations and movement of people and machinery.

Reason: To ensure that trees and other landscape features to be retained are not adversely affected by the development proposals. A pre-commencement condition is necessary because initial ground works have the potential to have an adverse impact on trees.

4 No development or other operations shall take place except in complete accordance with the approved tree and landscape protection measures unless otherwise agreed in writing by the local planning authority. A signed certificate of compliance shall be provided by the appointed arboriculturalist to the local planning authority prior to first occupation of any dwelling.

Reason: To ensure that the approved tree protection measures are complied with for the duration of the development.

5 No reconstituted stone walling shall be constructed on site until such time that a sample panel of the proposed reconstituted stone showing the type of stone, size, coursing and pointing has been erected on site and that panel has been approved in writing by the local planning authority. The panel shall be retained on site for the duration of the construction phase and the development shall be undertaken strictly in accordance with it.

Reason: In the interests of visual amenity and for the avoidance of doubt as to the extent of the permission granted.

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

Reason: In the interests of amenity and highway safety.

7 There shall be no artificial lighting of the shared parking areas situated to the rear of Plots 11-15 and forward of Plots 23-26.

Reason: To ensure that these areas remain dark in order to minimise impact on ecological interests.

8 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.

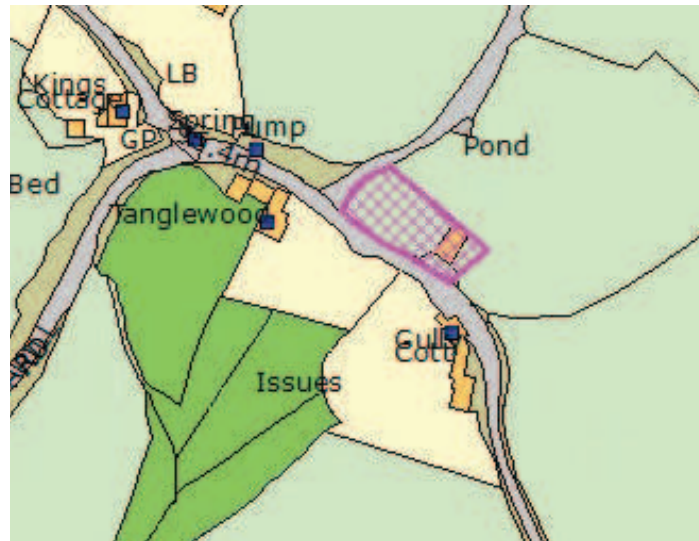
PLANS LIST:

1 The following plans are hereby approved:

House Type Booklet: 0529-HTB-ISSU
Topographical Survey Revision A
Planning Layout: 0529-102 C
Street Scene 0529-103 A
External Works Layout: 0529-104-1 A
External Work Layout: 0529-104-2 A
External Works Layout: 0529-104-3 A
Vehicle Tracking Layout: 0529-105-1 A
External Detailing: 0529-106 A
Adoption Plan: 0529-107 B
Materials Layout: 0529-108 B
Garages and Car Port: 0529-109-1 A
Garages and Car Port: 0529-109-2 A
Timber Cycle Sheds: 0529-110 A
Waste Collection and Storage Plan: 0529-111 A
Road and Sewer Long Sections: 0529-302-1
Road and Sewer Long Sections: 0529-302-2 A
Parking Matrix: 0529-ISSUE 2
Residential Lighting Layout: 15/ST LTG/TC/L01
Tree Protection Plan: D28 22 P4
Soft Landscape Proposals: GL0281 02B
Standard Gate: SD14-003
Brick Wall: SD14-004
Timber Fence: SD14-007
Country Style Railings: SD14-008
Close Board Timber Fence: SD14-015_1800
Location Plan: 0529-101 B

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

Item No: 03
Application No: 15/04391/FUL
Site Location: Kings Cottage Nempnett Street Nempnett Thrubwell Bristol Bath And North East Somerset



Ward: Chew Valley South **Parish:** Nempnett Thrubwell **LB Grade:** N/A
Ward Members: Councillor Vic Pritchard
Application Type: Full Application
Proposal: Change of use of a traditional stone barn and its curtilage to create a two bed holiday cottage with associated external works.
Constraints: Airport Safeguarding Zones, Agric Land Class 3b,4,5, Forest of Avon, Greenbelt, SSSI - Impact Risk Zones, Water Source Areas,
Applicant: Mr & Mrs Peter Hellier
Expiry Date: 23rd November 2015
Case Officer: Christine Moorfield

REPORT

This application is to be considered by Committee at the request of the Chair of Committee as she considers that the sustainability policy relating to this proposal requires consideration and the Parish Council has supported the proposal.

This application is for the conversion of an attractive stone barn into a holiday cottage. The proposed holiday unit will have two bedrooms and a living/kitchen area. To the North West of the unit it is proposed that a small curtilage will be provided as well as parking space for two vehicles.

The access to the site will be via the existing field entrance which is off the bridleway. The land is at present in agricultural use and is located within the Green Belt.

HISTORY

No recent relevant planning history on this site. However a recent appeal decision in respect of planning application number 14/04816/FUL

dismissed an appeal against non-determination where refusal would have been recommended for planning permission for two holiday lets within the green belt and AONB. In principle the Inspector considered the location to be unsustainable and these sites are similar and near to each other.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

PARISH COUNCIL SUPPORT

The Council wished to add the following comments:

That by permitting this application this barn would be preserved. If it was otherwise it would be likely to fall in to disrepair.

The material proposed to be used is, in the opinion of the Council, sympathetic and in keeping with the original fabric of the building.

HIGHWAYS

In relation to the scheme as originally submitted the following comments were made.

The proposed development will utilise the existing gated access from the field onto Nempnett Street. This access will be shared for users of the holiday home and for infrequent access to the field for agricultural vehicles. It has been noted that the access onto Nempnett Street from the site entrance utilises part of a Public Bridleway (CL14/42). Section 34 of the Road Traffic Act 1988 states that "if without lawful authority a person drives a motor vehicle on any road being a footpath, bridleway or restricted byway he is guilty of an offence". Lawful authority is taken to mean the existence of a proven private or prescriptive right to drive a vehicle over the way. The applicant would need to ensure that all necessary rights in respect of vehicular access to the application site exist. It appears from the site location map submitted that the applicant does not have ownership rights over this access. Highways have concerns regarding the increase in vehicular movement at this location and potential conflicts between vehicles entering/departing the site and users of the public bridleway.

There are also concerns regarding visibility from the access road. While the national speed limit applies along Nempnett Street, it is acknowledged that vehicles are highly unlikely to travel at or near this speed at this location due to the rural nature of the highway. However, despite this, the achievement of the required visibility to the east will require the setting back of the hedgerow along the southern boundary of the site.

Based on the concerns raised above, I recommend that this application be refused on highway grounds for the following reasons:

Further information was received on 2nd November 2015 and the following comments made:

Visibility from access

Highways are satisfied that visibility can be improved from the access onto the public road by removing a portion of the hedgerow along the southern boundary of the site. While the national speed limit applies along Nempnett Street, it is acknowledged that vehicles are highly unlikely to travel at or near this speed at this location due to the substandard nature of the highway. It is recommended that a visibility splay of at least 2.4m x 43m be achieved from the access point in accordance with the Manual for Streets for 30mph speed limits. Visibility to the west can be achieved by maintaining the hedgerow along the frontage to the property to the west.

Drainage

While on a site visit, a large cast iron drainage pipe was noted emerging from the site onto the public highway. It is recommended that the applicant be requested to submit further information on their proposals for this as it is likely to be impacted when clearing/setting back the southern boundary.

Public Bridleway CL14/42

Highways have expressed their concerns regarding both the applicants' rights in respect of the access to the site being on a section of a public PROW as well as the possible loss of amenity and risk of additional hazard to users of the bridleway. Highways acknowledge that the setting back of the hedgerow along the southern boundary of the site will improve visibility for both vehicles exiting the site as well as user of the bridleway. However, it is recommended that the applicants' latest response be forwarded onto the Public Rights of Way team to comment

Drainage No objection.

PROW-

The Definitive Map and Statement for bridleway CL14/42 and the definitive line of the bridleway starts at Grid Reference ST 5264 6014, just to the east of the pump marked on the map. The bridleway meets the track at Grid Reference ST 5268 6014. The bridleway appears to meet the metalled track beyond the proposed access point to the site of the proposed holiday cottage.

The section of access track leading from Nempnett Street to the proposed access point of the site of the proposed holiday cottage is not legally recorded as a public bridleway. It may have accrued public rights if the public has been using it for an unbroken period of at least 20 years without force, without secrecy and without permission. If it were a public bridleway, Road Traffic Act 1988 Section 34 (3) states: "It is not an offence under this section to drive a

mechanically-propelled vehicle on any land within 15 yards of a road, being a road on which a motor vehicle may lawfully be driven, for the purpose only of parking the vehicle on that land".

The applicant has confirmed that they will take responsibility for any damage caused to the surface of the access track caused by vehicles accessing the proposed holiday cottages.

Ecology

A completed bat survey and assessment has been submitted and proposals for bat mitigation and compensation have been incorporated into the scheme, which appear to be comprehensive and in accordance with the mitigation requirements detailed in the bat report. The building is assessed as being utilised at a low level at night by soprano pipistrelle and lesser horseshoe bats, and also as a possible day roost by brown long-eared bats, this species was also recorded flying inside the building although it was not observed emerging from or entering a roost it is not unlikely that the building is used for roosting.

The building is assessed as being used as a bat roost, which will be affected by the proposals. A European Protected Species licence is considered to be required.

Proposed mitigation and compensation measures include provision of a bat loft to specified dimensions and provision of suitable access locations for bats to enter the loft; provision of bat boxes; sensitive lighting; and retention of hedgerow planting with some additional reinforcement planting proposed. All measures are appropriate and it is considered that the third test of the Habitats Regulations, of maintaining favourable

conservation status of the affected species, would be likely to be met. there is no reason to consider the other two tests, no alternative solution and Imperative Reasons of Overriding Public Interest, would not also be met.

Subject to a condition securing full implementation, and post-completion reporting of all mitigation and compensation measures as described in the bat report, no objection is raised to the proposals.

POLICIES/LEGISLATION

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

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

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

DW1 District wide spatial strategy
SD1 Presumption in favour of Sustainable Development
CP6 Environmental Quality
CP7 Green Infrastructure
CP8 Green Belt

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

- o ET.7 Use of agricultural land
- o ET.8 Farm diversification
- o ET.9 Re-use of rural buildings
- o D.2 General design and public realm considerations
- o D.4 Townscape considerations
- o GB.2 Visual amenities of the Green Belt 154
- o NE.10 - Nationally Protected Species
- o NE.11 - Locally important species and habitats
- o NE.12 Natural features: retention, new provision and management
- o T.1 Overarching access policy
- o T.24 General development control and access policy

National Planning Policy Framework 2012 and NPPG 2014

At the Council's Cabinet meeting on 2nd December 2015 the draft Placemaking Plan was approved for consultation purposes and also approved for Development Management purposes. However, currently the Plan has limited weight in the determination of planning applications.

OFFICER ASSESSMENT

Principle of development

The change of use relates to a redundant rural building , which is outside any identified settlement boundary.

Saved Local Plan Policy ET.9 however supports the conversion of a building to a new use will be permitted provided that:

- The existing building is in keeping with its surroundings in terms of its form, bulk and general design and the appearance of the building would not be adversely affected.
- The building must be capable of conversion without substantial or complete reconstruction or requiring major extension.
- In the case of a proposed residential conversion, the applicant has made every reasonable attempt to secure suitable business reuse; it is not in a position isolated from public services and community facilities and is related to an established group of buildings; and
- The development would not result, or be likely to result, in replacement agricultural buildings or the outside storage of plant and machinery which would be harmful to visual amenity;
- In the case of buildings in the Green Belt, it would not have a materially greater impact than the present use on the openness of the Green Belt or would conflict with the purposes of including land within the Green Belt.

Addressing these issues, the existing building does appear to be in keeping with its surroundings and the building would appear to be capable of conversion without substantial re-construction.

A holiday let would fall within the same use class a dwelling house (C3) but can also be argued to have a business use. A condition could be attached to ensure that the building was retained as a holiday let in perpetuity so this business element was retained. However, there are concerns with the siting of this building, which is considered to be in an isolated location. Policy ET9 clearly states that the development should not be in a position isolated from public services and community facilities and is related to an established group of buildings. The development fails to meet this criteria.

Further, whilst the NPPF is supportive of sustainable development in rural areas it states that housing should be located where it will enhance or maintain the vitality of rural communities. In respect of visitor accommodation paragraph 28 of the NPPF supports sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. It goes on to say that this should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres. This development is not considered to be appropriately located due to its isolated position, outside of a rural service centre, and no need has been demonstrated. Given the isolated location, the use of this building as a holiday let would not necessarily benefit business in rural area, as this is remote from local services such as shops, and eating establishments/public houses.

It is not therefore considered that the development can be supported in principle.

Impact on the Green Belt

Policy CP8 reflects the guidance given within the NPPF, which considers that the reuse of rural buildings can be a form of not inappropriate development. As the proposal is not considered to comply with policy ET.9, it is considered that it does represent inappropriate development within the Green Belt. However, given the modest works to the building, the openness, of the Green Belt are not considered to be harmed as a result of this proposal.

Highway safety/sustainability

The site is located on Nempnett Street, a classified country lane with a 60mph speed limit although vehicle speeds are likely to be lower due to the nature and layout of the lane. Given the sites remote location, some distance from local facilities and public transport provisions, the site is considered to be in an unsustainable location.

Further to this, Nempnett Street is narrow, unlit and has no pedestrian facilities which is likely to deter walking and cycling as alternative forms of transport. It is therefore highly probable that all journeys from the site would be reliant on the private motor car which is unacceptable highway grounds.

It is recognised by the Highway Officer that policies encouraging rural facilities may override the highways objection, but as noted above, these facilities are encourage when they are located in appropriate sustainable locations. This is not the case for the scheme put forward in this submission.

Ecology

A bat survey has been submitted with the application, There are no objections to this development on ecological grounds.

Mass Bulk and Design

The proposed extension and associated works are considered acceptable in terms of their mass and bulk however, the detailing of the fenestration would require the submission of further details to ensure they reflect the character and appearance of this rural location and comply with saved policies D2 and D4 of the Local Plan 2007.

Other issues

Drainage- No objection has been raised by the councils drainage engineer in respect of this proposal.

Public Rights of way.

The councils rights of way officer has commented that the proposed access point of the site of the proposed holiday cottage is not legally recorded as a public bridleway. The applicant has confirmed that they will take responsibility for any damage caused to the surface of the access track caused by vehicles accessing the proposed holiday cottages

and on this basis it is not considered that this matter would render the application unacceptable. .

Conclusion

No other issues have arisen as a result of this planning application but for the reasons as stated above with regards to the isolated nature of this application site, the application is recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposal, located remote from local facilities and services and unrelated to a group of buildings which is not well served by public transport, is contrary to the key aims of Policies ET9 and T.1 of the Bath & North East Somerset Local Plan (including minerals and waste policies) Adopted October 2007, and contrary to Policy 1 of the Bath and North East Somerset, Bristol, North Somerset and South Gloucestershire Joint Replacement Structure Plan, and the National Planning Policy Framework, which seek to facilitate the use of sustainable modes of transport and resist development in unsustainable locations.

PLANS LIST:

0 In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The Local Planning Authority acknowledges the approach outlined in paragraphs 188-192 in favour of front loading and operates a pre-application advice service. Notwithstanding active encouragement for pre-application dialogue the applicant did not seek to enter into correspondence with the Local Planning Authority. The proposal was considered unacceptable for the reasons given and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application, and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.

0 plan 1259-15-001 rev D

Bath & North East Somerset Council	
MEETING:	Development Management Committee
MEETING DATE:	13th January 2015
RESPONSIBLE OFFICER:	Mark Reynolds, Group Manager, Development Management (Telephone: 01225 477079)
TITLE:	NEW PLANNING APPEALS, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES
WARD:	ALL
BACKGROUND PAPERS:	None
AN OPEN PUBLIC ITEM	

AGENDA ITEM NUMBER

APPEALS LODGED

App. Ref: 15/00421/FUL
Location: 41 Englishcombe Lane Southdown Bath Bath And North East Somerset BA2 2EE
Proposal: Conversion and extension of existing double garage at the rear of the property to form new 1.5 storey residential dwelling utilising separate existing access road.
Decision: REFUSE
Decision Date: 22 April 2015
Decision Level: Delegated
Appeal Lodged: 27 November 2015

App. Ref: 15/03605/AR
Location: Unoccupied Focus Diy Superstore Old Mills Paulton Bristol
Proposal: Display of 1no. internally illuminated Fascia sign, 3no non-illuminated Fascia signs. 1no. set of 2 aluminium extrusion poster frames, 1no. double sided directional freestander and 1no. double sided totem sign.
Decision: Split decision - check file/certificate
Decision Date: 7 October 2015
Decision Level: Delegated
Appeal Lodged: 27 November 2015

App. Ref: 15/02083/ADCOU
Location: The Piggery The Green Compton Dando Bristol Bath And North East Somerset
Proposal: Prior approval request for change of use from Agricultural Building to 1no. Dwelling (C3).
Decision: REFUSE
Decision Date: 2 July 2015
Decision Level: Delegated
Appeal Lodged: 2 December 2015

App. Ref: 15/02824/FUL
Location: 18 Fairfield Park Road Fairfield Park Bath Bath And North East Somerset BA1 6JN
Proposal: Construction of Loft Conversion with rear dormer
Decision: REFUSE
Decision Date: 9 September 2015
Decision Level: Delegated
Appeal Lodged: 3 December 2015

App. Ref: 15/01607/LBA
Location: 5 Lyndhurst Terrace Walcot Bath Bath And North East Somerset BA1 5NR
Proposal: Internal works to form an opening between the two ground floor rooms.
Decision: REFUSE
Decision Date: 4 June 2015
Decision Level: Delegated
Appeal Lodged: 4 December 2015

App. Ref: 15/01513/FUL
Location: 22 Unity Road Keynsham Bristol Bath And North East Somerset BS31 1NG
Proposal: Erection of 2no. one bedroom flats on adjacent plot at 22 Unity Road.
Decision: REFUSE
Decision Date: 29 September 2015
Decision Level: Delegated
Appeal Lodged: 9 December 2015

APPEALS DECIDED

App. Ref: 14/04781/FUL
Location: 73 Thicket Mead Midsomer Norton Radstock Bath And North East Somerset BA3 2SL
Proposal: Erection of 1 no. 2 bed detached dwelling (Resubmission of 13/05565/FUL)
Decision: REFUSE
Decision Date: 10 April 2015
Decision Level: Delegated
Appeal Lodged: 1 October 2015

Appeal Decision: Dismissed on 01.12.2015

Click [here](#) to view the Appeal Decision

App. Ref: 15/01095/LBA
Location: Jolly's 7 - 14 Milsom Street City Centre Bath Bath And North East Somerset
Proposal: External alterations to facilitate fixing of 9 No. flags and flagpoles to front facade. (Retrospective)
Decision: REFUSE
Decision Date: 24 June 2015
Decision Level: Delegated
Appeal Lodged: 15 September 2015

Appeal Decision: Withdrawn on 01.12.2015

Click [here](#) to view the Appeal Decision

App. Ref: 15/01096/AR
Location: Jolly's 7 - 14 Milsom Street City Centre Bath Bath And North East Somerset
Proposal: Display of 9 No. flags each displaying the words 'Jolly's -est 1832- A House of Fraser Store'. (Regularisation)
Decision: REFUSE
Decision Date: 22 June 2015
Decision Level: Delegated
Appeal Lodged: 15 September 2015

Appeal Decision: Withdrawn on 01.12.2015

Click [here](#) to view the Appeal Decision

App. Ref: 14/05758/LBA
Location: 10 Prior Park Cottages Widcombe Bath Bath And North East Somerset BA2 4NR
Proposal: Internal alterations to include partial removal of section of internal masonry spine wall to form a new opening between sitting room and kitchen on the ground floor (regularisation).
Decision: REFUSE
Decision Date: 3 March 2015
Decision Level: Delegated
Appeal Lodged: 27 August 2015

Appeal Decision: Dismissed on 03.12.2015

Click [here](#) to view the Appeal Decision

App. Ref: 14/05193/AR
Location: Richer Sounds 4A York Place London Road Walcot Bath
Proposal: Display of 1no. internally illuminated fascia sign and 1no. non-illuminated hand painted sign.
Decision: REFUSE
Decision Date: 16 April 2015
Decision Level: Delegated
Appeal Lodged: 21 September 2015

Appeal Decision: Dismissed on 07.12.2015

Click [here](#) to view the Appeal Decision

App. Ref: 14/05194/LBA
Location: Richer Sounds 4A York Place London Road Walcot Bath
Proposal: External alterations for the display of 1no. illuminated fascia sign and 1no. non-illuminated hand painted sign.
Decision: REFUSE
Decision Date: 16 April 2015
Decision Level: Delegated
Appeal Lodged: 21 September 2015

Appeal Decision: Dismissed on 07.12.2015

Click [here](#) to view the Appeal Decision

App. Ref: 14/03989/FUL
Location: Sunnyside Whistley Lane West Harptree Bristol Bath And North East Somerset
Proposal: Proposed new vehicular access.
Decision: REFUSE
Decision Date: 18 March 2015
Decision Level: Planning Committee
Appeal Lodged: 17 August 2015

Appeal Decision: Allowed on 09.12.2015

Click [here](#) to view the Appeal Decision

App. Ref: 14/04450/FUL
Location: The Shambles Wells Road Westfield Radstock
Proposal: Demolition of existing buildings to facilitate the erection of a new residential and commercial development comprising of 3no. dwellings, 6no. flats and 2no. commercial units (A1 A2 and B1) with associated works
Decision: REFUSE
Decision Date: 18 February 2015
Decision Level: Delegated
Appeal Lodged: 26 May 2015

Appeal Decision: Dismissed on 14.12.2015

Click [here](#) to view the Appeal Decision

Click [here](#) to view the Costs Decision

App. Ref: 14/05821/LBA
Location: Claremont Villa Camden Road Beacon Hill Bath Bath And North East Somerset
Proposal: Internal and external alterations to include alterations to lower ground and ground floor and installation of flue and window to the rear elevation.
Decision: REFUSE
Decision Date: 9 March 2015
Decision Level: Delegated
Appeal Lodged: 4 June 2015

Appeal Decision: Allowed on 14.12.2015

Click [here](#) to view the Appeal Decision

App. Ref: 14/01891/FUL
Location: Norwood Dene The Avenue Claverton Down Bath Bath And North East Somerset
Proposal: Erection of 3no detached 2 storey dwellings with associated garages and hard and soft landscaping works following demolition of existing 1no storey dwelling.
Decision: REFUSE
Decision Date: 27 February 2015
Decision Level: Delegated
Appeal Lodged: 29 July 2015

Appeal Decision: Dismissed on 17.12.2015

Click [here](#) to view the Appeal Decision

App. Ref: 14/03163/FUL
Location: Milland House Rock Road Keynsham Bristol Bath And North East Somerset
Proposal: Erection of a building comprising a convenience store, office and 14 flats, following demolition of the existing office building and detached dwelling house.
Decision: REFUSE
Decision Date: 4 March 2015
Decision Level: Delegated
Appeal Lodged: 19 August 2015

Appeal Decision: Dismissed on 22.12.2015

Click [here](#) to view the Appeal Decision
