

Bath & North East Somerset Council

MEETING:	Development Management Committee	AGENDA ITEM NUMBER	
MEETING DATE:	16th December 2015		
RESPONSIBLE OFFICER:	Mark Reynolds – Group Manager (Development Management) (Telephone: 01225 477079)		
TITLE:	APPLICATIONS FOR PLANNING PERMISSION		
WARDS:	ALL		
BACKGROUND PAPERS:			
AN OPEN PUBLIC ITEM			

BACKGROUND PAPERS

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

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

The following notes are for information only:-

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

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

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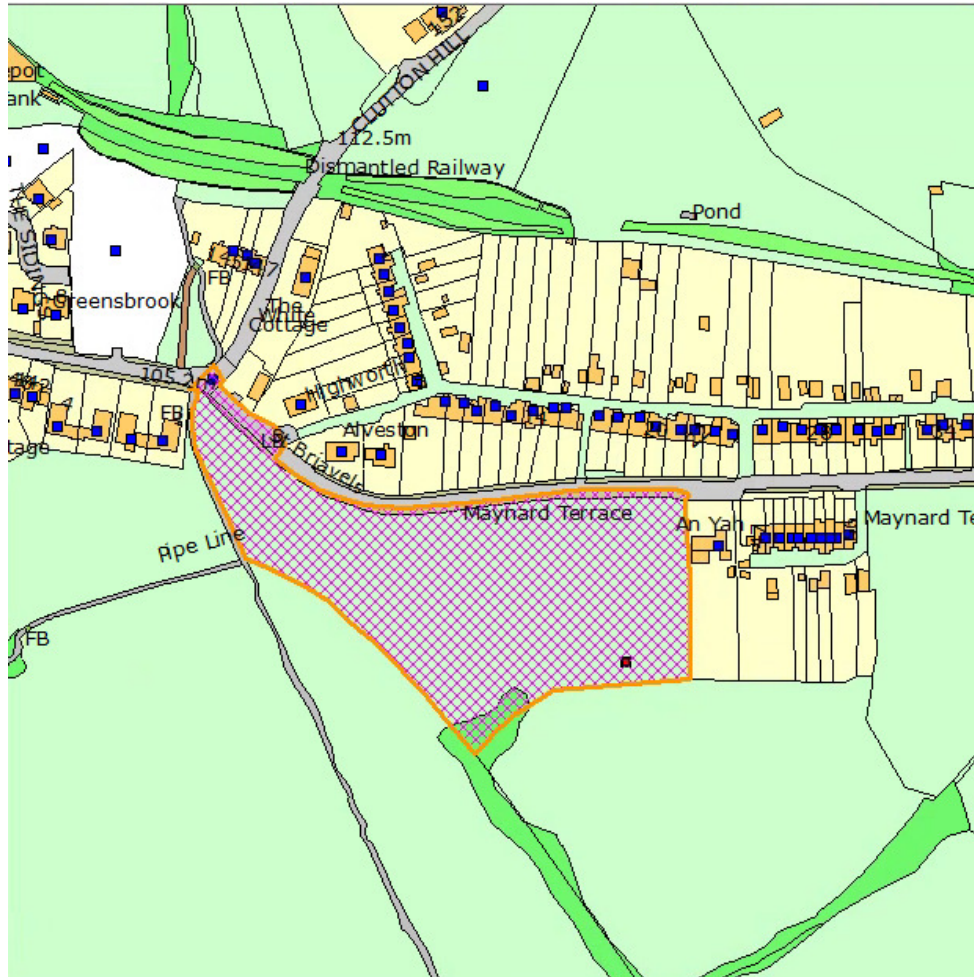
ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	15/04031/MDOBL 29 October 2015	Curo Enterprise Limited Parcel 0006, Maynard Terrace, Clutton, Bristol, Bath And North East Somerset Modification of Planning Obligation 12/01882/OUT to reduce the affordable housing provision to 33% (Erection of 36no. dwellings and associated works (revised resubmission))	Clutton	Suzanne D'Arcy	APPROVE
02	15/03406/CONSLT 18 August 2015	Barratt Homes, Bellway Homes Ltd & Whitecroft Developments Horseworld, Staunton Lane, Whitchurch, Bristol, Bath And North East Somerset 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.	Publow And Whitchurch	Rachel Tadman	Agreed
03	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

04	15/03511/EOUT 24 November 2015	IM Group (Ensleigh) Ltd Playing Field, Former Ministry Of Defence Ensleigh, Granville Road, Lansdown, Bath 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.	Lansdown	Gwilym Jones	PERMIT
05	15/03801/FUL 16 December 2015	Mr John White Land At Rear Of Unit 3 Lymore Gardens, Claude Vale, Twerton, Bath, Erection of 8no. flats	Westmoreland	Tessa Hampden	PERMIT
06	15/03650/OUT 27 October 2015	Hill Development New Kingdom Hall, Charlton Road, Keynsham, Bristol, Bath And North East Somerset 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)	Keynsham North	Alice Barnes	PERMIT
07	15/04500/FUL 18 December 2015	Mrs E Dockrill 96 Charlton Road, Keynsham, Bristol, Bath And North East Somerset, BS31 2EU Erection of 1no two bed bungalow, front porch to existing dwelling and creation of parking.	Keynsham North	Alice Barnes	REFUSE
08	15/03325/OUT 18 December 2015	Mr Mark Edwards Castle Farm Barn, Midford Road, Midford, Bath, Bath And North East Somerset Erect of an agricultural workers dwelling (Outline application with all matters reserved).	Bathavon South	Alice Barnes	PERMIT
09	15/03870/FUL 2 November 2015	Mr Pete Denmead Waterleet, Mead Lane, Saltford, Bristol, Bath And North East Somerset Installation of rooftop pavilion following removal of existing pitched roof (Resubmission).	Saltford	Rae Mepham	REFUSE
10	15/04642/LBA 8 December 2015	Mr & Mrs Martin Ward West House Farm, Back Lane, Hinton Blewett, Bristol, Bath And North East Somerset External alterations to remove 18No. existing single glazed windows, replace with painted hardwood framed double- glazed windows and install pennant stone sub-cills	Mendip	Laura Batham	REFUSE

11	15/04574/LBA 2 December 2015	Ms Wendy Mitchell 5 Hatfield Buildings, Widcombe, Bath, Bath And North East Somerset, BA2 6AF Internal and external alterations to existing extension and installation of glazed roof light.	Widcombe	Laura Batham	CONSENT
12	15/04428/FUL 27 November 2015	Mr & Mrs G & E Baio 15 Station Road, Keynsham, BS31 2BH, , 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).	Keynsham North	Chris Griggs- Trevarthen	PERMIT
13	15/04681/FUL 18 December 2015	Ms Deirdre Horstmann 17 Foxcombe Road, Newbridge, Bath, Bath And North East Somerset, BA1 3ED Installation of new white uPVC windows to replace existing timber windows.	Newbridge	Kate Whitfield	PERMIT

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

Item No: 01
Application No: 15/04031/MDOBL
Site Location: Parcel 0006 Maynard Terrace Clutton Bristol Bath And North East Somerset



Ward: Clutton **Parish:** Clutton **LB Grade:** N/A
Ward Members: Councillor Karen Warrington
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

REPORT

Reason for Reporting the Application to Committee

The previous application (reference 12/01882/OUT) was determined by the Development Control Committee and the Group Manager called this item to Committee. Furthermore, the Parish Council has objected to the proposal, which is contrary to Officer recommendation.

Description of proposal

This application seeks to modify the legal agreement, which accompanies planning permission reference 12/01882/OUT. The original application was an outline application for the erection of 36 dwellings and associated works, and was allowed on Appeal on the 11th July 2013. This application had provision for 53% affordable dwellings and a legal agreement was signed to this effect. This application seeks to reduce the level of affordable housing to 33% and modify the legal agreement accordingly.

Relevant History

11/04300/OUT - Erection of 43no. dwellings and associated works. - Withdrawn 14th December 2011

12/01882/OUT - Erection of 36no. dwellings and associated works (revised resubmission) - Refused 17th December 2012. Allowed on appeal 11th July 2013

14/00039/OUT - Outline planning application for a residential development of up to 36 dwellings and associated infrastructure. - Refused 14th April 2014

14/05692/RES - Approval of Reserved Matters (appearance, landscaping, layout and scale) with regard to outline application 12/01882/OUT for erection of 36no. dwellings and associated infrastructure. - Pending consideration

15/02435/MDOBL - Modification of Planning Obligation 12/01882/OUT to reduce the affordable housing provision to 33% (Erection of 36no. dwellings and associated works (revised resubmission)) - Refused 5th August 2015

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Clutton Parish Council: Object to the proposal, raising the following points;

- Viability figures should be specific to the developer taking the scheme forward
- Larger housebuilders cannot be compared to Curo's overheads
- Many costs still unknown
- Layout has not yet been finalised due to Coal Board objection
- Reducing the affordable housing would change the balance of harm versus benefit
- Consent was granted on the basis that it was economically viable
- Application is premature and should be resubmitted once the full costings in relation to the coal mining legacy can be assessed.

Cllr Karen Warrington (Ward Member): Requests the application be considered by Development Control Committee as it is a controversial application, outside the Housing

Development Boundary and neighbouring an undesignated heritage asset. The Inspector permitted the scheme on the basis of 53% affordable housing.

Representations: 52 letters of objection received, raising the following points;

- Original offer was 53% and the Inspector allowed the scheme on the basis of this
- Viability isn't the issue
- Lack of proper investigation is the problem
- If Curo are successful, what would stop a future developer seeking to reduce the amount further?
- Site is unsuitable for this number of houses
- New application should be submitted
- Incremental change as time has progressed
- Only benefit of the scheme was affordable housing
- How will an additional 7 houses make it viable?
- Coal Board are still objecting
- Proposed affordable housing level has been set at an amount that may be acceptable to BANES rather than fact
- Curo failed to listen to local consultations
- Outstanding issues not revealed
- Raising concerns about their ability to meet other obligations
- Will the design be cheaper to save costs?
- Many additional houses have been built since this site was granted permission
- Development will overwhelm local infrastructure
- No detail has been received in relation to viability (Officer note: This has not been made public due to the commercial sensitivity of the application)
- Level of affordable housing was a material consideration
- Unresolved issue with the junction of Maynard Terrace and Clutton Hill
- Some of the increase in costs is due to their own delays
- Who owns the land?
- Pre-commencement conditions should be met prior to any development
- Should not be compared to NRR as that is an urban development
- Original traffic survey was flawed
- No need for additional housing
- More suitable brownfield sites available
- More investment in services required
- Object to all the housing development
- Clutton Neighbourhood Plan states that more affordable homes are needed
- Anyone who wants to develop in Clutton should abide by what the villagers want
- Unlikely that the site is viable with the reduced level of affordable housing
- Resubmission is inappropriate for local housing needs
- The outline permission should also be revoked
- Ecology survey is now out of date
- Increase in disruption to villagers
- Proposed urban design is inappropriate and bears no resemblance to Maynard Terrace

2 letters of support received, raising the following points;

- This application would allow locals to have the chance of buying a house in the village
- Clutton will benefit from this development
- Would benefit people who have had to leave the village

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

DW1 - District wide spatial strategy

RA1 - Development in the villages meeting the listed criteria

CP9 - Affordable housing

CP10 - Housing mix

*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

IMP.1 - Planning obligations

Supplementary Planning Documents

Planning Obligations Supplementary Planning Document - Adopted July 2009

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

OFFICER ASSESSMENT

The applicant has applied to reduce the level of agreed affordable housing from 53% to 33% under Section 106 BA of the 1990 Town and Country Planning Act. In April 2013, Department for Communities and Local Government (DCLG) produced guidance on this process and state in paragraph 5 that the application "will only assess the viability of affordable housing requirements only. It will not reopen any other planning policy considerations or review the merits of the permitted scheme"

In November 2015, DCLG issued a letter to Local Authorities urging them to take a pragmatic and proportionate approach to such applications. Officers consider that the applicant has submitted sufficient information to assess the viability of the development and an independent assessor was appointed by the Council. The result of the independent assessment concludes that the scheme is not viable at the approved level of affordable housing. Since the determination of the appeal, the application site has been allocated through the Core Strategy process and is included with the Strategic Housing Land Availability Assessment (SHLAA) and therefore it counts towards the Council's five year supply. There is a risk that requiring the provision of a level of affordable housing above the policy requirement, that the site will not be developed. The site is included within the housing trajectory for the next five years. Members may wish to consider that the wider implications on strategic housing provisions that may arise should they be minded to refuse the application. The DCLG letter of November 2015 also warns of the implications of delays in determining such applications as detailed above.

The applicant has submitted a viability assessment and this has been independently assessed by Cushman and Wakefield. The DCLG letter advise that the minimum information required should be sought to assess viability, for example comparing the cost with the position immediately before the recent Budget and the current position. The assessors agree with the assumptions of the applicant that it would be unviable to provide 53% affordable housing. The proposed reduction in affordable housing is above the level required under Policy CP9, which is 30% for this area, and as such, it is considered acceptable.

The previous application (ref: 12/01882/OUT) was allowed on appeal and when it was submitted, the applicants stated that there would be 53% affordable housing provision on the site. The application was considered to be unacceptable by the Local Planning Authority and was refused by the Development Control Committee in December 2012. The Public Inquiry was held during June 2013 and the appeal allowed in July 2013. At the time of the appeal, the Council's Core Strategy was at examination stage and it was agreed by the parties (the LPA, the applicant and the two Rule 6 parties, Clutton Parish Council and Campaign for the Protection of Rural Clutton) that the Council could not demonstrate a five year land supply, as such this invoked Paragraph 14 of the NPPF. The Inspector then had to consider whether the adverse impacts of the scheme significantly and demonstrably outweigh the benefits.

In her decision, the Inspector gives considerable weight to the acknowledged need for housing, both affordable and open-market and she notes that even 36 dwellings will be beneficial in terms of redressing the shortfall. She restates this in her conclusion (paragraph 34 of the decision). Whilst she gives weight to the provision of affordable housing, she does not, any point in the decision, state that provision above the threshold (35% at the time of the appeal) is the determining factor. Rather it appears that it is the lack of a demonstrable five year housing land supply, and the contribution of the development towards this figure was the determining factor.

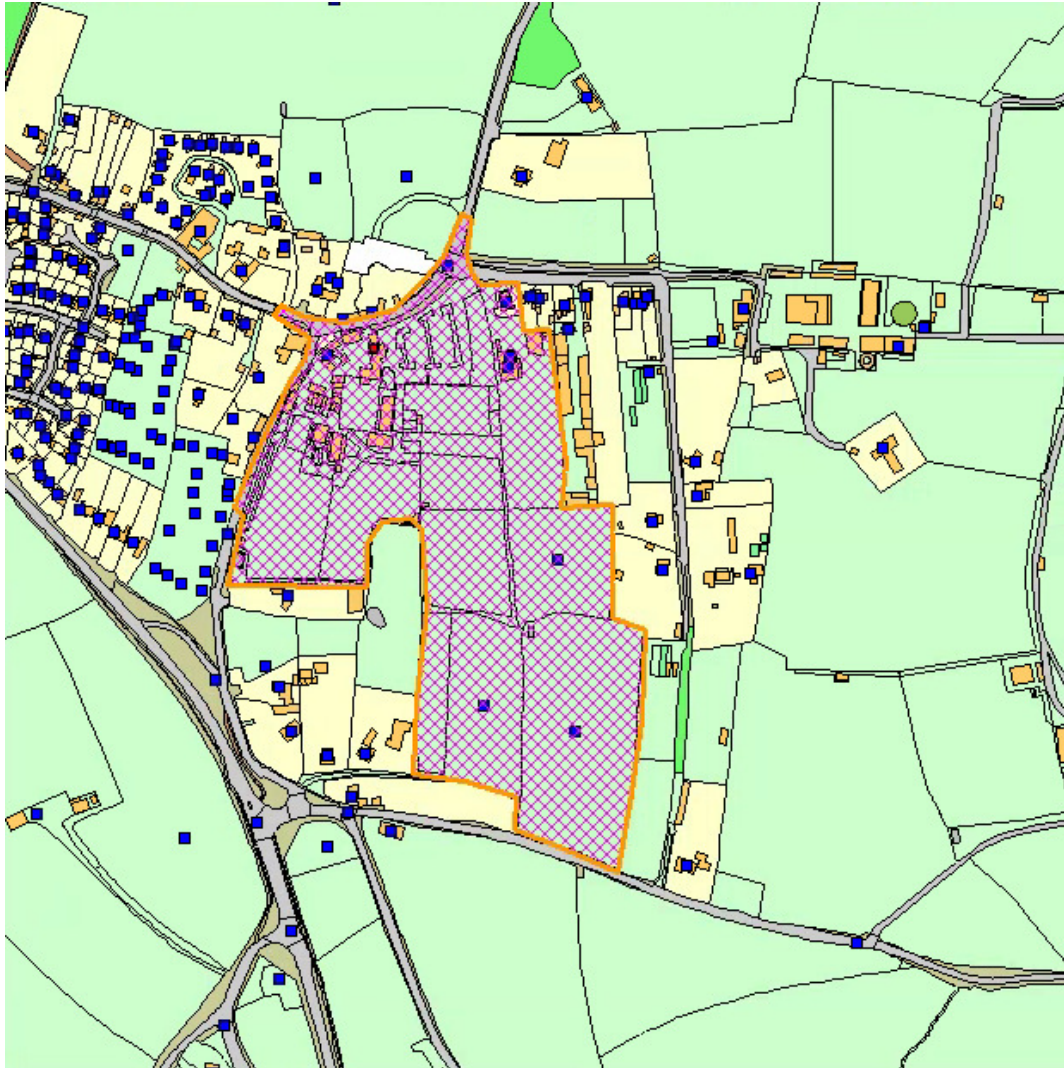
RECOMMENDATION

APPROVE

CONDITIONS

1 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.

Item No: 02
Application No: 15/03406/CONSLT
Site Location: Horseworld Staunton Lane Whitchurch Bristol Bath And North East Somerset



Ward: Publow And Whitchurch

Parish: Whitchurch

LB Grade: II

Ward Members: Councillor Paul May

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

RECOMMENDATION

That Members of the Development Management Committee agree the submitted Masterplan.

SITE DESCRIPTION

The Site is approx 7.65 ha in size and located to the South East of Whitchurch and is bound by existing residential development as well as Queen Charlton Lane, Staunton Lane and Sleep Lane. The site includes land associated with the former HorseWorld visitor centre together with adjacent land to the East and South East. At the North Western extent of the site are the historic buildings of Staunton Manor Farm, a Grade II listed building, along with various farm outbuildings. The site also includes an area of industrial units off Staunton Lane at the North Eastern extent of the site.

The site is generally open with relatively few trees but does have a number of hedgerows running across the site. Public Footpath BA26/9 runs through the site from Staunton Lane in a southerly direction and then branches off to the East.

THE MASTERPLAN:

The proposal forms the submission of a concept Masterplan for the residential development of the former Horseworld site, Staunton Lane, Whitchurch but described under Policy RA5 of the Core Strategy as Land at Whitchurch.

As explained above, the Masterplan area includes the former HorseWorld visitor centre and surrounding fields and agricultural buildings. The site also includes the industrial units at the North East. The Masterplan proposal would result in the demolition of a number of modern buildings including part of the former visitor centre and agricultural buildings.

The Masterplan proposal would include the provision of an early years education facility, around 200 dwellings with 40% affordable housing accessed by three new vehicular access points, off Staunton Lane (to replace the existing), Queen Charlton Lane and Sleep lane.

Cycle and pedestrian connections are also proposed from these access points as well as existing public right of way BA26/9.

The development will include open space, landscaping and drainage attenuation and will require minimal hedgerow and tree loss to facilitate vehicular, pedestrian and cycle connectivity.

Members should be aware that the Masterplan is a high level document that aims to consider the principles of the development primarily against Policy RA5 of the Core Strategy but also against the other relevant policies within the Local Plan and Core Strategy. It is to be used as a basis upon which the detailed applications for planning permission can be brought forward and would have limited weight in the consideration of those applications which would be considered on their merits.

RELEVANT HISTORY

DC - 13/02121/LBA - Refuse - 12 December 2013 - Conversion of curtilage listed buildings to residential including selective demolition, extensions, internal and external works

DC - 13/02164/OUT - Refuse - 12 December 2013 - Hybrid planning application for enabling residential development of up to 125 dwellings and associated demolition, highways infrastructure and landscaping works:

The outline component comprises up to 118 dwellings including associated demolition, highways infrastructure and landscaping works; and the detailed component comprises the redevelopment of 6 curtilage listed dwellings including associated demolition, highways infrastructure and landscaping works adjacent to the Grade II Listed Staunton Manor Farmhouse.

DECISION MAKING FRAMEWORK

In preparing this report, due consideration has been given to the following Policies, Guidance and Legislation:

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

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

The following policies of the Core Strategy are relevant:

- Policy DW1 - District Wide Spatial Strategy
- Policy SD1 - Sustainable Development
- Policy RA5 – Land at Whitchurch Strategic Site Allocation
- Policy CP2 - Sustainable Construction
- Policy CP3 - Renewable Energy
- Policy CP6 - Environmental Quality
- Policy CP7 - Green Infrastructure
- Policy CP9 - Affordable Housing
- Policy CP10 - Housing Mix
- Policy CP13 - Infrastructure Provision

The following saved policies of the Bath and North East Local Plan, including minerals and waste policies, adopted October 2007 are also relevant:

- Policy SC.1: Settlement classification
- Policy SR.3: Provision of recreational facilities to meet the needs of new development
- Policy CF.3 Contributions from new development to community facilities

- Policy IMP.1 Planning Obligations
- Policy D.2: General design and public realm considerations
- Policy D.4: Townscape considerations
- Policy BH.2: Development affecting a listed building
- Policy NE.4: Trees and woodlands
- Policy NE.10: Impact on Protected Species
- Policy NE.12: Impact on Natural Features
- Policy T.1: General Transport Policy
- Policy T.24: General development control and access policy

SUPPLEMENTARY PLANNING GUIDANCE

- Planning Obligations SPD
- Sustainable Construction & Retrofitting SPD
- Bath & North East Somerset Council Green Space Strategy adopted March 2007
- Bath & North East Somerset Council Green Infrastructure Strategy adopted March 2013

LEGAL FRAMEWORK

- Town and Country Planning Act 1990 (as amended)
- Planning (Listed Buildings and Conservation Areas) Act 1990

NATIONAL PLANNING POLICY FRAMEWORK, 2012

Full consideration has been given to the provisions and guidance set out in the NPPF particularly in respect of the provision of housing.

NATIONAL PLANNING PRACTICE GUIDANCE, 2015

Full consideration has been given to the guidance set out in the NPPG.

CONSULTATIONS AND REPRESENTATIONS:

Planning Policy: No objections in principle

Highway Layout: The North-South through access has the potential to remove pressure from the narrow section of Sleep Lane, and would mean that in future there would be the potential for a bus route through the development. It would increase the permeability of the layout which is positive in urban design terms.

Green Infrastructure (GI) Corridor: The refocussing of the GI corridor to the north/south route around the existing north/south hedgerow is supported and addresses previous concerns. The scheme now complies with the policy requirements in terms of the quantum of green space and the requirement for a north-south corridor.

The new east/west GI route from the farm complex to the main north/west GI route is supported in GI terms as it presents a better linkage between the green spaces and it better connects the Bellway and the Whitecroft scheme.

The inclusion of an updated Green Infrastructure plan and the provision of the sections for the main GI spine is helpful.

Connectivity: The additional access into the southern part of the farm complex is supported as it improves north/south connectivity for pedestrians within the development and addresses previous objections.

The provision of safe walking routes to connect the site into the village is a key element of the scheme – the issues with providing a route along Sleep Lane (inadequate dimensions, loss of hedgerow etc.) and the limited additional distance that it would be to walk within the new development along a similar desire line are noted. There is a lack of detail around the pedestrian crossing points shown at the mini-roundabouts.

Illustrative material: There is a lack of detail in relation the build elements of the scheme (e.g. some of the key streets).

Outstanding Concerns –

- There is still no SUDs Proof of Concept so the Masterplan cannot demonstrate that the proposed SUD elements are adequate or functional at a high level
- There is still no information about indicative built form and density, this should be provided as part of a Masterplan submission – illustrative sections of some key streets would achieve this
- Lack of information about car parking strategy at a high level

Highways Development Officer:

Number of Access Points - three points of vehicular access are proposed, including a junction with Queen Charlton Lane to service development in the southern part of the site. This is accepted.

North-South Access Road - the north-south vehicle route formerly proposed through the site is now shown as broken to deter its use as a potential 'rat-run'. This is welcomed and will serve to address concerns raised by Queen Charlton residents about the potential for introducing extraneous traffic through the village.

The location and 'treatment' of the break is of concern however it is accepted that these are points of detail which can be addressed at detailed design stage.

Staunton Lane Junction/Alterations - The location of the proposed junction on Staunton Lane is accepted. The principle of using a priority junction type as noted in the Masterplan is not unacceptable, subject to all relevant layout and visibility standards being met and modelling analyses confirming satisfactory operation. The consideration of a mini-roundabout should however remain an option, with refuge islands on one or both of the Staunton Lane arms to assist pedestrians and would provide improvements for both right turners and pedestrians.

The existing footway along the north side of Staunton Lane between Sleep Lane and the proposed new access is narrow and substandard, with two particular 'pinch-points' at the

corners of the long building abutting it directly. The works to Staunton will need to include width improvements along this length because the development can be expected to significantly increase footfall along this length of footway, as all the proposed pedestrian routes towards Staunton Lane are directed to a new crossing point close to the new junction, which is east of the said building where these particular footway 'pinch-points' exist.

Sleep Lane Junction - the principle of a mini-roundabout here is accepted. However, an associated introduction of a 30mph limit or lower (Ref: TD 54/07 'Design of Mini-Roundabouts'- paragraph 2.1) is required along additional physical traffic management measures along Sleep lane in order to 'ensure' that speeds are reduced to an acceptable level for this type of junction.

Sleep Lane: Extension of Pedestrian Route – whilst there was never a suggestion by Highways that an extended pedestrian route along this part of Sleep Lane should serve to further reduce the existing carriageway width, which is already substandard, there was an aim to try to incorporate a route as close as possible to the Sleep Lane alignment, so more correctly a footpath linkage rather than a footway. The need to avoid removing the established hedgerow is also accepted.

The Masterplan shows the continuation of the route, firstly accommodated by the footway on the west side of the internal access road running north from the proposed Sleep Lane junction. Thereafter, there are two linkages created through the courtyard area associated with the former farm buildings, both directing pedestrians to the east and towards the proposed crossing near the new Staunton Lane access.

The part-use of the access road is accepted, however, in considering the routes through the courtyard, there would seem to be an opportunity to extend the route more directly northwards by utilising the gap between the two buildings fronting Staunton Lane. This would direct pedestrians to a potential crossing point just east of the existing Sleep Lane mini-roundabout, where the gated alleyway emerges now. It needs to be understood why such a means of extending the northbound route on what might be considered more of a desire line for people walking to/from the village centre has been dismissed and excluded.

Queen Charlton Lane Junction and Treatment - The principle of vehicular access is accepted, and is now essential to service the dwellings in the southern part of the site. The proposed concept of the access and ancillary traffic calming measures, including the 'virtual pavement', is acceptable.

However, I would re-iterate the point about the existing access track running east-west from the Sleep Lane/Woollard Lane junction to the corner of the site just south of the proposed LEAP. It does seem to me that this would offer a safer and potentially more convenient pedestrian route between the south part of the site and the bus stops on the A37 than walking along the carriageway in Queen Charlton Lane. In other words, it would be preferable to remove any need for pedestrians to walk along this section if avoidable. It would thus be helpful if the applicant could investigate and comment as to practicality.

Internal Highway Layout - The general arrangement of the main access roads serving the proposed housing layout is acceptable in principle.

Parking Requirements - Driveway or parking provision has not been confirmed but will in any case need to comply with the current B&NES parking standards. There will also need to be allowance made in the highway layout for visitor parking.

Transport Assessment - It is noted that the CMDP document (Placemaking Principle &) refers to a Transport Assessment being submitted with any subsequent application(s). This should cover the full development of the site, movement patterns associated with the existing rat-running traffic using Sleep Lane is provided and the assessment of off-site junctions in capacity terms.

Conservation Officer: Not acceptable in its current form.

The importance of conserving the settings of the adjacent heritage assets at Staunton Manor Farm is not clearly recognised in the Masterplan which is unacceptable.

Landscape: Not acceptable in its current form.

The Masterplan has gone a significant way to resolving concerns over the earlier iterations however there are still a number of unresolved concerns as follows:

1 The revised Masterplan gives flexibility to redesign the layout to provide a more satisfactory interface with the Sleep Lane hedge by houses fronting the hedge and open space.

2 The north south link pedestrian route needs to be an integral part of the GI and not tagged on along the roads. This particularly is a concern at the southern end where it completely leaves the GI corridor and needs to continue along the existing hedges to the proposed Queen Charlton Lane access.

3 The additional pedestrian route through the farm complex is welcomed however the farm buildings still appear to be designed to be separate from the rest of the Masterplan site.

Urban Design Officer: Not acceptable in its current format.

Amount and Use - In principle the amount and mix of housing accords with CS requirements (subject to detailed applications).

Layout - the layout is much improved in relation to the legibility and continuity of the GI spine running through the site (and ownerships).

The detailed arrangement for connecting the spine at Queen Charlton Lane needs resolution. At present it risks being obscured and squeezed within the southern development blocks.

Sleep Lane remains as a landscape boundary needing further consideration. The legibility and emerging definition of streets and spaces is improved.

Access and Movement - Improvements to legible routes are acknowledged and welcomed. Clarification of GI routes and detailed design of frontages and streets will need to deliver the intended quality.

The lack of pedestrian footway along Sleep Lane remains disappointing. Sleep Lane is recognised as an unsatisfactory environment for pedestrians and cyclists and it seems reasonable that transport interventions should be made to meaningfully improve safety for sustainable transport within the urban road network.

The improvement of footways and zebra crossing at Staunton Lane are welcomed.

The introduction of pedestrian links into and through Staunton Manor is welcomed. It is unfortunate that (for safety reasons) pedestrian access onto Sleep Lane is not offered.

Form and Appearance Supporting material describes traditionally designed 2 and 2.5 storey housing. The latest master plan appears not to specify where greater height would be proposed.

Ecology: Not acceptable in its current form.

Written confirmation has been received that wording on the Green Infrastructure Plan can be revised to state that the necessary measures “will” be, and not “would” be, in place, thus providing a commitment to providing dark corridors and avoiding excessive light spill onto habitats and boundary vegetation.

Subject to the above revisions to the text of the Green Infrastructure Plan, there are no objections to the proposed Masterplan on ecological grounds.

Arboricultural Officer: No objections

Archaeology: No objections.

Given the results of the previously submitted desk-based assessment (CGMS, May 2013) and geophysical survey (Stratascan, July 2013) of Horseworld site, I am content that any further archaeological evaluation/mitigation in this part of the site could be dealt by way of planning conditions.

Parks and Open Spaces: No objections.

Public Rights of Way Team: The definitive line of public footpath BA26/9 is now incorporated into the overall Masterplan. The PROW objection is withdrawn.

Affordable Housing: No objections.

Flooding and Drainage: No objections - The developer is proposing to deal with surface water in an effective manner which is largely compliant with our emerging SuDS Standards.

Education Services: The following comments are provided:

Early Years: An Early Years Facility is shown although the need for an on-site Early Years facility will continue to be kept under review.

Primary School: There is a requirement for a capital contribution for the expansion of the school buildings at Whitchurch Primary school (off site). Based on the information submitted this would be in the region of £791,000.

There is also a requirement for a capital contribution to cover all costs associated with the purchase and provision of additional adjacent land to expand the existing school site. This will be confirmed at application stage.

A pro rata allocation of both of the above capital contributions to be allotted to each developer, based on the number of children generated by each development within the Masterplan area. The number of children generated will be determined by the number and type and size (number of bedrooms) of dwellings being delivered.

General: Footpath and cycle links to Whitchurch Primary school – these should be good, safe routes with approved crossing points and continuous pavements.

Contaminated Land: No objections subject to conditions at application stage.

Whitchurch Parish Council: The Parish Council makes the following comments:

1. The Masterplan is very light on detail and does not give much information other than the three access points to the site. The Parish Council welcomes the three access points, as it will disperse the traffic three ways from the site.
2. The Masterplan does not demonstrate how the site is well integrated with the existing village, how it encourages walking and cycling, or how it provides links to South Bristol, as set out in the Core Strategy document.
3. Construction vehicles traffic & parking - a comprehensive joint Construction Management Plan needs to be drawn up.
4. Affordable housing - there is no detail regarding this, Policy CP10 should be adhered to. We agree with the Core Strategy CP9 40% affordable housing on this site, which should be for local people, affordable, adaptable, safe & sustainable as per B&NES SPD 2015. The recent Neighbourhood Plan survey indicates people would like to see mostly 2/3 bedroom dwellings built.
5. Parking facilities – there should be sufficient parking facilities on the site for residents and visitors, as there is no capacity on local roads in the vicinity for any additional parking.
6. Safe walking and cycling routes - A new pedestrian crossing needs to be installed in Staunton Lane and safe pedestrian routes are required to encourage residents to walk and cycle around the village, including safe road crossings, wider footpaths, and slowing traffic on all local roads. Safe routes and crossings at the opposite end of the site, to enable people to access the Play Park, allotments, cycle network and sports facilities in Norton Lane.
7. Local road network - the road network needs to be updated to cope with the additional traffic from the development, including Sleep Lane, Staunton Lane, Woollard Lane & A37 junction.

- The developers need to demonstrate how they will mitigate the impact the increase in traffic from the development will have on the surrounding highway network.
 - Sanctions need to be implemented to reduce speed, provide safe walking/cycling routes.
 - Sleep Lane already becomes congested at peak times, traffic is too fast and new residents' complaints have already received.
 - Woollard Lane, problems with access to A37, traffic travelling too fast past Whitchurch Cemetery from Keynsham.
 - The new developments in Keynsham will also add to a significant increase in the volume of traffic along this road to the A37.
 - Staunton & Stockwood Lane will see an increase in traffic, concerns re Staunton Lane entrance the footpath is too narrow and speed of traffic along Staunton/Stockwood Lane needs to be addressed.
8. Education - there are proposals to increase capacity in Whitchurch Primary School, this will bring an increase in parking problems in the village surrounding the school. Safe routes to encourage walking to school need to be implemented.
 9. Community facilities - medical facilities should be provided for 500+ residents of the new development and the existing 1050 population of Whitchurch Village who at present do not have any supplied by B&NES and are forced to use the facilities provided by Bristol.
 10. Walking or cycling to the nearest doctor's surgery and shops in Stockwood is hazardous, due to the speed and volume of traffic and very narrow footpath.
 11. Public Transport - funds are required to increase the frequency of the bus services on the A37, as buses are quite often full at peak times so do not stop. Local bus services, such as the 637 should be diverted through the site to encourage usage.

Further comments received on the revised submission:

1. The Parish Council do not agree with the access point of the bottom section of the Masterplan being changed to Emergency Access only. This will segregate and isolate the Barratt development part of the site, it will prevent a bus passing through the site, which was previously talked about, and will cause more traffic problems on the surrounding roads.
2. It will also result in occupiers of the southern side of the site having to travel along Queen Charlton Lane, Sleep Lane in order to go North. Less traffic issues would be caused if occupiers could drive straight through the new site onto Staunton/Stockwood Lane.
3. There are concerns re the virtual pedestrian walk way along Queen Charlton Lane, where there are no footpaths and will see an increase in vehicle movements due to the above.

Compton Dando Parish Council: The Parish Council objects to the Master Plan for the following reason:

1. The new access being made on to Queen Charlton Lane is unacceptable. The impact on the Green Belt could be limited by retaining the present access points for Queen Charlton Lane as recommended by the Inspector. Queen Charlton Village has conservation status, and Queen Charlton Lane is narrow lane with blind bends

and zones of restricted passing making it unsuitable for any substantial volume of traffic.

2. Traffic measures as mitigation are mentioned but no details are given. Any junction will bring urbanisation both visually and physically closer to Queen Charlton and into the Greenbelt and countryside.
3. The Inspector for the Core Strategy noted that it was undesirable to make any new access point for traffic onto Queen Charlton Lane and there seems no reason why his recommendation has not been adopted.
4. The exit from Queen Charlton Lane onto Charlton Road has reasonable width however the road beyond that and through Queen Charlton is quite unsuitable for any increase in traffic. The same goes for the extension to Queen Charlton Lane via Redlynch Lane through Chewton Keynsham. Under the present plans, an access into Queen Charlton Lane will immediately cause a dangerous increase in traffic along these minor roads and through the villages.
5. Rat-running is already experienced through the villages of Queen Charlton, Chewton Keynsham and Compton Dando, and also to a lesser extent (at the moment) Woollard and Burnett. It is inevitable that the proposed development will materially increase the opportunity for Rat-Running from South Bristol, Whitchurch and Stockwood, compounded with the housing developments at South Keynsham.
6. Notwithstanding the above concerns, the access to Queen Charlton Lane should be 'right turn only' out of the site and 'no right turn' into the new residential site from the Queen Charlton village direction.
7. Furthermore, in order to minimise the potential for rat-running, a lifting bollard system for emergency vehicles only should be included at the point where the different developers' access joins together in the centre of the site.
8. A further suggested alternative is to close the Queen Charlton road at the point of the new entrance, with access only to bicycles, pedestrians and horses.

OTHER REPRESENTATIONS / THIRD PARTIES

As the Masterplan is not an application for planning permission there is no formal consultation process to be followed and therefore local residents have not been consulted. Notwithstanding this we have received 40 letters of objection, which includes a letter from Whitchurch Village Neighbourhood Plan Group, making the following points:

1. Affordable housing – no mix is indicated
2. No off site proposals for highway infrastructure is included
3. Extension to Whitchurch School should be secured before development commences.
4. The site has been known to flood and the attenuation pond should therefore be in place before approval.
5. The design should include permeable surfaces.
6. Ecology should be covered at this stage.
7. The Queen Charlton Lane vehicle access is unacceptable and would create a 'rat run' through Queen Charlton village which would have a harmful impact on highway safety with particular to regard to pedestrians and horses using Queen Charlton Lane. It is also contrary to the Core Strategy Inspectors views.
8. The Queen Charlton Lane access, by creating a 'rat run' through Queen Charlton Village will have an adverse impact on its character.
9. Harmful impact on highway safety generally on the surrounding roads

10. Increased congestion on Sleep Lane and the wider Whitchurch area as a result of the development
11. Lack of school places at Whitchurch School

One letter of support has been received welcoming the submission of the Masterplan with its inclusion of an early year's facility.

OFFICER ASSESSMENT

Policy background for the Proposed Masterplan:

The site is allocated under Policy RA5 of the Core Strategy as a strategic site allocation for residential led development and which seeks the provision of around 200 dwellings in the plan period.

Policy RA5 includes a concept diagram and a comprehensive list of key Placemaking Principles that need to be met in order for the development of the site to be considered acceptable. Crucially Policy RA5 requires the preparation of a comprehensive Masterplan, through public consultation, and agreed by the Council, ensuring that the development is well integrated with neighbouring areas and reflects best practice in urban design.

The Masterplan is being brought forward by the three main landowners, Barratt Homes, Bellway Homes and Whitecroft Developments, although the site also includes the industrial units off Staunton Lane, on the North East of the Masterplan area, that is owned by a third party. Although the owners of this site do not form parties to the submission of the Masterplan, it nevertheless includes this land, with an indicative access, in order to ensure that the Masterplan is comprehensive and complies with Policy RA5, and the concept Plan, of the Core Strategy.

A Statement of Community Involvement has been submitted which has acceptably demonstrated that a public consultation process has been carried out and that the resulting Masterplan has been designed to reflect the responses received.

Design and Layout

The Masterplan proposes that the site is laid out in a number of clusters in order that the existing GI is, as far as possible, retained.

Overall the design and layout of the development has been improved, in particular in relation to the legibility, access and continuity of the GI spine running north south through the site.

The introduction of pedestrian links into and through the Staunton Manor Farm area of the development is welcomed and is an improvement on the permeability of this area of the site.

The Masterplan includes a site for the provision of an Early Years facility which is in accordance with Policy RA5 of the Core Strategy.

Throughout the consideration of the proposed Masterplan the lack of a pedestrian footway along Sleep Lane, either on the Lane itself or within the boundary of the site has always been raised as a concern. In some respects it is disappointing that the final Masterplan has failed to address this point however it is acknowledged that the same layout in relation to Sleep Lane was accepted by Officers in the previous planning application ref: 13/02164/OUT. In light of the overall improvements that have been made to the layout and design of the site it is considered that the lack of pedestrian facilities along Sleep Lane is not sufficient to make the scheme unacceptable.

The proposed building heights of 2 - 2.5 storeys is considered acceptable and whilst there is very limited information regarding indicative built form and density, which should ideally be provided, its absence is not considered to make the overall Masterplan unacceptable.

When judged against the placemaking principles within Policy RA5, whilst there are still areas of the development that could benefit from improvement, overall the proposed Masterplan is considered to be acceptable and forms a satisfactory basis upon which the detailed design and development of the site can go forward.

Landscape and Green Infrastructure

On the whole the revisions to the Masterplan have improved the level and quality of the GI significantly and many initial concerns have been overcome.

The Masterplan incorporates a number of GI features throughout the site achieved both through the retention and improvement of existing hedgerows, ponds and trees but also the introduction of a new green corridor leading from Staunton Manor Farm to the north-south GI corridor.

The GI corridor running north-south has, in the main, been widened to ensure that the existing hedgerow now forms a feature of the development and represents an area of good quality public realm. The provision of pedestrian routes following this corridor also adds to this quality.

However the space given to the GI corridor towards the southern end of the site loses some of its quality although pedestrian access remains shown until close to its southernmost point at which point pedestrians would be redirected onto the estate roads. This is an outstanding concern but, given the overall level of improvements made to the Masterplan, and the overall level of GI now provided, it is not considered to be significant.

The attenuation pond located adjacent to the Sleep Lane junction is proposed to both incorporate an existing pond alongside and form an area of native wetland marginal planting which is welcomed.

The final area of outstanding concern surrounds the fact that the hedgerow along Sleep Lane is bound by the back of houses and their gardens. As explained above, this is an outstanding issue that is not considered to be so significant as to make the overall scheme unacceptable.

The concerns raised about the accuracy of some of the plans by the Landscape Officer have now been addressed.

Therefore, whilst there are still some outstanding concerns, overall it is considered that the landscape approach to the site and the GI is much improved and is, on the whole, considered to be acceptable.

Impact on Heritage Assets

Staunton Manor Farm and its surrounding farm buildings form the main heritage assets both within and surrounding the site. Staunton Manor Farmhouse is Grade II listed.

Whilst there is limited detail on the development of this area of the site it is understood that all historic buildings will be retained and converted into dwellings with all modern buildings being removed. Parking is to be provided close to the Staunton Lane junction.

The outstanding concerns of the Conservation Officer in relation to the importance of conserving the settings of the adjacent heritage assets at Staunton Manor Farm and the importance of using sensitive design and landscape treatment for the vehicle entrance to the Staunton Manor farm development have now been addressed within the Masterplan.

He is also concerned that. Any suburbanising effect must be avoided.

Arboriculture

The Masterplan has been revised to improve the relationship of the development with the most important trees and landscape features and the proposed layout is considered acceptable with respect to the impact on trees and hedgerows.

Ecology:

The improvements to the layout and the GI are also supported in relation to ecology and further ecological information has now been provided and shown to have been used to underpin the Masterplan.

The central green infrastructure and wildlife corridor has been strengthened, with a reduction in the number of breaks, and increased width which has significantly increased its potential for maximising ecological value and for providing a resource of benefit both to wildlife and residents.

Finally sufficient detail has been provided with regard to avoidance of light spill onto wildlife habitats, and provision of “dark corridors” along habitats suitable for use by bats, to also connect to the farm complex, which supports roosts for pipistrelle and brown long eared bats in a number of buildings.

The wording within the Masterplan has been amended to address the final concerns of the Ecologist and therefore, from an ecological point of view, the proposed Masterplan is considered to be acceptable.

Parks and Open Spaces

The Masterplan includes a number of areas of formal open space with the main area being located within the south westernmost area of the site and includes a Local Equipped Area of Play (LEAP) and allotments. The location of this open space provides linkages to the wider site using both pavements within the development and also other GI linkages.

On-site play provision is considered to be acceptable and the provision and location of on-site allotments at the southern point of the site is supported and will satisfy demand generated from the development.

An attenuation pond is to be located within the south western corner of the site, adjacent to the Sleep Lane junction, which will incorporate natural wetland planting is considered to be acceptable.

The north-south corridor has been widened and now has a minimum width of 15m along its full length. This is the minimum width acceptable for formal green space meeting the local standards in the Green Space Strategy 2007 and would provide an effective multi-functional greenspace for use by residents.

On the whole the open spaces have the potential for good surveillance and are integrated well into the overall development. Overall the area comprises approximately 8500m² which, overall, is acceptable and forms a positive feature of the development.

Affordable Housing

Policy RA5 of the Core Strategy expects that the overall site will provide 40% affordable housing. As the site includes the redevelopment of the historic former Horseworld buildings, which is in the ownership of Whitecroft Developments, it is not expected that this element will make an affordable housing provision on site. However it is expected that this shortfall will be accommodated on the remaining parts of the Masterplan area.

The Masterplan appears to support this approach but does not confirm explicitly. However as the Masterplan includes a commitment to provide 40% affordable housing it is considered acceptable at this stage.

Highways, Access and Circulation

The proposed Masterplan shows three points of vehicular access to the Masterplan site, including a junction with Queen Charlton Lane to service development in the southern part of the site.

Staunton Lane junction: This access is located in the general vicinity of the existing access to the Horseworld site. It is proposed to be laid out as a priority junction type with pedestrian crossing which is considered to be acceptable. Whilst the Highways Development Officer is of the view that a roundabout would be preferable this is something that can be agreed at detailed design level.

Sleep Lane junction: A new access is proposed off Sleep Lane which is proposed to be laid out as a roundabout, again with a pedestrian crossing. Whilst this is considered to be acceptable the Highways Development Officer is clear that this should be brought forward in conjunction with the introduction of a reduced speed limit of 30mph or lower.

Sleep Lane pedestrian route: The Highways Development Officer has also raised concerns regarding the lack of a pedestrian route along Sleep Lane. Whilst he acknowledges that a route along the lane itself was never going to be achievable, and accepts the on-road route proposed, he is nevertheless disappointed that the proposed route directs pedestrians towards the Staunton Lane access rather than a crossing point just east of the Sleep Lane mini-roundabout.

Queen Charlton Lane access: The proposed Masterplan includes a new vehicular access off Queen Charlton Lane primarily giving access to the Barratts land to the south of the site. The inclusion of this access has raised significant concerns from local residents and Compton Parish Council who are concerned about a corresponding increase in traffic through Queen Charlton village which would be harmful to highway safety. Whitchurch Parish Council, however, welcome the provision of the access in this location as it would aid the dispersal of traffic.

Whilst the provision of a vehicular access onto Queen Charlton Lane is not included on the Concept Diagram of Policy RA5 of the Core Strategy and many representations received have commented that the provision of such an access goes against the advice of the Core Strategy Inspector, however in his final comments, the Inspector states that:

‘Protection of the rural character of Queen Charlton Lane weighs in favour of not identifying in the policy a vehicular access here, although the policy need not specifically exclude it.’

In light of this the proposed access can be considered on its merits.

Initially the Masterplan showed that cars pass freely through the site, entering at Queen Charlton Lane and exiting at either Sleep Lane or Staunton Lane. This raised concerns by the Highways Development Officer and some residents that the site could be used as a ‘short cut’ to miss Whitchurch village. In order to remove this possibility the Masterplan has been amended to sever the north –south vehicular links within the development.

This immediately limits the number of vehicles that would need use of the Queen Charlton Lane access and also reduces the attractiveness of cutting through Queen Charlton village to both access the Horseworld development and/or use the site as a short cut to miss Whitchurch Village.

The Queen Charlton Lane access will also form part of a range of measures to calm traffic in this area with the provision of a ‘virtual footway’ within the carriageway. The access itself along with these measures would not only further reduce the attractiveness of using Queen Charlton Lane as a rat run but also provide additional pedestrian and cycle links to the wider area.

Whilst the Core Strategy Inspector did not include this access into Policy RA5 he did nevertheless acknowledge that there would be benefits to its provision as it would speed up the deliverability of the southern part of the site by allowing independent access. This is considered to weigh heavily in support of the access.

There is a lack of information about car parking strategy at a high level however this is not considered to be a significant concern at this stage.

Although there are some outstanding concerns particularly in relation to the pedestrian route along Sleep Lane, the proposal is otherwise considered to be acceptable. It is disappointing that the pedestrian route does not exit onto Sleep Lane at its northern point however this issue is not considered to be so significant as to outweigh the overall acceptability of the scheme in highway terms.

Flooding and Drainage

The Masterplan proposes to use a drainage system based on SuDS principles incorporating the use of an attenuation pond. The outline principles for the master planned site (Whitecroft site, Bellway Homes, Transport Yard and Barratt Homes) include:

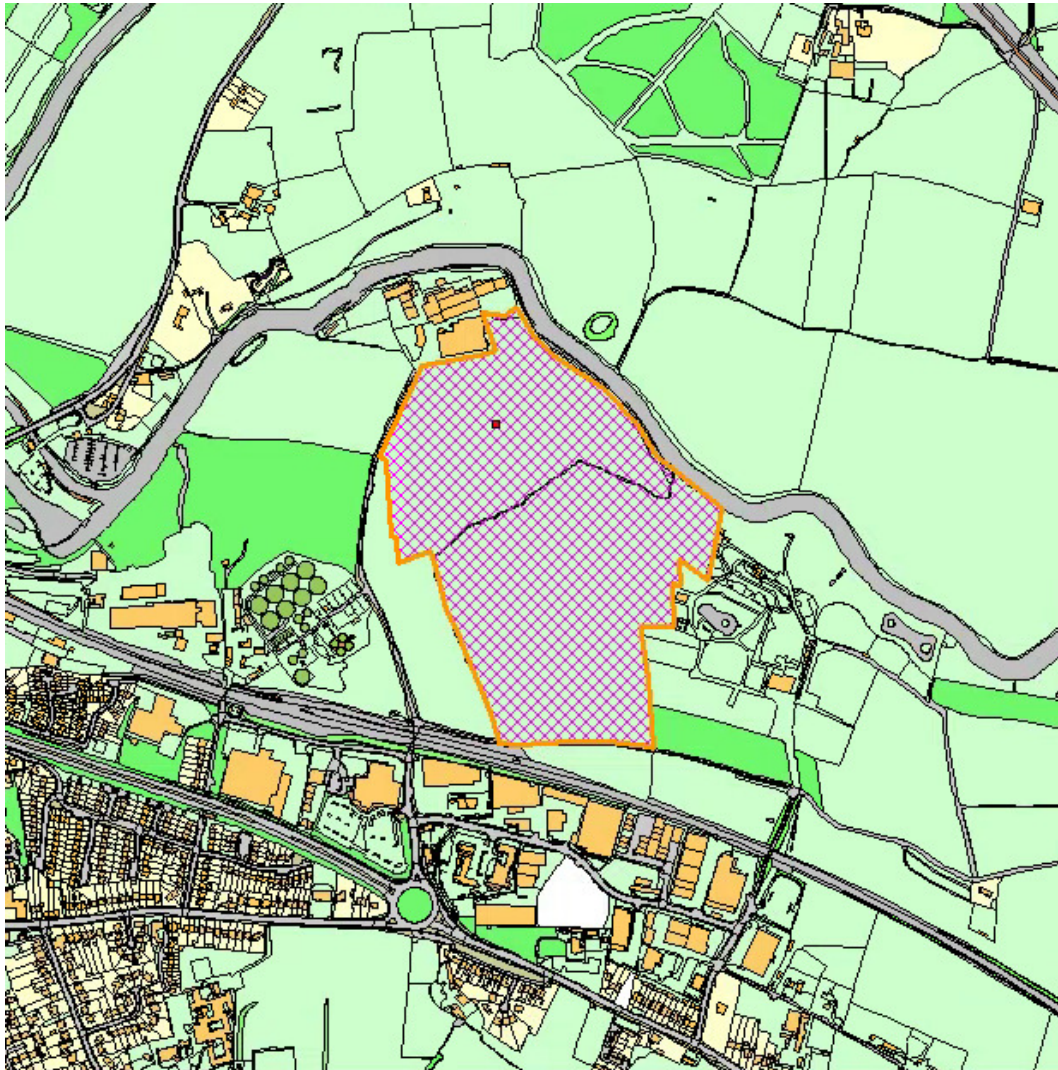
- Developer has demonstrated that infiltration is not viable due poor infiltration test results and shallow ground water.
- Site is to discharge to Public Surface Water Sewer at a maximum rate of 70 l/s up to and including the critical 1in100+30% storm event. This rate is significantly less than the Greenfield rate for the site and is therefore acceptable in principle. Written confirmation from Wessex Water confirming the acceptance of the rate and connection point will be required.
- Attenuation is proposed in two existing ponds which are to be enlarged. The developer's consultant has undertaken calculations to prove that this is viable.
- Delivery of a detailed design is subject to a number of variables which will be resolved as the site moves towards achieving planning permissions.

Whilst the Flooding and Drainage Team would like to see better take up of SuDS for the management of surface water as part of the GI across the site so as to maximise environmental benefits, the developer has demonstrated that they will be able to manage the surface water in a sustainable fashion so as to not increase flood risk either on or off site and the information provided to date is sufficient for a master plan.

CONCLUSION

Overall, the Masterplan is considered to be acceptable and forms a satisfactory basis upon which the detailed design and development of the site can move forward.

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

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.

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:

- o 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.
- o 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.
- o 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.

- o Lighting -bollard lighting is not an acceptable form of lighting for security.
- o The vehicle parking area is at risk of crime being remote from the site with little night surveillance.
- o No details of the location of cycle storage.

South Gloucestershire Council: Comments only:

- o 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.
- o 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.
- o 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.
- o 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:

- o The flood planning and modelling plans are still not clear.
- o 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.
- o Access to the site is poor and the proposed raised road will create further flooding problems.
- o There are concerns regarding the construction of the surface of the car park. The proposed chippings will be washed away should flooding occur.
- o There will be a loss of amenity and mooring for the families that live in this vicinity.
- o A full ecology report has not been submitted with the application.
- o 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:

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

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

- o Policy SD1 - Sustainable Development
- o Policy CP5 - Flood Risk Management
- o Policy CP6 - Environmental Quality
- o Policy CP2 - Sustainable Construction
- o Policy CP3 - Renewable Energy
- o Policy CP6 - Environmental Quality
- o 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.

- o Policy SC.1: Settlement classification
- o Policy GB.2: Visual impact on the Green Belt
- o Policy D.2: General design and public realm considerations
- o Policy D.4: Townscape considerations
- o Policy T.24: General development control and access policy
- o Policy T.26: On-site parking provision
- o Policy NE.1: Landscape character
- o Policy NE.4: Trees and woodlands
- o Policy NE.9: Sites of Nature Conservation Interest (SNCI)
- o Policy NE.10 and NE.11: Nationally protected and Locally Important species
- o Policy NE.12: Natural features, trees and woodlands
- o Policy NE.15: River corridor character, amenity and wildlife value
- o Policy SR.5: Recreational facilities outside the scope of Policy SR.4
- o Policy SR.10: Development with Water Recreational Activity Areas
- o Policy SR.11: Development outside Water Recreational Activity Areas
- o 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, Saltford 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 an 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

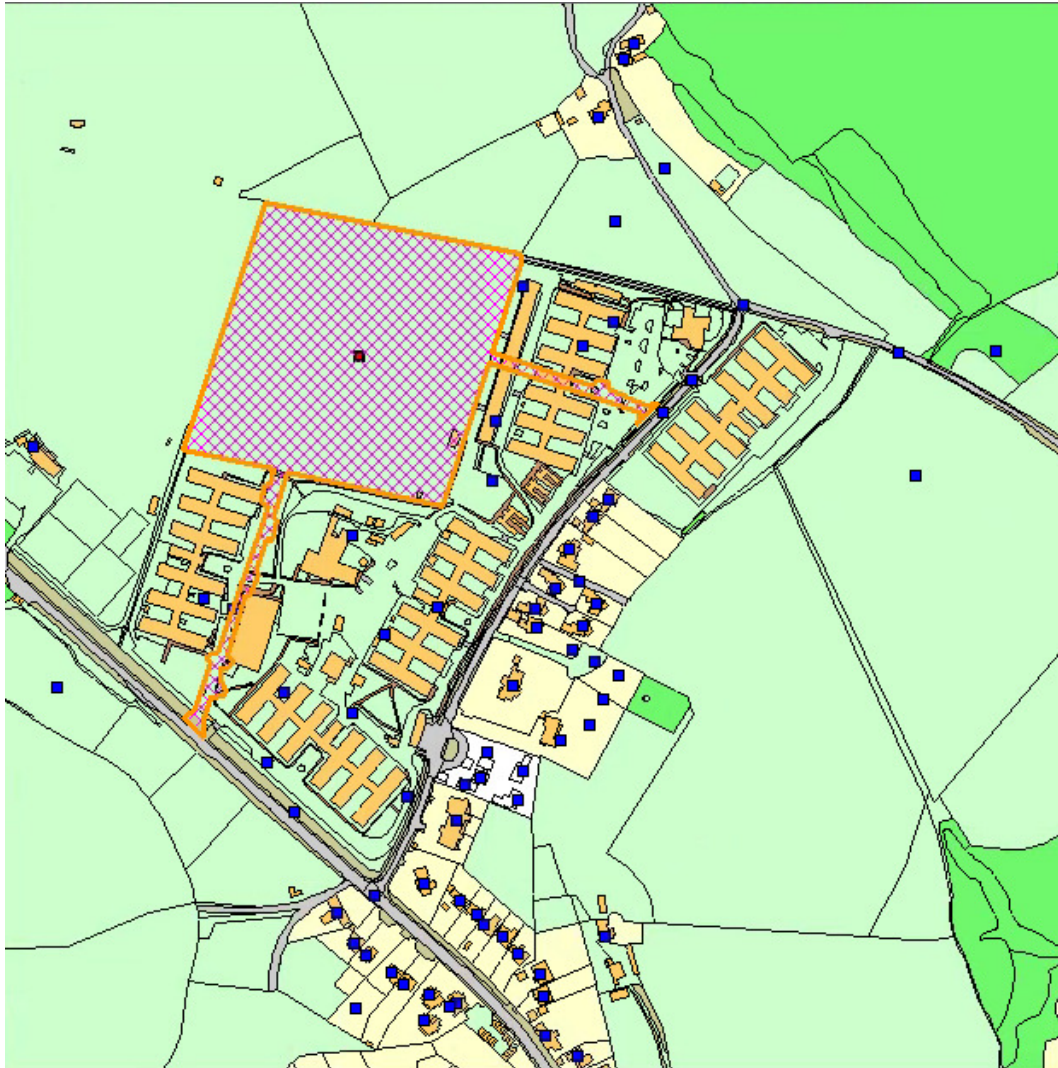
SK21225-007

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.

Item No: 04
Application No: 15/03511/EOUT
Site Location: Playing Field Former Ministry Of Defence Ensleigh Granville Road
Lansdown Bath



Ward: Lansdown **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Patrick Anketell-Jones Councillor Anthony Clarke
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

REPORT

The application site is located on the east side of Lansdown Road, bounded to the east and south by the former MoD Ensleigh North site, to the west by Kingswood School playing fields and to the north by farmland. Until recently the site used as playing fields by the Royal High School and is referred to as 'The Chill'.

The site is approximately 4.33ha hectares in size and is located on the plateau area that comprises part of the wider setting for the city. There is a small hut on the eastern boundary of the site which is bounded to the west, north and east by mature trees with a dry stone wall along the western and northern boundaries. Access to the site is currently via an unmade track along the northern edge of the Mod Ensleigh site at the junction of Granville Road and Colliers Lane.

The site is located within the boundary of the City of Bath World Heritage Site and adjoins the site Cotswold AONB and Green Belt to the north. The City of Bath Conservation Area boundary is located on the west side of Lansdown Road. To the south west of the site is Beckford's Tower (a Grade I listed building and which provides panoramic views across Bath and the surrounding countryside) and the grounds of a consecrated Victorian cemetery on Lansdown Road with listed cemetery gates (Grade II*). Further to the north west of the site are playing fields, Lansdown Park & Ride site and Bath Racecourse.

The planning application is in outline with all matters other than Access reserved. Access is proposed from Lansdown Road and Granville Road via the former MoD site which has planning permission for residential development. The scope of the application is defined by a series of Parameter Plans and seeks outline planning permission 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.

PLANNING HISTORY

There have been no recent planning applications for development on the site.

14/01853/EFUL - detailed planning permission for 181 residential units, neighbourhood retail store and public open space, and outline planning permission for a 72 unit Extra Care Facility on the adjacent MOD Ensleigh site.

09/04114/FUL - detailed planning permission for a sports pavilion on the Kingswood playing field site.

15/04633/REG03 - detailed planning application for the 1-Form Entry Primary School submitted on part of the current application site. Pending.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS STATUTORY CONSULTEES

Historic England - The site is located inside the identified boundary of the World Heritage Site (WHS) and is known as Chill site. It has been free from any development for many years, so reads as a green field within a rural context despite forming the backdrop to the MOD site. Its situation, being sited on the southern edge of Lansdowne plateau and on a

ridge, suggests that there could be some visual intrusion of the proposed structures, in particular the school buildings, within the site on the 'green bowl', an important attribute of the Outstanding Universal Value (OUV) of the WHS. It is adjacent to Beckford's Tower, a Grade I landmark building of unique heritage value and the associated Registered Lansdowne cemetery. Other designated and non-designated heritage assets are also in vicinity of this site. Of note are the scheduled monuments of Solsbury Hill and Bathampton Camp and Sham Castle (listed) located to the east and south of Bath whereby there is a potential intervisibility between these sites and the development. The main issue for us is to ameliorate or prevent any negative impact of this proposal on the OUV of the WHS. The visual impact assessment submitted indicates that the most northerly of this development will be on the visual horizon and ridge line of the plateau, so that that it may be seen from the opposite side of the city to the south. Whilst the proposals will in some parts be seen against the development that has already been approved in Outline on the adjacent land, I believe that the height of the school buildings will not merge with this development and will break the sky line, intruding on the open countryside surrounding the site. One particular view point- View 16 - appears to show that the proposal will be seen across the valley from the Bathampton Down Area, therefore, adding additional development impact on the green bowl setting to the WHS. We, therefore, seek modifications to the heights of proposed buildings to ensure that this development will not break the ridge line, as it could harm the undeveloped appearance of the green bowl surrounding the city. We are also concerned about the more immediate settings to a number of designated heritage assets including Beckford's Tower and Lansdowne Cemetery. We note that the built form proposed has been designed to prevent a direct impact on a "key view" from Beckford's Tower towards the east. In the Design and Access Statement - page 12, the tower is recognised as being of high heritage value and its origins as "a private indulgence, do not suggest that it was to be viewed from the surrounding countryside." Whilst this may be the case, I do not agree with the next sentence; "Instead the designed views from the tower were to focus towards Weston and the city of Bath". Other views, just as significant around the complete circumference of the tower, were deliberately designed as evidenced by the number of windows on each of the tower's faces. We are, therefore, perplexed by what is meant by a "key view" from the tower on page 18 of the same document, when there are clearly many more key views from the tower all of similar status, that will be impacted on by this development. We also wish to understand why there have not been any photomontages undertaken from significant heritage assets such as Sham Castle, and the scheduled monuments at Solsbury Hill at Batheaston and Bathampton Camp. Given the likelihood of the visual intrusion of this development across the top of the green hills opposite these assets, we would ask for further evidence to demonstrate the level of impact there may be on their settings and views from them. 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. It is not necessary for us to be consulted again. However, if you would like further advice, please contact us to explain your request.

Natural England - significant numbers of Horseshoe bats were recorded along the northern boundary of the site. Horseshoe bats are protected by the Habitats Regulations and are a species which is very sensitive to light. It is proposed to locate the school in the North East corner of the site, alongside the northern boundary. Lighting information has been provided for the rest of the site, including predicted lux levels, and these are acceptable (with the 1 lux contours well away from the tree lines on the northern and western boundaries), but the school site is not included in the lighting information. We

understand that a detailed application will be submitted for the school site in due course. This application will need to contain information to demonstrate that very low lux levels will be maintained on the northern and western boundaries of the site and that the 'protected dark corridors' shown on the Green Infrastructure Strategy - Parameter Plan (NPA10630E 311 Rev P01) are maintained. Where a development has the potential to adversely impact habitat used by Horseshoe bats, detailed lighting information is normally required at the outline application stage. This is so that likely lux levels can be understood properly at the time when the 'in principle' decision is taken and so that we can be confident about the feasibility of achieving the very low lux levels which are required. In this case, provided a condition secures implementation of the Green Infrastructure Strategy Parameter Plan, we are confident that the detailed application will be bound by the requirement to preserve the protected dark corridors. 'Dark' in this context must mean zero lux in terms of light spill. The site is adjacent to the Cotswolds Area of Outstanding Natural Beauty. A comprehensive Landscape and Visual Impact Assessment has been undertaken and Natural England welcomes this. The LVIA concludes that overall the residual visual effect after development will be, "not significant once proposed tree and shrub planting has matured." As the conclusion of the LVIA has been qualified in this way, we strongly recommend that tree and shrub planting should use specimens which are as mature as possible so that mitigation will be effective in the shortest possible time. Planting should use native species in order to retain landscape character.

Highways - the application has all matters reserved, except for the proposed access arrangements which have been previously considered as part of application 14/01853/EFUL. It is noted that all on-site highway arrangements, apart from access to the school site, will be considered at a reserved matters stage and the lack of comment at this stage should not be interpreted as an acceptance of the indicative site master plan as currently presented. Various off-site highway works were secured within the permission of the 14/01853/EFUL application (the Section 106 agreement was signed April 2015), and to ensure that these are delivered and that access to this proposal is appropriate prior to occupation, it is recommended that the same improvements are secured as part of any permission for this site. The proposal includes a 210 space primary school, and this number of spaces significantly exceeds the expected demand from the surrounding development. Whilst the vast majority of pupils from the development surrounding the site would walk to and from school however there are other pupils who would have to travel from a much wider area. It is considered very unlikely that these pupils would travel to the site by means other than the private car. The original TA suggested that the site could generate up to 48 car trips in a single hour however this would require each vehicle to have a very high child occupancy and would need to take into account staff trips. This was considered to be unrealistic and likely to be an underestimate of the possible trips. Revised Transport Assessment information has been submitted regarding the potential impact of the development and the suitability of the access arrangements. The additional traffic analysis which incorporates the required amendments overcomes the issues that were previously raised. The revised submission includes an appropriate access arrangement, and there is no objection to this being secured to provide access to the school site. Whilst the principle of the access can be agreed at the planning stage, the road design will need to be subject to the Section 38 agreement process and it is recommended that this is commenced as soon as any planning permission is granted. The junction models have been remodelled, and the revised approach is agreed. The revised modelling demonstrates that the local highway junctions will operate satisfactorily in the scenarios tested. This overcomes the concerns that were previously raised. There

are various highway works that will need to be delivered prior to any occupation, and these are the same as included within the Section 106 agreement for the 14/01853/EFUL application. In addition to these works, there is a need to ensure that the public transport provision is of an appropriate standard to serve a development of this scale. A financial contribution has been secured as part of the permission for application 14/01853/EFUL and the same principles apply for this site. Improvements to a bus shelter will also be required. It is understood that the Community Infrastructure Levy is now the appropriate mechanism to secure such contributions. If this is not the case, appropriate contributions would need to be secured as part of the Section 106 agreement. There is a need to ensure that access to the school can be safeguarded should this come forward in advance of the surrounding residential development. It would not be appropriate to provide an interim highway arrangement, and the geometry allow for access by the largest vehicle that would travel to the school and it must accommodate the expected drop off / pick up activity that the school will generate. In conclusion, having reviewed the additional information, the highway authority raises no objection to the application, subject to the school access, appropriate contributions and off-site highway measures being secured and a condition imposed requiring a Construction Management Plan to be submitted and approved prior to commencement of development.

Arboriculture - I am in general agreement with the arboricultural report however a detailed Arboricultural method Statement will be necessary since the perimeter footpath kerbing details have not been finalised and the illustrative plan may evolve. The illustrative Site Plan indicates that the existing trees have generally been taken into account in the scheme and there are opportunities to reinforce the perimeter planting in places. The notable exception is the existing gap and pinch point by the school which appears to correlate with the views to and from Beckfords Tower. I agree with the Landscape Officers' comments relating to the proposed tree planting within the site and would prefer that any planting along the eastern boundary is not as regimented as indicated. I have similar concerns as the Landscape Officer regarding the proximity of the allotments to the western tree belt. These trees will shade and compete for nutrients since their rooting zone and influence will be far greater than the root protection area.

Archaeology - applicants have submitted a geophysical survey report on the site the results of which are largely negative however there is still potential for some isolated archaeological features/deposits worthy of further investigation and recording. Recommend pre-commencement conditions to ensure a field evaluation of the site and subsequent programme of archaeological work or mitigation depending on the findings.

Conservation - strongly agree with and support advice submitted by Historic England with particular concern on the potential height of the school development in this 'plateau' location, and its impact on the long distance views in the World Heritage Site. There is mature tree planting on the site boundaries which may help to ameliorate harm caused, but it is unclear how much this will assist. Recommend that these concerns are addressed by submission of further information to assess the degree of impact anticipated on key views in the World Heritage Site. This should include clarification on the anticipated height(s) of the school development for further assessment before outline permission is given.

Flooding and Drainage - no objection subject to pre-commencement condition requiring details of sustainable urban drainage strategy.

Ecology - broadly accept the ecological and bat survey and assessment findings and mitigation proposals. Whilst do not object to the proposal outright, and supportive of the principle proposed mitigation and compensation measures have concerns regarding loss of part of Site of Nature Conservation Interest. Compensation for the loss of SNCI area is welcome but do not demonstrate achievement of equivalent value to the area of SNCI that will be lost. More measures are needed and more robust approach to compensation for loss to the SNCI and overall impacts on ecology loss to the SNCI and overall impacts on ecology. Concern at location of allotments. Concern about the ability of the proposed school development to comply with the required western boundary dark corridor, especially at the proposed location of the school car park which appears to squeeze the buffer zone and dark corridor.

Education - Early Years - no places required. Primary school places - 23.27 pupils at £19,047.61 per pupil place = £443,237.88 to contribute to the construction of the new 'Ensleigh' primary school on site. Plus land contribution for the on site primary school - 23.27 pupils at £8,472.00 per pupil place = £197,143.44. The whole school site of minimum 0.9 hectares in size to be provided on the proposed development site. Secondary school - no places required. 16+ school places - no places required. Young people - funded by CIL.

Environmental Protection - recommended condition requiring Construction Management Plan

Landscape - concerns regarding location of Local Area of Play which is in a single restricted location on the eastern boundary rather than spread out along this boundary (and perhaps the northern and western ones as well) as a series of locations and designed specifically for this site. Good play provision can be very successful as opportunities for imaginative / natural play. Where trees are shown, they do need to be a) part of a designed hierarchy and not just stuck wherever there is room and b) where they are to be planted they must have sufficient space for their long term success. Concern at location of allotments.

Parks and Open Spaces - evidence is required as to the location proposed for the displaced pitches or that there will be no impact to schools and residents due to their removal. The proposal of 95 dwellings would create demand for formal green space (3855m²), natural green space (3855m²) and allotment provision (771m²). There is sufficient natural green space in the area to absorb the demand generated by the development and the submission proposes a linear publically accessible open space totalling 8433m² which has the potential to meet the demand from the site. To perform effectively as a multifunctional facility and be resilient the open space will need to have a minimum width of 10m whereas the current proposal falls below this minimum in a few areas, particularly on the west boundary by the School Habitat Area where the width is 4m. A Local Area of Play (LAP) is proposed on the east boundary. Play facilities will be in demand across the site. A preference would be to make the most of good natural surveillance on the east and north boundaries by including a natural play trail along the length of these areas to meet the demand for formal green space. Allotments are being provided on-site split across two areas totalling 297m². The provision is welcome but does not meet the demand for growing space generated from the development. Splitting the allotments reduces the actual growing space available. An amendment to the layout is

requested relocating the allotment to a more open location and providing a single allotment site to limit wasted space.

Urban Design - the development of this site is underpinned by Core Strategy allocation that has resolved the principle of its development (for around 120 homes). The development site forms an addition to the development of the MoD Ensleigh site which has planning consent and which sets a context in terms of height, density, layout, landscape and access. It has previously been established that this site will contain the Ensleigh primary school and resolved its location. Landscape impact, arboriculture and ecology are key assets/constraints of the site and will inform the acceptable outcome to a significant degree. In addition heritage impact upon views across Bath and from Beckford's Tower will have influence. The net developable area is therefore restricted in coverage and height, placing greater weight on achieving an efficient use of the available land to deliver core strategy objectives. It is noted that the average density for this development is stated at 30 dph. This is low for even suburban development. Given the stated proximity to good public transport and there is scope to increase density within the detailed submission. The internalised circuit seems to focus traffic through the site street and single access. I do not see why a vehicular link through to Granville Road cannot be created. This could reduce pressure on internal roads, enable the relief of the central spine and enable a bus route loop. The leisure route through the perimeter open space appears severed by the school. This should be enabled to provide scope for walking etc. It may also prevent 'dead' areas behind the school and make the most of views. The allotments appear pinched. A more open single provision should be located by re-arranging housing. The allotments appear pinched and a more open single provision should be located by re-arranging housing. Specific comments on the illustrative layout. It is too early to comment on appearance but the existing and consented development has been referenced as cues, which is appropriate.

Other Representations

Charlcombe Parish Council - the Parish Council recognises the benefits of developing the former MoD site for much needed housing and is generally supportive. However, the Parish Council has significant concerns regarding the impact of traffic generated by the development on our local lanes (a) Colliers Lane and Charlcombe Lane heading down to Larkhall (b) Lansdown Lane heading down to Weston which have not been properly assessed. As a consequence the traffic impact assessment is considered to be fundamentally flawed and the application should be refused. There has been no overarching traffic analysis for the whole MoD Ensleigh developments and there is no overview of the collective traffic impact on local lanes. We can find no reference anywhere in the current application documentation to consideration of the potential traffic impact on local lanes, and in particular Colliers Lane, and see this as a significant shortcoming. As noted in the B&NES Highways comments on this application, approximately half the pupils at the 210-place primary school will come from off-site, and a proportion of these will inevitably come from the Larkhall/Fairfield Park area with the natural route to the school being up Charlcombe Lane and Colliers Lane. Some children from the Ensleigh North site may subsequently move on to St Marks School in Larkhall. Colliers Lane will certainly be used by residents from the Ensleigh development to access local shops and post office (their nearest, apart from the on-site convenience store) and local services such as doctor, dentist and vet, in Larkhall and Batheaston. Colliers Lane also provides the logical route for anyone wishing to travel from the site to the south and east of Bath (eg the A4 and

Devizes, Bradford-on-Avon, Corsham and Chippenham). We therefore anticipate a significant, potentially unacceptable, increase in the use of Colliers Lane and this should also be included in any review of the impact of the development on the wider highway network. Colliers Lane, and Charlcombe Lane into which it feeds, are single track country lanes, nationally designated 'Quiet Lanes' with 20 mph limits, and are not capable of handling any increase in traffic, particularly the 2-way traffic which will result from this development. One move which would perhaps encourage greater use of Lansdown Road over Colliers Lane would be to prohibit any vehicle access from the Ensleigh North site to Granville Road, restricting access to pedestrian and cycle only, with vehicle access to and from the whole Ensleigh North site, including the Chill, only possible from Lansdown Road. We suggest that this should be incorporated in the plans from the outset and not at 'a suitable time in the development' as proposed in para 4.8 of the Transport Assessment. We also request that all construction traffic is similarly restricted and that the only permitted access for construction vehicles onto the site is from Lansdown Road. The condition of Granville Road has already deteriorated to an unacceptable level due to use by construction traffic from the Ensleigh South site and the continuing development along the southern edge of Granville Road.

Avon and Somerset Constabulary Crime Prevention Design Advisor - no objection but recommendations for detailed design to ensure security and safety.

Avon Fire and Rescue - development requires additional fire hydrants and appropriate water supply.

POLICIES/LEGISLATION

The development plan comprises the Adopted Core Strategy (July 2014) and saved policies in the Bath and North East Somerset Local Plan (including minerals and waste policies) (Adopted October 2007). Policies of relevance are:

Core Strategy:

DW1 - District-Wide Spatial Strategy

B1 - Bath Spatial Strategy

B4 - World Heritage Site and its Setting

CP2 - Sustainable Construction

CP5 - Flood Risk Management

CP7 - Green Infrastructure

CP9 - Affordable Housing

CP10 - Housing Mix

The site is subject to Policy B3C - Extension to MOD, Ensleigh

Local Plan (Saved Policies)

- IMP.1 Planning obligations
- D.2 General design & public realm considerations
- D.4 Townscape considerations
- ET.3 Core Business Areas
- ES.5 Foul and surface water drainage
- GB.2 Visual amenities of the Green Belt
- NE.2 AONB
- NE.4 Trees
- NE.10 Nationally important species and habitats

- NE.14 Flooding
- BH.2 Listed buildings and their settings
- BH.12 Important archaeological remains
- T.24 General development control and access policy
- T.25 Transport assessments and travel plans
- T.26 On-site parking and servicing provision

Supplementary Planning Documents and other guidance of relevance is Planning Obligations SPD (2015). The site is identified as a Strategic Site for CIL purposes.

National Planning Policy Framework (NPPF) March 2012 and Planning Practice Guidance.

The application is accompanied by an Environmental Statement (ES).

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

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

OFFICER ASSESSMENT

Policy B3c in the Core Strategy identifies the site for the development of 120 dwellings, noting that the Placemaking Plan will allocate a site for comprehensive residential-led mixed use development comprising the Ensleigh MOD site and the land adjoining it. Policy B3c also sets out the planning requirements relating to the land in terms of the quantum of development and the need for the comprehensive masterplanning of the site with the adjoining MoD site. Accordingly, subject to the proposals meeting the various planning requirements the principle of development for residential purposes is in general accordance with the development plan.

This application raises the following principle issues:

1. Comprehensive masterplanning and development mix
2. Site access and highway impact
3. Impact on heritage assets
4. Green Infrastructure, ecology and landscape
5. Other considerations

1. Comprehensive Masterplanning and Development Mix

In September 2012 the Council adopted a Concept Statement for the Ensleigh MoD site, comprising land north and south of Granville Road. Whilst the Statement was focused on the MoD land it included an Illustrative Concept Plan (Figure 5) highlighting the potential connectivity within the Policy B3c of the Core Strategy seeks the comprehensive masterplanning of The Chill with site and to the wider area. This included vehicular access to the Chill site from Lansdown and pedestrian access from the north, west and east. The current application for the Chill includes access from Lansdown Road and as

well as connecting through to Granville Road and with pedestrian connections to a public footpath to the north of the site. The connection to Granville Road is discussed further below however the current application is in general accordance with the Illustrative Concept Plan.

The former MoD Ensleigh site was sold in two parts (North and South) and separate applications have been submitted to and approved by the Council for these two sites. At the time the application for Ensleigh North was being prepared The Chill was still part of the Royal High School estate and was not being promoted for housing development. During the determination period of that application the owner of Ensleigh North was in negotiation to acquire The Chill however there was no sound planning reason to defer a decision until this acquisition had been completed. There was however discussion about how the two sites might be integrated and layout principles extended into the Chill site. The owner of Ensleigh North has subsequently acquired the Chill site and this has allowed for a degree of continuity in the planning and layout of the two sites. Whilst the application for the Chill is in outline, the main access route (applied for in detail) connects the two sites and the illustrative layout demonstrates how the two could be developed in a logical and connected way. The Parameter Plans also set up a number of layout and development principles which support the integration of the two sites as well as responding to the particular characteristics of the application site. This is also reflected in the illustrative site layout. Whilst this is not being fixed in the current application it demonstrates that the two sites can be developed in a coordinated and comprehensive way.

Bath Preservation Trust have raised concerns about the lack of a comprehensive masterplan for the sites. The Concept Statements prepared for MoD Ensleigh considered only the MoD land holdings and did not require a comprehensive masterplan incorporating The Chill site. Nonetheless, the emerging ownership situation and use of appropriate conditions provides a framework to deliver an integrated neighbourhood in terms of layout, development principles and infrastructure.

The application proposes up to 95 dwellings (size of dwellings to be determined at reserved matters stage) plus a 1-Form Primary School. Policy B3c identifies the site for the development of 120 dwellings and the Council's Urban Design officer has questioned the proposed development density. The illustrative site layout includes a generous unbuilt zone around the edge of the site to minimise any impact on trees and important ecological areas it is considered that given the sensitivities of the site the overall density has been optimised. The provision of a school as part of the wider Ensleigh MoD development is a requirement of Policy B3c. This was secured through the planning permission for Ensleigh North and is part funded by the application site and other new developments in the locality. The school will serve the developments in the locality plus meet a need for school places in the wider area. The Ensleigh North site also includes a shop, allowing for a degree of self-containment of the wider development as required by Policy B3c and will also serve neighbouring areas.

In accordance with the phasing strategy outlined in Policy B3c, development has commenced on Ensleigh South and is due to commence on Ensleigh North with The Chill site to follow. Given the circumstances it is considered that the current application is in general accordance with Policy B3c in respect of the comprehensive masterplanning of The Chill site and its integration with the wider area.

2. Site Access and Highway Impact

Vehicular access is shown from Lansdown Road and connecting through to Granville Road. This route will be adopted and the alignment and connection forms part of the land transfer from IM Properties (the owner and applicant for The Chill site) and the Council (who now own the school site). In the current application the connection through to the adjoining MoD site (and on to Granville Road) is shown as a single carriageway width and pedestrian and cycle route only, with vehicles exiting the Chill site via Lansdown Road. This arrangement is consistent with the MoD Ensleigh Concept Statement however until the Chill site is fully developed (including internal site roads allowing vehicles to exit the site via Lansdown Road) there will be a need for a route through to Granville Road. It is considered that this is a matter that can be reviewed and resolved at reserved matters stage. Details of highway adoption will be addressed through a s.38 agreement. The presence of the school on the Chill site (which serves a wider area) is likely to generate trips to/from the site in addition to those from the new housing. This has been considered as part of the Transport Assessment and by the Council's Highways Team and it is considered that the development will not give rise to unacceptable impacts on the local highway network capacity or junctions onto Lansdown Road.

Charlcombe Parish Council have raised concerns about the methodology used in the assessment (as well as inconsistencies between this and the separate application for the school) however following clarifications and reassessment as part of this outline planning application Officers consider that the findings are robust. Charlcombe Parish Council have also objected to the application on the grounds of the level of trip generation and traffic from the development using Colliers Lane to access the A46 and routes to the east of Bath. In determining the application for Ensleigh North it was concluded that whilst Colliers Lane is likely to be used by residents on the site, based on the trip generation from the site and likely direction of traffic it would be difficult to justify the introduction of restrictions to prevent or discourage use of this route. This matter has been re-considered by the Council's Highways Team as part of the current application and they reach the same conclusion. Accordingly, no changes to Colliers Lane are proposed as part of the current application.

The current application seeks full planning permission for Access and includes details of the road layout (including road surfacing and markings, dropped kerbs and alignment to accommodate coaches) outside the new school. This general arrangement is supported and whilst it does not include a drop-off area for the school it is considered that the detailed design of the wider development can be designed to accommodate short term parking before/after school. The application also includes a Framework Travel Plan and it will be for the application for the school to demonstrate in detail how this will be implemented and managed. A Travel Plan for the residential part of the development, including contributions to travel plan measures will be secured through the s.106 Agreement.

Although the site is on the northern fringes of Bath it is relatively well-served by public-transport with the Lansdown Park and Ride site close by and the No.2 bus service that stops adjacent to the site on Granville Road. Financial support for public transport services would be secured through CIL.

Accordingly, subject to conditions the access arrangements for the proposed development are considered acceptable.

3. Impact on Heritage Assets

The application site is located within the City of Bath World Heritage Site and the plateau area on which it is located forms part of the wider setting and edge of the 'green bowl' within which the city is situated. The application site together with the wider MoD Ensleigh site is visible in views from the Grade 1 listed Beckford's Tower (located to the west of the site) and in longer distance views from elevated locations such as Little Solsbury Hill and Bathampton Down. The application is accompanied by an Environmental Statement that reports on the assessment of the likely significant effects of the development on heritage assets.

From Beckford's Tower there are wide, open views in all directions. This includes a view across the site and the approved development on the adjoining MoD Ensleigh site, and then extending uninterrupted to the hills beyond. The application site is fringed by existing mature trees and in the view from Beckford's Tower is partially screened by the trees along the boundary with the Kingswood School playing field site. These trees are protected by a Tree Preservation Order and will be retained. There are some gaps in the tree line that allow direct views into the application site however the land use and layout principles defined in the Parameter Plans ensure that buildings are excluded from this part of the site, which is to be used for the new Primary School playing fields. In the light of comments made by Historic England and the Council's Conservation Officer further analysis was undertaken regarding the visibility of the site and the potential impact of the development on heritage assets including the World Heritage Site. This has led to reductions in maximum building heights and refinements to building massing parameters across the site to mitigate any potential impacts. The tallest building on the site will be the school however this is positioned out of the direct line of view from Beckford's Tower, and all buildings will be below the top of the tree line beyond thereby maintaining the longer distance views. In views from the south and east the school will be screened by trees and other buildings in the foreground. Along the northern part of the site buildings will be set back from the boundary, and in longer distance views looking towards the site (from the east and south) the application site will be screened by trees around the edge of the site or otherwise be largely obscured by and merge with other development already approved in the vicinity. Longer distance views from the north (including from Sir Bevil Grenville's monument as well as from public rights of way) have also been assessed and show that the impact of the development will be marginal and partially screened by the existing tree belt along the north western boundary of the site. In the circumstances it is considered that the setting of Beckford's Tower will be protected as will that of other heritage assets including the World heritage Site OUVs.

The application site lies within a significant archaeological landscape. Initial surveys of the site indicated there is some potential for archaeological deposits relating to prehistoric occupation or farming and some limited potential for Romano-British features such as field boundaries. The lack of any previous development means any surviving archaeological deposits on this site are likely to be well preserved and therefore at the request of the Council's Archaeologist the applicant undertook a detailed magnetometer survey of the site. Whilst these results are largely negative there is still potential for some isolated archaeological features/deposits worthy of further investigation and recording and subject

to this being secured by condition the Council's Archaeologist raises no objection to the application.

There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 In considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. In this case special regard has been given to the impact of the proposed development on heritage assets, including on the World Heritage Site and the setting of Beckford's Tower, and the desirability of preserving the setting and features of special architectural or historic interest. The proposed development parameters (including site levels and maximum building heights) have been adjusted and refined to address the potential impact of the development. It is considered that any impact on heritage assets including the Outstanding Universal Values of the World Heritage Site has been satisfactorily mitigated and that their setting and features have been preserved

4. Green Infrastructure, Ecology and Landscape.

The site is adjacent to the Green Belt and Cotswold AONB which border the northern edge of the site. The western edge of the site also forms part of a larger locally designated Site of Nature Conservation Interest to the north and west, designated as unimproved calcareous grassland. The Parameter Plans exclude development along the majority of the western edge of the site and development along the northern edge is limited by the root protection areas of the trees along the boundary that also serve as a flight corridor for bats. The western and northern edge of the site including the tree belt are retained as public open space and also serve as compensation for the loss of part of the SNCI. Saved Local Plan Policy NE.9 states that development which would adversely affect the nature conservation value of Sites of Nature Conservation Importance will not be permitted unless material factors are sufficient to override the local value of the site, any harm to the nature conservation value of the site is minimised, and compensatory provision of at least equal nature conservation value is made. In this case the development will result in the loss of part of the SNCI however surveys undertaken as part of the environmental impact assessment recorded no calcareous grassland on the application site. Nonetheless a zone around the site on its western and northern edge is to be retained as undeveloped grassland.

The Council's Ecologist notes that the botanical value of this edge appears to be low, suggesting the loss to this aspect of ecology would not be significant, and advise that the ecological value of this area of the SNCI can be attributed more strongly to the boundary trees, scrub and associated vegetation. They welcome the measures to compensate for the loss of SNCI area, which would result in over 150% compensatory provision by area, however they do not consider the proposals demonstrate achievement of equivalent value to the area of SNCI that will be lost. In terms of the existing SNCI area (and compensatory provision) it is relevant to note that the boundary trees, scrub and associated vegetation around the perimeter of the site will be retained, together with approximately 1/3 of the SNCI within the site boundary (to be used as school playing fields as at present). Accordingly other ecological features identified as being of importance will be retained and on balance it is considered that with appropriate mitigation and management (secured through conditions recommended by the Council's Ecologist) the proposals are acceptable.

The application site is located on the fringe of the bat feeding zone associated with the Bath and Bradford-on-Avon Bats SAC and Policy NE.10 states that development that would adversely affect, directly or indirectly, species which are internationally or nationally protected or the habitat of such species will not be permitted. Whilst no bat roosts were identified on the application site during an Extended Phase 1 Habitat Survey, at least seven species of bat were found to be foraging and commuting on site along the tree belt around the perimeter including a substantial number (100's) of Greater and Lesser Horseshoe bat passes along the northern tree lined boundary. The importance of this tree belt is noted by Natural England and the application proposes the retention of the tree belt, with new development set away from the site boundary. In addition a lighting strategy has been submitted as part of the planning application and subject to details and maintenance of dark corridors (zero lux) along the site edge the proposals are considered to be acceptable.

The site is located outside the Green Belt and Cotswold AONB but adjoins them along its northern boundary. The site as a whole is visible from these designated areas in short distance views however new development along this edge will be lower density and set back from the boundary, and approximately half of the frontage will be school playing fields and undeveloped. The detailed layout will be resolved at reserved matters stage however it is considered that the scope and scale of development defined by the Parameter Plans will not adversely affect the openness of the Green Belt (in accordance with Core Strategy Policy CP8 and Saved Local Plan Policy GB.2) or the special character of the AONB Policy NE.2).

Natural England note that the ES concludes that overall the residual visual effect after development will be 'not significant once proposed tree and shrub planting has matured' and recommend that tree and shrub planting should use specimens which are as mature as possible so that mitigation will be effective in the shortest possible time. Planting should also use native species in order to retain landscape character and these recommendations can be secured by condition.

5. Other Considerations

The application proposes up to 95 dwellings, a proportion of which will be affordable. The site falls within the 40% target zone identified in Policy CP9 of the Core Strategy and the Council's adopted Planning Obligations SPD (2015) states that the Council will generally expect affordable housing to provide 75% of homes for Social Rent and 25% Intermediate housing. The application initially proposed 40% affordable housing but all as Intermediate tenure. Housing Services objected to this tenure mix and the application has been amended to 75% social rent and 25% Shared Equity/Discount Market. The Council's Planning Obligations SPD notes that Shared Equity/Discount Market (with a discount of not less than 25% and determined with regard to local incomes and house prices to ensure affordability) is a form of affordable housing tenure that will be considered in the district and Housing Services have advised that subject to the affordable housing meeting the various criteria and standards in the Planning Obligations SPD this aspect of the proposal is acceptable. Details of the affordable housing will be secured through a s.106 agreement.

The s.106 agreement on the adjacent Ensleigh North site requires the provision of a 210 place Primary School on the current application site, and this forms part of the current outline planning application. A separate detailed application for the school has been

submitted (and is currently being considered) however this outline application has appropriately assessed the impact of the overall development and can be determined in its current form.

Policy B3c of the Core Strategy states that the masterplanning of the site should ensure that the principles and benefits of Green Infrastructure are embedded in the design and development process from an early stage. Policy CP7 in the Core Strategy also seeks to maintain, protect and enhance the GI network. The current application is in outline and therefore the details will be resolved at reserved matters stage however the Parameter Plans establish a number of key principles including ensuring the retention and enhancement of the existing high valued habitat the and provision of cycle and pedestrian links through the site connecting to the existing network. It is considered that the proposals, together with the wider MoD Ensleigh North site, incorporate proposals and safeguards that maintain and enhance GI and will allow public access through previously inaccessible sites and linking with public footpaths in the wider area.

Concerns have been raised by a number of consultees regarding the location of the allotments on the site. The applicant has amended the layout to omit the allotments, noting that provision is now covered by CIL. Whilst on-site provision would be welcome it is considered that overall the proposals are acceptable and make appropriate use of the site given the historic, landscape and ecological constraints within which new housing and a school is to be delivered. The proposals will involve the loss of existing playing fields (not in public ownership) however these are being re-provided within the Royal High School's main grounds.

RECOMMENDATION

A) Authorise the Planning and Environmental Law Manager to enter into a Section 106 Agreement to secure the following:

Affordable Housing - 40% of total final dwellings on the site

Education - contribution to capital and land cost of new school on the site

Open Space - provision of open space, public access and management/maintenance of the open space

Highway works - provision of off site highway works, on-site highways to adoptable standard and contribution to Travel plan measures

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

RECOMMENDATION

PERMIT

CONDITIONS

1 The development hereby permitted in full 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 (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 accordance with the approved Parameter Plans and the site layout shall be in general accordance with Drawings 14102(L)006 Rev.G, 008 Rev.E and 012 Rev.D.

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:

1 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

2 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.

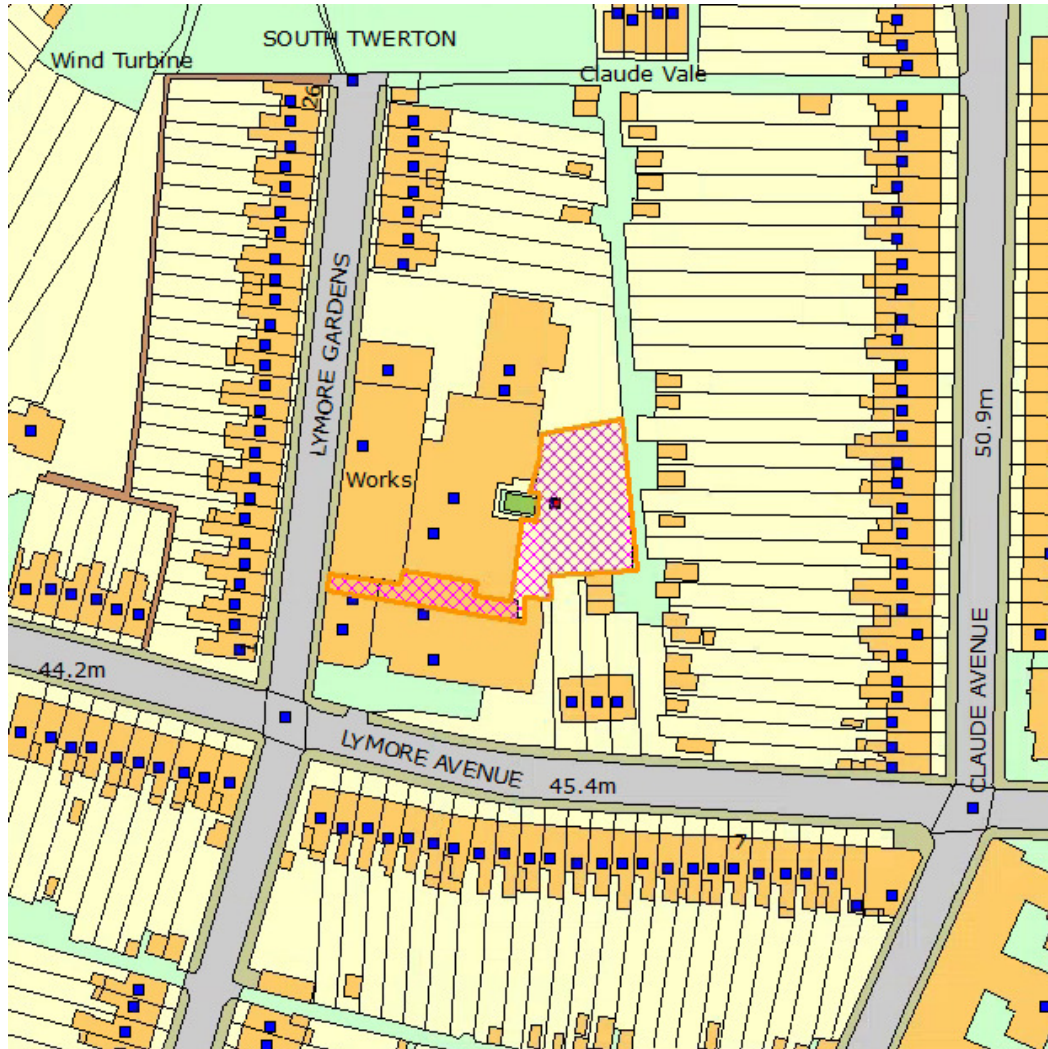
This permission is accompanied by an agreement under Section 106 of the Town and Country Planning Act 1990.

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
Ward Members: Councillor Colin Blackburn Councillor June Player
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: 16th December 2015
Case Officer: Tessa Hampden

REPORT

Reason for referring to committee

This application has been referred to committee at the request of Cllr Player who objects to the development for the reasons as set out in the representation section of this report.

Site description and proposal

The site relates to a vacant plot of land sited off a private access road located off Lymore Gardens in the Oldfield Park area of Bath. The site is set outside of the City of Bath Conservation Area but within the wider World Heritage Site.

The application seeks planning permission for the erection of 8 flats. The application is a resubmission of a planning application which was refused for the following reasons:

1 Due to the inappropriate scale, siting, and design of the proposed development, the proposal is considered to be overly dominant form of development in this location, and would result in the overdevelopment of the site. The proposal is therefore considered to be contrary to policies D2 and D4 of the Bath and North East Somerset Local Plan 2007

2 Any development on this site without adequate provision for parking would be likely to encourage the parking of vehicles on the public highway, on roads which are already heavily parked and congested, with consequent safety hazards and inconvenience to all users of the highway. Further any informal increased use made of the existing sub-standard access generated by the proposed development would be prejudicial to road safety. The proposal is therefore contrary to Policies T.24 and T.26 of the Bath & North East Somerset Local Plan.

3 Insufficient information has been submitted to demonstrate that the site is not inhabited by protected species in particular badgers, and the development is therefore contrary to policy NE10 of the Bath and North East Somerset Plan 2007

The application was subsequently dismissed at appeal, but following receipt of an Ecology Survey, the Inspector only dismissed the appeal on highway safety grounds. The application has been resubmitted in an attempt to overcome the issues within the appeal decision. Particular concerns were raised with regards to additional parking on Lymore Avenue, which was considered to be the most likely place for associated users to park. Further concerns were raised with regards to the poor pedestrian access to the site which would be along an unlit and poorly surfaced road with limited pedestrian refuge points.

The development will now be accessed from Lymore Gardens rather than the private access road adjoining Lymore Avenue.

Relevant planning history

DC - 09/00033/FUL - WD - 12 February 2009 - Erection of a two storey three bedroom dwelling on land to the rear of 89A / 90 Lymore Avenue.

DC - 09/00875/FUL - RF - 8 May 2009 - Erection of a two storey three bedroom dwelling on land to the rear of 89A/90 Lymore Avenue (Resubmission)

DC - 14/03418/FUL - RF - 26 September 2014 - Erection of 1 no. two storey dwelling, associated landscaping and parking for 2 vehicles. Appeal dismissed

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Highway Development Officer - following receipt of additional information, no objection

Environmental Protection - no objection

Ecologist - no objection

Cllr Player objection and request that this application is called to committee. The comments can be summarised as follows:

- Health and safety of pedestrians using the covered corridor area - vulnerable in fire situation
- Access unusable for those with mobility issues, pushchairs etc.
- Impact upon neighbouring occupiers due to light spill and overlooking
- Lack of refuse storage on collection days
- Lack of access for fire service along narrow access
- Loss of access for industrial units
- Impact upon future occupiers from industrial noise
- Increase in flood risk
- Parking issues/highway safety - lack of capacity in nearby streets and associated hazards and impact upon amenity.

4 comments and 31 objection comments have been received. These can be summarised as follows:

- Lack of parking capacity in the area and resultant harm to highway safety
- Unrealistic to restrict access from Lymore Avenue and therefore the access road will be used
- Safety issues in terms of fire hazards
- Lack of refused storage
- Increased residential use in the future
- Drainage issues
- Land stability issues
- Future use of the site as HMOs
- Issues arising during the construction phase
- Unacceptably located adjacent to B2 uses
- Impact upon protected species
- Access road should not be used during construction
- Lymore Gardens single track and inappropriate for increased use
- Impact upon residential amenity - overlooking, light spill and overbearing impact
- Siting of rubbish too close to neighbours
- Security issues
- Impact upon the character of the area resulting from the new front entrance
- Inappropriate scale, design and siting
- Boundary dispute issues

POLICIES/LEGISLATION

Policies/Legislation:

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The Core Strategy now forms part of the statutory Development Plan and will be given full weight in the determination of planning applications. The Council's Development Plan now comprises: The Core Strategy and Saved Policies in the B&NES Local Plan (2007)

Core Strategy Policies which apply are

CP2: Sustainable construction
CP6 Environmental Quality
CP7 Green Infrastructure
CP9 Affordable housing
CP10 Housing Mix
CP13 Infrastructure Provision
DW1 District-wide spatial Strategy
B1 Bath Spatial strategy
B4 World Heritage Site and its setting

Saved policies of the Bath and North East Somerset (including minerals and waste) adopted October 2007

BH1 Impact of development on World Heritage Site and its setting
HG1 Meeting the district housing requirement
D.2: General design and public realm considerations
D.4: Townscape considerations
NE5 Forest of Avon
NE13A Bath hot springs
ES12 Noise and vibration
NE10 Nationally important species and habitats
NE11 Locally important species and habitats
T.24 - General development control and access policy
T.26 - On-site parking and servicing provision

OFFICER ASSESSMENT

Principle of development

The site is within the built up area of Bath and as such there is no objection to the principle of development subject to the compliance with the relevant policies within the Local Plan.

Character and appearance

Although the details of the application have changed the overall building form is broadly the same as that previously submitted and assessed at appeal. Although the Local

Planning Authority previously refused the development due to the impact upon the visual amenities of the area, this reason was not upheld at the appeal.

The Inspector considered that since the rear part of the site slopes away, the overall height of the blocks would not be particularly obvious from public vantage points and that the proposal would not appear excessively dominant in the local townscape. The National Planning Policy Framework encourages LPAs to plan for a mix of housing based on demographic and market trends together with the needs of different groups in the community and accordingly the Inspector considered that new development need not necessarily reflect the pattern of terraced housing with large gardens which prevails in the area at present.

The Inspector concluded that with appropriate material finishes and with landscaping capable of being provided, the proposed development would not cause significant harm to the character and appearance of the area.

The new entrance feature and associated boundary treatment are considered to be appropriate. Although it is noted that the scheme could be seen to be relatively contrived particularly with regards to the access situation and is not ideal in this regard, this is not considered to result in a scheme that would have an overall unacceptable impact upon the appearance or character of the area.

Highway safety

The submission proposes a car free development with no on site parking provision. This site is located in a relatively sustainable location close to local facilities and public transport provisions. There is therefore no objection to this in principle but it needs to be recognised that car usage by the occupiers of this development can not be controlled in this location through the planning process.

Although the previous scheme was also a car free development, it was considered likely that some of the occupiers and their visitors would have cars and therefore, the parking of additional cars on the highway needed to be considered. Given the access point to the site was previously off Lymore Avenue, it was deemed likely that the most probable place for the associated vehicles to be parked, would be on Lymore Avenue. This is already heavily used, on a bus route, and a popular pedestrian route close to a school. The road was not considered to have the capacity for increased parking and any additional parking was considered to result in a significant highway hazard. It was also considered that occupiers of the units may still use unadopted access road to access their site for reasons such as dropping off passengers, shopping etc.

The current scheme prohibits access from Lymore Avenue by building a boundary wall around the site with no pedestrian or vehicular access points. A front entrance to the flats has now been provided on Lymore Gardens which is a clear and definitive entrance point. Therefore, it can reasonable be considered that the associated parking for the development would be on Lymore Gardens rather than Lymore Avenue. This is a material change from the previous planning application.

Lymore Gardens is a cul-de-sac where associated manoeuvring for the purposes of parking would not create the same impedance effect as would be the case of Lymore

Avenue. This is of course dependent of capacity being available to accommodate any parking here, which the up-to-date surveys confirm is the case. It is therefore considered that on-street parking associated with this development will not lead to any highway safety or impedance issues.

Further information has been submitted during the application process to demonstrate that issues relating to fire safety/access and refuse collection have been considered from a highways perspective. This issues has been adequately addressed.

The Inspector previously raised concerns with regards to the lack of safe pedestrian access to the site, due to the use of the unsurfaced, unlit access which has a lack of refuge points. However, the current scheme would not allow access from this point but, as stated above, would be accessed via Lymore Gardens which is considered to be acceptable for pedestrians. The rear of the units facing the private unmade access would be enclosed by a boundary wall with no openings to the site. Therefore the scheme would not allow the users to enter or leave the site from this side of the development. Officers are therefore comfortable that the users of the new flats would not use this private access road which has previously been deemed to be unsafe. It should be noted that the scheme would allow for an access/fire escape to the industrial uses behind the site, which is a similar situation as exists as present. This link will not allow for the access to the residential units proposed.

As the entrance to the site is now from Lymore Gardens, the scheme is considered to have a materially different impact upon the surrounding area. The concerns previously raised are considered to have been overcome and as such the development as proposed is not considered to result in any significant harm to highway safety.

Residential amenity

The development was previously concluded that the development would not harm the residential amenity of the neighbouring occupiers. The modifications to the scheme, including the corridor area, are not considered to result in any issues, including light spill concerns that would result in significant undue harm. Conditions can be included on any permission which will ensure that the residential amenity is safeguarded. A condition will be included on any permission to ensure that measures are put in place to safeguard the future occupiers of the development from any noise or disturbance from the neighbouring industrial uses.

Ecology

An updated protected species has been submitted and on the basis of the conclusions of this report, officers are satisfied that the development would not impact upon any protected species.

Planning obligations

The development would trigger the need for affordable housing. As a small site, outside of the prime area this would be at a level at 15%. The agent has agreed to this in principle and as such the development can be considered to be compliant with policy. It is possible that the affordable housing will be through the payment of a commuted sum due to the

management difficulties of providing a sole affordable housing unit. The exact mechanisms to deliver the affordable housing will be secured through a S106 agreement.

Other issues

No other issues have arisen as a result of this planning application and for the reasons as stated above, this application is recommended for approval. It is recommended that the application is delegated to officers to prepare a S106 agreement to secure affordable housing provisions and to secure the permanent retention of the enclosures at the east of the site (i.e the boundary adjacent to the private access road).

RECOMMENDATION

PERMIT

CONDITIONS

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

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

1 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 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) protected species update survey findings, to include updated survey for badger and updated assessment of the site for potential to support reptiles
- (ii) details of precautionary measures, including appropriate timing of works and site clearance, to avoid harm to wildlife including reptiles and nesting birds
- (iii) details of wildlife friendly and native planting and habitat creation, and all other features to benefit wildlife, to be shown as applicable on detailed landscape plans

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 ecology and protected species

3 The development hereby approved shall not be occupied 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.

4 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.

5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2105 (or any order revoking and re-enacting that Order with or without modification) no windows, roof lights or openings, other than those shown on the plans hereby approved, shall be formed in the south at any time unless a further planning permission has been granted. Those illustrated on the approved plans shall be permanently retained as obscurely glazed windows

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

6 No dwelling shall be occupied until its associated screen walls/fences or other means of enclosure have been erected in accordance with the approved plans and thereafter retained.

Reason: In the interests of privacy and/or visual amenity.

7 Prior to the occupation of the development, the refuse store(s) indicated on the approved plans shall be provided and thereafter shall be permanently retained solely for this purpose. No refuse shall be stored outside the building(s) other than in the refuse store(s) hereby approved.

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

8 The development hereby permitted shall not be occupied or the use commenced until secure, lit and covered bicycle storage for at least 8 bicycles has been provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority and shall be retained for bicycle storage purposes thereafter.

Reason: To secure adequate off- street parking provision for bicycles and to promote sustainable transport use.

9 Prior to the development hereby being approved, a report shall be submitted to demonstrate that the following has been achieved; maximum internal noise levels of 30dB LAeq,16hr and 30dB LAeq,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 45dB LAmax.

Reason: To protect residential amenity.

10 Provision shall be made within the site for the disposal of surface water, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to construction.

Reason: in the interests of flood risk management.

11 No construction works on external surfaces 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.

12 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:

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

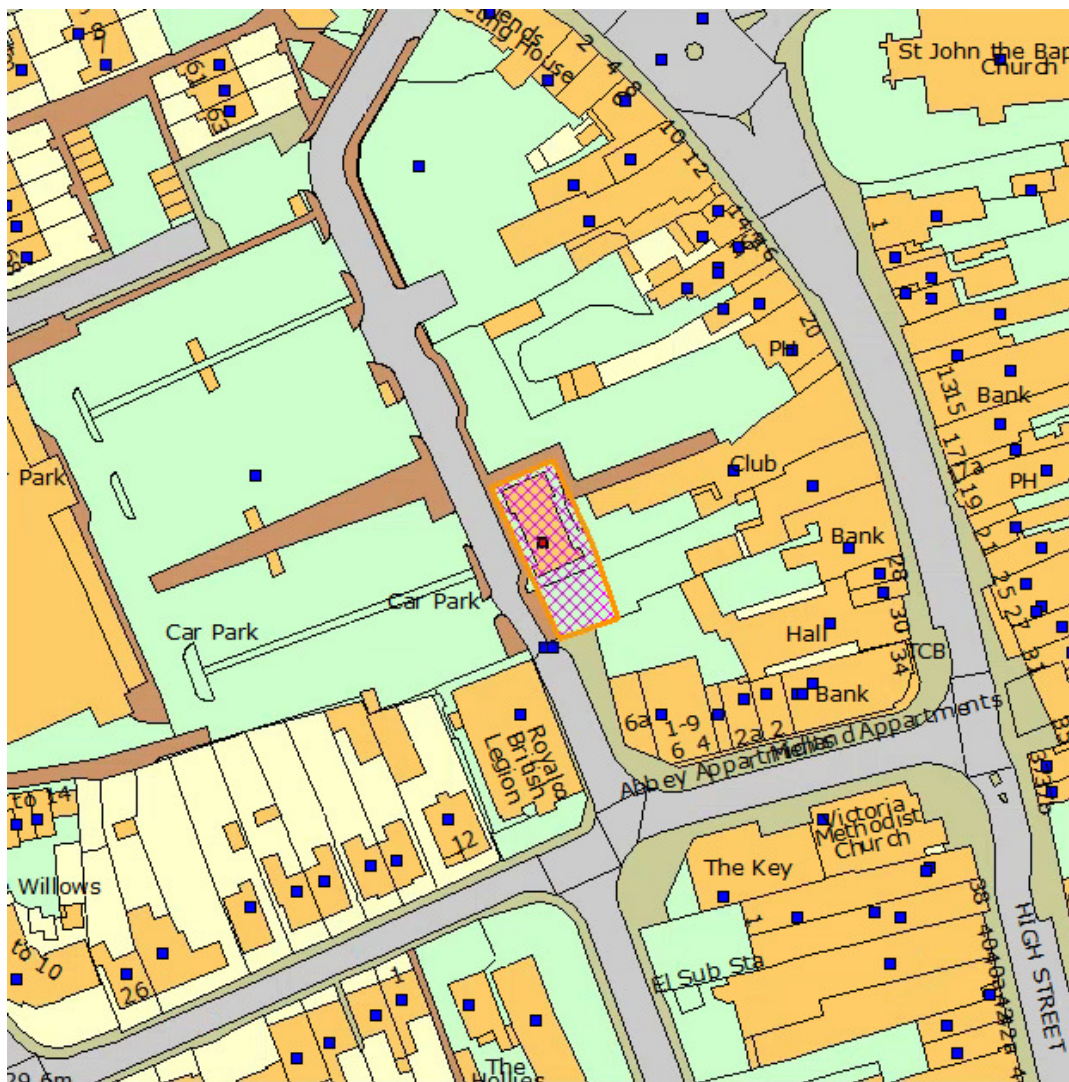
2 In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. For the reasons given, and expanded upon in a related case officer's report, a positive view of the submitted/revised proposals was taken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

3 You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: www.bathnes.gov.uk/cil

4 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: 06
Application No: 15/03650/OUT
Site Location: New Kingdom Hall Charlton Road Keynsham Bristol Bath And North East Somerset



Ward: Keynsham North **Parish:** Keynsham Town Council **LB Grade:** N/A
Ward Members: Councillor Brian Simmons Councillor Charles Gerrish
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

REPORT

Reason for reporting application to the committee

The application is being referred to the committee at the request of Councillor Brian Simmonds as he considers that the development to be harmful for the following reasons;

1. It will be built over a registered footpath
2. It will block the rear access to the Conservative Club which is a fire exit and will make it impossible for the club to dispose of their trade refuse because the applicant is claiming ownership of the whole footpath at the rear of the club. Some of the reasons in point 2 are applicable to the access to the Coop Funeral service.
3. By its mass it will be over bearing on the dwelling in the rear of the Club.
4. The design does not appear to consider the egress of vehicles into a very busy road nor does it consider the difficulty the access from the Funeral Parlour has without the development.
5. The proposed siting of this development could result in the closure of both the Club for safety reasons and funeral parlour due to poor access.

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

Description of site and application

The application site is located within Keynsham Town Centre. The site is located within the Conservation Area. The site is located to the rear of the high street located adjacent to the car park for the Tesco store and the rear elevations of the High Street. The existing building is a single storey property. The site has previously been used as a Jehovah's Witness hall and has since been granted permission under a certificate of lawful use as residential.

This is an outline application considering layout and access for the construction of eight apartments following the demolition of the existing building. The proposed building is indicated to be three stories in height. To the north of the site permission has been granted for the provision of a three storey block of flats which has recently been constructed.

Relevant History

DC - 09/00310/CLEU - LAWFUL - 26 March 2009 - Application for a Certificate of Lawfulness for an Existing Use for continued use of Kingdom Hall as a dwelling (Use Class C3)

DC - 09/04907/OUT - RF - 22 April 2010 - Erection of two and a half storey building to consist of Class A1 (Retail)/Class A2 (Financial & Professional Services)/Class A3 (Cafe & Restaurant) and/or Class A5 (Hot Food Takeaway) uses on the ground floor and offices (Class B1) on the first and second floors following demolition of existing building

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Highways: No objection, subject to conditions. The proposed parking area for eight vehicles would make use of an existing access onto what is a private length of road serving the Tesco store and providing rear access to properties fronting the north part of the High Street. The limit of adopted highway terminates at the southern boundary of the application site where the access road reduces in width to form a 'priority' narrowing.

The existing access point, which would remain unchanged, emerges within the narrowing zone. This has the advantage of creating a widened footway width in this location, affording improved visibility for emerging vehicles. It is noted that, apart from New Kingdom Hall, this existing entrance provides access to parking at the rear of no 24 High Street. During my site visit the area that would have formerly provided some parking for the hall was disused, but aerial photography record shows it was used formerly for this purpose.

The parking layout shown on Drawing No 1888-4 is satisfactory. The 2.4m x 4.8m bays widths are to the accepted dimension standard; and the aisle width of 6.0m sufficient to allow turning and manoeuvring within the site to allow vehicles to egress the site in forward gear. The detail of the proposed boundary to Bay 8 at the back edge of footway is however unclear. It is suggested the clear access width is maintained as far south as the top of Bay 8, and thereafter a wall if proposed should be no greater in height than 900mm to afford inter-visibility between drivers and pedestrians across the entire frontage of the parking area. This is particularly important as a zebra type crossing point is installed across the narrowing in the access road just south of this access point.

Public rights of way: Following the submission of revised plans the following comments are made. The information submitted in the PROW response dated 5th October 2015 clearly shows the width and position of public footpath BA27/70 and this information must be adhered to by the developer - if the development encroaches on the width or position of the public footpath, then it will be an illegal obstruction. The public footpath must be clearly waymarked and signposted so that the public are aware of where the footpath is. PROW is concerned that the footpath might become "hidden" and that the public will be encouraged to walk the route on the other side of the development which is not the route of the public right of way. PROW objects to the opening of the door to the cycle storage into the public right of way. This is a very narrow public right of way (the width of the footpath at this point is approximately 1.6m). Whilst the public footpath does appear to be incorporated into the amended plan (Revised Drawing 1888-4 A), PROW has concerns that the route of the footpath might not be made clear and that the public will be discouraged to use the definitive line of the footpath. PROW also raises concerns about

the safety of pedestrians using the section of public footpath BA27/70 which runs adjacent to the proposed 3 parking spaces.

Wales and west utilities: There are pipes in the area that may be affected by the development. The applicant is advised to contact Wales and West Utilities before work is commenced in site.

Archaeology: No objection subject to conditions. The site lies within the historic core of Keynsham to the rear of buildings on the High Street and within a number of their medieval burgage plots. The neighbouring Tesco and Curo developments were subject to archaeological evaluation and excavation, which revealed the evidence of Roman and medieval occupation in the area.

Conservation officer: Verbal confirmation of no objection

Housing: This application triggers Planning Policy CP.9. (Small site threshold) The application requires a 15 % affordable housing contribution to be secured as part of the planning approval. The following affordable housing contribution is sought: Based upon a scheme of 8 dwellings (5 x one bed and 3 x two bed) the affordable housing contribution amounts to 1.2.

There is a presumption towards the on- site provision of affordable housing. In this case one x 1 bed flat shall be provided as the on- site affordable dwelling. However given the detail of this application, on-site provision may be problematic for the applicant. Housing Services would support the commuted sum approach in this particular case.

Keynsham Town Council: Object. The application proposals constitute an overdevelopment of the site. The proposed height of the flats exceeds the height of neighbouring flats in Charlton Road. (Policy D2 of the Local Plan). The amenity of neighbours' light will be compromised by the development. The overbearing nature of the development will have an influence on light to the rear which will affect the Conservative Club. There will also be overlooking and loss of privacy (Policy D2 of the Local Plan). The amenity of neighbours' access will not be preserved. Currently there is a Public Right of Way giving access to the Conservative Club via both the North West and South East sections of this footpath. This application proposes to incorporate this Public Right of Way closing of access from the North West. (Policy D2 of the Local Plan). The refuse storage for the flats is proposed as being sited adjacent to the Public Right of Way and close to the grounds of the Conservative Club and there are concerns that there will be disturbance from smell associated with the refuse storage in this location. (Policy D2 of the Local Plan)

Environmental Protection: No comment

Councillor Brian Simmonds: Object for the following reasons:

1. It will be built over a registered footpath
2. It will block the rear access to the Conservative Club which is a fire exit and will make it impossible for the club to dispose of their trade refuse because the applicant is claiming ownership of the whole footpath at the rear of the club. Some of the reasons in point 2 are applicable to the access to the Coop Funeral service.
3. By its mass it will be over bearing on the dwelling in the rear of the Club.

4. The design does not appear to consider the egress of vehicles into a very busy road nor does it consider the difficulty the access from the Funeral Parlour has without the development.

5. The proposed siting of this development could result in the closure of both the Club for safety reasons and funeral parlour due to poor access.

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

This is overdevelopment

The proposed new boundary walls will allow access to other properties.

The site will result in overlooking for flats along the high street.

Will residents be protected from unwanted noise?

No provision is being made to alter the route of the footpath to the rear of the property.

The blocking of the footpath with a wall will allow for access onto adjoining roofs.

Bin stores will in close proximity to the nearby Conservative Club. There is a possibility of infestation.

The development will overlook staff accommodation at the nearby Conservative Club.

The access to the Conservative Club could become blocked by parked cars.

The development will block a public right of way.

Additional traffic at an existing junction could result in harm to highway safety.

Construction of the development will be difficult.

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:

CP6 - Environmental Quality

CP7 - Green Infrastructure

KE.1 - Keynsham Spatial Strategy

CP.9 - Affordable Housing

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

D.2: General design and public realm considerations

D.4: Townscape considerations

Bh.6: Development within or affecting Conservation Areas.

T.24: General development control and access policy

T.26: On-site parking and servicing provision

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

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

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

OFFICER ASSESSMENT

This is an outline application considering layout and access for the construction of eight apartments following the demolition of the existing building. The existing site is located to the rear of Keynsham High Street. The development would be adjacent to the car park for Tesco and the vehicles access would use the existing access road leading from Charlton Road which allows access for the Tesco car park. A three storey block of flats has recently been constructed to the north of the site.

Principle

The application site is located within the housing development boundary therefore the principle of residential development is accepted subject to compliance with all other policies within the local plan.

The existing New Kingdom Hall is a single storey building where the lawful use is residential. The loss of the existing building is not considered to harm the surrounding Conservation Area.

Access

The highways officer has raised no objection to the application. The proposed parking area for eight vehicles would make use of an existing access onto what is a private length of road serving the Tesco store and providing rear access to properties fronting the High Street. The limit of adopted highway terminates at the southern boundary of the application site where the access road reduces in width to form a 'priority' narrowing.

The existing access point, which would remain unchanged, emerges within the narrowing zone. This has the advantage of creating a widened footway width in this location, affording improved visibility for emerging vehicles. It is noted that, apart from New Kingdom Hall, this existing entrance provides access to parking at the rear of no 24 High Street.

The parking layout shown on Drawing No 1888-4 is satisfactory. The proposed development will allow for one space per dwelling within a sustainable location. The parking spaces are of adequate size and the development allows for vehicles to enter and leave the site in forward gear.

Concern has been raised within the representations that the proposed development will block the existing rear access. The proposed parking layout will occupy existing developed land and will not encroach onto the existing rear access to properties along the high street.

Public rights of way

There is a public right of way which runs to the rear of the site. The original submitted plans showed that this right of way would be blocked by the proposed building. The revised plans submitted will not block the right of way and it will be retained. The public rights of way officer has advised that if development encroached onto the right of way this could be an illegal obstruction.

Public rights of way have advised that the direction of the footpath may not be clear and have raised concerns that the safety of the pedestrians may be compromised by the provision of parking spaces. However the current situation is that the footpath passes to the rear of the building and then passed through an existing vehicle parking area therefore the proposed development will not alter this situation. It is noted that one ground floor window from the proposed flats would overlook the right of way providing surveillance of the narrow footpath.

Concern was raised within the representations that the proposed development would block access to the rear of the Conservative Club. The revised drawings have retained the pedestrian footpath to the rear of the building so that the development would not block the rear pedestrian access. A condition should be attached to any permission requiring the submission of a construction management plan prior to ensure that the pedestrian and vehicle accesses do not become blocked during the construction period.

Layout

The applicant has submitted a layout and indicative elevations. The ground floor of the proposal would partially be given over to parking space and the proposed development would provide one space per dwelling. Given that a three storey building has been constructed to the north of the site the proposed development would continue the line of the development to the rear of the site and will respond to the layout of the surrounding area. The council is satisfied that the site could accommodate the development of eight flats.

Design

Whilst the applicant has not applied for the appearance or scale of the development they have provided indicative elevations. The proposed elevations show that the building would be a three storey building with a similar footprint to the existing building. The building would be of a similar scale to the recent development to the north of the site and subject to approval of the design details at the reserved matters stage the proposed development is likely to be acceptable.

Page 55 of the Draft Keynsham Conservation Area appraisal makes reference to the boundary walls and the public footpath to the rear of the building. The document states that poor facing and graffiti to the boundary walls make the existing public right of way an unpleasant route. The partial removal of the existing boundary wall around the hall would be likely to make a positive contribution to the surrounding area.

There is a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. Here it is considered that the proposed development will preserve the character of the surrounding Conservation Area.

The building will be in close proximity to the nearby Grade II listed buildings on the High Street. The rear elevations of these building appear to have been substantially altered and the proposed flats are considered to be a sufficient distance away to not be viewed as being part of the context of the listed buildings.

There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to consider whether the development will affect a listed building or its setting. Here it is considered that the proposed extension will not harm the setting of the nearby Grade II listed buildings.

Affordable Housing

Following a High Court decision the Government has rescinded paragraphs 12-23 of the National Planning Practice Guidance. This guidance had stated that Council's should not seek affordable housing contributions on schemes of below 10 houses or 1000m² (floorspace). This therefore means that the LPA can again give full weight to the small sites section of Policy CP9 (affordable housing) of the Core Strategy. Therefore in this case the proposed development would trigger a 15% affordable housing contribution which will need to be secured with a legal agreement. The housing officer has advised that they would accept a commented sum approach.

Archaeology

The site lies within the historic core of Keynsham to the rear of buildings on the High Street and within a number of their medieval burgage plots. The neighbouring Tesco and Curo developments were subject to archaeological evaluation and excavation, which revealed the evidence of Roman and medieval occupation in the area. The archaeology officer has requested that conditions are attached to any permission requiring the submission of an archaeological investigation.

Other matters

Concern has been raised within the representations that the proposed development will result in overlooking of the upper floors within the nearby High Street which are used for residential. The upper floors of the High Street would be over 20m from the rear elevation of the proposed flats so that the proposed flats are considered to be a sufficient distance from the rear elevation to not warrant refusal of the application.

Concern has been raised within the representations that the construction of the proposed development will result in disruption to the local surrounding area. A construction management plan should be attached to any permission to ensure that the development does not result in harm to the surrounding area during construction.

RECOMMENDATION

PERMIT

CONDITIONS

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

(i) Provision of affordable housing

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 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 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 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 The boundary wall or treatment between Bay 8 and the footway, and extending from the SW corner of the site to the southernmost point of the vehicular access, shall be no higher

than 900mm to afford full inter-visibility between emerging drivers and pedestrians across this part of the road frontage.

Reason: In the interests of highway safety.

6 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.

7 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. To commence work prior the information being submitted could damage any potential archaeological remains.

8 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.

9 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 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 BS31 2EU



Ward: Keynsham North	Parish: Keynsham Town Council	LB Grade: N/A
Ward Members:	Councillor Brian Simmons Councillor Charles Gerrish	
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	

REPORT

Reason for reporting application to committee

The application is being referred to the chair at the request of Councillor Brian Organ. Councillor Organ considers that to refuse the development would be inconsistent with other developments.

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

Description of site and application

Charlton Road is located on the north western side of Keynsham. Number 96 is a semi-detached property located outside of the Conservation Area. The existing property includes a large side garden on the corner of Charlton Road and Ashcroft Avenue.

This is an application for the erection of a two bedroom bungalow within the side garden of the existing property following the demolition of the existing garage. The application includes the provision of a front porch to the existing dwelling.

The applicant is proposing to provide vehicle access from Ashcroft Avenue. The site would provide two parking spaces for the proposed dwelling and two for the existing dwelling. The site is surrounded by a low boundary hedge and is clearly visible from the surrounding streetscene.

Relevant History

8082- Porch and bay window, permission

8207 - Front porch and bay window, permission

DC - 15/01963/FUL - WD - 1 October 2015 - Erection of 1no two bed bungalow, front porch to existing dwelling and creation of parking.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Councillor Brian Organ: Highways originally approved this application and are now objecting. This is inconsistent with other nearby developments.

Keynsham Town Council: Support. The materials, scale, height and degree of the proposed development are acceptable.

Highways: Object. The proposed layout drawing indicates the provision of 4 no. spaces within the confines of the site to accommodate both the existing and proposed dwellings. However, concerns remain about the space available for turning manoeuvres and the likelihood of vehicles having to reverse onto the public carriageway at a location in very close proximity to a junction. The sizes of the spaces do not appear to comply with the standard set out in Manual for Streets. The drawing also appears to show 1 no. space encroaching onto public lands adjacent to the site

Representations: No representations have been received

POLICIES/LEGISLATION

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

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

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

CP6 - Environmental Quality
KE.1- Keynsham Spatial Strategy

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

D.2: General design and public realm considerations
D.4: Townscape considerations
T.24: General development control and access policy

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

OFFICER ASSESSMENT

This is an application for the erection of a two bedroom bungalow within the side garden of the existing property. The application includes the provision of a front porch to the existing dwelling. This part of Charlton Road is characterised by two storey properties of varying designs.

Principle

The application site is located within the housing development boundary. Therefore the principle of the development is accepted subject to compliance with all other policies within the local plan.

Design

The proposed bungalow has been designed with a pitched roof with hip ends. All accommodation would be located within the ground floor. The roof space could not accommodate further accommodation. The proposed dwelling will front onto Charlton Road with vehicle access from Ashcroft Avenue which runs to the side of the site.

The proposed dwelling will continue the line of development along the existing street, it will not disrupt the grain of development within the surrounding area. The existing hedge along the front elevation will be retained and the proposed dwelling will not harm the appearance of the surrounding streetscene.

The dwelling will be constructed from similar materials to the neighbouring property of number 96 and is considered to respect the appearance of the neighbouring property.

Highways

The existing dwelling includes a parking area accessed from Ashcroft Avenue. The highways officer has objected to the application. The applicant has provided four parking spaces, two for the existing dwelling and two for the proposed dwelling.

The highways officer has advised that the spaces appear to encroach onto public land and are not of an adequate size. Number 96 is located at a junction of Ashcroft Avenue and Charlton Road so the proposed development is considered to result in harm to highway safety.

There is no space for manoeuvring within the site so that vehicles will not be able to enter and leave the site in forward gear. This will result in vehicles having to reverse onto the highway to leave the site. Furthermore the spaces are provided in a tandem formation so that cars cannot exit the site independently. The parking area is located close to the junction of Ashcroft Avenue within Charlton Road so that vehicles using the junction could potentially conflict with vehicles using the proposed parking spaces. Therefore the proposed parking formation is considered to be hazardous to highway safety.

The application site is located outside of the town centre so is in a less sustainable location than if the development were in a central location. Parking on the surrounding streets is restricted by the fact the development is adjacent to Charlton Road which forms one of the main routes in and out of Keynsham and on street parking is not readily available. It is considered necessary in this case to provide parking on site.

The applicant has made reference that similar developments have been permitted within the surrounding area. A development for two flats was permitted at number 11 Ashcroft Avenue where cars would need to reverse onto the highway. However the proposed application is located close to a junction between Ashcroft Avenue and Charlton Road

therefore in this case cars reversing onto the highway is considered to be hazardous to highway safety. The application at Ashcroft Avenue including parking spaces which would operate independently of each other. In this application the parking has been laid out so that one of the spaces is blocked by the spaces near the road so that not all cars can leave the site independently.

Policy T.24 of the local plan states that development will only be permitted if it provides a high standard of highway safety. For the reasons cited above the proposed development is not considered to comply with policy T.24 of the local plan.

Amenity

The proposed dwelling would be located adjacent to the side elevation of number 96 so would not appear overbearing to the occupiers of number 96. No new glazing has been provided on the side elevation so that the proposed dwelling would not result in increased overlooking of the occupiers of number 96.

The rear elevation will primarily overlook the rear garden of the new property. Being only a single storey it will not result in increased overlooking of the neighbouring property of number 2 Ashcroft Avenue.

Front porch

The proposed front porch on the front elevation of number 96 will result in a small addition to number 96. The proposed porch includes a pitched roof and gable end so will respect the appearance of the host dwelling.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed configuration of parking spaces will result in cars reversing onto the highway near the junction with Ashcroft Avenue and Charlton Road. Cars reversing onto the highway at this point would result in harm to highway safety. The development is therefore contrary to policy T.24 of the saved policies of the Bath and North East Local Plan, including minerals and waste policies, adopted October 2007

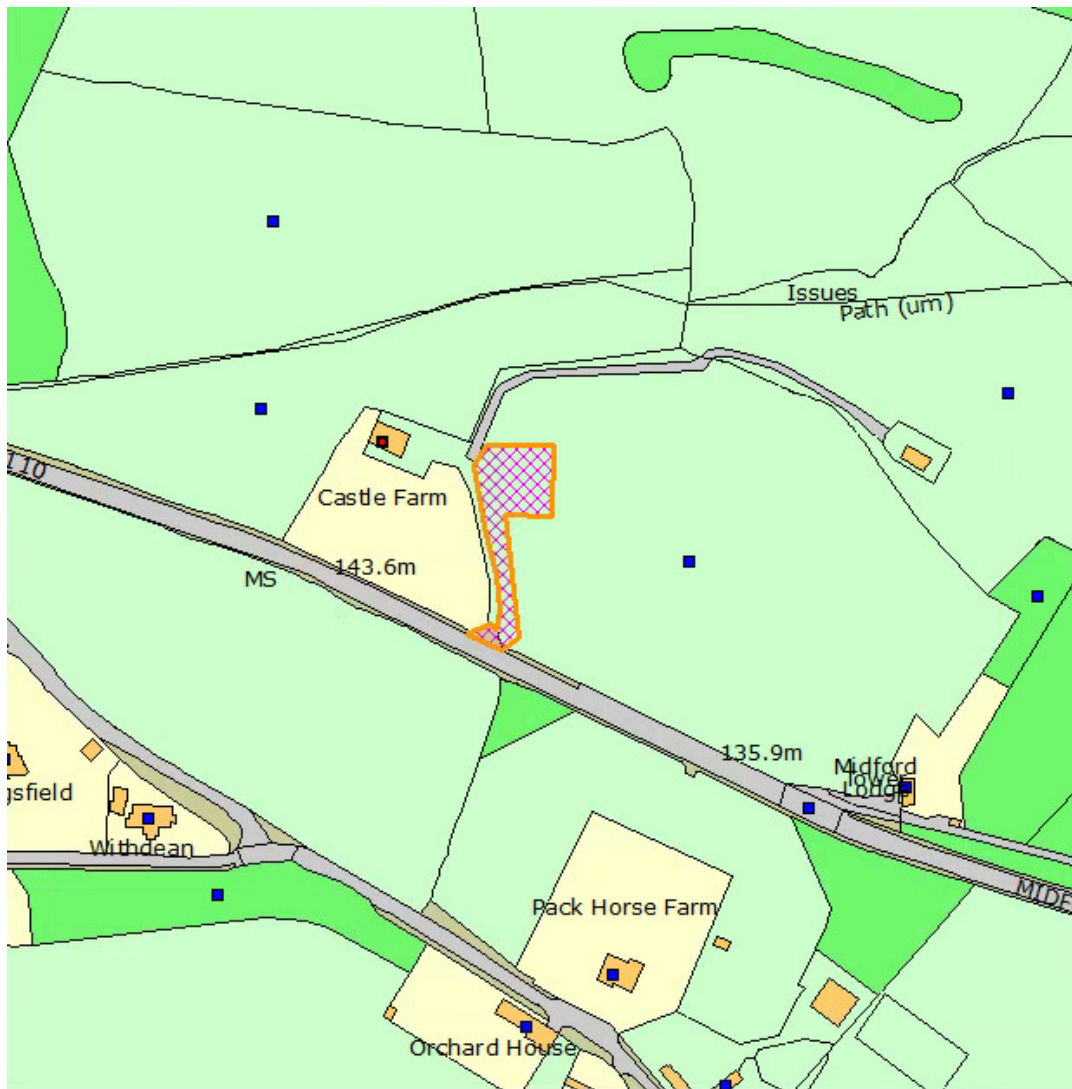
PLANS LIST:

1 Site location plan
Block plan
Proposed plans and elevations 01B
Proposed elevations 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 Policy 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 choose not to withdraw the application, and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.

Item No: 08
Application No: 15/03325/OUT
Site Location: Castle Farm Barn Midford Road Midford Bath Bath And North East Somerset



Ward: Bathavon South **Parish:** South Stoke **LB Grade:** N/A
Ward Members: Councillor Neil Butters
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

REPORT

Reason for reporting the application to committee

The application is being referred to the committee as the parish council have objected to the application as they do not consider that sufficient justification has been submitted and the location of the dwelling is considered to harm the appearance of the surrounding landscape.

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

Description of site and application

Castle Farm Barn is located to the south of Bath within the open countryside. The existing site is located within the Green Belt and Area of Outstanding Natural Beauty. The application site is located within the open countryside and occupies a hillside position within the existing valley. The site is accessed from a vehicle entrance Midford Road to the south of the site. A public footpath runs to the north of the site within the valley.

This is an outline application with all matters reserved for the erection of an agricultural workers dwelling. The application site has been revised so that the dwelling is proposed to be located to the north of the existing barn on site. The applicant has not provided any indicative floor plans or elevations. The proposed development would utilise the existing access to the site.

Relevant History

AP - 12/00072/RF - ALLOW - 13 February 2013 - Erection of a temporary agricultural dwelling and an extension to cattle shed.

DC - 02/00764/AGRN - PRAPRQ - 17 April 2002 - Provision of one greenhouse and two polytunnels.

DC - 02/02316/AGRA - RF - 18 November 2002 - Provision of two polytunnels and one greenhouse

DC - 04/00748/AGRN - PRAPRQ - 1 April 2004 - 2 No Poly tunnels to existing Farm building and access

DC - 96/02323/AGRN - PER - 25 October 1996 - Agricultural storage building for machinery/feed together with farm track for access as by plans received 2nd October 1996.

DC - 97/02313/FUL - PER - 15 July 1997 - Retention of farm track along former way linking agricultural buildings as amended by information received 28th May 1997.

DC - 97/02649/AGRN - PER - 1 August 1997 - Erection of an agricultural building (machinery/hay store)

DC - 97/02885/AGRA - PER - 2 February 1998 - Agricultural storage building as amended/amplified by letter received 24th November 1997 and plans received 18th December 1998, 8th January 1998 and 2nd February 1998.

DC - 98/02309/AGRN - REF - 21 April 1998 - Alterations to existing farm tracks consisting of removal of topsoil to expose stone surface and provision of stone and concrete surfaces to field shelter spring and cattle watering area.

DC - 98/02522/FUL - REF - 1 October 1998 - Stationing of mobile home to house agricultural worker amplified by information received 23rd July 1998, 7th August 1998 and 16th September 1998 (Castle Farm)

DC - 98/02742/AGRA - PER - 20 October 1998 - Details of proposed alterations to farm track and provision of hard surface amplified by information received on 15th September 1998 and amended/amplified by information received on 16th September 1998 and 6th October 1998.

DC - 06/03103/FUL - PERMIT - 26 October 2006 - Installation of wind generator to roof of farm building for sustainable energy.

DC - 12/00707/FUL - RF - 9 May 2012 - Erection of a temporary agricultural dwelling and an extension to cattle shed.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Arboricultural: Further information is required. The submissions do not indicate the extent of excavation proposed to lower the ground level; the position of the cesspit and connection with the mains water supply. The footprint of the dwelling appears very close to the hedgerow shown retained to the east. I accept that this is an outline application, however, the current submissions do not support the statement within section 3.5 of the Design and Access Statement that the development 'will not result in loss of existing hedgerows or trees.

Highways: No objection. It is proposed to construct an agricultural workers dwelling in an existing farmyard located on Midford Road, Midford. The dwelling will be occupied by the applicant and his family.

When necessary, the dwelling will also be occupied by casual labour that is part of Working Weekends on Organic Farms (WWOOF). It is also proposed to provide office spaces which will be used by the applicants in connection with their business.

Permission for a temporary workers dwelling was granted on appeal (planning ref. 12/00707/FUL and appeal ref. APP/F0114/A/12/2181874). Highways objected to the proposed on the ground of intensification in the use of the existing access and restricted

visibility from the access. However, the condition attached to the provision of the required visibility from the access was discharged under planning ref. 13/02070/COND.

The site is accessed via the B3110 (Midford Road) which has a 50 mph speed limit at the location of the site. As the proposed permanent dwelling will replace the existing temporary dwelling, it is envisaged that the proposal will not result in an increase in traffic movements to and from the site.

Landscape: There is no in principle objection to the application. However retention, protection and ongoing management of existing vegetation is a very important element and will require sensitive design to ensure that this scheme can nestle into the hillside.

The layout and design of the scheme needs to be exemplary. It must also include a comprehensive scheme of planting, this must include hedge and tree planting on and off the actual application site.

Overall, whilst I have no objection to the principle of the scheme, much more work is required and includes a possible revision to the application boundary. In that case I must conclude that the scheme is not acceptable in its current format.

Drainage: No objection, subject to conditions.

Archaeology: There are no known archaeological sites or monuments in the immediate vicinity that are likely to be affected by the proposed development. I am therefore content that no further archaeological investigation or conditions will be required.

Environmental Protection: No objection

Contaminated Land: No objection subject to conditions due to the sensitive nature of the site.

South Stoke Parish Council: Object. The Planning Inspector, when allowing the owners appeal in February 2013 against B&NES refusal of application 12/00707/FUL for a temporary dwelling made the following comments, observations and requirements:-

- a). The permission for a mobile home would be temporary and limited to 3 years from the date of occupation.
- b). No consideration would be given to any further application without a proper farm management and landscape plan.
- c). In order to assess the viability of Castle Farm as an agricultural business, which might justify a permanent dwelling, there should be fully audited accounts. The Parish Council can see no formally and professionally audited accounts accompanying this application. The accounts submitted with the application are prepared by a qualified Accountant but are not audited and cover only two years, so they do not meet the conditions set out by the Inspector. Since significantly high levels of income are projected for future years from a very small (0.6 hectare) horticultural part of this holding, such audited accounts would be essential to prove the need for a permanent dwelling. In addition, the proposed location of the new dwelling would be much more visible than the current temporary dwelling and so would have a significant negative impact on the Green Belt, Area of Outstanding Natural Beauty, and the Setting of the World Heritage Site when viewed from near and distant points of public access.

- i) The site is within the Green Belt, Cotswolds AONB & The Setting of the World Heritage City of Bath. In these areas new building is by definition 'inappropriate' unless very special circumstances exist which would outweigh the harm that would be caused. No such circumstances have been proved to exist.
- ii) The newly proposed site is still in an extremely sensitive and highly visible location. It is next to a public footpath and easily seen from high ground with public access in Combe Down. If built on this hillside it will have a harmful effect on views of the Area of Outstanding Natural Beauty & the World Heritage Site Setting from many points of public access to the North. It will be particularly visible in Winter months, when leaves have fallen.
- iii) The Inspector's report following the Appeal by the same applicant against BANES' decision to reject an application for a temporary Agricultural Dwelling on this site, allowed the appeal for a three year period. However this was expressly to allow the Applicant time to produce properly 'Audited Accounts', which might prove that the holding was viable and would support such a dwelling in the future. Whilst Accounts have now been submitted, these are simply based on figures produced by the Applicant, so are solely reliant on the accuracy of those figures. No attempt has been made to provide the 'Audited Accounts' required by that Inspector.
- iv) If a new Agricultural Dwelling is allowed on this inappropriate site it will open the door, by setting a precedent, to similar suburbanisation of the extremely important Green Setting of our World Heritage City.

Ecology: Some additional information has been submitted including photographs and an indicative landscape plan showing intended retention of hedgerows and trees, and proposed new planting. The length of new native hedgerow planting proposed is welcome.

As before, on the face of it I consider the proposal is unlikely to result in unacceptable ecological harm however it is still difficult to be as confident as I would like to be at this stage, due to the indicative nature of the information. I would prefer to have greater confidence in the ability of the proposal to avoid harm to the hedgerow and trees, including more detail to have been provided regarding the proposed access, which at present is described as access point to be improved.

Representations:

Bath Preservation Trust: There will potentially be harm to the openness of the Green Belt and Area of Outstanding Natural Beauty. The site is in an elevated position within an attractive hillside. If the proposal is justified then significant emphasis should be placed on the siting of the dwelling and the provision of a landscaping plan.

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

The site is an eyesore.

The building will be visible from the World Heritage Site.

There are no exceptional circumstances.

The accounts are not accurate.

The accounts have not been audited.

The site is within the AONB and Green Belt. It is within a sensitive location.

The provision of a two storey house would open the door to further development of the area.

Midford Road is a busy road and access to the site is hazardous.

Bath is not short of farm shops and organic vegetables are available within local supermarkets.

The majority of supporting comments are from customers not residents.

There are plenty of houses in the local area that the applicant could live in.

A house is not required to grow vegetables.

The applicant has previously tried to build a dry ski slope.

There will be environmental damage.

There are already two large housing estates to be built in Odd Down and Combe Down.

The existing vale is a national treasure.

Beauty spots should be protected.

The new building is larger than the temporary building and will be easily visible within the landscape.

There is an abundance of wildlife in the area which will be affected by the development.

The site is of archaeological significance.

124 representations have been received in support of the application for the following reasons:

Farm buildings are a natural part of the landscape.

The criteria was considered at appeal and consent granted.

The size of the herd has increased and vegetable sales have increased.

The business is profitable and the farm is employing people full time.

The farm contributes positively to the community and it is reasonable to seek to house the farm workers.

Planning law allows for farmers to live on the land.

Livestock need constant attention and farmers work longer hours.

The house will fit in with the area.

Small farms like this need to be encouraged.

The owners are welcoming and the veg boxes are fantastic.

The business needs 24 hour attention.

This is not a large commercial business.

This should be viewed as a positive step.

A permanent home will help grow the business.

This is a working farm with livestock to attend to.

The farm does not harm the landscape.

The farm entrance is at a straight section of road with good visibility.

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:

CP6 - Environmental Quality
CP8 - Green Belt

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

D.2: General design and public realm considerations
D.4: Townscape considerations
GB.2: Visual Amenities of the Green Belt
HG.10: Housing outside settlements (agricultural and other essential dwellings)
Ne.2: Areas of outstanding natural beauty
Ne.4: Trees and Woodland
T.24: General development control and access policy

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

OFFICER ASSESSMENT

This is an outline application with all matters reserved for the erection of an agricultural workers dwelling. The application site is located within the open countryside to the south of Bath. The site is located on the southern side of the Horsecombe Valley. The site currently comprises a large barn with associated poly tunnels. The applicant is proposing to site the dwelling in the field to the north of the existing barn. This is a relatively small field surrounded by mature trees and hedgerows. Permission was granted at appeal for the siting of a temporary agricultural workers dwelling. This has been sited to the south of the existing barn.

The applicant has lived on site since in temporary accommodation July 2013. They have advised that since living on site they have been able to extend growing seasons and develop a herd of cattle including improving welfare.

In 2012, the applicant had 13 suckler cows and 17 calves, with the calves kept to an age of 6-8 months. The stated intention then was to expand to 30 suckler cows within three years by retaining all heifer calves as a closed herd. This intention has not been achieved, but with 21 suckler cows, 3 heifer followers and 6 heifer calves expecting to mature to 30 cows with followers within 2 years, the progress has been reasonable. The bull calves are sold at 3 months. The herd require on site supervision to oversee calving and unexpected occurrences such as escape or illness. As the herd grows such occurrences will become more frequent. The applicant has advised that since living on site they have been able to assist in calving overnight and this has prevented deaths of livestock.

Vegetables and soft fruit are produced from the holding and horticulture is the main enterprise, 50 free range chickens are housed in the orchard adjacent to the horticultural area, with eggs sold through the business. The applicant has advised that being on site

has enabled them to install an irrigation and heating system which can extend the growing season within the poly tunnels. This has to be regularly monitored so that if the system develops a fault then it can be fixed without the loss of a crop.

Principle of development

Paragraph 89 of the NPPF states that the construction of new buildings within the green belt are considered to be inappropriate development. It then goes on to list exceptions to this which includes the construction of buildings for agriculture and forestry. The application site is located within the open countryside outside of any settlement boundary. Paragraph 55 of the NPPF states that isolated homes in the countryside should be avoided. There are exceptions to this which include the essential need for a rural worker to live permanently at or near their place of work within the countryside.

Policy HG.10 of the local plan relates to the provision of dwellings outside of settlement boundaries. The policy states that dwellings outside settlements will not be permitted unless they are essential for agriculture and forestry. The policy then goes on to list criteria with the development must comply. The criteria is assessed below. The applicant has provided supporting information to justify the provision of the dwelling.

- Is there is a clearly established existing functional need and financial justification for a worker to live on the holding?

Whilst the business has not expanded to the levels predicted in the previous application the business has expanded. The agricultural assessor has advised that the need for a worker to be on site is marginal. The applicant has advised that the farm operates with a closed herd rather buying new cows to expand the herd. Heifer cows are kept on site with bulls being sold so the applicant has advised that as this cannot always be controlled the herd has not grown as predicted. Given the progress of the business and its planned expansion on balance the functional need is justified.

The accounts do show that the business has been profitable in at least one of the last three years and shows sufficient income for a minimum salary level. The applicant has advised that three years of accounts since the implementation of the temporary permission cannot be provided as the application is being made prior to the end of the temporary permission.

The applicant has proved that the business is profitable and their projections for 2016 suggest that the business will continue to do so. On balance the proposed development is considered to provide a financial need to for a worker to be on site.

- The need is for accommodation for a full-time worker

The applicant has demonstrated that there is a need for a full time worker. As stated above there is a need for a worker to be present on site should a problem develop with the herd or the irrigation system.

- The functional need could not be fulfilled by another existing dwelling in the holding, or other existing accommodation in the area which is suitable and available for

occupation, or through re-use of an existing building on the holding subject to the requirements of ET.9

There is no dwelling within the existing holding. There are no vacant buildings on site which could be converted to residential.

- It is sited within a hamlet or existing group of dwelling or buildings, or elsewhere in the countryside when this is not feasible

The existing site is not located within a hamlet or village. To site the dwelling within the village would not allow for a worker to live on site as required. Therefore siting the building within the countryside is accepted.

- It is restricted in size commensurate with the functional requirements of the agricultural or forestry enterprise

This is an outline application and the size and design of the dwelling will be considered at reserved matters stage.

- The occupancy is restricted to agricultural or forestry workers.

This can be secured by condition.

The agricultural assessor has advised that the progress set out in the most recent business plan has not been achieved, even after such a long period of establishment prior to the temporary dwelling consent being granted. However in both cases the evidence is enough to pass the individual tests and on balance the principle of the development is considered to comply with policy HG.10 of the local plan.

Comments have been made within the representations that the accounts have not been audited. The applicant has provided a letter from their accountant stating that Castle Farm is a small limited company so are subject HMRCs audit exemptions.

Green Belt and Area of Outstanding Natural Beauty and Landscape

The size, appearance and scale of the dwelling will be considered at reserved matters stage and the applicant has not submitted any indicative drawings.

The applicant is proposing to site the dwelling to the north of the existing barn. Despite occupying a hillside position the site is not easily visible from the surrounding footpaths which provide public view points within Horsecombe Vale. The dwelling would be sited adjacent to an existing farm building and would be viewed in this context. The building would not be easily visible from footpaths when walking around the wider valley. Therefore if the dwelling could be seen from longer range views, it would be seen in the wider context adjacent to the existing barn. Shepherds Walk is a public right of way which runs along the northern side of the valley within the Combe Down area. Having visited Shepherds Walk it is difficult to view the farm from this public footpath.

The site is surrounded by mature hedgerows and trees which would soften the impact of the building. The provision of a landscape plan could seek to retain this. The landscape

officer has commented that a landscaping plan would be required to ensure that the existing vegetation is retained and a landscaping plan put in place. This is an outline application with all matters reserved and the landscaping plan can be finalised at reserve matters stage.

On balance the site is not easily visible from within the surrounding area. What views there are of the site the dwelling would be seen in the context of the existing barn. The prominence of the dwelling would be dependent on its size and design which the applicant has not yet applied for. The site can accommodate a dwelling which can be designed to be visually unobtrusive, therefore at outline stage no objection can be raised with regards to the impact on the wider landscape.

Highways

The highways officer has raised no objection to the application. The site is accessed via the B3110 (Midford Road) which has a 50 mph speed limit at the location of the site. As the proposed permanent dwelling will replace the existing temporary dwelling, it is envisaged that the proposal will not result in an increase in traffic movements to and from the site. The site has ample room for on site parking, including parking for customers.

Ecology

Comments have been made within the representation that the proposed development is within a site of ecological value. However the proposed development would not result in harm to any protected species within the area. The ecology officer has advised that they would prefer additional information as to whether the hedgerow would be harmed and details of the proposed access.

As this is an outline application the applicant would be required to submit further information with regards to the landscaping and scale of the development at reserve matters stage. Therefore this would not form a reason to refuse the application. However the ecology officer has requested that a condition is attached to any permission requiring the submission of further details including a wildlife protection and enhancement scheme.

Arboriculture

The arboricultural officer has made a request for further information. The submitted information does not make reference to the extent of the proposed excavation and connections to utilities. As this is an outline application the applicant would be required to submit further information with regards to the landscaping and scale of the development at reserve matters stage. Therefore this would not warrant refusal of the application.

Other matters

Surface water will be dealt with by the provision of a soakaway. The drainage team have advised that subject to a condition requiring the installation of the soakaway.

The archaeology officer has advised that there are no known archaeological sites or monuments in the immediate vicinity that are likely to be affected by the proposed development.

The contaminated land officer has advised that due to the sensitive nature of the development being residential then a condition should be attached requiring the reporting of any unexpected contamination.

RECOMMENDATION

PERMIT

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 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 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 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.

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: Waterleet Mead Lane Saltford Bristol Bath And North East Somerset



Ward: Saltford **Parish:** Saltford **LB Grade:** N/A
Ward Members: Councillor F Haerberling Councillor Emma Dixon
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

REPORT

REASON APPLICATION BEING REFERRED TO COMMITTEE:

Cllr Haeberling - "This proposal reduces the size of the building and is actually an improvement on the existing building."

Waterleet is a detached dwelling, located within the Bristol/Bath Green Belt and is situated alongside the River Avon. This application is for the erection of a rooftop pavilion with terrace area, following the removal of the existing pitched roof. Originally a split level bungalow, the property has been modernised into a two storey dwelling.

Relevant history:

WK/12652/A - PERMIT- 27 August 1986 - Proposed new pitched roof over existing flat roof

DC - 02/00462/FUL - PERMIT - 14 May 2002 - Single-storey rear extension.

DC - 03/00742/FUL - PERMIT - 13 May 2003 - Detached garage

DC - 15/00629/FUL - WD - 29 July 2015 - Installation of rooftop pavilion following removal of existing pitched roof.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation responses:

Saltford Parish Council - Comments - The parish council repeats the comments submitted under the previous application, namely that this is in the Green Belt and that the development is significantly out of proportion to neighbouring properties.

Furthermore this Council is concerned that the proposed privacy screen (timber slatted weather boarding) on the upper decking could reduce natural daylight for the neighbouring property.

Canal and River Trust - No comments.

Third party representations:

One objection received from adjacent property:

The proposal has been submitted at an inconvenient time, objections are the same as previously submitted:

- Loss of privacy
- Roofline will be taller than other properties, and no others are three storeys
- The view from the other side of the river
- The proposal will dwarf its neighbour
- Civil issues regarding boundary walls

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:

CP6 - Environmental Quality
CP8 - Green Belt

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

D.2: General design and public realm considerations
D.4: Townscape considerations
GB.2: Visual Amenities of the Green Belt
T.24: General Development Control and Access Policy
HG.15 Dwelling extensions in the Green Belt

Existing Buildings in the Green Belt (2008) -Supplementary Planning Document

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

OFFICER ASSESSMENT

The main issues for consideration are 1. Green Belt, 2. Character and appearance, 3. Residential amenity, 4. Other issues.

1. Green Belt:

With regard to development within the Green Belt, there is a presumption against inappropriate development. Policy CP8 of the Core Strategy states that the openness of the Green Belt will be protected from inappropriate development in accordance with national planning policy. Local and national policies protect the Green Belt and resist certain types of development including disproportionate extensions. Bath & North East Somerset Council has an adopted SPD which states that extensions (or close domestic outbuildings) of about a third the size of the original property may be considered proportionate.

In terms of this property, council records indicate that the property had a pitched roof added in 1986, a single storey rear extension in 2002, and a detached garage in 2003.

The term 'original dwelling' refers to the dwelling as it was first built, or on 1st July 1948. This is the date when the Town & Country Planning Act came into force.

Volume of original dwelling = 563m³

The alterations prior to this submission have resulted in an increase of around 83% upon the size of the original bungalow:

Erection of roof void (1986) = 279m³
Single storey rear extension (2002) = 60m³
Garage block (2003) = 130m²
Total Volume = 469m³

The submission of this proposal would result in the existing roof void being removed, reducing the additional volume by 279m³. The proposed pavilion would add a further 153m³.

The proposal would result in an increase of 61% over and above the size of the original bungalow. However, this would also be a 22% reduction in volume upon the size of the original dwelling.

The Green Belt SPD states that: the following will be considered when deciding whether or not an extension is disproportionate:

- i) The cumulative increase in volume of all extensions as a percentage of the original dwelling (which the SPD sets at a third);
- ii) The character of the dwelling and its surroundings.

In this case, under part i) it is considered that the guidance in the SPD and NPPF should carry weight. The proposal would result in a 61% increase upon the original dwelling, and this cannot be considered to be proportionate in purely size terms.

The Supplementary Planning Document also makes it clear that when considering whether an extension is disproportionate the character of the dwelling and its surroundings also need to be considered. When it is taken into account that the proposal would result in the overall reduction in volume compared to the existing building, it would not be considered to constitute inappropriate development within the Green Belt. The reduction in volume and provision of the pavilion is not considered to cause harm to the openness of the Green Belt.

2. Character and appearance:

The streetscene is typified by two storey dwellings, which have mainly resulted from smaller dwellings being extended over time. There is varying design in the area.

The proposal to add the pavilion to the property would essentially result in a third floor being added. The roof of the pavilion would sit slightly higher than the existing ridgeline, and although this has been set back from the edge of the roofline, the pavilion would still be visible from the streetscene and would appear out of character with the surrounding two storey properties. The addition of the horizontal cladding to the property would also

contribute to the incongruous alterations to the property, and together with the roof pavilion would have a bulky and dominant appearance upon the streetscene.

3. Residential amenity:

The property is located adjacent to Marlyn, a split level bungalow situated to the northeast of the proposal site. Marlyn was constructed significantly forward of the building line of Waterleat, and as such, the majority of Marlyn's amenity space is adjacent to the northeast elevation of Waterleat. The rear garden of Marlyn is steeply terraced, rising from the front to the rear of the property.

Part of the proposal is the introduction of a roof terrace, accessed from the rear of the property and the proposed pavilion. It is noted that the roof terrace area has been restricted, in order to mitigate impact upon Marlyn. There are still concerns however, that views over Marlyn, and its amenity space, would still be available from the front and rear of the new terrace area. Horizontal timber cladding has also been proposed to further mitigate potential impact, however this also has the unfortunate effect of introducing a large facade directly adjacent to Marlyn's amenity space, over and above where the existing eaves of Waterleat currently sit. This would have the result of an overbearing impact upon Marlyn, which would have a significant harmful impact upon their residential amenity.

Conclusion:

The proposal is acceptable in Green Belt terms, but is considered to be an incongruous and bulky addition, which would be visually and harmfully out of context with the character of the surrounding area. In addition, the proposal is considered to significantly impact upon the residential amenity of Marlyn, in terms of overlooking and an overbearing impact.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposal, by means of the pavilion and horizontal cladding, would result in a bulky and dominant addition to the property, and would result in an incongruous addition that would be prominent within the streetscene. As a consequence it would fail to respect the existing dwelling, and would be out of character with the local context in terms of appearance, size, and materials, and as such the proposal is contrary to Saved Policies D.2 and D.4 of the Bath and North East Somerset Local Plan (including minerals & waste policies) adopted 2007.

2 The proposal would cause significant harm to the neighbouring property Marlyn by reason of overlooking and an overbearing impact, and as such is contrary to Saved Policy D.2 of the Bath and North East Somerset Local Plan (including minerals & waste policies) adopted 2007.

PLANS LIST:

1 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

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

Item No: 10
Application No: 15/04642/LBA
Site Location: West House Farm Back Lane Hinton Blewett Bristol Bath And North East Somerset



Ward: Mendip

Parish: Hinton Blewett

LB Grade: II

Ward Members: Councillor T Warren

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

REPORT

Cllr Warren has requested that this application is referred to committee for the following reasons:

I strongly support this application. I appreciate the house is grade 2 listed, however the windows are quality hardwood windows that do not look out of place and are fitted to a high standard. In today's time of trying to be energy efficient I believe it is a retrograde step to enforce single glazed windows. This house is in a very rural location and the windows are barely seen.

Site Description:

West House Farm is a Grade II listed detached farmhouse located in the historic settlement known as Hinton Blewett. It dates from the early C17 with late C17 and C19 alterations and additions. It is constructed in squared and coursed local white lias rubble with wooden lintels, some stone dressings under a double Roman tile roof and of an L shaped plan. Pertinent to this application at the time of the Historic England assessment for listing all windows were 3-light C19 casements except central upper window which is of 2 lights.

Proposal:

The proposals are for external alterations to remove 18 No. existing single glazed windows and replace with painted hardwood framed double-glazed windows and install pennant stone sub-cills (Retrospective)

History:

DC - 01/01091/FUL - PERMIT - 3 August 2001 - New garage/stable block.

DC - 01/01103/LBA - CON - 20 August 2001 - Erection of new garages with store above, stables and lean-to log store.

DC - 98/02000/LBA - PER - 12 February 1998 - Provision of new rooflight and gable window

DC - 12/02802/FUL - PERMIT - 14 August 2012 - Erection of a garage/stable block.

DC - 13/02598/FUL - PERMIT - 9 August 2013 - Alterations and extensions to form corner infill to ground floor kitchen, raise roof to first floor of C20 annexe and erection of a single storey extension to form a new entrance hall, garaging and ancillary space

DC - 13/02599/LBA - CON - 12 August 2013 - Internal and external alterations for alterations and extensions to form corner infill to ground floor kitchen, raise roof to first floor of C20 annexe and erection of a single storey extension to form a new entrance hall, garaging and ancillary space

DC - 14/05565/LBA - RF - 3 March 2015 - External alterations to remove 18 No. existing single glazed windows and replace with painted hardwood framed double-glazed windows and install pennant stone sub-cills (Retrospective).

DC - 15/02669/FUL - PERMIT - 19 August 2015 - Erection of single storey garage and workshop building in the garden of West House Farm

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Hinton Blewett Parish Council:

The Parish Council believes that the new windows are very close in appearance to the previous windows and have a very small impact on the look of this listed building from the outside. The Parish Council also supports the energy efficiency afforded by the use of double-glazed units. Subject to the support of the Listed Buildings Officer the Council agreed unanimously to support the application.

No representations received.

POLICIES/LEGISLATION

The Council has a statutory requirement under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant listed building consent for any works to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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

The National Planning Policy Framework (NPPF) is national policy in the conservation and enhancement of the historic environment which must be taken into account by the Council together with the related guidance given in the Planning Practice Guidance (PPG).

The Council must have regard to its development plan where material in considering whether to grant listed building consent for any works. The Council's development plan comprises:

- o Bath & North East Somerset Adopted Core Strategy
- o Saved policies in the Bath and North East Somerset Local Plan (2007)
- o West of England Joint Waste Core Strategy (2011)

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

- o CP6 - Environmental quality
- o

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 the application.

- o BH.2 - Listed buildings and their settings
- o BH.6 - Development within or affecting conservation areas

Other Relevant Considerations:

- o Supplementary Planning Guidance: Energy Efficiency and Renewable Energy Guidance for Listed Buildings and Undesignated Historic Buildings.
- o Traditional Windows: Their care, repair and upgrading. English Heritage

OFFICER ASSESSMENT

The application is retrospective and seeks consent for the removal of single glazed windows, replacement with painted hardwood double glazed windows and the installation

of pennant stone sub-cills. The works were completed prior to the current owners purchasing the property. They were aware of the unauthorised works at the time of purchase. An application for the same proposals was refused on 3rd March 2015; however, the applicants chose not to appeal this decision.

The protected building, at the time of the Historic England assessment for listing, had 19th century, timber casement windows throughout and the listing description clearly states this (The building was listed on 15th January 1986). The applicants state that these windows were replaced in 1992; however, there is no history of these works being granted consent and only the previous owners advice that the windows were removed then. The applicants have argued that as the windows removed dated from 1992, no historic fabric was removed and that there is no justification for reverting back to single glazing. The applicants indicate that the windows installed in 1992 were 'like for like' replicas of the historic windows using single glazing. As outlined above, the last known record of the historic windows was referred to in the listing and there was no subsequent permission to remove these in 1992. There is no definitive evidence regarding the removal of the historic windows.

Windows are one of the most important features of a historic building and the removal of the historic fabric without permission has caused harm to the significance of the listed building. The recent installation of double glazing, has also impacted on the character and appearance of the building. It is acknowledged that the replacement windows have utilised a pattern that is recognised as being of a 19th century style of timber casement window. The use of double glazing, albeit narrow profile, is regarded as inappropriate and, in combination with the new windows and change in detail of the glazing bars to accommodate the double glazing, has a negative visual impact through both the appearance, which through reflection of light differently to single glazing, is inherently modern and clearly obvious to all but the most casual of observers. Its impact on the character of the building is particularly evident given that 18 windows throughout the property are affected.

If pre-application advice had been sought, guidance regarding the implementation of appropriate repair or replacement with single glazed windows would have been provided and on the potential use of secondary glazing.

However, given that the windows are in situ, officers have looked at ways of seeking to mitigate the impact of the appearance of the units on the character of the building. The use of reproduction Crown (traditional) glass for double glazed units has been developed to mitigate against the appearance of double glazing. It has therefore been suggested that the applicant considers this approach rather than completely replacing the windows. This type of glazing is provided by a number of companies who offer guarantees with their products. The applicants have indicated that they do not wish to take up this offer and wish to retain all windows as implemented. It is unfortunate that this alteration could not be agreed to; however, a recommendation is therefore made on the modern units in situ.

Guidance from Historic England in 'Traditional Windows: their care, repair and upgrading' advises:

Consideration can be given to the installation of new slim-profile double glazing where the significance of the building has already been harmed by the replacement of historic windows with inappropriate replacements. Any new windows should be sympathetic and

appropriate design and used in locations where the significance of the building will not be harmed. The guidance is also clear that slim-profile windows do not replicate the qualities of historic single glazing and their detail cannot precisely match that of historic fenestration. Therefore where the significance of a building warrants an accurate copy of a historic window, this should be single glazed and consideration be given to draught proofing or secondary glazing to enhance energy efficiency.

The guidance with the BANES SPD relating to energy efficiency of listed building advises: The LPA supports careful replacement of windows with timber slim-profile double glazed units where there is no detrimental impact upon the special character under the following conclusions:

- The existing windows are agreed as being modern or no historic significance or heritage value
- The existing windows are historic but beyond repair
- Replacement would enhance the special character architectural or historic interest of the building. For example, where existing windows are inappropriate modern replacements and new windows are correctly and authentically detailed and constructed resulting in a significant conservation gain.

As outlined above, the windows have been replaced without permission and therefore the ability of the Conservation Officers and applicants to fully understand and assess the impact has been removed. However, the guidance issued within the SPD is clear that double glazed units are only supported where there is a significant conservation gain. It is not considered, for the reasons set out above, that the windows are acceptable and that the design has resulted in any conservation gain for the character of the building.

In addition to the above, the application also requests that stone cills are retained. The proposal to install stone cills is not regarded as an appropriate intervention and is considered unacceptable.

The alterations to the protected building are regarded as unacceptable and have had an adverse impact on its architectural interest and character. The 19th century windows would have made a considerable contribution to the character and interest of the historic building and their loss has caused harm contrary to the aims and requirements of the primary legislation and national and local planning policy and policy guidance.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The alterations to the protected building are regarded as unacceptable and have had an adverse impact on its architectural interest and character. There is insufficient justification provided for these significant alterations including the replacement of the historic windows. Furthermore, the use of double glazing in a traditional, historic building is also regarded as harmful and inappropriate. The proposed installation of natural pennant window cills is also regarded as uncharacteristic and an inappropriate imposition. The proposals are regarded as causing substantial and unjustified harm to the protected building contrary to Planning (Listed Buildings _ Conservation Areas) Act 1990, Section 12 'Conserving and enhancing the historic environment' of the National Planning Policy Framework, The

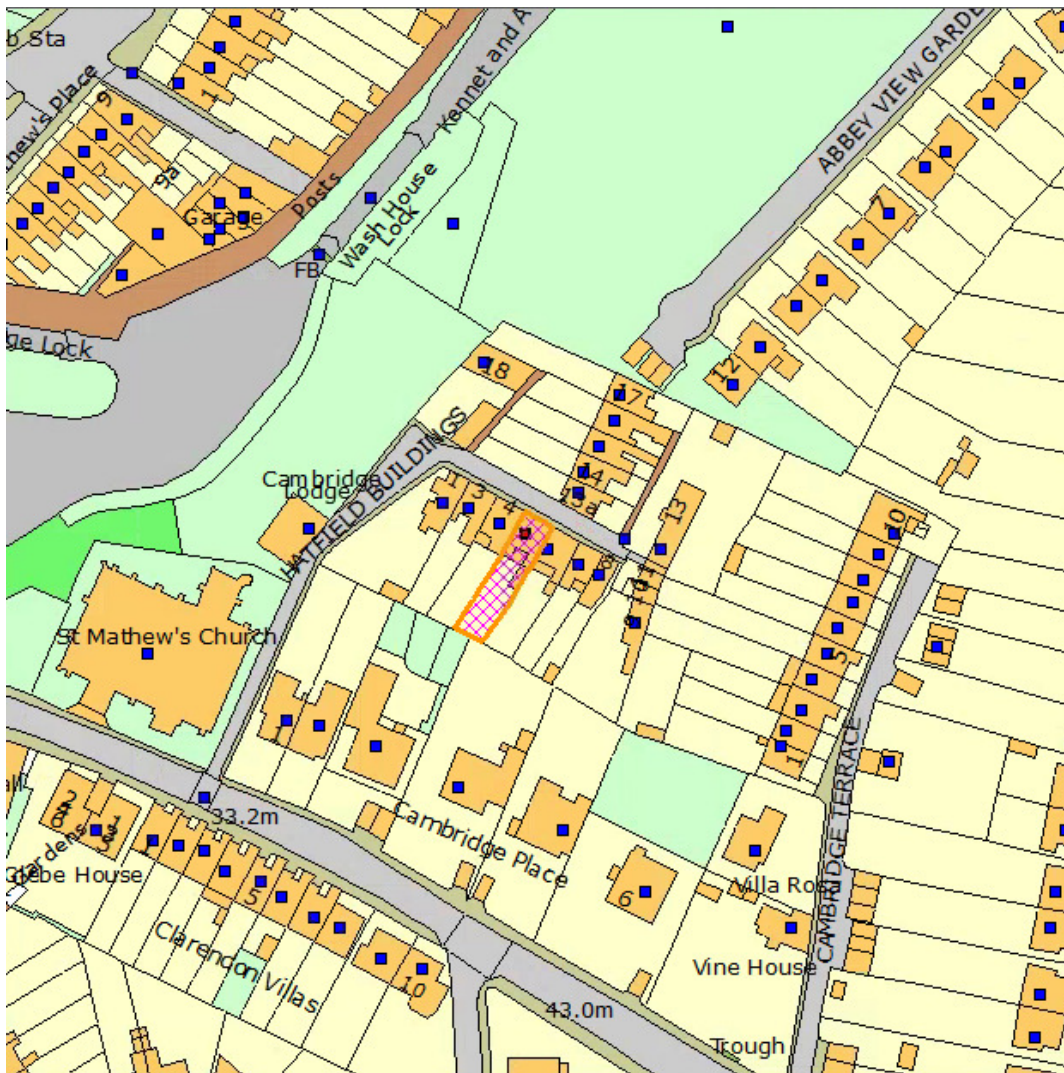
Historic Environment Planning Practice Guide, Traditional Windows: their care, repair and upgrading (English Heritage, September 2014) and Energy Efficiency & Renewable Energy Guidance For Listed Buildings and Undesignated Historic Buildings (B_NES Council, September 2013)

PLANS LIST:

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

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. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was unacceptable for the reasons outlined above and the applicant was advised that the application was to be recommended for refusal unless amendments to the scheme were supplied. The applicant chose not to submit revised plans and did not chose to withdraw the application. Having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision. Further informal discussions, free of charge, regarding a revised scheme are welcomed, in principle, by the Local Planning Authority.

Item No: 11
Application No: 15/04574/LBA
Site Location: 5 Hatfield Buildings Widcombe Bath Bath And North East Somerset
BA2 6AF



Ward: Widcombe **Parish:** N/A **LB Grade:** II
Ward Members: Councillor I A Gilchrist Councillor Jasper Martin Becker
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

REPORT

Reason for referring this application to committee:

This application is before committee as the agent for the application is a Local Councillor (Cllr Goodman).

Site Description:

5 Hatfield Buildings is one of a grade II listed terrace of eight houses. It is also in a conservation area and the wider World Heritage Site. The terrace was built in stone ashlar with slate roofs c1820 and altered in the C20.

Proposal:

The application seeks consent for the internal and external alterations to an existing extension and the installation of a glazed roof light.

History:

DC - 08/03768/LBA - CON - 19 November 2008 - External alterations to include replacement of existing sash windows to front and rear of property and remove paint to front elevation

DC - 12/04479/LBA - CON - 18 December 2012 - Internal and external alterations for the erection of single storey extension, steps and balustrade to rear of property

DC - 12/04726/FUL - PERMIT - 17 December 2012 - Erection of single storey extension, steps and balustrade to rear of property

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

No representations received.

POLICIES/LEGISLATION

The Council has a statutory requirement under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant listed building consent for any works to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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

The National Planning Policy Framework (NPPF) is national policy in the conservation and enhancement of the historic environment which must be taken into account by the Council together with the related guidance given in the Planning Practice Guidance (PPG).

The Council must have regard to its development plan where material in considering whether to grant listed building consent for any works. The Council's development plan comprises:

- o Bath & North East Somerset Adopted Core Strategy
- o Saved policies in the Bath and North East Somerset Local Plan (2007)
- o West of England Joint Waste Core Strategy (2011)

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

- o CP6 - Environmental quality
- o B4 - The World Heritage Site

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 the application.

- o BH.2 - Listed buildings and their settings
- o BH.6 - Development within or affecting conservation areas

OFFICER ASSESSMENT

Consent has been previously granted for a similar proposal in 2012. The applicants have chosen to reduce the scale of the works required and have chosen to retain the current flat roof extension with small alterations. The current extension is a modern addition and there are no works proposed to the historic areas of the property.

The application proposes to enlarge the current kitchen window and replace the door. Cross sections of the window have been provided demonstrating the use of a side hung slim lite double glazing, which is considered acceptable given it is to be used on the modern extension only. The glazed door with fan light and marginal glazing bars is also sympathetic to the existing character of the building. A lantern window is proposed for the flat roof to allow more light into the room. Detailed cross sections have demonstrated that the lantern design and details are acceptable.

The current felt roof is proposed to be replaced with lead. This material is more traditional and would be sympathetic to the character of the listed building. The removal of the felt finish is strongly supported.

Conclusion:

There is a duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant listed building consent for any works to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Here it is considered that the design and scale of the alterations are considered acceptable and the use of materials supported as a sensitive alteration.

There is a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. Here it is considered that the alterations will not affect the character or appearance of the designated area and will preserve the character.

RECOMMENDATION

CONSENT

CONDITIONS

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.

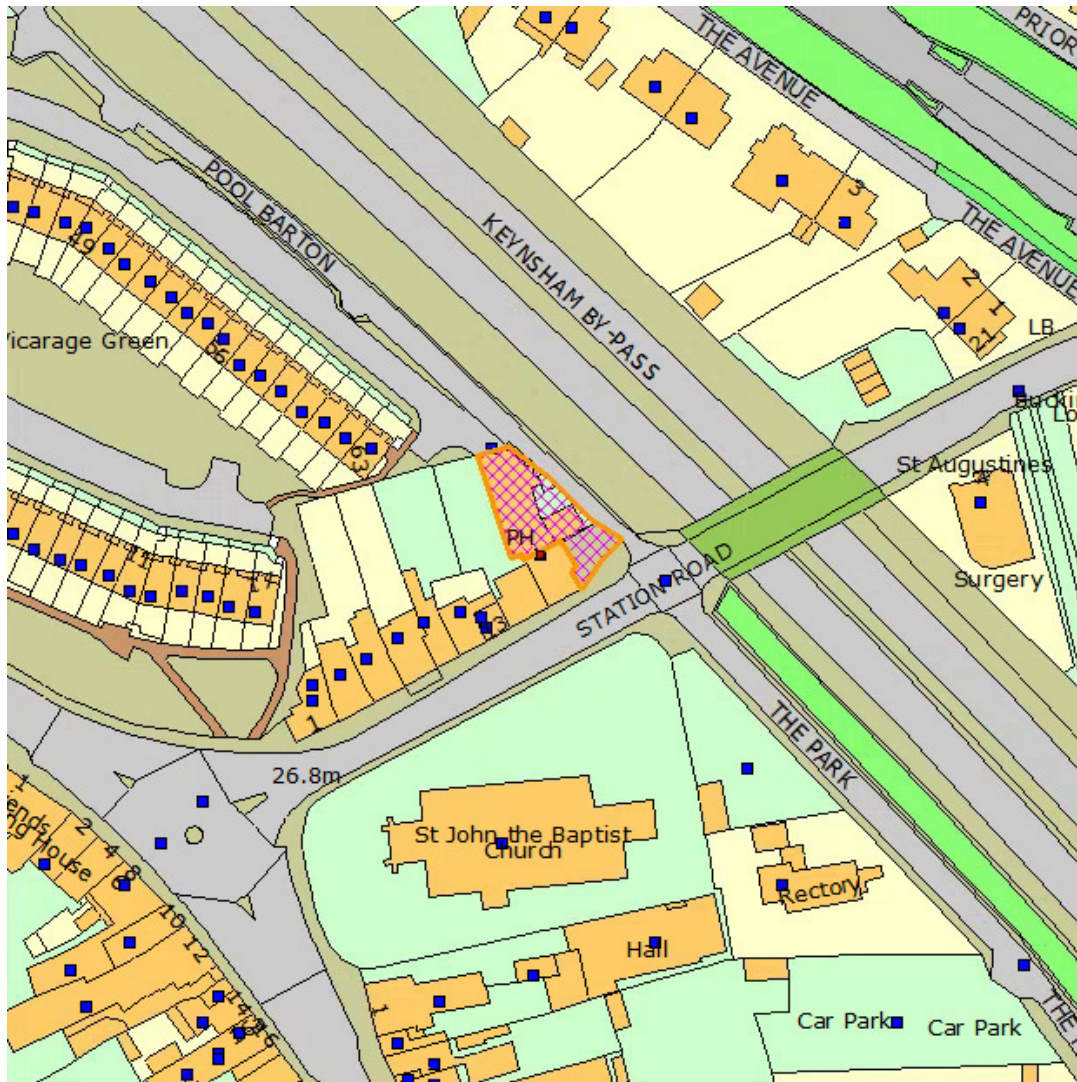
Reason: To define the terms and extent of the permission.

PLANS LIST:

1 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.

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: 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
Ward Members: Councillor Brian Simmons Councillor Charles Gerrish
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

REPORT

REASON FOR REPORTING THE APPLICATION TO COMMITTEE

Keynsham Town Council have objected to the application. Their comments are set out in the main report.

In accordance with the scheme of delegation, the application has been referred to the chair of the Development Management Committee who has decided that the application should be determined by committee.

DESCRIPTION

The application site currently comprises a public house, The Pioneer, with two flats occupying the upper storeys. The pub is a three storey building with a formal rectangular front elevation including a horizontal parapet wall concealing the roof. There is a single storey extension and pub garden to the rear.

The application relates to a vacant public house located within the Keynsham Conservation Area and adjacent to a grade II star listed church. The site falls within the Bath World Heritage Site and Conservation Area.

The application seeks planning permission for the erection of a rear extension to facilitate the conversion of vacant Public House to 4no. 2 bedroom town houses with parking and associated works.

PLANNING HISTORY

The planning history of this site is of significance to the current application and is a material consideration.

June 2013

Application reference 13/00925/FUL for the erection of an extension to form 6no. flats was withdrawn following concerns raised about the impacts of scheme.

October 2013

Application reference 13/03426/FUL for the erection of an extension to form 4no. flats was refused for the following reasons:

1. Detrimental impact on the character and appearance of the conservation area and the setting of the adjacent listed building
2. Detrimental to the residential amenity of occupiers of 13 Station Road
3. Insufficient information has been submitted with the application demonstrate that the number of parking spaces is adequate

March 2014

The above decision was dismissed at appeal, but only reason 1 was upheld by the Inspector. The Inspector considered that the development would not be so harmful to the living conditions of the occupiers that it should prevent much needed additional flats. The Inspector also considered that the flats would be in a highly accessible and sustainable location and that limited parking should not be a bar to development.

December 2014

Application 14/03606/FUL, for the erection of an extension to form 3 x 2 bed and 1 x 3 bed town houses, was refused for the following reasons:

1. Harm to the Conservation Area and the setting of the listed church
2. Detrimental impact upon the amenity of the existing first floor flat above the pub

July 2015

The above decision was dismissed at appeal. However, it is important to note that the Inspector did not uphold reason 1 and concluded that the proposal would enhance the character of the conservation area and would not have a detrimental effect on the setting of the church.

September 2015

In light of the above appeal decision, application 15/02016/FUL, for a reduced scheme revised to avoid impacts upon the existing first floor flat above the pub was permitted.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

ENVIRONMENTAL PROTECTION: No objection, subject to condition

CONTAMINATED LAND: No objection, subject to conditions

DRAINAGE AND FLOOD RISK: No objection, subject to conditions

ARCHAEOLOGY: No objection, subject to condition

HIGHWAYS: No objection, subject to conditions

KEYNSHAM TOWN COUNCIL: Objection

1. The proposed design by size, scale and materials is totally out of keeping with the wider street scene
2. The scale and size of the proposed development would be overwhelming and adversely affect the attached Victorian Public House and neighbouring properties.
3. The height of the proposed development will conflict with that of the adjacent listed St. John's Church and would have significant impact on the visibility of the setting.
4. The proposed development would adversely affect the setting of listed buildings within this area of conservation.
5. Parking issues are currently a problem in this locality and these would be increased with additional parking requirements that will arise from the proposed 2 no 3 bed houses and 1 no 2 bed town house.
6. Concerns are raised that access to Pool Barton may be compromised in particular making access for emergency vehicles difficult.

COUNCILLOR CHARLES GERRISH

Additional property will result in unacceptable overdevelopment and impact on parking and traffic use of Pool Barton - impacting on neighbouring developments

THIRD PARTIES/NEIGHBOURS

131 Letters of objection, including a significant number of pro-forma letters, have been received. The main points raised were:

Overdevelopment
Impacts upon car parking
Design is monolithic
Loss of light to neighbours
Overbearing impact
Eyesore within the Conservation Area

POLICIES/LEGISLATION

At the meeting of the full Council on the 10th July 2014, the Bath and North East Somerset Core Strategy was adopted. Please note that from the 10th July 2014 the Development Plan for Bath and North East Somerset comprises:

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

CORE STRATEGY

KE1: Keynsham Spatial Strategy
CP6: Environmental Quality

LOCAL PLAN

D.2: General Design and public realm considerations
D.4: Townscape considerations
CF.1: Protection of land and buildings used for community purposes
BH.2: Listed buildings and their setting
BH.6: Conservation Area
T.24: General development control and access policy
T.26: On-site parking provision

The National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) are also material considerations. The following sections of the NPPF are of particular relevance:

Section 6: Delivery a wide choice of high quality homes
Section 7: Requiring good design
Section 12: Conserving and enhancing the historic environment

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

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

OFFICER ASSESSMENT

The main issues to consider are therefore:

- Principle of development;
- Character and appearance;

- Residential amenity;
- Highways and parking;

PRINCIPLE OF DEVELOPMENT: The site lies within the built up area of Keynsham where new residential development is acceptable in accordance with policy KE1 of the Core Strategy. There is no objection to the principle of residential development of this site.

The proposal involves the loss of some of the floorspace of the public house. This is dealt with under policy CF.1 which seeks to protect existing community uses. Policy CF.7 is also relevant as it protects the change of use of public houses which would result in the loss of the premises. Also the NPPF seeks to guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs. Policy CF.1 permits the loss of community uses where there is adequate existing local provision. The site is near Keynsham town centre where there are a number of other existing and successful public houses. It is therefore considered that there is adequate existing local provision of this type of community facility. Furthermore, from the comments that have been received from third parties and members of the public it would appear that the pub is not considered to be a valued facility within the local area. It is therefore concluded that there would be no grounds for resisting the loss of this pub.

Notwithstanding the above, the application does not propose the total loss of the pub and there is every chance that this community facility may subsist. Furthermore, the principle of the loss of the pub was accepted during the last application 15/02016/FUL which the LPA permitted. Similarly it was not a reason for refusal when the LPA last considered this proposal under application 13/03426/FUL. It would therefore be inconsistent and unreasonable to raise this as a reason for refusal of the current application.

CHARACTER AND APPEARANCE: The Keynsham Conservation Area covers the older part of the town, with a varied mix of buildings and styles, around its central park. The church of St John the Baptist stands at the north end of the conservation area. It dates from around 1250 with substantial restorations in the 17th and 19th centuries. It is listed at Grade II* and is one of the principle historic landmarks in the town.

The pub stands just within the conservation area, roughly opposite the east end of the church, adjacent and above the cutting to the Keynsham bypass. As a result, it is in a prominent position when approaching the town over the bypass. This is supported by the inspector's comments on a previous appeal in paragraph 6 of the decision letter:

"In my assessment, the present arrangement of building elements behind the façade leaves the front elevation exposed, undermines its design and makes a negative contribution to the conservation area. Given the prominent position of the pub, this has a marked influence on the conservation area and the setting of the listed church. There is therefore an obvious opportunity for development which could enhance the conservation area. On the other hand, the existing development to the rear is low rise and low key. Consequently, while not attractive, the side and rear elevations do not draw attention to themselves."

The current application is similar in appearance to a previous application, 14/03606/FUL, which was refused by the LPA due to its height, massing, volume and siting which was

considered to be harmful to the Conservation Area and the setting of the listed church. However, at appeal the Inspector did not agree with the LPA's assessment and considered that the proposed extension would preserve the setting of the listed church and would enhance the appearance of the conservation area.

The current scheme is substantially similar to the proposal which the Inspector considered acceptable at that appeal and which remains an extant scheme that could be implemented. This is a significant material consideration and is to be weighed in the balance here along with the comments of the Inspector whereby it was advised the proposal would preserve the setting of the listed church and enhance the appearance of the Conservation Area.

There is a duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant listed building consent for any works, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. There is also a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the surrounding conservation area.

Notwithstanding the LPAs earlier reservations in refusing a similar development there are other factors to take into account primarily the implementable decisions as mentioned above that are material and given weight accordingly. Consequently whilst the decision may now be finely balanced it is considered that the proposed development would preserve the setting of the listed church and enhance the appearance of the Conservation Area.

RESIDENTIAL AMENITY: The previous proposal which was dismissed at appeal solely due to the overbearing and oppressive impact upon the rear window of one of the existing flat floor flats above the pub. The current scheme has been revised to position the bulk of the proposed extension away from this window allowing it to receive more light and outlook. It is therefore considered that the impact upon this window has been reduced and the proposal is no longer significantly harmful to the occupiers of the first floor flat.

The proposed extension projects along the entire length of the garden of the neighbouring residential property, no. 13 Station Road. The existing single storey extension to the rear of the pub does partially shade this neighbouring garden, but otherwise it enjoys a good degree of outlook and light. The proposed extension would result in a three storey building along the full length of the garden, albeit the side of the top floor would form a mansard roof and part of this elevation would be set back approximately 2m from the boundary at first floor level. The proposed extension would have an imposing and overbearing relationship with the garden of no. 13 Station Road and the outlook would be adversely affected. However, the previous appeal inspectors it would not be significantly harmful to the living conditions of the occupiers of this property.

The comments of the previous appeal inspector are a material consideration. It is considered that it would be unreasonable for the Local Planning Authority to refuse the application on these grounds.

Furthermore, since the first appeal decision (where the Inspector found the impact upon no. 13 Station Road acceptable) the proposal has been revised bringing it further away from the boundary with no. 13 Station Road. It is therefore considered that the proposal will not have any significant adverse effect upon the amenities of any adjoining occupiers.

HIGHWAYS AND PARKING: The scheme proposes 4 parking spaces for the proposed dwellings. The application site is very sustainable, very close to the town centre and close to bus and rail services. It is also very convenient for public car parking within Keynsham. It is therefore considered that the level of parking proposed is acceptable.

The Inspector's comments on the previous appeal stated "there is no evidence that a shortage of parking spaces would pose an additional risk to highway safety" and that "limited parking should not be a bar to development". The Inspector pointed out that these comments were made in the context of policies T.24 and T.26 which sets out the requirements for parking in terms of their impact on highway safety

Highways are satisfied with the revised layout of the parking spaces for cars and bicycles. The swept path analysis demonstrates that vehicles will have sufficient space to manoeuvre into and out of each space from Pool Barton.

It is therefore considered that the level of parking proposed is acceptable and would not prejudice highways safety.

CONCLUSION: The proposal is a revised scheme which has addressed the reasons for refusal on previous applications. In light of the previous decisions and appeal Inspector's comments, it is considered to preserve the setting of the listed church and enhance the character and appearance of the Conservation Area. Furthermore, revisions to the scheme ensure that it does not harm neighbouring amenity and does not prejudice highways safety.

The proposals therefore accords with policies D.2, D.4, BH.2, BH.6, CF.1, CF.7, T.24 and T.26 of the Bath and North East Somerset Local Plan and policy CP6 and KE1 of the Bath and North East Somerset Core Strategy and, in accordance with paragraph 17 of the National Planning Policy Framework, should be approved without delay.

RECOMMENDATION

PERMIT

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 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:

1 3622_002A
3622_005A
3622_007A
3622_008A
3622_020J
3622-021G
3622-030H
3622-031J
3622-040K
3622-051
3622-001C

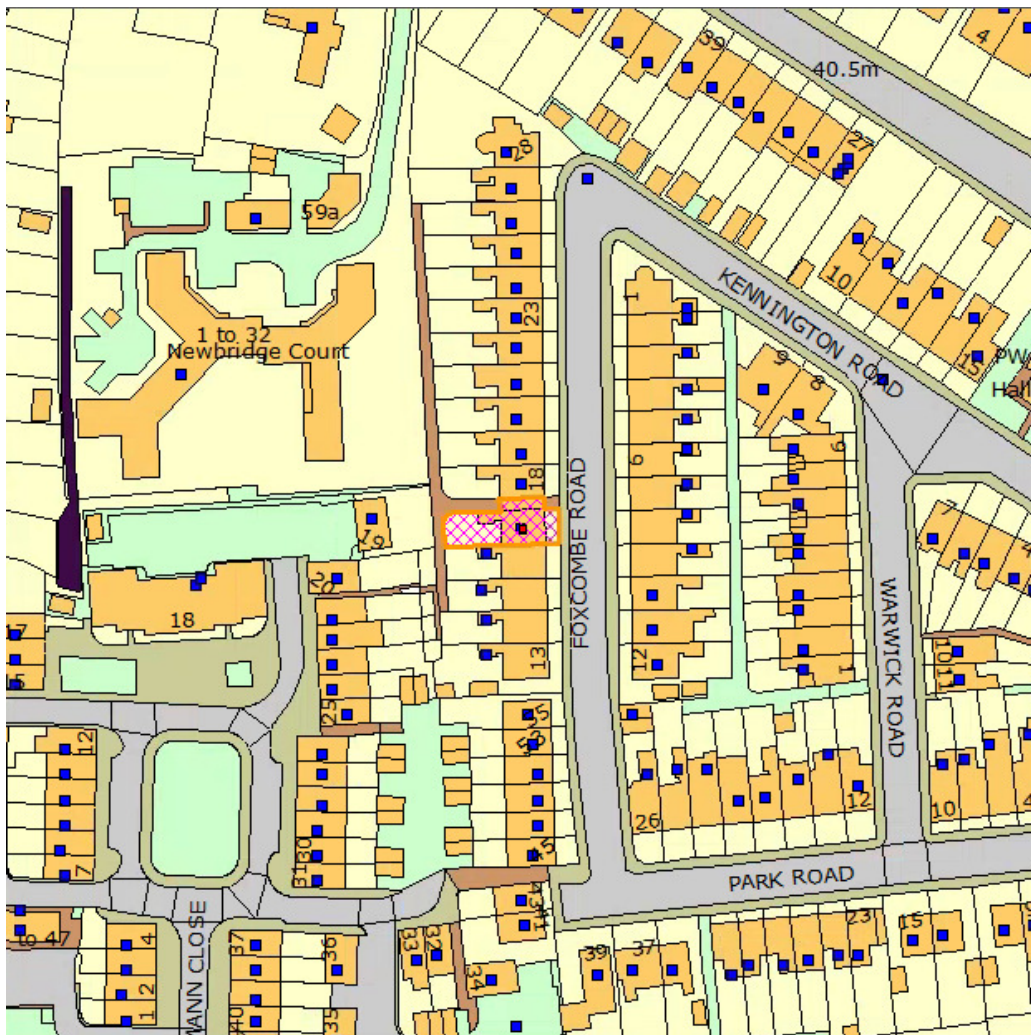
DECISION MAKING STATEMENT

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.

2 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 BA1 3ED



Ward: Newbridge **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Donal Hassett Councillor Caroline Roberts
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

REPORT

This application is referred to the Planning Committee for determination as the applicant is a Councillor for Bath and North East Somerset Council.

The application relates to a mid-terraced residential property which has been split into 2 separate flats. The property lies within the Newbridge area of Bath and is within Bath Conservation Area and the boundary of the World Heritage site.

Planning permission is sought for the replacement of all of the existing windows on the building. Originally it was proposed to install new uPVC casement windows, however, following discussions during the application process it has now been agreed to replace the front elevation windows with uPVC vertical sliding sash windows. The rear elevation windows will be replaced with uPVC casement windows.

Relevant Planning History:

There is no relevant planning history on this site.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

The following representations were made on the original proposals for uPVC casement windows on the entire building.

Bath Preservation Trust : Objection: Whilst the Trust understands the benefits of uPVC in terms of thermal performance, it is a material which is harmful in its manufacture and disposal and isn't a material in the traditional palette of materials in Bath. We regret the cumulative loss of traditional Victorian/Edwardian timber sashes in Bath's terraced suburbs and suggest a more thoughtful conservation-focused approach would be the refurbishment and draught proofing of the original casements. When timber windows are beyond repair we would encourage the use of either pressure treated timber frames with integral glazing bars, which have similar maintenance requirements and longevity as uPVC. If uPVC is to be used it should be of a design that replicates traditional sash windows with integral glazing bars.

The loss of historic timber windows and the proposed new materials would harm the character and appearance of the conservation area and would therefore be contrary to the Planning (Listed Buildings and Conservation Areas Act) 1990, Section 12 of the National Planning Policy Framework (NPPF), policies B1, B4 and CP6 of the B&NES Core Strategy and saved policies BH6 of the B&NES Local Plan. We would therefore recommend that the application be refused.

Two public representations have been received in relation to the application. Both respondent's consider that the type of replacement window proposed is inappropriate for a

property within a Conservation Area and contrary to the Council's advice on 'Living in a Conservation Area' given on their website. The proposal is considered to be harmful to the character of this part of the Conservation Area.

POLICIES/LEGISLATION

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

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

CORE STRATEGY

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

CP6: Environmental Quality
B4: The World Heritage Site and its setting.

LOCAL PLAN

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

D.2: General Design and public realm considerations
D.4: Townscape considerations
BH.6: Development within or affecting Conservation Areas.

The National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) are also material considerations. The following sections of the NPPF are of particular relevance:

Section 7: Requiring good design
Section 12 : Conserving and Enhancing the Historic Environment.

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

OFFICER ASSESSMENT

The application proposes to replace all the existing timber windows on the building. Planning permission is required for these works as the original house has been split into two separate flats and therefore the building no longer benefits from the permitted development rights afforded to dwelling houses.

The existing windows on the property are timber framed sash windows. On the front elevation there are two large bay windows on the ground and first floors, along with three flat roof dormer windows and two further windows. Saved Local Plan policy BH.6 states that development will only be permitted within a Conservation Area where it preserves and

enhances the character and appearance of the area. The initial proposal to replace the front elevation windows with uPVC casements was deemed to be contrary to this policy and was not supported by Officers.

Subsequent to this it has been agreed to install a more sympathetic design of window on the front elevation. The windows will still be manufactured from uPVC, however, they will be in the style of a vertical sash window with glazing bars and mock sash horns. It is considered that these windows will have a more traditional appearance and should be more in keeping with the age and character of the property. It is recognised that the original timber sash windows have finer glazing bars and proportions and it would be preferable that these are repaired and retained. However, it is also noted that a number of houses along Foxcombe Road have had the original windows replaced with uPVC casements under 'permitted development' rights. Therefore, the precedent for uPVC windows along the road is now well established and it is considered that this is an acceptable compromise solution for the front elevation.

The rear elevation windows will be replaced with uPVC casement windows, however, this elevation is very enclosed. Although there is an access track along the rear of the properties these elevations are otherwise not visible from the public domain and the impact on views within the Conservation Area is minimal.

There is a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the surrounding Conservation Area. It is considered that the revised proposals for the replacement of the windows will be acceptable and will preserve the character and appearance of the Conservation Area and the World Heritage Site. The proposal is therefore deemed to accord with the saved policies D.2, D.4 and BH.6 of the Local Plan 2007 and Core Strategy policies CP6 and B4 and is recommended for approval.

RECOMMENDATION

PERMIT

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 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:

1 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

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.