

Bath & North East Somerset Council

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

BACKGROUND PAPERS

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

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

The following notes are for information only:-

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

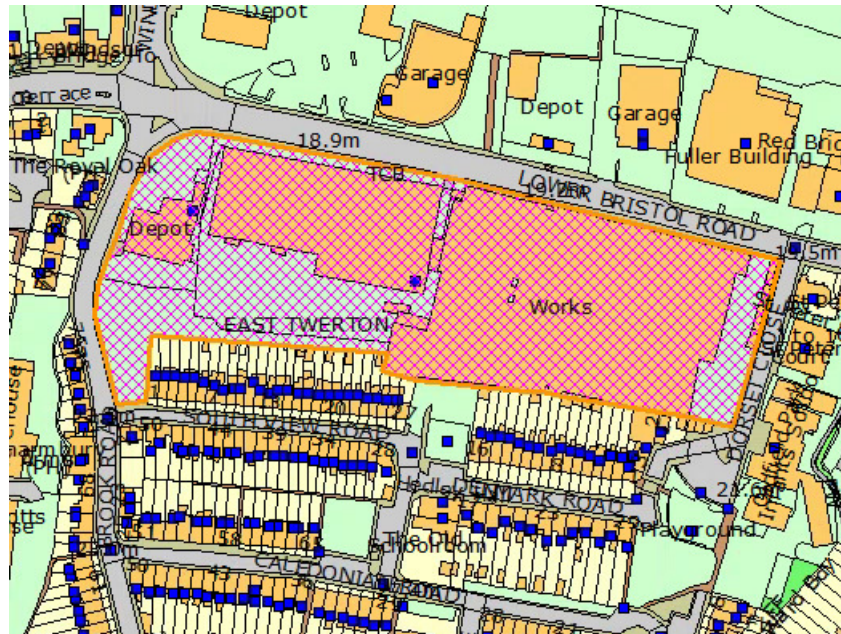
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting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

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01	15/02162/EFUL 25 January 2016	Spenhill Developments Limited Former Bath Press Premises, Lower Bristol Road, Westmoreland, Bath, Demolition of existing buildings and redevelopment of the site to provide a residential-led mixed-use development comprising 244 dwellings (Use Class C3) and 1,485.2 square metres (GIA) flexible employment space (Use Class B1), basement car park, substation, associated landscaping and access.	Westmoreland	Andrew Ryall	Delegate to PERMIT
02	15/04215/RES 29 January 2016	Barratt Homes Bristol Parcel 3300, Temple Inn Lane, Temple Cloud, Bristol, Approval of reserved matters with regard to outline application 13/03562/OUT allowed on appeal on 19.08.2015 for 70 dwellings and associated roads, drainage, landscaping, open space, parking, layout, scale and appearance.	Mendip	Chris Gomm	PERMIT
03	15/04391/FUL 23 November 2015	Mr & Mrs Peter Hellier Kings Cottage, Nempnett Street, Nempnett Thrubwell, Bristol, Bath And North East Somerset Change of use of a traditional stone barn and its curtilage to create a two bed holiday cottage with associated external works.	Chew Valley South	Christine Moorfield	REFUSE

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

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



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

REPORT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Pre-Application Consultation by Applicant

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

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

Relevant Planning History

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

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

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

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

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

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

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

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

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

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

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

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

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

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

A Section 106 Site Specific Targeted Recruitment and Training in Construction Obligation should also be applied, which is a requirement of the newly adopted Section 106 Obligations SPD. This is estimated to be the following Targeted Recruitment and Training Outcomes of:

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

The estimated level of financial contribution is £34,250

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

POLICIES/LEGISLATION

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

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

Core Strategy Policies which apply are:

CP2: Sustainable Construction

CP3 Renewable Energy

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

CP5 Flood Risk Management

CP6 Environmental Quality

CP7 Green Infrastructure

CP9 Affordable Housing

CP10 Housing Mix

CP13 Infrastructure Provision

DW1 District-wide spatial Strategy

B1 Bath Spatial strategy

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

B4 World Heritage Site and its setting

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

IMP.1 Planning obligations

BH.1 World Heritage Site

BH.5 Locally important buildings

BH.12 Archaeological remains

BH.13 Archaeological remains in Bath

BH.22 External lighting

ET.1 Employment land overview

SC.1 Settlement classification

CF.2 New/replacement community facilities

D.2 General Design and public realm considerations

D.4 Townscape considerations

T.1 Overarching access policy

T.3 Promotion of walking and use of public transport

T.5 Cycling Strategy

T.6 Cycle parking

T.17 Land safeguarded for major road improvement schemes

T.24 General development control and access policy

T.25 Transport assessments and travel plans

T.26 On-site parking and servicing provision

ES.2 Energy conservation

ES.3 Gas and Electric Services

ES.4 Water supply

ES.5 Foul and surface water drainage

ES.9 Pollution and nuisance

ES.10 Air quality

ES.12 Noise and vibration

ES.15 Contaminated land

NE.10 Nationally important species and habitat

NE.11 Locally important species

HG.1 Meeting the District Housing requirement

HG.7 Minimum residential density

WM.4 Waste recovery and recycling in new development

Other Material Policy includes

City of Bath World Heritage Site Setting SPD (2013)

Planning Obligations (2015)

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

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

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

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

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

OFFICER ASSESSMENT

Principle of Development

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

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

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

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

Demolition

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

Height and Design

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

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

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

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

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

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

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

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

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

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

Residential Amenity

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

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

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

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

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

Materials

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

Residential Development

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

Affordable Housing

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

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

Landscape/Open Space

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

Arboricultural Issues

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

Transport and Parking

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

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

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

Office Development

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

Education

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

Flood Risk

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

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

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

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

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

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

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

Crime Prevention

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

Fire Service

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

Sustainable Construction

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

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

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

Gull protection.

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

Conclusion

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

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

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

RECOMMENDATION

Delegate to PERMIT

CONDITIONS

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

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

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

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

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

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

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

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

The estimated level of financial contribution is £34,250

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

Off site landscape provision - £52,075.40

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason: the site is located on a Secondary Aquifer and there is a surface water course (Secondary River) located 40 m to the east. The site is considered to have a moderate sensitivity with respect to controlled water receptors. The Phase 1 Assessment identified a possible controlled waters pollutant linkage and recommended an intrusive investigation to assess the risk. The condition is therefore required to protect controlled waters and to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 11 of the National Planning Policy Framework.

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

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

Reason: to demonstrate that works (if any) set out in the approved remediation strategy have been completed effectively and hence protect controlled water receptors and to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 11 of the National Planning Policy Framework.

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

Reason: All intrusive investigations by their nature only sample a small proportion of the overall site area. Therefore there is potential for contamination to be encountered during development works. The condition is therefore required to protect controlled water receptors and to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 11 of the National Planning Policy Framework.

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

Reason: To protect residential amenity.

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

Reason: To protect residential amenity.

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

Reason: To protect residential amenity.

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

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

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

Reason: In the interest of flood risk management.

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

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

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

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

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

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

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

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

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

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

Reason: In the interests of sustainable development and travel.

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

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

19 Prior to the commencement of the development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority and shall include details of deliveries (including storage arrangements and timings), temporary site access arrangements, contractor parking, traffic management.

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

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

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

21 The houses that have been permitted as part of this development shall not be occupied until cycle parking spaces have been provided within their curtilage in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

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

22 The development hereby permitted shall not be occupied until the access proposals shown in Drawing 6827-GA-11 revision C by WSP, attached to the Addendum to the Transport Assessment October 2015 have been implemented.

Reason: In the interests of highway safety.

23 The development hereby permitted shall not be occupied until the bollards off Dorset Close have been positioned as shown in drawing 14027-P1-101 which forms Appendix B of Bath Press, Lower Bristol Road, Bath Technical Note 1 produced by WSP.

Reason: In the interests of highway safety.

24 Before the dwellings are first occupied, new resident's welcome packs shall be issued to purchasers which should include information of bus and train timetable information, information giving examples of fares/ticket options, information on cycle routes, a copy of the Travel Smarter publication, car share, car club information etc., together with complimentary bus tickets for each household member to encourage residents to try public transport. The content of such packs shall have been approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development.

25 The proposed estate roads, footways, footpaths, verges, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be submitted to and approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: To ensure that the roads are laid out and constructed in a satisfactory manner.

26 No development shall commence until details have been submitted to and approved by the Local Planning Authority showing vehicle tracking and turning circle space for large refuse collection vehicles along the rear of plots P101 - P108, along with vehicle tracking along plots F001 to F010 and clear turning circle plotted for an Refuse Collection Vehicle. The development shall thereafter be occupied only in accordance with the approved details.

Reason: To ensure that there is suitable access for Local Authority collection vehicles to serve the site.

27 The development hereby approved shall not be occupied until the pedestrian access to the south has been provided in accordance with drawing 1145-HED-LAN-L-DGA-B1-1152 Revision PO3 and shall thereafter be maintained free of obstruction at all times.

Reason: In the interests of highway safety and to facilitate pedestrian access through the site.

28 The allocation of 21 disabled parking spaces for residential use (10 at Ground Floor level and 11 at Basement level) shall be monitored for occupancy for a period of 3 months after 3 months from the residential development being 90% occupied and the findings shall be submitted to the Local Planning Authority. A maximum of 5 spaces shall be converted to non-disabled spaces with the written consent of the Local Planning Authority should they not all be used once the development is 90% occupied.

Reason: To maximise off-street parking provision.

29 Notwithstanding the information shown on the submitted plans no development shall commence other than demolition works until a plan showing pedestrian routes through the site has been submitted to and approved in writing by the Local Planning Authority. Once constructed the approved routes shall remain open to public access in perpetuity.

Reason: To maintain pedestrian access in perpetuity through the site.

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

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

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

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

32 The development shall not be brought into use or occupied until the applicant, or their agents or successors in title, has secured the implementation of a programme of post-excavation analysis in accordance with a publication plan which has been submitted to

and approved in writing by the Local Planning Authority. The programme of post-excavation analysis shall be carried out by a competent person(s) and completed in accordance with the approved publication plan, or as otherwise agreed in writing with the Local Planning Authority.

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

33 No development or demolition shall take place within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a record of those parts of the building(s), which are to be demolished, disturbed or concealed by the proposed development, and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation.

Reason: The building is of significant historic interest and the Council will wish to examine and record features of architectural interest.

34 Notwithstanding the information shown on the submitted plans no development shall commence on the construction of the open space/pedestrian access area at the junction of Brook Road and Lower Bristol Road until details of the retaining walls and their facing within this area have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of the appearance of the development.

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

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

36 All hard and/or soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

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

37 Notwithstanding the information shown on the submitted drawings no development shall commence on the construction of the Bath Press entrance sign/feature adjoining substation 2 at the access onto Brook Road until details of this sign/feature have been submitted to and approved by the Local Planning Authority.

Reason: In the interests of the appearance of the development and the appearance of this part of Brook Road.

38 No development shall commence on the buildings that are attached to the retained front façade until details of the joining of the new building with the retained façade have been submitted to and approved by the Local Planning Authority.

Reason: To ensure that the detailing of the joint with the new and existing building is satisfactory in the interest of the appearance of the development.

39 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no alteration shall take place to the balconies or roof terraces to any of the houses or flats approved by this development unless a further planning permission has been granted by the Local Planning Authority.

Reason: In the interests of the appearance of the development and to safeguard residential amenity.

40 No development shall commence on the construction of the roof structures associated with the handling of air and ventilation until minimum 1:50 scale drawings have been submitted to and approved in writing by the Local planning Authority showing the detail of their external appearance.

Reason: In the interest of the appearance of the development.

41 No development shall commence on the construction of the backlit corten or distressed steel panel façade shown on drawing no. 14027, P2-101 Rev P3 until minimum 1:50 scale drawings have been submitted to and approved by the Local Planning Authority showing the detailing of this feature.

Reason: In the interest of the appearance of the development.

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

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

PLANS LIST:

1 PLANS LIST:

14027: P1-101 P4; P1-101b P4; P1-102 P4; P1-103 P4; P1-104 P4; P1-110 P4; P1-111 P4; P1-112 P4; P1-113 P4; P1-114 P4; P1-120 P4; P1-121 P4; P1-122 P4; P1-123 P4,

P1-124 P4; P1-125 P4; P2-100 P3; P2-101 P3; P2-102 P3; P2-103 P3; P2-104 P3; P2-105 P3; P2-106 P3; P2-107 P3; P2-108 P3; P3-100 P3; P3-200 P3; P3-201 P3; P3-202 P3; P3-203 P3; P3-204 P3; P3-205 P3; P3-206 P3; P3-207 P3; P3-208 P2; P3-209 P3; P1-202 P3; P1-300 P4; P1-301 P4; P1-302 P4; P4-101 P3; P1-500; P1-501 and 6827-GA-11 Rev C by WSP Group Ltd.

11145-HED-LAN-L-DGA-00-0015 REV P03, 11145-HED-LAN-L-DGA-B1-1154 P02, 11145-HED-LAN-L-DGA-B1-1155 P02, 11145-HED-LAN-L-DGA-B1-1152 P03, 11145-HED-LAN-L-DGA-B1-1153 P01, 11145-HED-LAN-L-DGA-B1-1151 P03, 11145-HED-LAN-L-DGA-00-0022 P04, 11145-HED-LAN-L-DGA-00-00221P04, 11145-HED-LAN-L-DGA-00-0019 P04, 11145-HED-LAN-L-DGA-00-0015 P04, 11145-HED-LAN-L-DGA-00-0101 P04, 11145-HED-LAN-L-DGA-B1-1155 P03, 11145-HED-LAN-L-DGA-B1-1152 P03, 11145-HED-LAN-L-DGA-B1-1153 P01, 11145-HED-LAN-L-DGA-B1-1154 P01, 11145-HED-LAN-L-DGA-B1-1155 P01, 11145-HED-LAN-L-DGA-00-0201 P02, 11145-HED-LAN-L-DGA-00-0202 P02, 11145-HED-LAN-L-DGA-00-0203 P02, 11145-HED-LAN-L-DGA-00-0020 P02, 11145-HED-LAN-L-DGA-B1-1150 P03.

2 Decision Making Statement

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

3 Informatives:

Prior to the commencement of development the applicant or developer should contact Wales and West Utilities to ensure that there is no risk to their apparatus.

Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Agency is required for any proposed works or structures in, under, over or within 8 metres of the top of the bank of the River Avon, designated a 'main river'. To discuss the scope of our controls and to obtain an application form please contact Bridgwater.FDCs@environment-agency.gov.uk.

Core Strategy. The application was duly refused by the Planning Committee, contrary to the officer's recommendation, on the grounds that the development was unacceptable in principle and due to highway safety concerns. A subsequent appeal against the Council's decision to refuse the application was successful and outline planning permission was granted by the Planning Inspectorate in August 2015. An award of costs was also made against the Council.

Members should note that the Unilateral Undertaking agreed in connection with the outline planning permission secures the following matters: 33% affordable housing (of which 70% are to be social rented and 30% shared ownership); financial contributions towards highway works; the provision and maintenance of on-site open space; the provision of a footpath link and a financial contribution towards the provision of a footpath link (£25,000); protection of the northern hedgerow on the land.

Approval is now sought for the matters reserved by the outline permission (layout, scale, appearance and landscaping). As mentioned the means of access/egress to/from the site formed part of the outline application and as such is already consented.

The site itself is currently an area of open agricultural land which separates two parts of the village. To the east is late twentieth century housing development in Ash Mead and Mead Way. To west is a mix of generally residential development on Temple Inn Lane and the A37 itself.

History

AP - 14/00096/RF - ALLOW - 19 August 2015 - Development of the site for residential purposes (approximately 70 dwellings), with associated public open space, landscaping and parking. Primary vehicular access from Temple Inn Lane to be determined, (internal access, layout, scale, appearance and landscaping reserved for subsequent approval)

DC - 13/03562/OUT - RF - 11 September 2014 - Development of the site for residential purposes (approximately 70 dwellings), with associated public open space, landscaping and parking Primary vehicular access from Temple Inn Lane to be determined, (internal access, layout, scale, appearance and landscaping reserved for subsequent approval)

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Please note that the application as first submitted sought to discharge of a number of the conditions on the outline permission as well as obtain reserved matters approval for the detail of the scheme. A number of the consultation responses reflect this and comments have been received in relation to the outline conditions. The application has now been amended and permission is now solely sought for the approval of the reserved matters; the outline conditions are to be dealt with separately. Members therefore should concentrate on consultees comments where they relate to the merits of the reserved matters scheme rather than the outline conditions - which as stated no longer form part of the application.

Cameley Parish Council (following submission of amended plans): Objection:

1. Management Company to oversee the open spaces.

We feel this is inappropriate in a village where there is an active community and specifically a robust Parish Council who are more than willing to manage these spaces on behalf of the whole community. We fear a Them and Us situation and consider this proposal to be anti-democratic and just plain wrong.

2. The width of the road at the Southern end of the estate.

We have previously highlighted, at 4.1 metres there is insufficient room for large vehicles to navigate. We remain of the opinion that this has not been adequately addressed.

We have pointed out refuge and more worryingly, fire engines could not safely reach the south eastern area with other traffic present.

3. North eastern boundary hedge.

Whilst supporting the decision to retain a tree along the north eastern boundary, the other proposals go no way near addressing the points made by Parish Council and Residents alike and already transmitted to you. In particular, the frankly inadequate arrangements for the maintenance of the mature hedgerow. We have requested a much wider column be created to enable a tractor to maintain the hedge to the standard and quality we now have. Nothing less would be acceptable.

Cameley Parish Council (initial consultation response): Objection

Highways/infrastructure

Road Width -The width of the highway within this development is too narrow at 4.8 and 4.1 metres respectively. The Manual for Streets 2007 (Fig 7.1) clearly illustrates that this is too narrow for a fire engine to pass more than a bicycle width in the event of an emergency. The design of the estate does not allow access for a fire engine or ambulance to negotiate the 90 degree turns of the road system, or to enable these vehicles to reach the far end of the estate. The same manual recommends that to accommodate waste collection vehicles, streets should be a minimum width of 5 metres (Reference 6.8.7). The proposed width is also not wide enough to allow livestock transport to the remaining field as Barratts have advised that this will still be used for grazing. There is also no access onto the field for the livestock.

Access onto Temple Inn Lane - The original plans showed one vehicular access from the estate onto Temple Inn Lane. The detailed plans show 3 houses built onto Temple Inn Lane with driveways directly onto this road. This will create a "bottle neck" as vehicles exit their driveways, the new road and new driveways that will be built on the opposite side of Temple Inn Lane as the public house will shortly be renovated. A37/Temple Inn Lane - There appears to be no details on the Construction Management Plan that take into account the hazards for large vehicles using this junction.

Design

Site Density - Contrary to the written public Q and A, the density of the housing is not similar to the existing developments and is therefore not in keeping with other housing within the village. The Meadway development which runs parallel with the site and takes up the same amount of land has only 48 dwellings. The outline planning application submitted by GL Hearn (Planning Statement Paragraph 6.24 dated 19/08/2013) states that the distance from the new build housing to existing residents will be a minimum of 25 metres. The detailed plans show a distance of 21 metres on the North East Boundary and

13 metres to one of the existing houses on Temple Inn Lane. The density is also contrary to the comments made in 1d in the Building for Life Assessment dated September 2015 which states that the development will allow for appropriate offsets respecting adjoining housing.

Clustering - The design does not meet BANES policy of "non-clustering" housing types. There are three distinct areas that do not have affordable housing. There is one area of affordable housing that backs onto a development of detached housing which is not in keeping with the local area. The affordable housing should be more evenly distributed throughout the development.

Parking - Parking spaces 11-15 shows no room for manoeuvring vehicles. It can also be stated that the design of these parking spaces is contrary to 10c in Building for Life Assessment and is too large a parking court for the size of the development. Landscaping

Hedgerow - Present maintenance of the hedgerow along the North East boundary of development is currently done using a vehicle. This hedgerow is to be retained; however the present design will not enable present maintenance methods to be continued. There is also concern that Barratts will remove trees on the edge of the development from land that they do not own.

Grow Patches - With no running water or parking near to the grow patches, there is concern that these will not be allocated throughout the village, but only to residents on the new estate. This will create division in the village.

Open Space

Play area - The development includes an area of open space which incorporates a play area. There is no need for this as the development is surrounded by open fields and the present play area is only 500 metres away. It would be better use of this space to allow dwellings to be built further apart.

Management -There is no coherent policy associated with the development in how any open space (including "grow patches") will be administered. The original idea of a Management company involving residents will subject them to Company Law as directors. The management plan now put forward is not coherent and with no clear ownership of the "grow patches" this will duplicate some roles of both BANES and the Parish Council. It is the opinion of the Parish Council that any public open space should be owned and managed by them as a benefit to the whole community.

Housing

Social/Affordable Housing -Temple Cloud already has 90 social housing units within the village. BANES has stated that the village is not a social housing priority, what is needed is "affordable to buy" low cost housing.

Bungalows - Residents within Temple Cloud have expressed a need for bungalows within the village, rather than 2 storey houses.

Site Layout

Parking - Temple Cloud has a high car ownership rate; the vast majority of residents use their own transport. There is severe concern that parking allocated within the development is insufficient. The Manual for Streets 2007 highlights CABI research stating the level of parking in new developments is often inadequate and unrealistic for residents and visitor demand.

Local Employment

One of the conditions for granting outline planning permission was that a scheme of local employment was implemented. There is no mention of this in the submitted detailed plans.

Management Company

With the proposed formation of a management company (Landscape Management Plan September 2015) to oversee the maintenance of the development for the first 5 years, the Parish Council is of the opinion that this will create a divide, separating this development from the rest of the village. This planning application has been extremely contentious and there is concern that this will not encourage new residents to integrate themselves into the rest of the village. There is also no mention of what will happen at the end of the 5 year period. If it is expected that the Parish Council take responsibility this needs to be made clear, so that appropriate finances can be allocated.

Cameley Parish Council trusts that these comments will be taken on board and acted on as appropriate.

High Littleton Parish Council: We (the High Littleton Parish Council) are very disappointed with the view of increase of traffic coming into our parish

Clutton Parish Council: Comment:

Clutton Parish Council discussed this application at its October meeting and agreed that as this development site is outside of the Parish, there was no need to comment on many of the details within the application. However the Parish Council would like to request that the traffic management plan be further tightened to include deliveries and waste collections and that they should avoid the school run as well as the 'rush hour'. In addition to signs & barriers on the main infrastructure roads, signs are also requested to prevent access for any construction vehicles through Clutton and Marsh Lane.

Senior Arboricultural Officer: Comments; The application is now acceptable subject to conditions securing a satisfactory Tree Protection Plan and Arboricultural Method Statement.

Parks Department:

The minimum of 0.48ha of public space is to be provided by the proposed development. The submitted Landscape Management Plan (the submission of which is a requirement of the outline planning permission - Unilateral Undertaking) is generic and does not provide a funding mechanism for the management and maintenance of the public open space in perpetuity. In addition proposals for the LAP (equipment etc) has not been submitted

Highways Department: No objection. Suggest condition ensuring car parking is retained for that use only.

Waste Services:

There are concerns in relation to the access road in the south of the development (which loops around plots 30-40). The refuse vehicle would be unable to reverse safely around the corners if it is unable to pass a vehicle coming in the opposite direction. Waste collection points in relation to Plots 44-52 must be clarified; if a turning space is not feasible an allocated communal collection point will be necessary - further information is required.

Housing Department:

The Unilateral Undertaking agreed at the outline stage requires 33% affordable housing; this reserved matters proposal maintains that contribution. Similarly the proposed affordable housing mix proposed is as per the agreed Unilateral Undertaking. The Unilateral Undertaking requires certificates of Design Standards for Lifetime Homes and Wheelchair User dwellings to be submitted as part of the first reserved matters submission; these certifications have not been submitted. The car parking attributed to the affordable dwellings is not tenure blind or Secure by Design. Housing services are unable to support the application until the aforementioned certifications have been provided.

Landscape Architect:

The long term protection of the boundary hedgerow is the key issue. Larger trees should be planted where room allows. There is a need to have legacy trees in the right locations. A number of tweaks are suggested to the submitted landscape plan.

Senior Archaeological Officer:

No objection but the applicant is reminded of their obligations under Conditions 5, 6 and 7 of the outline planning permission.

Drainage and Flooding Team:

Conditions 8 and 9 of the outline permission are satisfied.

Avon and Somerset Police: No objection but comments:

Blank gable end walls should be avoided. The parking spaces between buildings are more vulnerable to crime, theft, damage and potentially personal safety. Vulnerable areas should have defensive barriers. Public rights of way should be lit.

Environmental Health: No objection and no objection to the discharge of outline Condition 17 (Construction Management Plan)

Economic Development: Recommend that the application be approved.

15 letters of objection have been received objecting to the application on the following grounds:

- o This development could generate in excess of 100 additional vehicles;
- o Temple Lane Inn has become increasingly busy in recent years;
- o There are no facilities in Temple Cloud to accommodate new residents;
- o The developers at nearby Paulton are struggling to sell their houses;

- o The development is too big and is double the size of Meadway;
- o The inspector allowed the development on the basis of the plans in front of him; the current plans are significantly different;
- o The original plans had relatively wide separation distances between the proposed houses and Meadway, this allowed light into back gardens and some kind of rural aspect;
- o The new proposal has double the density of the existing dwellings;
- o Permission was granted for approximately 70 dwellings, why therefore can the number not be reduced;
- o A development of nearer 50 dwellings would be far more in keeping;
- o The site together with the Temple Inn site over the road will result in circa 80 new dwellings in the village;
- o This proposal is for a village within a village;
- o There should only be one new entrance to Temple Inn Lane
- o What happens after 5 years of management, the open spaces should be gifted to the Parish Council;
- o The development is visual dominating and overbearing. The 25m minimum separation distance has not been achieved;
- o Overlooking and loss of privacy will result contrary to Local Plan Policy D.2.;
- o There will be a loss in standard of living
- o Terraced housing and 2.5 storey buildings will not be in keeping with the village;
- o Placing terraces adjacent to existing properties will have an adverse impact, the original plan placed these near the village hall;
- o There is nothing wrong with the tree (shown as to be felled), it should be retained.
- o If the affordable housing is constructed of red brick it will be out of keeping with its surroundings;
- o The affordable housing is clustered in groups of eight but it should be pepper potted;
- o The social housing is in multiple clusters of the maximum permitted to circumvent local policy;
- o The proposed hit and miss fencing will only enable occupiers to maintain their side of the fence, both sides of the hedge are currently cut by the farmer;
- o There should be a buffer between the hedge and the rear of the new properties;
- o Barratt's are segregating certain house types and thus creating two separate communities;
- o Temple Cloud already has a high amount of social housing, there should instead be more intermediate housing;
- o Barratt Homes have no intention of changing the layout. It has been designed purely with profit in mind;
- o One of the proposed houses is just 13 metres from an existing dwelling on Temple Inn Lane;
- o The layout includes some 90 degree turns which will hamper refuse vehicles, fire engines etc;
- o The maintenance company will cause confusion, it's not clear who will be involved in maintenance;
- o The Temple Inn is due to be renovated shortly, this will have traffic implications;
- o How will home deliveries and extra vehicles be dealt with;
- o The plans are inaccurate as a number of existing properties have been extended
- o The growing plots/allotments should be available for all members of the public, not just the development;

POLICIES/LEGISLATION

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

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

The following Core Strategy policies are relevant:

- o Policy DW1: District Wide Spatial Strategy
- o Policy RA1: Development in the villages meeting the listed criteria
- o Policy SD1: Presumption in favour of sustainable development
- o Policy CP2: Sustainable construction
- o Policy CP6: Environmental Quality
- o Policy CP7: Green Infrastructure
- o Policy CP9: Affordable Housing
- o Policy CP10: Housing Mix
- o Policy CP13: Infrastructure provision

The B&NES Local Plan policies that are replaced by policies in the Core Strategy are outlined in Appendix 1 of the Core Strategy. Those B&NES Local Plan policies that are not replaced and remain saved are listed in Appendix 2 of the Core Strategy.

The following saved Local Plan Policies are relevant:

- o Policy D.2: General design
- o Policy D.4: Townscape considerations
- o Policy SR.9: Protection of recreational routes
- o Policy ES.2: Energy conservation
- o Policy ES.5: Foul and surface water drainage
- o Policy HG.7: Minimum residential density
- o Policy NE.1: Landscape character
- o Policy NE.4: Trees and woodland conservation
- o Policy NE.5: Forest of Avon
- o Policy BH12: Important archaeological remains
- o Policy T.1: Overarching access policy
- o Policy T.6: Cycle parking
- o Policy T.17: Rural areas traffic management
- o Policy T.25: Transport assessments and travel plans
- o Policy T.26: On-site parking and servicing provision

At the Council's Cabinet meeting on 2nd December 2015 the draft Placemaking Plan was approved for consultation purposes and also approved for Development Management purposes. However, currently the Plan has limited weight in the determination of planning applications

National Policy

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

OFFICER ASSESSMENT

The principle of residential development on this site (of approximately 70 units) is established by the outline planning permission which was allowed on appeal; matters of principle therefore cannot now be revisited. As stated this reserved matters application seeks approval for the detailed matters not considered at the outline stage; these reserved matters and the issues relating to them are explored in turn below.

Design and Layout

The development takes the form of a central cul-de-sac centred around a 'square', there are also a number of spurs providing access to small courts and groupings of houses. A strong street frontage is to be provided to Temple Inn Lane across the roadside boundary of the site, this will infill the current gap in the street frontage and is to be welcomed. The square is to incorporate a Local Area of Play (LAP) and the gently sloping land to the western side of the site will be an open area dedicated to 'grow patches'; both of these areas will be offered for adoption.

In general terms the lower density part of the development, which takes the form of detached houses with relatively large gardens, forms the southern part of the development adjoining farmland, whereas the higher density semi-detached and terraced properties form the northern and eastern parts of the development adjoining the existing built form (i.e. Temple Inn Lane, Meadway, Ashmead and ribbon development on the A37). This approach provides an appropriate transition between the village and countryside and is a sensible way in which to develop the site.

It should be noted that the general density of the site as a whole is somewhat fixed as the extent of the application site and the approximate number of dwellings within it are prescribed by the outline permission. The proposed layout of the development is undeniably suburban in character but it respects the character of the existing suburban development in Meadway and Ashmead which immediately adjoins the application site. A number of local residents have raised concerns that the proposed layout is different, and indeed inferior, to that agreed as part of the outline permission. These concerns are noted but the layout drawings associated with the outline permission were illustrative only and did not form part of that permission; the scheme's proposed layout, as stated, is a reserved matter.

Architecturally the individual house types are conventional but it is evident that a degree of effort has been made to introduce a good level of variety whilst conforming with local styles. In respect of external materials, Temple Cloud is a village characterised by mainly natural stone, some render and red brickwork detailing. The proposed materials palette comprises reconstituted stone or render and in most cases brickwork detailing; these materials accord with the vernacular character of the village. The proposed scheme is considered to be in accordance with saved policies D2 and D4 of the BANES Local Plan.

Public Open Space

The Parks and Green Spaces Team have raised no objection to the quantum and nature of the proposed public open space (POS). A minimum of 0.48 ha of POS is required on a development of this nature and the submitted drawings demonstrate that this has been complied with.

The Unilateral Undertaking (UU) agreed as part of the outline planning permission requires the submission of a Landscape Scheme Management Plan (LSMP) as part of the first reserved matters application i.e. this application. A LSMP has been submitted with this application and discussions are currently underway between the applicant's and the Parks Team as to its content - particularly the future funding arrangements. These discussions are not yet concluded however it should be noted that whilst the UU requires the submission of LSMP with the reserved matters application, it does not require the LSMP to be approved/agreed as part of the reserved matters application. As such the discussions regarding the LSMP can be ongoing and this does not preclude the granting of the reserved matters; the UU instead requires the LSMP to be agreed prior to commencement of development.

Public Right of Way

A Public Right of Way crosses the site from north-west to south-east connecting the central part of the village with the countryside to the east. The proposed layout respects this long-established pedestrian route; pedestrians will continue to be able to cross the site by means of a combination of segregated footways and by using the public highway. The Rights of Way Team have raised no objections to the proposal (no response has been received); they were involved comprehensively in pre-application discussions and a Footpath Diversion Order has been applied for.

Impact on Residential Amenity

The application site is surrounded by existing residential development on its north-east and south-west boundaries and as such there is clearly the potential for the proposed development to have an impact on the amenity of the occupiers of those dwellings. The layout is such that a significant number of the proposed houses are to be positioned such that they back onto the shared boundary with Mead Way and Ashmead; indeed the majority of the objections stem from these addresses.

The distances between the proposed dwellings and the existing dwellings in Meadway and Ashmead are typically between 22-31 metres; this is sufficient to ensure that unacceptable levels of overlooking/loss of privacy does not occur. Similarly such distances will ensure that unacceptable levels of visual domination and loss of light will not occur. In one case the distance between an existing dwelling (no. 8 Ash Mead) and a proposed dwelling measures 15metres however this is a side gable-end elevation and as such the impact will be limited.

A number of the letters of objection refer to a BANES minimum separation distance (dwelling to dwelling) of 25m; the council has no such policy.

The impact of the proposed development on No. 3 Temple Inn Lane warrants particular attention. No.3 is a detached house facing north to Temple Inn Lane; the submitted layout proposes siting Plot 70 immediately alongside side it to the north-east and Plots 64-65 closeby to the rear (south). Plot 64 is approximately 13 metres from the rear elevation of No.3 however it is its side elevation that will face it. This elevation includes a first floor bathroom window, a condition can ensure this window is obscure glazed and top-hung only - no overlooking will therefore occur. Plot 65 is approximately 17m from the main rear elevation of No. 3 (as measured first floor window to window); this distance is considered sufficient to ensure that no unacceptable level of loss of privacy will occur given the oblique angle involved. Plot 70 is to be just 3.5m to the north-east of No.3 however it is its side elevation that will face No.3. This elevation includes a first floor window but given that it is a landing window and given the relationship between the two buildings and the large detached garage in the front garden of No.3 (adjacent to the boundary in question), it is not considered that unacceptable levels of loss of privacy will occur. All of the proposed dwellings are sufficiently distant from No.3 to ensure that, on balance, no unacceptable loss of light or visual domination will occur.

There is no question that the outlook from the properties in Mead Way, Ashmead and other properties in Temple Inn Lane will be radically and fundamentally changed by the development. Views from upper floor windows across open fields to the Mendips beyond will be replaced by views of housing development. Be that as it may, members will note that the loss of or change to a private view is not a material planning consideration and in any case the principle of housing development on this site is already established by the outline permission and thus so too is an inevitable change to the view.

Arboriculture

There are three mature/semi-mature trees (two oaks and a sycamore) situated along the north-eastern boundary of the site which are the subject of Tree Preservation Orders (TPOs); these trees are within the boundary hedgerow. There are also a small number of non-protected trees outside of but close to the application site.

The initially submitted Arboricultural Constraints Report concluded that the protected sycamore tree (T6) is a poor specimen with limited life expectancy and that as such it should be felled. Following concerns being raised by the Council's Senior Arboricultural Officer, who required the retention of this tree on the grounds that there are few trees along this boundary, the applicant now proposes to retain this tree. The Arboricultural Officer requires the submission of a satisfactory Arboricultural Method Statement and Tree Protection Plan but is content for these matters to be deferred to prior to commencement by means of condition.

Highway and Parking Arrangements

The means of access to the site and the wider impact of approximately 70 additional dwellings on the local highway network has been considered and approved at the outline stage and cannot now be revisited. The Unilateral Undertaking associated with the outline approval secures a financial contribution of £75,000 towards the cost of speed restraint and safety schemes on the A37 to improve the operation of the Temple Inn junction. Also secured is a financial contribution of £10,000 towards the rationalisation of signage at the Temple Inn Lane/A37 junction.

The layout of the proposed estate, its technical adequacy and highway safety issues within the site are matters that are however to be assessed at this reserved matters stage. The highways team initially raised concerns that the proposed highway may be too narrow in certain areas to enable larger vehicles, such as refuse vehicles, to pass on-coming cars. This issue has now been resolved to the highway team's satisfaction through the submission of amended plans. The proposed level of car parking within the estate is considered sufficient to meet the needs of the future occupiers and is generally in accordance with the council's maximum parking standards. There is an over provision of car parking in relation to a small number of units (generally some of the 4 bed units) but given the rural location of the site this is not objectionable. The highways team have no further concerns with the highway aspects of the development, the proposed layout or any highway safety matters. The fine detail of the highway arrangements will be agreed through the S.38 Technical Approval (adoption) process. As such the application accords with saved policies T1, T6, T17, T25 and T26 of the BANES Local Plan.

Ecological Matters

An ecological survey was submitted with the outline application. That survey found no badger setts within the site although it was evident that badgers traverse the site regularly. There is known to be a large badger set to the south of the site. The survey found a total of 15 slow worm along the north eastern boundary and three more along the south western boundary. It was identified that one of the oak trees has moderate potential to be used as a bat roost. No birds were recorded. Ultimately it was concluded that the field was of low conservation value; the north-eastern hedgerow however was deemed to be of high conservation value.

It should be noted that the Unilateral Undertaking (which was submitted as part of the appeal proceedings and which now forms part of the outline planning permission) provides for the protection of the aforementioned high-value hedgerow. The appellant is not able to transfer any plot adjacent to or abutting this hedgerow without covenants being in place that would ensure that the hedgerow is maintained to a suitable height and standard.

It should also be noted that conditions imposed on the outline consent by the Planning Inspectorate adequately mitigate the impact of the development on the aforementioned ecological interests. Outline Condition 3 requires the ecological survey recommendations to be implemented; this includes a requirement for the submission of a plan plotting the alignment of a fence alongside the high-value hedge, this must be submitted prior to commencement and erected prior to first occupation. Outline Condition 4 requires the submission of a Wildlife Protection and Management Scheme which must include, amongst other things, further surveys and details of lighting. Finally Outline Condition 11 requires details of the archway which is to be formed through hedge. A number of these matters have been submitted to the council for consideration and approval, this is a separate process to the current reserved matters application.

The ecologist has expressed concern in relation to the parking courts which are to be situated alongside the aforementioned hedge. The submission is clear that these areas are to be unlight and dark and as such of reduced ecological impact. The ecologist is concerned that there is high potential for these areas to be lit in the future by virtue of their dark, discrete location to the rear of the dwellings. Whilst these concerns are noted the

alternative to siting the car parking area to the rear of the dwellings would be to site them forward of the dwellings, this would result in a public realm dominated by car parking which is highly undesirable from an urban design point of view; the lighting of these areas can be restricted by condition.

Conclusion

The principle of a development of 70 dwellings on this site is established by the outline planning permission allowed on appeal, it cannot now be revisited. Furthermore the proposed means of access forms part of the outline permission and its adequacy (and the wider impact of the development on the highway network) cannot now be reappraised.

This is a reserved matters application and therefore only the detail of the scheme can be considered.

The design and layout of the proposed scheme is acceptable and does not compromise the character or appearance of surrounding development or wider village. An appropriate area of public open space is incorporated into the layout and the existing public right of way through the site is respected. The impact of the development on the amenity of neighbouring residents is acceptable by virtue of the distances involved and the orientation of the buildings in question. Parking provision is appropriate to the nature and accessibility of the development proposed and the internal highway arrangements will function as required. The impact of the proposed development on the protected trees, important hedgerow and ecology is acceptable and will be further mitigated through appropriate planning conditions.

A number of conditions designed to mitigate the impact of the development were imposed on the outline planning permission and the developer is required to comply with these. It is considered that for the above reasons, and subject to the conditions imposed on the outline planning permission and subject to those conditions suggested below, the development accords with the provisions of the development plan, national planning policy and other material considerations and as such is acceptable. It is recommended that permission be granted.

RECOMMENDATION

PERMIT

CONDITIONS

1 The first floor window in the north-west elevation of Plot 64 hereby approved shall be obscure glazed and if openable, top hung only; it shall remain as such thereafter.

Reason: To protect the privacy of occupiers of nearby dwellings.

2 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no windows shall be installed above ground floor in Plots 64 and 70 hereby approved without the prior written permission of the local planning authority by means of a planning application made for that purpose.

Reason: To protect the privacy of nearby residential property.

3 No development or ground preparation shall take place until an Arboricultural Method Statement or Detailed Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority. The submissions shall incorporate supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and certificates of completion. The submissions shall also take into account the storage, handling and mixing of materials on site, burning, location of site office, service run locations including soakaway locations, provision of hard surfacing within root protection areas, landscaping operations and movement of people and machinery.

Reason: To ensure that trees and other landscape features to be retained are not adversely affected by the development proposals. A pre-commencement condition is necessary because initial ground works have the potential to have an adverse impact on trees.

4 No development or other operations shall take place except in complete accordance with the approved tree and landscape protection measures unless otherwise agreed in writing by the local planning authority. A signed certificate of compliance shall be provided by the appointed arboriculturalist to the local planning authority prior to first occupation of any dwelling.

Reason: To ensure that the approved tree protection measures are complied with for the duration of the development.

5 No reconstituted stone walling shall be constructed on site until such time that a sample panel of the proposed reconstituted stone showing the type of stone, size, coursing and pointing has been erected on site and that panel has been approved in writing by the local planning authority. The panel shall be retained on site for the duration of the construction phase and the development shall be undertaken strictly in accordance with it.

Reason: In the interests of visual amenity and for the avoidance of doubt as to the extent of the permission granted.

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

Reason: In the interests of amenity and highway safety.

7 There shall be no artificial lighting of the shared parking areas situated to the rear of Plots 11-15 and forward of Plots 23-26.

Reason: To ensure that these areas remain dark in order to minimise impact on ecological interests.

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

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

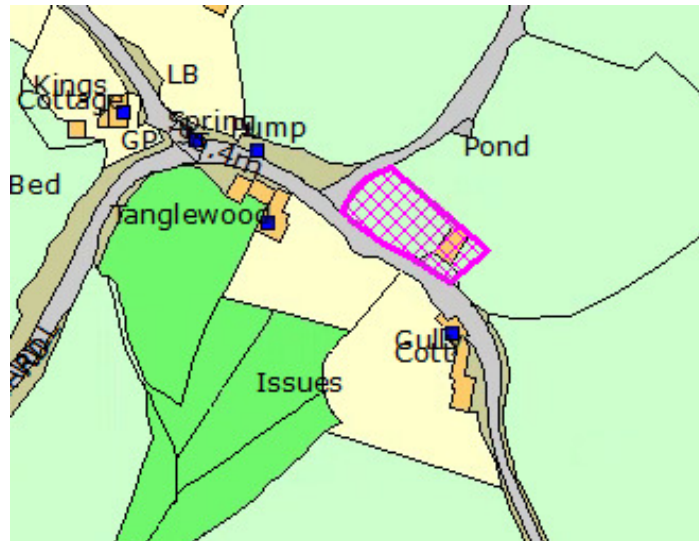
PLANS LIST:

1 The following plans are hereby approved:

House Type Booklet: 0529-HTB-ISSU
Topographical Survey Revision A
Planning Layout: 0529-102 C
Street Scene 0529-103 A
External Works Layout: 0529-104-1 A
External Work Layout: 0529-104-2 A
External Works Layout: 0529-104-3 A
Vehicle Tracking Layout: 0529-105-1 A
External Detailing: 0529-106 A
Adoption Plan: 0529-107 B
Materials Layout: 0529-108 B
Garages and Car Port: 0529-109-1 A
Garages and Car Port: 0529-109-2 A
Timber Cycle Sheds: 0529-110 A
Waste Collection and Storage Plan: 0529-111 A
Road and Sewer Long Sections: 0529-302-1
Road and Sewer Long Sections: 0529-302-2 A
Parking Matrix: 0529-ISSUE 2
Residential Lighting Layout: 15/ST LTG/TC/L01
Tree Protection Plan: D28 22 P4
Soft Landscape Proposals: GL0281 02B
Standard Gate: SD14-003
Brick Wall: SD14-004
Timber Fence: SD14-007
Country Style Railings: SD14-008
Close Board Timber Fence: SD14-015_1800
Location Plan: 0529-101 B

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

Item No: 03
Application No: 15/04391/FUL
Site Location: Kings Cottage Nempnett Street Nempnett Thrubwell Bristol Bath And North East Somerset



Ward: Chew Valley South **Parish:** Nempnett Thrubwell **LB Grade:** N/A
Ward Members: Councillor Vic Pritchard
Application Type: Full Application
Proposal: Change of use of a traditional stone barn and its curtilage to create a two bed holiday cottage with associated external works.
Constraints: Airport Safeguarding Zones, Agric Land Class 3b,4,5, Forest of Avon, Greenbelt, SSSI - Impact Risk Zones, Water Source Areas,
Applicant: Mr & Mrs Peter Hellier
Expiry Date: 23rd November 2015
Case Officer: Christine Moorfield

REPORT

This application is to be considered by Committee at the request of the Chair of Committee as she considers that the sustainability policy relating to this proposal requires consideration and the Parish Council has supported the proposal.

This application is for the conversion of an attractive stone barn into a holiday cottage. The proposed holiday unit will have two bedrooms and a living/kitchen area. To the North West of the unit it is proposed that a small curtilage will be provided as well as parking space for two vehicles.

The access to the site will be via the existing field entrance which is off the bridleway. The land is at present in agricultural use and is located within the Green Belt.

HISTORY

No recent relevant planning history on this site. However a recent appeal decision in respect of planning application number 14/04816/FUL

dismissed an appeal against non-determination where refusal would have been recommended for planning permission for two holiday lets within the green belt and AONB. In principle the Inspector considered the location to be unsustainable and these sites are similar and near to each other.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

PARISH COUNCIL SUPPORT

The Council wished to add the following comments:

That by permitting this application this barn would be preserved. If it was otherwise it would be likely to fall in to disrepair.

The material proposed to be used is, in the opinion of the Council, sympathetic and in keeping with the original fabric of the building.

HIGHWAYS

In relation to the scheme as originally submitted the following comments were made.

The proposed development will utilise the existing gated access from the field onto Nempnett Street. This access will be shared for users of the holiday home and for infrequent access to the field for agricultural vehicles. It has been noted that the access onto Nempnett Street from the site entrance utilises part of a Public Bridleway (CL14/42). Section 34 of the Road Traffic Act 1988 states that "if without lawful authority a person drives a motor vehicle on any road being a footpath, bridleway or restricted byway he is guilty of an offence". Lawful authority is taken to mean the existence of a proven private or prescriptive right to drive a vehicle over the way. The applicant would need to ensure that all necessary rights in respect of vehicular access to the application site exist. It appears from the site location map submitted that the applicant does not have ownership rights over this access. Highways have concerns regarding the increase in vehicular movement at this location and potential conflicts between vehicles entering/departing the site and users of the public bridleway.

There are also concerns regarding visibility from the access road. While the national speed limit applies along Nempnett Street, it is acknowledged that vehicles are highly unlikely to travel at or near this speed at this location due to the rural nature of the highway. However, despite this, the achievement of the required visibility to the east will require the setting back of the hedgerow along the southern boundary of the site.

Based on the concerns raised above, I recommend that this application be refused on highway grounds for the following reasons:

Further information was received on 2nd November 2015 and the following comments made:

Visibility from access

Highways are satisfied that visibility can be improved from the access onto the public road by removing a portion of the hedgerow along the southern boundary of the site. While the national speed limit applies along Nempnett Street, it is acknowledged that vehicles are highly unlikely to travel at or near this speed at this location due to the substandard nature of the highway. It is recommended that a visibility splay of at least 2.4m x 43m be achieved from the access point in accordance with the Manual for Streets for 30mph speed limits. Visibility to the west can be achieved by maintaining the hedgerow along the frontage to the property to the west.

Drainage

While on a site visit, a large cast iron drainage pipe was noted emerging from the site onto the public highway. It is recommended that the applicant be requested to submit further information on their proposals for this as it is likely to be impacted when clearing/setting back the southern boundary.

Public Bridleway CL14/42

Highways have expressed their concerns regarding both the applicants' rights in respect of the access to the site being on a section of a public PROW as well as the possible loss of amenity and risk of additional hazard to users of the bridleway. Highways acknowledge that the setting back of the hedgerow along the southern boundary of the site will improve visibility for both vehicles exiting the site as well as user of the bridleway. However, it is recommended that the applicants' latest response be forwarded onto the Public Rights of Way team to comment

Drainage No objection.

PROW-

The Definitive Map and Statement for bridleway CL14/42 and the definitive line of the bridleway starts at Grid Reference ST 5264 6014, just to the east of the pump marked on the map. The bridleway meets the track at Grid Reference ST 5268 6014. The bridleway appears to meet the metalled track beyond the proposed access point to the site of the proposed holiday cottage.

The section of access track leading from Nempnett Street to the proposed access point of the site of the proposed holiday cottage is not legally recorded as a public bridleway. It may have accrued public rights if the public has been using it for an unbroken period of at least 20 years without force, without secrecy and without permission. If it were a public bridleway, Road Traffic Act 1988 Section 34 (3) states: "It is not an offence under this section to drive a

mechanically-propelled vehicle on any land within 15 yards of a road, being a road on which a motor vehicle may lawfully be driven, for the purpose only of parking the vehicle on that land".

The applicant has confirmed that they will take responsibility for any damage caused to the surface of the access track caused by vehicles accessing the proposed holiday cottages.

Ecology

A completed bat survey and assessment has been submitted and proposals for bat mitigation and compensation have been incorporated into the scheme, which appear to be comprehensive and in accordance with the mitigation requirements detailed in the bat report. The building is assessed as being utilised at a low level at night by soprano pipistrelle and lesser horseshoe bats, and also as a possible day roost by brown long-eared bats, this species was also recorded flying inside the building although it was not observed emerging from or entering a roost it is not unlikely that the building is used for roosting.

The building is assessed as being used as a bat roost, which will be affected by the proposals. A European Protected Species licence is considered to be required.

Proposed mitigation and compensation measures include provision of a bat loft to specified dimensions and provision of suitable access locations for bats to enter the loft; provision of bat boxes; sensitive lighting; and retention of hedgerow planting with some additional reinforcement planting proposed. All measures are appropriate and it is considered that the third test of the Habitats Regulations, of maintaining favourable

conservation status of the affected species, would be likely to be met. there is no reason to consider the other two tests, no alternative solution and Imperative Reasons of Overriding Public Interest, would not also be met.

Subject to a condition securing full implementation, and post-completion reporting of all mitigation and compensation measures as described in the bat report, no objection is raised to the proposals.

POLICIES/LEGISLATION

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

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

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

DW1 District wide spatial strategy
SD1 Presumption in favour of Sustainable Development
CP6 Environmental Quality
CP7 Green Infrastructure
CP8 Green Belt

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

- o ET.7 Use of agricultural land
- o ET.8 Farm diversification
- o ET.9 Re-use of rural buildings
- o D.2 General design and public realm considerations
- o D.4 Townscape considerations
- o GB.2 Visual amenities of the Green Belt 154
- o NE.10 - Nationally Protected Species
- o NE.11 - Locally important species and habitats
- o NE.12 Natural features: retention, new provision and management
- o T.1 Overarching access policy
- o T.24 General development control and access policy

National Planning Policy Framework 2012 and NPPG 2014

At the Council's Cabinet meeting on 2nd December 2015 the draft Placemaking Plan was approved for consultation purposes and also approved for Development Management purposes. However, currently the Plan has limited weight in the determination of planning applications.

OFFICER ASSESSMENT

Principle of development

The change of use relates to a redundant rural building , which is outside any identified settlement boundary.

Saved Local Plan Policy ET.9 however supports the conversion of a building to a new use will be permitted provided that:

- The existing building is in keeping with its surroundings in terms of its form, bulk and general design and the appearance of the building would not be adversely affected.
- The building must be capable of conversion without substantial or complete reconstruction or requiring major extension.
- In the case of a proposed residential conversion, the applicant has made every reasonable attempt to secure suitable business reuse; it is not in a position isolated from public services and community facilities and is related to an established group of buildings; and
- The development would not result, or be likely to result, in replacement agricultural buildings or the outside storage of plant and machinery which would be harmful to visual amenity;
- In the case of buildings in the Green Belt, it would not have a materially greater impact than the present use on the openness of the Green Belt or would conflict with the purposes of including land within the Green Belt.

Addressing these issues, the existing building does appear to be in keeping with its surroundings and the building would appear to be capable of conversion without substantial re-construction.

A holiday let would fall within the same use class a dwelling house (C3) but can also be argued to have a business use. A condition could be attached to ensure that the building was retained as a holiday let in perpetuity so this business element was retained. However, there are concerns with the siting of this building, which is considered to be in an isolated location. Policy ET9 clearly states that the development should not be in a position isolated from public services and community facilities and is related to an established group of buildings. The development fails to meet this criteria.

Further, whilst the NPPF is supportive of sustainable development in rural areas it states that housing should be located where it will enhance or maintain the vitality of rural communities. In respect of visitor accommodation paragraph 28 of the NPPF supports sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. It goes on to say that this should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres. This development is not considered to be appropriately located due to its isolated position, outside of a rural service centre, and no need has been demonstrated. Given the isolated location, the use of this building as a holiday let would not necessarily benefit business in rural area, as this is remote from local services such as shops, and eating establishments/public houses.

It is not therefore considered that the development can be supported in principle.

Impact on the Green Belt

Policy CP8 reflects the guidance given within the NPPF, which considers that the reuse of rural buildings can be a form of not inappropriate development. As the proposal is not considered to comply with policy ET.9, it is considered that it does represent inappropriate development within the Green Belt. However, given the modest works to the building, the openness, of the Green Belt are not considered to be harmed as a result of this proposal.

Highway safety/sustainability

The site is located on Nempnett Street, a classified country lane with a 60mph speed limit although vehicle speeds are likely to be lower due to the nature and layout of the lane. Given the sites remote location, some distance from local facilities and public transport provisions, the site is considered to be in an unsustainable location.

Further to this, Nempnett Street is narrow, unlit and has no pedestrian facilities which is likely to deter walking and cycling as alternative forms of transport. It is therefore highly probable that all journeys from the site would be reliant on the private motor car which is unacceptable highway grounds.

It is recognised by the Highway Officer that policies encouraging rural facilities may override the highways objection, but as noted above, these facilities are encourage when they are located in appropriate sustainable locations. This is not the case for the scheme put forward in this submission.

Ecology

A bat survey has been submitted with the application, There are no objections to this development on ecological grounds.

Mass Bulk and Design

The proposed extension and associated works are considered acceptable in terms of their mass and bulk however, the detailing of the fenestration would require the submission of further details to ensure they reflect the character and appearance of this rural location and comply with saved policies D2 and D4 of the Local Plan 2007.

Other issues

Drainage- No objection has been raised by the councils drainage engineer in respect of this proposal.

Public Rights of way.

The councils rights of way officer has commented that the proposed access point of the site of the proposed holiday cottage is not legally recorded as a public bridleway. The applicant has confirmed that they will take responsibility for any damage caused to the surface of the access track caused by vehicles accessing the proposed holiday cottages

and on this basis it is not considered that this matter would render the application unacceptable. .

Conclusion

No other issues have arisen as a result of this planning application but for the reasons as stated above with regards to the isolated nature of this application site, the application is recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposal, located remote from local facilities and services and unrelated to a group of buildings which is not well served by public transport, is contrary to the key aims of Policies ET9 and T.1 of the Bath & North East Somerset Local Plan (including minerals and waste policies) Adopted October 2007, and contrary to Policy 1 of the Bath and North East Somerset, Bristol, North Somerset and South Gloucestershire Joint Replacement Structure Plan, and the National Planning Policy Framework, which seek to facilitate the use of sustainable modes of transport and resist development in unsustainable locations.

PLANS LIST:

0 In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The Local Planning Authority acknowledges the approach outlined in paragraphs 188-192 in favour of front loading and operates a pre-application advice service. Notwithstanding active encouragement for pre-application dialogue the applicant did not seek to enter into correspondence with the Local Planning Authority. The proposal was considered unacceptable for the reasons given and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application, and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.

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