## APPLICATIONS FOR PLANNING PERMISSION

**WARDS:** ALL

### BACKGROUND PAPERS:

**AN OPEN PUBLIC ITEM**

### BACKGROUND PAPERS

List of background papers relating to this report of the Development Manager, Planning and Transport Development about applications/proposals for Planning Permission etc. The papers are available for inspection at Trimbridge House, Trim Street, Bath BA1 2DP.

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:
   - Sections and officers of the Council, including:
     - Building Control
     - Environmental Services
     - Transport Development
     - Planning Policy, Environment and Projects
   - The Environment Agency
   - Wessex Water
   - Health and Safety Executive
   - British Gas
   - Historic Buildings and Monuments Commission for England (English Heritage)
   - Royal Fine Arts Commission
   - Department of Environment, Food and Rural Affairs
   - Nature Conservancy Council
   - Natural England
   - National and local amenity societies
   - Other interested organisations
   - Neighbours, residents and other interested persons
   - 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 Local Plan (adopted June 1997), or the Bath and North East Somerset Local Plan (including waste and minerals policies) to be modified 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.
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.

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.

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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REPORT OF THE DEVELOPMENT MANAGER OF PLANNING AND TRANSPORT DEPARTMENT ON APPLICATIONS FOR DEVELOPMENT

Item No: 01
Application No: 08/02332/RES
Site Location: Former Gwr Railway Line, Frome Road, Radstock, BA3 3LW

Ward: Radstock  Parish: Norton Radstock  LB Grade: N/A
Ward Members: Councillor A B G Hall  Councillor E Jackson
Application Type: PI Permission (ApprovalReserved Matters)
Proposal: Residential development of 83 dwellings and commercial floor space for D1 use with retail and commercial floor space for A1-A5 and B1 use (Reserved matters for outline application 06/02880/EOUT on 31 March 2008)
Constraints: Agric Land Class 3b, 4, 5, Conservation Area, Flood Zone 2, Forest of Avon, General Development Site,
Applicant: Mr D Schofield
Expiry Date: 16th October 2008
Case Officer: David Audsley
REPORT

REASON FOR REPORTING THE APPLICATION TO COMMITTEE
This application is reported to Committee at the request of Councillor Eleanor Jackson following consultation with the Chair.

SCOPE OF THIS APPLICATION: This application is for the Approval of Reserved Matters following the grant of Outline Planning Permission (reference 06/02880/EOUT) in 2008. The Outline application was itself highly detailed, and its approval represents a formal commitment by the Council (in its statutory role as Local Planning Authority) to the scheme included in that application.

The current application relates to part of the overall site, but must be considered only on the basis of the planning merits of the specific additional details included and Members are advised that this does not represent an opportunity for the public, or indeed the Committee, to revisit the principles of the development which were permitted as part of the Outline proposal.

DESCRIPTION OF SITE AND APPLICATION

BACKGROUND: The application site forms part of the Radstock Railway Land site on the east side of the town centre, which extends south-eastwards from the double roundabout junction of the A362 and A367 for a distance of approximately 700 metres. As well as the former railway land, the site also includes a triangular area of land to the south of Frome Road, formerly occupied by Council offices, and the site of the former Marcroft Wagon Works. The entire site is allocated for a comprehensive mixed use development in the Bath and North East Somerset Local Plan under policy GDS1/NR2 and has a total area of approximately 8 hectares.

THE OUTLINE PLANNING PERMISSION: The Development Control Committee on 19th March 2007 resolved to grant outline planning permission (reference 06/02880/EOUT) for the redevelopment of the entire railway land site, and the planning permission was issued in March 2008 following completion of a Section 106 Agreement.

Conservation Area Consent was also granted (reference 06/03753/CA) for various demolition works, including the demolition of the former wagon works, in connection with the development of the site.

The outline planning permission relates to the following:

i) up to 210 residential units;
ii) up to 695 square metres of retail or business floorspace (Use Classes A1-A5 and B1) within the town centre;
iii) up to 325 square metres of business floorspace (Class B1) or community uses (Class D1) to the south of the proposed link road;
iv) the change of use of the Brunel Railway Shed to provide a heritage centre, exhibition space and community uses.
In addition, the permission authorises a substantial amount of other works on the site including:

i) works to the highway network in the town centre including the diversion of Frome Road (A362), the construction of a new link road between Frome Road and The Street, and related highway works to Wells Road (A367), Fortescue Road and The Street and associated junctions;

ii) provision of new access roads to serve the new development;

iii) provision of a public open space at Fox Hills and three children's play areas;

iv) provision of a new cycleway through the site;

v) remediation and decontamination of the site;

vi) works to manage ecological habitats and trees including tree felling and removal;

vii) provision of public realm and landscape works.

The Section 106 Agreement secures the following:

i) the preservation and management of railway features to be retained;

ii) the implementation of an Ecological Mitigation Compensation and Management Plan;

iii) the provision and management of public open space and play areas;

iv) the implementation of the highway works;

v) the provision of a new town centre car park;

vi) the provision of a cycle route through the site;

vii) the provision of affordable housing within the development;

viii) the implementation of a local employment charter.

SITE AND SURROUNDINGS: This application seeks approval of details in respect of that part of the site identified as Area 2 in the outline planning application, together with the southern frontage of the `new High Street' adjacent to the Victoria Hall.

The land included in the current application is triangular in shape and has an area of approximately one hectare. The site includes the Victoria Hall public car park, a section of former railway land and a triangular area of land adjacent to Frome Road formerly occupied by Council offices. The site extends from Frome Road and the line of the pedestrian subway southwards as far as the Snails Brook and the culvert underneath the former railway line.

The site is adjoined to the north-west by the Victoria Hall and Victoria Square, on the opposite side of which is the Post Office. To the west is open land to the rear of properties fronting onto Church Street and to the south the railway land continues beyond the culvert. To the south-east, the Ryman Engineering premises are on the opposite side of the Snails Brook and, to the north-east, the Charltons Timber premises are on the opposite side of Frome Road. There is a belt of mature trees along the Frome Road frontage of the site and along the bank of the Snails Brook. The site otherwise comprises open land, former railway trackbed and the public car park.

THE APPLICATION: This application seeks approval of details pursuant to the outline planning permission relating to the scale and appearance of the buildings and the landscaping of the site. The application seeks approval for a total of 83 dwellings, together with a small amount of floorspace for uses within Use Classes A1-A5, B1 and D1.
The proposed accommodation is arranged in the following buildings, with the highways and car parking layouts as permitted at outline stage:

Block A fronting `new High Street' and adjacent to Victoria Hall: a three-storey building of ridged roof design comprising a community space on the ground floors with four flats on the upper floors. The building would be faced with lias stone on the front elevation with render to the rear, and have a slate roof.

Block C fronting `new High Street' and west side of new access road on the south-west corner of the new junction, backing on to the public car park: a three-storey building of ridged roof design comprising three commercial units on the ground floor of the `High Street' frontage and a total of 12 flats. The building would be faced in lias stone and render with a slate roof. A covered walkway is proposed on the `High Street' frontage, with a zinc monopitch canopy supported on timber posts.

Block E on the opposite corner of the junction, with frontages to Frome Road and the new access road: a part two/part three-storey building of pitched roof design comprising a total of 15 flats. The building would be faced in lias stone on the `corner' and Frome Road elevations, with timber cladding and render on less prominent elevations, and have a slate roof.

Block B on west side of new access road and on the south side of the public car park: a three-storey building of modern design with monopitch roofs comprising 13 flats and garaging. The building would be faced in timber cladding and render with a green/ brown roof.

Block D on the east side of the new access road: a three-storey building of modern design comprising 12 flats. The building would be of similar design to Block B faced in timber cladding and render with green/ brown monopitch roofs.

Block F in the north-east corner of the site and to the rear of Blocks D and E, accessed from the new road and with a frontage to Frome Road: a part two/ part three storey building of pitched roof design comprising 14 flats. The building would be faced primarily in lias stone on the Frome Road frontage, with other elevations in timber cladding and render, and a slate roof.

Plots 86-98 on the west side of the new access road and at the southern end of the site: 13 two-storey terraces of traditional design faced in stone with render on the rear elevations and roofs of slate or pantiles.

The plans also include provision for bin stores and cycle storage to serve each block, together with a play area in the southern part of the site.

The landscape proposals include full details of new planting, a landscape management and maintenance plan, and details of hard surfacing and boundary treatments.

CONDITIONS: The outline planning permission was granted subject to a total of 45 conditions which will need to be discharged either prior to the commencement of the development or at different stages of the development.
At the same time as the current application for approval of reserved matters, the applicant has submitted details to discharge the following conditions:
Condition 7: details of planting, tree protection and future management and maintenance;
Condition 10: details of children's play areas;
Condition 11: details of boundary treatments, walls and fences;
Condition 12: details of finished floor levels;
Condition 18: compliance with Eco Homes ‘Very Good’ standard;
Condition 19: areas set aside for recycling;
Condition 21: provision of technical details of highway works;
Condition 35: provision of bin stores;
Condition 37: details of brown roofs.

These matters will be considered separately by Officers under delegated powers following determination of the current application.

ENVIRONMENTAL IMPACT ASSESSMENT: The outline planning application was accompanied by an Environmental Statement, in view of the fact that the proposed development falls within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 and was considered to have significant effects on the environment. A Screening Opinion has been issued in respect of the current application confirming that a separate Environmental Statement is not required in view of the fact that the current proposal (as an application for the approval of Reserved Matters) is not materially different from the development granted outline planning permission.

CONSULTATIONS & REPRESENTATIONS
TOWN COUNCIL: Strongly objects to the application in its entirety on the following grounds:
   i) the designs are not in keeping with the heritage of Radstock;
   ii) the horizontal wooden cladding is inappropriate in a conservation area;
   iii) there has been no consultation with the residents of Radstock;
   iv) the proposed buildings are not of a high enough standard for a conservation area;
   v) no measures have been taken to address the flood risk;
   vi) the infrastructure of Radstock will not contain it.

HIGHWAY DEVELOPMENT TEAM: No objections to the application for approval of details of scale, appearance and landscaping.

Further details are required of arrangements for the disposal of highway drainage which will be dealt with separately in connection with the discharge of conditions of the outline planning permission.

ENVIRONMENT AGENCY: Following the confirmation of flood levels and flood extent by the agent, we are satisfied with the details of this reserved matters application and therefore withdraw our objection to the discharge of reserved matters condition 12.

A number of conditions on the outline planning permission are outstanding and further details are awaited in respect of the discharge of these conditions.
WESSEX WATER: Network modelling of the existing foul drainage sewerage system has been completed and a scheme has been agreed with the developer to ensure that there is sufficient capacity for the proposal.

Storm flows should be connected to a suitable and sustainable surface water drainage system that does not allow disposal of flow to existing sewers. Disposal of flows from the proposed development to existing sewers would cause downstream flooding and pollution.

HOUSING OFFICER: The outline planning permission and Section 106 Agreement secured a minimum provision of 27% affordable housing, with the developers using their best endeavours to secure uplift to 30%, and included an affordable housing accommodation schedule.

A total of 35 affordable houses are included in this application. The units proposed consist of 27 units for social rent and 8 for intermediate, comprising 5 for shared ownership and 3 for discounted market sale. The units and plot numbers and the location of the units accord with the Section 106 Agreement.

The applicant has confirmed that Bellway Homes will use reasonable endeavours to secure grant funding to make the additional provision identified in the Section 106 Agreement. All affordable housing has been designed to meet the latest Housing Corporation standards, Code for Sustainable Homes Level 3 and HQI standards. The applicant has agreed to use best endeavours to meet Lifetime Homes where achievable.

ENVIRONMENTAL HEALTH OFFICER: Further information is needed to discharge conditions 23 and 38 of the outline planning permission. No objections to the current application.

URBAN DESIGNER (original comments): Various design issues in relation to Blocks A, C, E and E and their relationship with car parking areas and the public realm require further consideration.

URBAN DESIGNER (revised plans March 2009): The revised plans largely address the urban design concerns. The proposals appear to be in accordance with the approved Design Code. Sample panels of the proposed materials should be submitted to the LPA for approval.

HISTORIC BUILDINGS TEAM (original comments): The Team initially made adverse comments about the quality of the details submitted with the application, which were considered to be of an insufficiently high design quality and would harm the character of the Conservation Area.

Particular areas of concern were:

i) the balance of materials, particularly the preponderance of render and timber cladding, does not adequately reflect the local distinctiveness of the Conservation Area;

ii) the use of render and timber cladding should be reduced, particularly in the most prominent locations adjacent to the Victoria Hall and on the street corners;

iii) further details are required of the type of stonework proposed and of material finishes; natural materials should be used, rather than concrete slate and tiles;
iv) Block A would have a poor and overbearing relationship with Victoria Hall;
v) considerable more detail is required of the elevational treatment of the buildings adjacent to the Victoria Hall and fronting the ‘new High Street’;
vi) the houses proposed on plots 89-98 should incorporate chimney stacks so as to reinforce local distinctiveness;
vii) careful consideration will need to be given to surfacing materials, road signs, street lights and boundary treatments.

HISTORIC BUILDINGS TEAM (revised plans March 2009): Following detailed negotiations with the applicants, amended proposals have been received, and the Historic Buildings Team has now expressed general satisfaction with the revised proposals. The Team considers that the revised plans incorporate a number of improvements which are welcomed, but a number of details require further clarification and consideration.

The relationship between Block A and Victoria Hall is improved and the corner buildings address their prominent location more successfully in terms of detailing and materials.

Whilst there are reservations about the use of timber cladding within the scheme and the modern design of Blocks B and D, it is accepted that these are elements of the approved Design Code and no objection is therefore raised in principle.

Outstanding issues requiring further consideration include:
   i) confirmation of natural roofing materials and provision of material samples of render and stone for approval;
   ii) provision of chimney stacks on units 89-98;
   iii) clarification of details of shopfronts, security shutters and advertisements for the shop units;
   iv) clarification of joinery details, rainwater goods and other construction details.

Some of these matters can be resolved through the imposition of conditions.

HISTORIC BUILDINGS TEAM (further comments): Notes that the applicant has confirmed that all the roofs on flats blocks A, C, E and F are to have natural slate. No objections to the use of concrete tiles on Plots 86 to 98, as artificial roofing materials were approved under the previous application, provided that samples of the concrete tile to be used are submitted for approval. Pleased to note that the applicant has agreed to use brick chimney stacks on some of the cottage plots.

Does not approve the use of buff brick chimney stacks on the taller buildings and suggests the use of rendered stacks, which is an alternative the applicant is prepared to use, but lined out to give the impression of stone stacks.

Notes that the applicant has revised the drawing of flats C to show the render on the gable and deepened some of the windows in other areas, added a stone lintel to the ground floor windows that face Victoria Hall, agreed to the use of a mid grey colour for the metal rainwater goods, and revised a section drawing to show the use of internal as opposed to external shop front shutters which have an open pattern; three cross sections through the Frome Road frontage have also been submitted, as requested, and these are also considered to be acceptable.
Further consideration needs to be given to the treatment of the wall along the Frome Road frontage, together with repair work to the bridge across the brook.

Where external stonework is proposed for the new development it will need to be in natural stone apart from the dressings where reconstituted stone detailing is acceptable.

In conclusion, although there are still reservations concerning the areas noted above, the additional amendments and information provided are satisfactory and the objections previously raised are withdrawn.

ENGLISH HERITAGE: This application follows the approval of an outline consent for the site which provided relatively detailed information on the concept proposed for development and its design approach. The subsequent reserved matters proposals appear to accord broadly with that outline and in doing so would not seem to raise new issues of a fundamental or in principle nature.

While we acknowledge that there may be outstanding issues still in need of attention and satisfactory resolution, particularly perhaps with regard to the design agenda at a range of levels, we are happy to leave negotiations and a decision ultimately on the merits of the application to the discretion of your Authority.

Recommendation: We would urge you to address the above issues and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. It is not necessary for us to be consulted again.

ECOLOGIST (original comments): The proposed landscape scheme is excessively formal and does not pay sufficient regard to ecological objectives. The planting scheme and management regime should incorporate a greater proportion of native species and allow for more wildlife areas to be retained within the site.

Particular attention needs to be given to planting proposals in the Kilmersdon Brook/Snails Brook Corridor so as to ensure proper management of wildlife habitats in accordance with the requirements of the Ecology Strategy.

Other details of the scheme need to be consistent with the Ecology Strategy. Details of green/ brown roofs require clarification.

ECOLOGIST (revised plans March 2009): The revised landscape drawings are acceptable, subject to minor revisions to incorporate the agreed treatment of the northern boundary of the site. The details of the brown roofs are acceptable.

ENGLISH NATURE: As we have previously advised, the application site is of regional and local importance for biodiversity interest.

The application site is of regional importance for invertebrates and fell just below the threshold for designation as a Site of Special Scientific Interest. The development is likely to have significant impacts on these features. In addition, the development is likely to have impacts on the following non-statutory wildlife sites: Radstock Railway Cutting Site of
Nature Conservation Interest, Foxhills SNCI, Waterside and Westhill Gardens SNCI. Finally, the site is also within the feeding range of Greater Horseshoe bats from both the Bath and Bradford on Avon Special Area of Conservation and the Mells Valley Special Area of Conservation. The bats and the areas identified benefit from protection at international level.

The above points should inform consideration of the applicant’s proposals within the reserved matters application and, accordingly, we support the comments made by the Council’s Ecologist and recommend that these should be incorporated into the Landscape Management and Maintenance Plan and the Section 106 Ecological Management Plan as appropriate.

TREE OFFICER: Tree Protection Plan and Arboricultural Method Statement need to be submitted before the tree protection conditions can be discharged.

OTHER REPRESENTATIONS/THIRD PARTIES

WARD COUNCILLOR: The designs do not sufficiently reflect the indicative Design Code. The buildings look awful and there is inappropriate use of horizontal wooden cladding in two blocks. The Victoria Hall will be submerged architecturally and also at risk of flooding from runoff from the new car park. Mature trees will be needlessly lost and replaced mainly with twee and uninspiring ornamental shrubs. Riverbanks will be weakened by the felling of these trees. The affordable housing is too concentrated in one part of the site, contrary to government interest. Hedges and fences will break up the openness of the site and the scheme appears to have been urbanised.

PETITION: Petition with 117 signatures received stating `we the undersigned do not approve of the interpretation and application of the Design Code in the reserved matters planning application 08/02332/RES. We call upon B&NES to reject the planning application and request a new submission'.

RADSTOCK ACTION GROUP: Strongly objects to this application. Its main areas of concern are as follows:

i) lack of publicity and consultation with the local community;
ii) the detailed proposals are inconsistent with the outline planning permission;
iii) the conditions of the outline planning permission have not been complied with;
iv) the proposed development fails to comply with the policies of the Local Plan and Regional Spatial Strategy;
v) the scheme constitutes a major housing scheme rather than a regeneration project; the local distinctiveness of Radstock will be replaced with a poor quality and overcrowded housing estate;
vi) the project needs to be re-assessed on the basis of current information on flood risk;
vii) the road proposals will be highly damaging to the town centre in environmental terms;
viii) the relationship between B&NES, NRR and Bellways is unclear and should be clarified;
ix) the proposals should be rejected and the future development of the site completely reconsidered.
MEADOW VIEW ACTION GROUP: Objects on the following grounds:

i) the proposed development exceeds the ceiling of 50 dwellings for the site recommended by the Local Plan Inquiry Inspector and incorporated in the Local Plan as adopted;

ii) the housing development proposed will not be matched by employment creation;

iii) the proposed development would be seriously damaging to the character and appearance of the Conservation Area, adjacent listed buildings and be contrary to policy B6 of the Local Plan;

iv) the Design Code is inappropriate and the proposed development is of poor design quality with alien materials;

v) the loss of trees will be harmful to ecology, the visual amenities of the area and increase flood risk;

vi) a detailed flood risk assessment should be submitted with this application, particularly in view of the surface water drainage problems likely to arise from the proposed parking area and other hard surfaces;

vii) inadequate details have been submitted of the proposed community building;

viii) disproportionate concentration of affordable housing in this part of the site.

CAM VALLEY WILDLIFE GROUP: Objects on the following grounds:

i) the application fails to address the effect of lighting on bats;

ii) inadequate design and landscaping details to assess the effect on bats;

iii) the applicants are failing to deliver the mitigation measures required by the Ecological Mitigation Compensation and Management Plan;

iv) the impact of the development on bats is likely to be greater than that envisaged at outline stage and the proposals may result in the loss of use of bat roosts which would necessitate a licence being sought from English Nature and result in the possible breach of the EU Habitats Directive;

v) the original Environmental Statement was inadequate and a further E.S. should have been required in connection with the current application.

SOMER VALLEY FRIENDS OF THE EARTH: Objects on the following grounds:

i) inadequate information on lighting;

ii) poor design and inappropriate materials;

iii) the affordable housing is poorly designed and does not encourage social cohesion;

iv) inadequate drainage details submitted; the development will cause flooding and pollution downstream;

v) inadequate details of noise levels have been submitted;

vi) the load carrying capacity of the culverts has not been established;

vii) a further financial viability assessment of the development should be carried out in view of the extent to which circumstances have changed since the outline planning permission was considered; it is most unlikely that the comprehensive development of the overall site can be delivered in the current economic climate and the site may remain undeveloped or partially developed unless the plans are reconsidered.
LOCAL RESIDENTS: 314 letters of notification were sent out in connection with this application.

18 letters have been received OBJECTING on the following grounds:

i) the principle of the development is unacceptable;
ii) conflict with Local Plan policies;
iii) lack of public consultation;
iv) the changes to the highway network will result in greatly increased congestion, noise, vibration and pollution;
v) the proposals will prejudice the reinstatement of the railway;
vi) loss of public car parking;
vii) the detailed proposals are inconsistent with the outline planning permission; the proposed buildings are out of keeping with existing development and inappropriate within the Conservation Area in terms of their height, size and materials; objection is raised in particular to the amount of timber cladding and render, and the roofing materials and low roof pitches of some of the buildings;
viii) excessive loss of trees;
ix) excessive concentration of affordable housing in this part of the site.

7 letters have been received SUPPORTING the application and making the following points:

i) the redevelopment of the site has been the subject of extensive discussion and consultation over a period of 12 years;
ii) the site is currently derelict and should be developed without any further delay;
iii) the proposal will result in a derelict brownfield site being put to beneficial use;
iv) the proposed development will deliver many benefits to the town in terms of improvements to the highway network, additional transport infrastructure and new housing.

AMENDED PLANS MARCH 2009: All interested parties have been renotified of the revised plans, and any further responses will be summarised in the Update Report prior to the Meeting.

PLANNING ISSUES
PLANNING POLICY: In the Bath and North East Somerset Local Plan (October 2007), the application site forms part of a larger area of land allocated for development under Policy GDS1/NR2.

The development requirements for Site NR2 under Policy GDS1 are stated to be a mixed use scheme including:

1. Residential development with retail and office uses within or adjacent to the Town Centre, with a community facility and a local nature reserve.
2. About 50 dwellings in the period to 2011 or more if the other site requirements are met.
3. Provision for safe movement of public transport vehicles within the site.
4. Safeguarding the former railway corridor as a sustainable transport corridor under Policy T9 incorporating the National Cycle Network where this is compatible with the safeguarding of the trackbed which is of significant nature conservation value.
5. Identification of areas of significant nature conservation interest to be retained, with a scheme for their management and the mitigation of any effects of development; together with a programme for compensation where the loss of areas of ecological importance cannot be avoided.

6. Relocation or retention of Victoria Square public toilets.

7. Retention [with relocation if necessary] within the site of engine shed and nearby turntable.

In addition to Policy GDS1, parts of the allocated site are subject to the following designations on the relevant Local Plan Proposals Map:

1. 2.3 hectares of land at Fox Hills, at the southern end of the site is allocated for informal recreation under Policy SR2.

2. The Kilmersdon Brook and Snails Brook corridors, the railway cutting along the eastern boundary and the slope of Fox Hills at the southern end of the site are designated as Sites of Nature Conservation Interest.

3. Part of the western edge of the site, adjacent to the Kilmersdon Brook and Snails Brook, are indicated as a floodplain.

4. The northern part of the site, to the north of Victoria Square, is within the Town Centre Shopping Area and frontages to Fortescue Road, Wells Road and The Street are indicated as Primary Shopping Frontage.

5. The former railway line is identified as a Sustainable Transport Route.

In addition, the entire site is located within the Radstock Conservation Area; Section 72 of the Act requires the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas.

Outline planning permission has already been granted for the redevelopment of the site, as noted above, and the following policies of the Local Plan are of principal relevance to the current application for approval of details:

D2: General Design and Public Realm considerations;
D4: Townscape considerations;
HG1: Housing mix;
HG4: Housing development;
HG7: Residential density;
HG8: Affordable housing;
NE1: Landscape character;
NE4: Trees and woodland;
NE9: Locally important wildlife sites;
NE10: Nationally important species and habitats;
NE11: Locally important species and habitats;
NE12: Natural Features;
NE14: Flood risk;
NE15: River corridors;
BH2: Listed buildings and their settings;
BH6, BH7 and BH8: Development within Conservation Areas.

SCOPE OF THE OUTLINE PLANNING PERMISSION: Although only means of access and siting were committed in a fully detailed form to be determined at outline stage, the outline application was accompanied by a substantial amount of additional detailed information which was also submitted for approval.
The outline application, as permitted, included the following drawings: Illustrative Masterplan; Site Layout; Massing and Heights Parameters; Highway Alignment; Strategic Public Realm; Tree Survey, Constraints, Retention and Removal; Landscape Strategy; Housing Density Plan; Existing and Proposed Levels; and Proposed Services and Drainage. All these matters have therefore been incorporated in the Outline permission.

A number of indicative parameter plans were also submitted for approval at outline stage, including Building Heights and Location; and Building Uses.

In addition, a Design Code; Remediation Strategy; Ecology Strategy; and Arboricultural Strategy were submitted and approved at outline stage.

Condition 1 of the outline planning permission states that the development shall be carried out generally in accordance with the Siting Plan, Illustrative Masterplan, the Design Code, Ecological Mitigation Statement, Statement of Sustainability and Scheme Parameters.

The outline planning permission, therefore, has established a detailed framework for the consideration of reserved matters and the details forming the current application are required to comply with the terms of the outline planning permission. As mentioned above, an application for the approval of reserved matters cannot be used as an opportunity to revisit the terms of the Outline permission.

AREA 2: The current application site largely corresponds to Area 2 identified in the outline planning application, but also includes land adjoining Victoria Hall which was originally shown as being within Area 1.

The approved Site Layout indicates a number of large blocks fronting the main road frontages and enclosing courtyard car parking areas to the rear.

The approved Massing and Height Parameters Plan indicates the building heights ranging from three storeys on the principal frontages stepping down to two storeys on the fringes of the site.

The approved Housing Density Plan indicates an average density of 75 units per hectare within Areas 1 and 2, on the edge of the Town Centre, falling to 36 units per hectare in Area 3 on the rural fringe of the site.

The approved Building Use Parameters Plan indicates residential/ apartments predominating in Area 2, with ground floor commercial space with apartments above in the buildings immediately to the east of the Victoria Hall.

The approved Parameters Plan-Areas of Ecological Interest indicates the retention of the Kilmersdon Brook corridor along the eastern boundary of the current application site; the Planting Strategy indicates retention of existing trees and shrubs along the Kilmersdon Brook corridor, along the Frome Road frontage of the site and along the western boundary of the site, with new planting within the development to soften the proposed car parking areas and building frontages.
THE DESIGN CODE: The Design Code also forms part of the outline planning permission and provides clear design rules and guidance for the implementation of the development; this includes building forms and massing and general principles regarding architecture, public realm treatment and use of materials for each of the three character areas comprising the whole site.

The main principles for development in Area 2 include: buildings enclosing the new civic space along the new ‘high street’ and town car park; active frontages with buildings close to the back edge of the footway to create a strong sense of enclosure; a continuous built frontage to principal streets; varying frontage widths with wider frontages on public/commercial buildings.

The main architectural requirements for development in the area include: varied roofscapes, including brown roofs; contemporary expression of openings; expression of roof and eaves details responding to context; formal facades on public streets with a more informal treatment within the courtyards; and formation of balconies on south-facing elevations.

Based on these requirements, the Design Code shows indicative street elevations for three separate building types, namely terraces, apartment blocks, and apartments above a commercial ground floor.

The Design Code proposes a range of different materials for Area 2 which is more contemporary in character and detailing than Area 1. The principal facing materials are indicated as coursed white lias rubble stone, coloured render and timber boarding, with roofs in reconstituted slate, concrete pantiles and brown roofs. The distribution of these facing and roofing materials within the site are shown on an indicative plan.

FORM AND CONTENT OF DEVELOPMENT: Access and siting were committed and approved at outline stage, as noted above, and the form and content of the detailed scheme now proposed closely follows that established in the outline planning permission, in terms of the highway network, access arrangements, car parking provision, siting of the buildings, number of residential units and disposition of land uses within the site.

The height of the buildings reflects that indicated on the Massing and Height Parameters Plan, with three storey buildings on the principal road frontages closest to the town centre dropping down to two storeys on the eastern and southern fringes of the site, as noted above.

With a site area of approximately one hectare, the density of 83 units per hectare is consistent with the average density figure of 75 units per hectare envisaged for Areas 1 and 2 at outline stage, taking account of the fact that a higher proportion of commercial floorspace is proposed in Area 1 than in Area 2.

The high density of development proposed reflects the site’s highly accessible location on the edge of the town centre close to public transport and a wide range of facilities and services. This is consistent with current guidelines set out in policy HG7 of the Local Plan and reflects current advice in PPS1 and PPS3.
The size mix of dwellings is heavily weighted in favour of small units, with 24 x 1-bedroom flats, 48 x 2-bedroom flats and 11 houses of 3- and 4-bedrooms. This again reflects the intentions of the outline planning permission, with higher density development primarily for flats proposed adjacent to the town centre with lower density predominantly family housing proposed in Area 3 on the more rural fringes of the site.

DESIGN AND MATERIALS/ IMPACT ON CONSERVATION AREA: The entire Railway Land site is located within the Radstock Conservation Area and the impact of the development on the character and appearance of the Conservation Area is a key issue in the consideration of this application.

In view of the sensitivity of the site, the outline application was accompanied by a considerable amount of detailed information which was approved as part of the outline planning permission, including a Design Code, which as noted above set out indicative design principles to inform final proposals for each character area of the site, including indicative elevations and a palette of facing and roofing materials.

The current application is supported by a Design and Access Statement which gives a more detailed explanation of the design approach adopted with reference to the general principles set out in the Design Code. The Statement contains an analysis of the characteristics of the built environment which give rise to local distinctiveness and identity and puts forward a design approach which is considered to represent a contemporary interpretation of these characteristics.

The proposals essentially contain three separate building types as follows:

i) three storey blocks of traditional pitched roof design, with commercial/ community uses on the ground floor (Blocks A and C), or with flats on three floors (Blocks E and F).

ii) three storey blocks of uncompromisingly modern design faced in timber and render with monopitch green/ brown roofs (Blocks B and D).

iii) two storey terrace housing of traditional design (plots 86-98).

Each of these building types is based on the indicative elevations in the Design Code and the range of materials and proportions of each material is based on the Materials Palette diagram shown in the Design Code.

Of these building types, the modern blocks (B and D) are strongly objected to by many local residents on the grounds that the building form and materials are considered to be alien to the area and inappropriate within a Conservation Area. The provision of green/brown roofs within the development is a requirement of the Ecology Strategy, however, and is one of a number of measures required to provide compensation for loss of ecological habitats required by the Ecological Compensation and Management Plan. The provision of brown roofs requires a roof slope of less than 20 degrees and is not therefore possible on a building with a traditional steeply pitched roof; in the circumstances, there is little alternative to a building of modern design and appearance and the use of render and timber cladding is considered to be appropriate in the circumstances.
The three storey buildings occupy the most prominent street frontages, including the ‘new High Street’ adjacent to Victoria Hall, the corners adjacent to the entrance to the site from the new road junction, and the frontage to Frome Road. Whilst the general form and proportions of these buildings were considered by officers to be generally acceptable, having regard to the scale of existing buildings within the town centre, the elevational treatment proposed was not considered to be of sufficiently high quality, and the relationship in particular of Block A with the Victoria Hall was considered to be poor.

Following negotiations with officers, these elevations have been redrawn and a number of changes secured as follows:

i) block A now has a hipped end adjacent to the Victoria Hall and pitched roofs provided for the rear wing in place of a large lean-to roof;

ii) greater vertical emphasis has been given to the facades of Blocks A, C and E with more visual interest in the form of parapets, chimneys and varied ridge heights;

iii) greater use of coursed white lias stone, and a redesign of the corner buildings in stone eliminating the use of timber in this prominent location;

iv) greater detail of the design and materials of the shopfronts and apartment entrances;

v) redesign of Block E to give a more active frontage along the raised footway in front of the building.

These details, as amended, were considered to be generally satisfactory, although the Historic Buildings Officer had a number of outstanding concerns in relation to points of detail which were the subject of further negotiations with the applicants. In response to these, the applicants have confirmed that blocks A, C, E and F will have natural slate roofs and have agreed a number of minor design changes in accordance with the Historic Buildings Officer's comments.

The two storey terrace housing is considered to be acceptable, although the Historic Building Officer considered that the addition of chimney stacks should be required so as to add visual interest and reflect local distinctiveness, and questioned the use of concrete roof tiles. The applicants have now agreed to add chimney stacks to plots 89, 92, 95 and 96 and confirm that the roofs will be constructed of Redland Norfolk pantiles, coloured Breckland Brown or Black; the Historic Buildings Officer considers that this is acceptable, having regard to the provisions of the Design Code, which specifically refers to concrete pantiles as one of a range of roofing materials.

In conclusion, subject to various outstanding points of detail being resolved through further revisions or conditions, the proposals as amended are considered to be acceptable in terms of their impact on the character and appearance of the Conservation Area, having regard to the provisions of the Design Code approved at outline stage and to the other associated provisions in the outline planning permission.

The submission for approval of samples of facing and roofing materials is a requirement of condition 6 of the outline planning permission but, for the avoidance of doubt, it is considered that a separate condition should be imposed requiring sample panels of all natural stonework to be approved.
TREE AND LANDSCAPE ISSUES: The current application is accompanied by a detailed Soft Landscape General Arrangement and by a Landscape Management and Maintenance Plan. These largely reflect the provisions of the Landscape Strategy and the Tree Survey/ Retention and Removal Plan approved at outline stage, and contains detailed planting proposals within the development as well as proposals for the treatment of the tree belts to be retained along the northern (Frome Road frontage) and eastern (Snails Brook) boundaries.

The planting proposals have been the subject of negotiations between the applicants and the Council's Ecologist and Landscape Consultant in order to achieve a satisfactory scheme appropriate to the landscape setting and the high ecological value of the site. The most significant issues arising from this are as follows:

i) treatment of the embankment along the Frome Road frontage;
ii) treatment of the tree belt along the Snails Brook;
iii) safeguarding the rural setting of the site and protecting migrating and foraging routes through the use of native flowering and fruiting species and a greater plant diversity;
iv) the need to maintain a distinction, in the management and maintenance regime, between areas of ornamental tree and shrub planting adjacent to dwellings and the more ecologically diverse areas of native species.

In response to these concerns, amendments have been submitted to the soft landscape proposals and management plan, but a number of points of detail remain outstanding and are the subject of further negotiations.

The proposed boundary treatments, comprising a combination of hedgerows, railings, brick/stone walls and timber fencing, are in accordance with the Design Code and are acceptable.

The details of hard surfacing also accord with the Design Code and with the Public Realm drawings approved at outline stage and again are acceptable.

ECOLOGY: The Railway Land site is of high ecological value with a number of protected species and wildlife habitats of importance. The effect of the proposed development on the ecology of the site was a fundamental issue in the consideration of the outline planning application and, in resolving to grant permission, the Committee took the view that, whilst the proposed development would cause harm to ecological interests, such harm was outweighed by wider benefits that would arise from the proposed development. The permission was, as noted above, granted subject to a Section 106 Agreement which requires, inter alia, the development to be carried out in accordance with an Ecological Mitigation Compensation and Management Plan, based on the Ecology Strategy submitted with the outline planning application.

The current application seeks approval of reserved matters relating to details of scale, appearance and landscaping, and the proposals are not materially different from the scheme considered at outline stage and subject to an Environmental Statement. Accordingly, further consideration of the effects of the development on the ecology of the site can only be given in respect of those matters not specifically permitted at outline stage.
The landscape details originally submitted with the current application, although appropriate for the residential development proposed, were not considered to pay sufficient regard to the ecological value of the site, and the Council’s Ecologist considered that the planting and landscaping scheme should be amended to give greater emphasis to native species and the creation of wildlife areas, with a more ‘wildlife-friendly’ management regime. In particular, attention needs to be given to the treatment of the Snails Brook Corridor in order to meet the habitat requirements of the various protected and other species, including bats, otter, white-clawed crayfish, water shrew and nesting birds.

Following negotiations between the applicants and the Council’s Ecologist and Landscape Consultant, revised planting and management plans have been submitted which address these issues and are considered to be generally satisfactory, but further minor revisions have been sought, particularly in relation to the treatment of the wooded embankment along the northern boundary of the site.

The provision of green/ brown roofs on Blocks B and D is intended to provide new wildlife habitats within the development to compensate for the loss of railway trackbed and is a requirement of the approved Ecology Strategy. The Council’s Ecologist is satisfied that the details submitted for the roof treatment are satisfactory.

The ecological management of the site and the implementation of appropriate mitigation and compensation measures are matters which do not fall to be considered in the context of this application for approval of details. These matters will progress in accordance with the provisions of the Ecological Mitigation Compensation and Management Plan which forms part of the Section 106 Agreement subject to which outline planning permission was granted; such matters do not fall to be considered in the context of this application for approval of details.

AFFORDABLE HOUSING: The Section 106 Agreement has secured provision of 27% of affordable housing on the Railway Land site as a whole, with the developer undertaking to use best endeavours to secure an increase to 30%. A total of 35 affordable units are proposed in the current application, in Blocks A, B and F, and plots 95-98; this represents 42% of the proposed development of 83 units. The Housing Development Officer confirms that the proposal conforms with the Section 106 Agreement in terms of the number, type and location of the affordable housing units.

Objections have been raised to the application on the grounds that there is a disproportionate concentration of affordable housing provision in this part of the site and that a more even pepper-potting distribution should be secured. However, the proposed affordable housing is located in small groups for ease of management, in accordance with details discussed with the Council’s Housing Development Officer, and this is considered on balance to be appropriate and acceptable. The higher concentration of affordable housing in this part of the development site reflects the higher density nature of development proposed in this edge of town centre location, with a preponderance of flats rather than family housing.
FLOOD RISK: A Flood Risk Assessment was submitted as part of the Environmental Statement which accompanied the outline planning application. The Environment Agency had no objection to the grant of outline planning permission, subject to appropriate conditions being imposed.

Since the granting of outline planning permission, the Strategic Flood Risk Assessment April 2008 has been published. The Environment Agency has confirmed that the floor levels submitted, which are consistent with the levels approved at outline stage, are acceptable for the purposes of condition 12 of the planning permission and that there are no objections to the development on flood risk grounds.

SUSTAINABILITY: Condition 18 of the outline planning permission requires a written statement to be submitted explaining how the Statement of Sustainability is to be implemented and confirming compliance with the Eco Homes ‘Very Good’ standard. The Design and Access Statement summarises a Sustainable Development Strategy for the site and an Eco Homes pre-assessment report has been submitted with the application which confirms that the development as proposed can achieve the ‘Very Good’ BREEAM Eco Homes standard.

CONDITIONS/ SECTION 106 AGREEMENT: In addition to this application for approval of reserved matters, the applicants have submitted details to discharge nine conditions of the outline planning permission; these will be considered separately by officers under delegated powers following determination of the current application. A significant number of other conditions will need to be discharged prior to the commencement of work and the outline planning permission is also subject to the requirements of the Section 106 Agreement summarised in the first section of this report.

CONCLUSION
This application seeks approval of details in respect of the scale and appearance of the buildings and the landscaping of the site for the first phase of the development of the Railway Land site, pursuant to the granting of outline planning permission in March 2008 for the comprehensive redevelopment of the entire allocated site.

Means of access and siting were committed at outline stage, and the details of scale and appearance now submitted closely follow the detailed plans and supporting documentation approved as part of the outline planning permission.

The form, design and materials of the proposed buildings generally reflect the design principles established in the approved Design Code and are considered to be acceptable, subject to minor points of design detail being addressed through further amended plans and/or conditions.

The proposed landscaping details as amended are generally satisfactory, subject to further minor revisions to secure a planting scheme and management regime sympathetic to the ecological value of the site.
RECOMMENDATION

Authorise the Development Manager to APPROVE the application subject to submission of satisfactory amended plans to address outstanding design and landscape details and with the following conditions:

CONDITIONS

1 Details of shopfronts and security shutters for the commercial units shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of work. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of the appearance of the development and the character and appearance of the Conservation Area.

2 No development shall commence until details of doors and windows, eaves and parapet details, chimneys, rainwater goods and gas and electricity meter boxes 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 and the character and appearance of the Conservation Area.

3 No development shall commence until a sample panel of all external walling materials to be used has been erected on site, approved in writing by the Local Planning Authority, and kept on site for reference until the development is completed.

Reason: In the interests of the appearance of the development and the character and appearance of the Conservation Area.

REASONS FOR GRANTING APPROVAL

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

All other material considerations, including the views of third parties, have been considered and they do not outweigh the reasons for approving the proposed development.

A. Policies D2, D4, HG1, HG4, HG7, HG8, NE1, NE4, NE9, NE10, NE11, NE12, NE14, NE15, BH2, BH6, BH7 and BH8 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted October 2007.

2. The details of scale, appearance and landscaping are consistent with the outline planning permission and would not adversely affect the character and appearance of the Conservation Area, nature conservation interests or any other interest of acknowledged importance.
Item No: 02  
Application No: 08/02864/FUL  
Site Location: Amberley Close, Keynsham,  

Ward: Keynsham South  
Parish: Keynsham Town Council  
LB Grade: N/A  

Ward Members: Councillor Alan Hale  
Councillor A W Inker  

Application Type: Full Application  

Proposal: Proposed regeneration and redevelopment of existing PRC dwellings at Amberley Close/Lulworth Road, Keynsham consisting of 54 dwellings.  

Constraints: Agric Land Class 3b, 4, 5, Forest of Avon, Housing Development Boundary,  
Applicant: Lovell Partnerships Limited & Somer Community Housing Trust  

Expiry Date: 30th October 2008  
Case Officer: Rachel Le Huray  

REPORT  

REASON FOR REPORTING APPLICATION TO COMMITTEE  
Due to the submission of a financial viability statement seeking exemption from developer contributions.  

ISSUES RAISED BY COMMITTEE MEMBERS ON 18 MARCH 2009  
This application was deferred by Members to the April Development Control Committee in order for Officers to clarify points made at the March Development Control Committee Meeting.  

FURTHER CONSULTATIONS:  

OPEN SPACES: A contribution towards the provision of recreational open space is requested in the order of £42,703. From a Parks & Green Spaces viewpoint, we accept that the economic recession is raising some serious viability issues in terms of proposed development. However, as a general consideration, there is the danger that, by relaxing certain policies to allow development to go ahead, the Council will be faced with unsustainable pressure on existing public facilities, such as public
open space, leading to very damaging impacts on quality of life for local communities.

The expectation is that the economic recession is cyclical phenomenon and will eventually pass. Viability issues for developers are, therefore, likely to be temporary.

In my view, the Council should not be relaxing its policy stance on planning obligations at this stage without central government funding support to enable them to make good shortfalls in the provision of community facilities such as public recreation space. Otherwise, there is a real danger that the cumulative consequences will be highly unsustainable communities contrary to all our policy objectives.

In terms of the proposals at Amberley Close, Keynsham, I recognise that Somer/Lovell have revised the scheme to reduce the number of units to 54 and provide on-site landscaping. There is also little doubt that the extra affordable housing being offered by the applicants, which exceeds Local Plan policy requirements, would help address housing needs in Keynsham. However, no useable public open space would be provided on site and the development would result in a significant increase in population over the existing dwellings on site. There are already deficits in provision of recreation facilities in this part of Keynsham and so a failure to secure a financial contribution towards meeting the needs of new additional occupiers (as required by Local Plan Policy SR3) would exacerbate the situation.

Therefore, with the above in mind, I do not support the approach proposed by the applicants of offering affordable housing in excess of policy requirements at the expense of recreation space contributions.

As well being contrary to Policy SR3 of the Local Plan, the proposed development would also undermine both the aspirations of the Council's Adopted Green Space Strategy - which seeks good quality recreation facilities for all B&NES communities - and objectives for encouraging more active lifestyles to address health issues.

EDUCATION: If the verification that is currently being carried out by the external consultant does result in confirmation of financial unviability for the proposed development, Children's Services assume that as this is a valid option that is open to any Developer to explore and that, if the Developer has followed the correct procedure, there are no grounds for objection and we will be obliged to abide by this judgement.

Some surplus primary school places have become available over recent months in this area of Keynsham, therefore in this instance we will be able to accommodate the primary school children generated by the development without a contribution. However if it was possible to secure the contribution for Youth Service provision and Special Educational Needs provision only - £3,601.00 for Youth and £4,791.06 for SEN - this would be a help as the position regarding these services has not altered.
On a general note, as we have a statutory obligation to provide these services for children, if non viability is established on any future developments and we cannot obtain contributions from developers, the necessary funding will still need to be identified from somewhere in order to allow Children's Service to fulfil their statutory obligation.

Further comments from the Urban Design Officer and Arboricultural Officer are expected and will be included in an update report.

ARBORICULTURAL OFFICER: Further comments have been received re-iterating the previous concerns already contained within the main report.

URBAN DESIGN OFFICER: Further comments have been received stating that the scheme is not acceptable in the current form. Whilst there are some improvements to the scheme, primarily the concerns raised are summarised below:

1. There is a general over dominance of parking and access layouts on the proposed layout. Generally on plot parking is incongruous and compromises the quality of the public realm and the street scene.
2. A generally more rational layout for rear garden access gates would be welcome, removing the need for the convoluted footpaths for rear access that reduce small rear gardens further.
3. Plots 1 and 2 would benefit from a simpler palette of materials and horizontal emphasis to elevation details to relate to adjacent buildings better.
4. The building lines for Plots 43, 44 and 45 is too close to Lulworth Road which is incongruous and of detriment to the street.
5. Plots 44 and 45 have rear gardens compromised by intrusive, over dominant car parking.
6. The small gardens for Units 9 and 16 should be omitted in favour of a well landscaped communal garden designed to accommodate the scale of buildings proposed and provide a pleasant garden for all. This is considered to be an extremely poor quality outcome, which is unacceptable.

OFFICER COMMENTS:

AFFORDABLE HOUSING AND DEVELOPER CONTRIBUTIONS: From the comments given by Education and Open Space it is clear that the lack of developer contributions is considered to be a missed opportunity and will put pressure on other budgets and departments within the Council. This is specifically due to the increased pressure that will result from the development on the services and facilities that are currently on offer, services and facilities that future residents of the development would expect to have access to and use on a regular basis.

The comments from Education include a revised contribution request for a total of £8,392.06 which represents a considerable reduction from the £58,933.90 previously requested. This reduction has been as a result of Education re-assessing the
contributions required for this development and the unanticipated and unforeseen increased availability of Primary School places in this area.

Whilst the views of Education and Open Spaces raise some important points, it has nevertheless been asserted by the Agent that to make the requested developer contributions, on top of the enhanced level of affordable housing already being required/offered scheme, would result in the scheme becoming financially unviable. The financial viability statement submitted in relation to this, at the time of writing, is currently subject to further investigation in order to ensure that a robust assessment has been taken. It is hoped that the results will be available soon and further information will be included in an update report.

As in many applications for planning permission, the proposed development has raised some significant issues in relation to competing interests, in this case, from the viewpoints of the provision of affordable housing, open spaces and education. All of these issues are material considerations, of significant weight, to the application. However the fact remains that it has been asserted by the Agent that, to satisfy all these competing interests, the scheme would be made financially unviable. In acknowledging this they have, in declining to pay the developer contributions required under Policy CF.3 and SR.3, included an additional 7 dwellings over and above that required by Policy HG.8 of the Local plan as a compromise. In light of the above it is considered that, in the absence of contributions in relation to open spaces and education, and subject to further assessment of the financial viability assessment, the case has been made to accept, by way of a compromise, a higher level of affordable housing.

DESIGN AND LAYOUT OF THE DEVELOPMENT: The submitted scheme has undergone some significant revisions for various reasons which includes those requested by Officers. Whilst this has generally resulted in an overall improvement to the scheme there are still some outstanding issues that are still of concern to Officers, in particular the Urban Design Officer and Aboricultural Officer. However when consideration is given to the overall scheme, balanced against the improvements and benefits that the proposed development will bring to the area, the scheme is considered to be acceptable.

ECOLOGY: Within the main report the Ecologist stated that there were no objections to the development subject to conditions. Condition 8 required that an Ecological Enhancement Plan be submitted prior to the commencement of development. Condition 10 required that a scheme relating to bat roosts should also be submitted. A report has now been received which has been found to be acceptable to the Ecologist. Therefore it is now possible for Condition 8 and 10 to be revised to ensure that all works are carried out in accordance with the details agreed. The specific amendments to the wording of these conditions is still under discussion and will be confirmed in an update report.

LANDSCAPING: It has been requested by the Agent that the wording of Condition 2, relating to landscaping, be amended to require details to be submitted 'prior to occupation' condition rather than `prior to commencement of development’ as is currently proposed in the main report. This is considered by Officers to be a reasonable request and recommended amended condition is attached.
EXISTING OPEN SPACE PROVISION: Officers have looked at the surrounding area and it would appear that the nearest open space to the development is located at Queens Road. This area of open space consists of a number of football pitches, a children's play area as well as a general grassed area. This open space is approximately 320m from Amberley Close in straight line distance and approximately 468m walking distance, which is considered reasonable for residents to gain access to a good quality area of open space.

Furthermore there are 3 other areas of open space within the locality at Balmoral Road, 500m, Holmoak Road, 900m and Cleeve Green 1.1km.

MATERIALS: The development is to be constructed with brick walling in two different colours with contrasting detail heads and cills.

Specifically the proposed materials would be Baggeridge Autumn Fern Blend brick with Baggeridge Berkshire Red Detail Heads and pre-cast concrete cills. The second type of brick proposed is Baggeridge Warm Golden Blend with pre-cast concrete cills and heads. All buildings would use natural yellow pit sand mortar with Russell Grampian roofing tiles in slate grey.

DESCRIPTION OF SITE AND APPLICATION

The application site is situated to the South West of Keynsham within the built up residential area. The site is 1.08 hectares in size and currently comprises a group of residential buildings that front both Amberley Close and Lulworth Road. The existing 32 residential dwellings are contained within two storey semi detached pairs with a self contained flat on both the ground and first floor. The buildings are constructed of Pre-Cast Concrete (PRC) under brown concrete roof tiles. PRC dwellings were built in the post war years and have been found to have structural problems either from the concrete used or corrosion of steel reinforcement within the concrete. These types of dwellings have been technically classed as defective and, whilst no immediate structural problems are apparent, they have a limited life.

In the South West corner of the site is an area of flat roofed garages served by a vehicular access off of Dunster Road.

The revised proposal is for the erection of 54 dwellings following the demolition of the existing 32 dwellings and the existing garage block. The new dwellings would result in the provision of 28 two bed flats, 10 two bed houses and 16 three bed houses within a mixture of two and three storey buildings. The development would provide each dwelling with at least one off street parking space as well as a small number of visitor spaces. The existing access to the dwellings from Coronation Avenue will remain with a secondary access, primarily for the use of existing residents with a private right of way, from Dunster Road. A pedestrian access will be created allowing pedestrians to cross the site easily from Lulworth Road to Dunster Road.
CONSULTATIONS & REPRESENTATIONS
The comments reported below are those received at the time of writing the report. However, more revisions to the scheme have recently been received from the applicants which are the subject of further consultations and the responses will be reported to Committee on the update report.

ENVIRONMENT AGENCY: The Environment Agency has no objections, in principle, to the proposed development provided that if planning permission is granted the planning conditions suggested are imposed:

NATURAL ENGLAND: No objections.

LANDSCAPE ARCHITECT: No comments received

URBAN DESIGNER: The development is considered not acceptable in the current form. Primarily the concerns raised relate to:

1. Materials - a simpler palette is needed
2. On plot parking is incongruous and compromises the quality of the public realm.
3. The scheme represents overdevelopment.
4. The site is poorly laid out with a dominance of parking.
5. There is a lack of quality landscaping.

ECOLOGICAL OFFICER: Ecological surveys have been submitted and have found wildlife interest on the site in particular use by bats, reptiles and birds. Proposals are made for mitigation to ensure protected species are not harmed. Significant potential is also identified for providing further wildlife enhancements throughout the site and production of an 'Ecological Enhancement Plan' is recommended. Ecological impacts will arise to protected species and due to loss of habitat. Conditions are recommended to secure appropriate compensation for impacts.

OPEN SPACES: A contribution towards the provision of recreational open space is requested in the order of £42,703.

EDUCATION: Should this development of 60 no. dwellings at Amberley Close/Lulworth Road, Keynsham go ahead, we would be seeking a Section 106 contribution for Children's Services as follows. As 32 of the 60 dwellings are to replace existing dwellings that have been demolished (8 no. houses and 24 no. flats), calculations have been based on 28 no. new dwellings - 10 no. 2 bed flats, 2 no. 1 bed houses, 6 no. 2 bed houses and 10 no. 3 bed houses.

We estimate that the children generated by the development will create a need which cannot be met by existing or projected provision in the area of the development and therefore a total contribution is sought of £61,468.98.
AFFORDABLE HOUSING: The revised application proposes that in line with Policy HG8 35% (19) of the total residential provision (54) shall be affordable housing, provided on a grant free basis, with all of the affordable units being on offer as social rented housing. In the context of wider sustainability and regeneration issues associated with this redevelopment proposal it is considered reasonable to accept the proposed mix.

In addition to the 35% affordable housing in line with Council Policy the applicant is aiming to deliver an extra 13% affordable housing (7 social rent housing) resulting in a total of 48% affordable on the site to be covered in the Unilateral Undertaking.

It is noted by the Council that in addition to the affordable housing being secured through the planning system Somer are exploring options for the grant funding of the remaining 28 dwellings of which the Council expects to see a mix of social rent and intermediate housing. This will be beyond any planning obligation but the intermediate housing will play a vital role in achieving a balanced sustainable community.

There are a number of key affordable housing outputs required in order to satisfy the local plan and other affordable housing policies which need to be secured through the planning system. The output requirements have been set out as recommendations below.

Strategic Housing Services support the application in principle but ask that the provision of 26 units of affordable housing are in the Unilateral Undertaking or Sect 106 agreement.

HIGHWAY DEVELOPMENT OFFICER: The proposed layout is acceptable in principle, however, areas of the existing highway must first be stopped up before the development is commenced.

Concern is expressed that the proposed development will result in an intensification in use of Amberley Close which for the majority of its length is substandard in width and inadequate to enable a service vehicle to pass a car. Intervisible passing places must therefore be provided. Whilst such an opportunity exists at the junction adjacent to plots 37-39, no such facility exists within Amberley Close at its junction with Coronation Avenue.

Subject to the widening of Amberley Close to a minimum width of 5.0 metres for a distance of not less than 12.0 metres from the nearside channel of Coronation Avenue, there are unlikely to be any highway objections, subject to conditions. However in the absence of such details the highway response is of an objection to the scheme for this reason.

HIGHWAY DEVELOPMENT OFFICER: I refer to your amended plans consultation, received 04 March 2009, concerning the above my comments are as follows:

The illustrated widening of Amberley Close to 5m for a distance of 10m from its junction with Coronation Avenue is considered acceptable and to overcome my previous concerns. However, these works are located outside the application site red line boundary. Bearing this in mind, I presume it would be better to cover such works by way of a S106 Agreement prior to grant of planning permission rather that use a 'Grampian' style condition.
My comments regarding the need to apply to the Secretary of State, under Section 247 of the Town and Country Planning Act 1990, to stop-up areas of the existing highway, and for the Order applied for to be confirmed prior to commencement of any development, remains.

Further, as part of the development, replacement turning facilities will need to be provided prior to the stopping up order taking effect and work commencing within the area of highway to be stopped-up in order to ensure that highway turning facilities remain available at all times. However, temporary turning facilities could be provided by initially constructing the proposed junction adjacent to proposed plots 31-33.

Bearing the above in mind, subject to the completion of the necessary S106 Agreement referred to above, there would be no highway objections subject to conditions.

ENVIRONMENTAL HEALTH OFFICER: There are concerns that the redevelopment of this site involving the demolition and reconstruction of new homes on the sites of the existing dwellings will give rise to the potential for serious and extensive pest control problems, primarily from rats, which would affect public health, if the proper steps are not taken to remove and seal off the foul and surface water drainage systems for the existing houses.

Accordingly I would ask that the following planning condition is imposed which would require the applicant to submit to the Council for a scheme for approval prior to commencement of any works for the removal and sealing of all existing foul and surface water drains and sewers which are not to be incorporated into the drainage arrangements for the new development.

In addition to the above there are existing residential premises in very close proximity to this site whose amenity could be seriously affected during site clearance demolition and construction and conditions are therefore suggested.

CONTAMINATED LAND: PPS23 Annexe 2 (paragraphs 2.42 and 2.43) advises that for all residential developments, regardless of past land use, a pre validation survey comprising of a preliminary risk assessment and site reconnaissance should be provided. This is to assess potential risks from contamination and to confirm that the site is suitable for use, before an application is determined.

ARBORICULTURAL OFFICER: Whilst there are no strong objections, subject to conditions, on the grounds of the proposed loss of the existing trees within the site itself, the following comments are made in respect of future trees within the development.

1. There is very little `green open space' within the scheme where any trees of stature can be planted and the scheme as proposed will not particularly contribute and improve the tree cover in the area as required under polices within the Bath and North East Somerset Local Plan.

2. The existing hedgerow to the south provides a very good natural corridor and buffer between the existing houses in Dunster Road and the new development. I am however concerned that the proximity of both the dwellings and the proposed footpath close to this hedge will have a long
term detrimental impact on it and consideration should be given to providing more space between the existing hedgerow and any new construction.

KEYNSHAM TOWN COUNCIL: Support the proposal.

OTHER REPRESENTATIONS / THIRD PARTIES

A total of 7 letters of representation have been received from local residents. Of these 6 object and 1 makes comments on the proposals. These comments/objections are summarised below:

1. Three storey buildings will have an unacceptable impact on surrounding dwellings and is out of character with the area.
2. Location of bin/cycle stores and pumping stations will cause noise and disturbance to existing residents.
3. Overlooking from new dwellings.
4. Concerns about existing boundary lines and private rights of way.
5. Concerns about lack of open space provided on site.
6. The removal of the existing garage block is welcomed.
7. Provision of off street parking is welcomed.

At the time of writing the report local residents were in the process of being re-consulted following the receipt of revised plans. Should any new material planning objections be made then they will be reported to the Committee.

PLANNING ISSUES
POLICY CONTEXT:

ADOPTED LOCAL PLAN: Bath & North East Somerset Local Plan (including Minerals and Waste policies) 2007 was adopted October 2007. This plan together with RPG10 and saved policies from the Joint Replacement Structure Plan comprises the development plan for the district.

Policies relevant to this site in the Bath and North East Somerset Local Plan, including Minerals and Waste Plan are:

D.2 General Design and public realm considerations
D.4 Townscape considerations
NE1, NE.4 Landscape and natural environment considerations
NE.10, NE.11, NE.12 Development affecting protected species
CF.3 Developer contributions for community facilities
SR.3 Provision of recreational facilities
HG.4, HG.7 Residential development in urban areas
HG.8 Affordable Housing
T.24 General development control and access policy
PRINCIPLE OF PROPOSED USE: The proposed development is located within the built up area of Keynsham within the housing development boundary and on previously Developed Land (Brownfield site). The development of the site for residential is therefore acceptable in principle.

DESIGN AND LAYOUT OF THE DEVELOPMENT AND IMPACT ON THE SURROUNDING AREA: The design and layout of the development has been subject to some significant negotiation requiring significant revision to the scheme as a whole.

In relation to the Amberley Close part of the development the scheme will result in the complete redevelopment of the area. As such the area is relatively self contained which has allowed the use of two and three storey buildings to be considered acceptable. Whilst it is appreciated that three storey dwellings are not a character of the area, the self contained nature of this part of the development allows for the creation of its own character without harming the surrounding area.

The development has been laid out to form almost a `square' arrangement central to the site with roads/accesses leading off to other parts of the site. The provision of a pedestrian walkway from Lulworth Road means that access through the site to Dunster Road is easily achieved and has aided permeability.

Due to issues surrounding a private right of way to the rear of two properties in Dunster Road a three storey building has been removed from the scheme. In its place an area of parking and landscaping has been proposed. Whilst the layout of this area has improved following negotiation it nevertheless remains an unfortunate element of the scheme.

The proposed dwellings fronting Lulworth Road have been revised in order to reduce the level of on-plot parking to the front and increase landscaping. The layout and design of the dwellings is now considered to be acceptable. The height, scale and massing of the dwellings are similar to the neighbouring properties and they would not have a detrimental impact on the character of the area or the street scene.

The development is to be constructed with brick walling in two different colours with contrasting detail heads and cills. The roofs will be of concrete tiles in a grey colour. There is a mixture of boundary treatments with walling and timber fencing to the rear and more private elements of the scheme and to the front garden areas black painted railings are proposed. Overall the boundary treatments are considered to be acceptable although there are some areas of concern. However these issues can be resolved under the landscaping condition suggested.

RESIDENTIAL AMENITY: The proposed development has been sensitively designed in order to ensure that the residential amenity of the existing neighbouring residents is not compromised. There are situations where two and three storey buildings abut or come close to the boundaries with neighbouring properties. However the development would not cause an unacceptable impact on the residential amenity of neighbouring occupiers through overlooking or overbearing impact.

In relation to the residential amenity of the future occupiers of the development it is acknowledged that the proposed development will be of a high density. This will mean that some gardens and dwellings will be overlooked by neighbouring properties. However
the incidence of such overlooking has been kept to a minimum with no direct overlooking being caused. Overall the development is not considered to have a detrimental impact on the residential amenity of the future occupiers.

Whilst some residents have objected to the location of the bin/cycle stores and pump stations it is considered that, as these are to be enclosed within purpose built buildings, the impact on residential amenity from noise and disturbance would be minimal.

PLANNING OFFICER ASSESSMENT OF HIGHWAY ISSUES: Overall the Highways Development Officer has found the scheme to be acceptable, subject to conditions, although an objection has been raised specifically in relation to the access point at Coronation Avenue. This is an issue that has been discussed at length with the Agent and at the time of writing revised plans were anticipated showing how the objection from Highways could be overcome. More information on this will be reported to Committee in an update report.

Notwithstanding the above, the overall layout of the site in highways terms is considered to be acceptable. Where possible off street parking has been provided in semi private areas where a good level of supervision from surrounding residents would exist. In other cases off street parking has been provided within a dwelling’s individual plot.

ADDITIONAL HIGHWAY COMMENTS: The proposed widening of part of Amberley Close has overcome the objections previously raised by the Highway Development Officer to the scheme. The widening is considered to be an acceptable approach and although it would result in the loss of an existing tree, a replacement is proposed that has been found to be acceptable by the Parks Department. The widening of the road would not have any other unacceptable impact on the street scene or the area in general and as such is considered to be acceptable.

The Highway Development Officer has also requested that a number of conditions be attached to the recommendation, many of which have been attached below. However there are also a number of conditions requested, relating to matters such as highway turning facilities, road layouts, construction and gradients, whose wording needs some further consideration. Therefore if the Committee agrees to delegate authority to the Development Manager to grant permission additional conditions relating to highway safety will be attached.

AFFORDABLE HOUSING AND DEVELOPER CONTRIBUTIONS: Policy HG.8 of the Local Plan seeks to secure the provision of 35% affordable housing where permission is sought for 15 dwellings or more. As the site proposes a total of 54 dwellings the Council can seek, under a Section 106 agreement or Unilateral Undertaking, 19 units of affordable housing (35%). However Somer Housing is offering a total of 26 (48%) affordable dwellings, 7 dwellings over and above that which could be required under Policy HG.8. A Unilateral Undertaking has been submitted in this regard.

This enhanced level of affordable housing has been offered on the understanding that the developer contributions sought by both education and open spaces would not be provided. This approach has been justified by the Agent on the basis that to provide developer contributions, for education and recreational open space, as well as the
affordable housing requirements, would make the scheme unviable. Therefore, by way of a compromise, they have offered a higher level of affordable housing.

A financial viability statement has been submitted and appears to demonstrate Somer's case for exemption from developer contributions. However the viability statement is currently subject to further investigation at the time of writing the report in order to ensure that a robust assessment has been taken.

This approach does not overcome other, equally relevant, policies relating to developer contributions contained within the Local Plan. In the Local Plan developer contributions are required, specifically by Policy CF.3 and SR.3, where new development would give rise to new community, educational or recreational open space needs. Under these policies, provision directly related in scale and kind to the need generated, either on site or where this is not appropriate, in the form of a financial contribution, is a requirement of the policy.

The approach made by the Agent, in declining to pay the developer contributions required under Policy CF.3 and SR.3, is contrary to the aims of these policies. However it is considered that, subject to further assessment of the financial viability assessment, the case has been made to accept, by way of a compromise, a higher level of affordable housing.

In relation to the remaining dwellings on the site, the Agent has stated that it is their intention to build them as affordable units, although this is a matter over which the Council would have no control within the terms of the existing planning policy.

ADDITIONAL HOUSING COMMENTS: As a result of the revisions to the scheme, reducing the number of dwellings proposed, the contributions requested by Education and Open Spaces have been reduced accordingly. However the reduction in contributions now requested has not changed the approach to the Application in relation to the developer contributions and remains as set out in the main report.

OTHER MATTERS

REFUSE COLLECTION: The development proposes a number of bin stores located throughout the site for the benefit of the buildings containing flats. The bin stores are in locations that are easily accessible for both the future residents and the refuse collection service. In the case of the houses there is ample room within the front or rear garden for the storage of bins.

PEST CONTROL: The Environmental Health Officer has drawn attention to the potential for pest issues - in the event that existing sewers or drains are not removed and sealed off. However, this is a pest control issue and a matter that would be considered as part of a Demolition Notice under the Building Act. It is not therefore something that can be controlled through the planning permission.

CONTAMINATED LAND: The main report included a request by the Contaminated Land Officer that a pre validation survey should be submitted as a condition of the permission. As the site has no known contamination issues, and has been in residential use previously it is considered that there is no justification for the attachment of such a condition.
CONCLUSION
Following extensive negotiation it is now considered that the design and layout of the site as a whole, as well as the individual buildings, is acceptable. The proposal will result in a good quality development that will not harm the residential amenity of neighbouring or future occupiers. The site has adequate off street parking and turning facilities.

The development will result in the provision of an enhanced level of 26 affordable housing units, 7 units over and above the 19 required under Policy HG.8 of the Local Plan. A Unilateral Undertaking has been submitted in this regard.

However, as part of the offer to provide an enhanced level of affordable housing the Agent has declined to offer the developer contributions sought by both education and open spaces. It has been argued that to offer all the developer contributions would make the scheme unviable. This approach appears to have been demonstrated by the financial viability statement submitted. It should be noted that the viability statement is currently subject to further investigation at the time of writing the report in order to ensure that a robust assessment has been undertaken.

The above approach does not relinquish the Agent of their responsibility to also comply with Policies CF.3 and SR.3 of the Local Plan and does mean that the proposal is contrary to the aims of these policies. However it is considered that, subject to further assessment of the financial viability assessment, the case has been made to accept, by way of a compromise, a higher level of affordable housing.

RECOMMENDATION

(A) Authorise the Planning and Environmental Law Manager to enter into a Section 106 Agreement to secure affordable housing provision, highway improvement works and the stopping-up of parts of the public highway necessary under S247 of the Town and Country Planning Act 1990; and

(B) Subject to the prior completion of the above agreement or the submission of a satisfactory Unilateral Undertaking authorise the Development Manager to PERMIT subject to the satisfactory assessment of the financial viability statement and with the following conditions.

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 approved plans no occupation 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.

3 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.

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

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

5 Prior to the commencement of any form of site works or clearance the Local Planning Authority shall be given not less than two weeks notice in writing of these works to ensure that appropriate measures of landscape protection required under condition have been implemented in accordance with the approved plans or conditions.

Reason: To ensure that adequate protection is given to the areas to be landscaped and the existing trees and planting to be retained within the site.

6 No development shall commence until a sample panel of all external walling materials to be used has been erected on site, approved in writing by the Local Planning Authority, and kept on site for reference until the development is completed.

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

7 No development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the details so approved.

Reason: In the interests of the appearance of the development and the surrounding area.
8 An Ecological Enhancement Plan shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development. The plan shall include:
   (i) details of replacement nest sites for house sparrows
   (ii) details of additional provision of bird nest boxes, bat boxes, hedgehog hibernation boxes, invertebrate homes, and incorporation of wildlife friendly landscaping into the scheme such as through the use of native plant species.

The plan shall be carried out as approved, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of protecting wildlife and replacing important habitats present on the site.

9 No removal of trees, hedges, shrubs, buildings or structures shall take place between 1st March and 31st August unless a Survey to assess and map the nesting bird activity on the site is carried out immediately prior to works and a Scheme to protect the nesting birds has been submitted to and approved in writing by the Local Planning Authority and no tree, hedge, shrub, building or structure shall be removed between 1st March and 31st August other than in accordance with the approved bird nesting protection Scheme.

Reason: To protect nesting birds.

10 No development shall commence until details of a Scheme for the retention of the bat roost(s) and the maintenance of the bats' existing accesses or the provision of alternative new accesses and the proposed timing of all works affecting the bat roost(s) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved Scheme or any amendment to the Scheme as approved in writing by the Local Planning Authority.

Reason: to safeguard bats and their roost(s).

11 No development approved by this permission shall be commenced until a surface water run-off limitation scheme has been submitted to, and approved in writing by the Local Planning Authority. The submitted details shall clarify the intended future ownership and maintenance provision for all drainage works serving the site. The approved scheme shall be implemented in accordance with the approved programme and details.

Reason: To prevent the increased risk of flooding.

12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no extension, external alteration or enlargement of the dwelling(s) or other buildings hereby approved shall be carried out unless a further planning permission has been granted by the Local Planning Authority.

Reason: Any further extensions require detailed consideration by the Local Planning Authority to safeguard the amenities of the surrounding area.
13 No dwelling shall be occupied until its associated screen walls/fences or other means of enclosure have been erected in accordance with the approved plans and thereafter retained.

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

14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no windows, roof lights or openings, other than those shown on the plans hereby approved, shall be formed in the side elevation of: Plot 1, Plot 8, Plot 54, Plot 39 and Plot 40 as shown on drawing no.9917/PL01 Rev M date stamped 27 February 2009, at any time unless a further planning permission has been granted.

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

15 The areas allocated for parking, access and turning 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.

16 No occupation shall commence until the accesses, emergency access, parking and turning areas have been properly bound and compacted (not loose stone or gravel) in accordance with details which shall have previously been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

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

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

18 No occupation shall commence until new resident's welcome packs have been issued to purchasers/tenants, to include bus and timetable information, giving examples of fare/ticket types, information on cycle routes, a copy of Travel Better, Live Better publication, car share, car club information, etc., together with complimentary bus tickets for each household member to encourage residents to try and familiarise themselves with public transport. The contents of such packs shall have previously been submitted to and approved in writing by the local Planning Authority.

Reason: In the interests of sustainable development.

**FOOTNOTE:** Relevant plans to be included in an update report.

**ADVICE NOTE:** Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Environment Agency is required for any
proposed works or structures in, under, over or within 8.0 metres of the top of the bank of a designated 'main river'. Any impediment to flow in an 'ordinary' watercourse will also require consent under section 23 of the Land Drainage Act 1991.

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

The developer shall comply with the BRE Code of Practice to control dust from construction and demolition activities (ISBN No. 1860816126). The requirements of the Code shall apply to all work on the site, access roads and adjacent roads. The requirements of the Council's Code of Practice to Control noise from construction sites shall be fully complied with during demolition and construction of the new extension. (copy attached)

The developer's attention is drawn to the advice contained in the Environment Agency's letter dated 20 October 2008 which was copied to the Applicant in respect of:

- Actual attenuation volumes.
- Sustainable Drainage Systems (SuDs).
- New surface water discharges.
- Interruption to the existing surface water drainage and/or land drainage systems of the surrounding land.

REASONS FOR GRANTING PERMISSION

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

D2, D4, NE1, NE4, NE10, NE11, NE12, HG4, HG7, HG8, T24 of the Bath & North East Somerset Local Plan including minerals & waste policies adopted 2007.

However the proposed development is considered to be contrary to Policies CF.3 and SR.3 of the Bath & North East Somerset Local Plan including minerals & waste policies adopted 2007. This is due to the non-payment of developer contributions in relation to education and open spaces. However the lack of such contributions has been considered to be outweighed by the benefits of an additional level of affordable housing, secured by a legal agreement, over and above that which is required under Policy H.8 of the Bath & North East Somerset Local Plan including minerals & waste policies adopted 2007.

Notwithstanding the above the proposed development would not materially affect the amenities of the neighbours or result in any detrimental impact on the street scene or the character and appearance of the surrounding area.
REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE
This application is reported to Committee at the request of Councillor Chris Cray who supports the proposal contrary to the officer recommendation to refuse.

DESCRIPTION OF SITE AND APPLICATION
The application site is a former abattoir accessed from the south western side of Wells Road, Westfield, via an access lane (in excess of 30m in length) between the car park associated with the Elm Tree Inn to the north of the site and the curtilage of St Peter's Factory to the south.

The application seeks permission for the demolition of the existing disused buildings on the site and erection of a three storey, 4 bed house with integral garage.
This application is a resubmission (in identical form) of an application refused in December 2008. The reason for refusal on this occasion was that the proposed development would be located outside the designated Housing Development Boundary of Norton Radstock and thus the development would be contrary to Policy HG4, HG6, HG9 HG.10 of the Bath and North East Somerset Local Plan (including minerals and waste policies) 2007.

The site lies within an industrial area of Westfield and the Housing Development boundary at this point skirts the existing residential area, excluding the industrial area and excluding the application site.

The access lane from Wells Road to the site is 3.8m in width and is bounded to the north east by the retaining wall of the car park of The Elm Tree Inn and to the south west by the wire and metal fencing boundary of the adjacent factory.

To the rear of the site the boundary is closely planted mature trees set on a bank outside the ownership and control of the applicant.

The applicants have submitted a Design and Access statement and a Noise Assessment with this application.

CONSULTATIONS & REPRESENTATIONS
NORTON RADSTOCK TOWN COUNCIL: No objection

HIGHWAY DEVELOPMENT OFFICER: No objection, subject to conditions.

CONTAMINATED LAND OFFICER: Requires imposition of conditions in respect of assessing the nature and extent of any contamination on the site.

LOCAL MEMBER: Councillor Chris Cray totally supports the application.

PLANNING ISSUES
Bath & North East Somerset Local Plan (including minerals and waste policies) 2007 - Policies:

D2 - provides general design and public realm considerations;
D4 - Townscape. Development will be permitted, amongst other things, where it responds to local context, where landscaping enhances the development and complements the surroundings;
HG.4 - Residential development in urban areas (the application site is on the edge of but outside the housing development boundary); HG6 - provides that residential development in R.3 settlements will only be permitted if it lies within the defined Housing Development Boundary;
HG10 - allows for residential development outside of housing development boundaries only for essential agricultural or forestry workers;
T24 - is a general development control access policy which requires a high standard of highway safety as well as general considerations including the encouragement of public transport use;
T26 - development will only be permitted if an appropriate level of on-site servicing and parking is provided. Maximum parking standards are referred to in this.
ET.9 - Whilst the proposal is not a conversion as such, of particular relevance in this case is the consideration of criteria 5. 5 a, which provides a pre-condition that the applicant needs to have made every reasonable attempt to secure suitable business re-use of the existing buildings.

PRINCIPLE OF THE PROPOSED USE: The site is a former abattoir, which has latterly been used for car repairs and some element of storage. In consideration of the previous use the site constitutes "previously developed land" as defined within annex B to Planning Policy Statement 3 "Housing", nevertheless, the site is located outside of the Housing Development Boundary. The proposal does not therefore comply with policy HG4.

The building is in a sustainable urban area where residential use would not rely upon the use of private vehicles and although not in a rural area where the provisions of policy ET9 would normally be relied upon, it is a relevant policy given the position outside of the housing development boundary. Policy ET9 of the Local Plan states that in respect of a building such as this the applicant must have made every reasonable attempt to secure suitable business re-use and although the applicant has indicated that the abattoir has not operated for approximately the last 10 years and has subsequently only been used for car repair, storage and light engineering fabrication, it has remained unused for a number of years, apart from domestic storage.

The covering letter accompanying the planning application indicated that the applicants have tried unsuccessfully to obtain a long term tenant to secure suitable business re-use although no information was submitted to demonstrate this marketing. As indicated, the site lies outside the Housing Development Boundary and within a general industrial area.

The proposed dwelling has been designed to be three storey with integral garage, kitchen, dining room and utility room at ground floor level, living room, bathroom and two bedrooms at first floor level and two bedrooms (both with en suite facility) at second floor level.

There would only be a small landing window in the south eastern elevation (facing the factory boundary), the south west elevation would contain the entrance doorway and windows within this elevation at all levels. Windows have also been designed at all levels on the north eastern elevation (facing into the application site). Parking provision is shown as two spaces (including the garage and although limited, important on-site turning would be available.

Existing perimeter walling to the boundary of the public house would be retained with the rear (south eastern) boundary comprising a bank with mature trees (outside the boundary of the application site).

The applicants have undertaken pre-application consultations with the Council's Environmental Health Service with regard to possible contamination of the site, and following a desk top study and reconnaissance would not require further submissions subject to the imposition of appropriate conditions.

A noise assessment report has also been submitted with the application in respect of highway noise, factory noise and noise caused by the operations associated with the public house located immediately adjacent to the boundary wall of the site, which will be
retained. The findings of the report indicated that the site would be acceptable for residential use subject to certain mitigation measures.

The Council's Building Regulations section did have concerns with regard to access for fire tenders due to the limited width of the access lane, but concluded that this could be suitably dealt with under Building Regulations, which would be seeking provision of a suitable hydrant. However, access for refuse vehicles would not be possible and all household waste would be required to be brought to the roadside at the entrance to the access lane.

RESIDENTIAL AMENITY: The location of site is remote from other residential properties and there would therefore be no impact on occupiers of such properties.

Officers have given consideration to the residential amenities of future occupiers of the proposed dwelling and, due to its location adjacent to a public house and within an industrial area with all associated traffic movements and the likelihood of general disturbance, it is considered that this would result in a detrimental effect on the residential amenities of future occupiers of the proposed dwelling.

PLANNING OFFICER ASSESSMENT OF HIGHWAY ISSUES: The Highway Officer has indicated that visibility when emerging onto Wells Road is good but does utilise land outside the applicant's control, i.e. across the frontage of the Elm tree Inn and St Peters Factory, however he has concluded that this would have been the same during use of the site as an abattoir. Whilst accepting these comments, officers have given consideration to the proposed domestic use of the relatively narrow access which would limit access to the proposed dwelling by any servicing/delivery vehicles, and associated limitations of the on-site parking and turning which is considered to be unacceptable and may lead to vehicles being required to reverse throughout the length of the access driveway.

SUSTAINABILITY AND RENEWABLE ENERGY: The site is situated within a sustainable position and daily transport provides links to Bath, Bristol and Wells where connections may be made with national networks.

The applicants have provided no information within their proposal with regard to use of renewable energy in the construction of the proposed dwelling.

REFUSE COLLECTION: Provision is indicated on the drawings for the development for storage of refuse in a bin store adjacent to the proposed dwelling and a point at the junction of the accessway with the highway where refuse would be left for collection. Officers consider that this distance (approximately 40m) is unsatisfactory for occupiers of the proposed dwellinghouse but does not warrant refusal.

OTHER MATTERS: Within their submission the applicants have drawn attention to the construction of houses on an area forming part of St Peter's Factory and Jewson's site at Westfield, on a site located outside the Housing Development Boundary. However it should be noted that this site was identified as a General Development Site within the Bath and North East Somerset Local Plan. Policy GDS1 identified sites for development and this particular site has a requirement for mixed use development for residential and business uses and provision of a recreation route along the southern boundary of the Waterside tributary stream.
CONCLUSION
Consideration of this application has, by necessity, centred around the location of the site which lies outside the Housing Development Boundary of Norton Radstock and the restrictions within the Local Plan pertaining to development outside this designated boundary.

In favour of the proposal is the sustainable location and provision one residential unit when the Council is seeking to meet its 5 years housing land requirements.

There is a presumption in favour of development complying with the 'development plan' unless other material considerations indicate otherwise. The lack of compliance with any particular development plan policy supporting the principle of the development and the non-conformity to other policies is therefore the starting point. In these circumstances the sustainability of the site and the minor contribution to housing land requirements are not considered sufficient to outweigh the non-compliance with the development plan.

In consideration of the above it is recommended that this application be refused.

RECOMMENDATION
REFUSE

REASON(S) FOR REFUSAL

1 The proposed development would be located outside the designated Housing Development Boundary of Norton Radstock and thus the development would be contrary to Policy HG4, HG6, HG9 HG.10 of the Bath and North East Somerset Local Plan (including minerals and waste policies) 2007.

2 The narrow access to the site, limited on-site parking and turning facilities for servicing/delivery vehicles would lead to vehicles being required to exit the site in reverse gear. This would be contrary to Policy T.26 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted 2007.

FOOTNOTE: This decision relates to site location plan, drawing nos. BM/01, /02, /03, Noise Assessment, and design and access statement date stamped 23 January 2009.
Item No: 04  
Application No: 09/00338/FUL  
Site Location: Walnut Lodge, Charlcombe Lane, Charlcombe, Bath

Ward: Bathavon North  
Parish: Charlcombe  
LB Grade: N/A

Ward Members:
Application Type: Full Application
Proposal: Retention and alteration of existing garage building to create 3 bay garage with storage under (Retrospective) (Resubmission)
Constraints: Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Conservation Area, Greenbelt,
Applicant: Mr & Mrs Huw Thomas
Expiry Date: 30th March 2009
Case Officer: Neil Harvey

REPORT

REASON FOR REPORTING THE APPLICATION TO COMMITTEE
This application is brought to Committee with the agreement of the Chairman at the request of Councillor Veal.

DESCRIPTION OF SITE AND APPLICATION
Walnut Lodge is a large house completed in recent years on a plot measuring 70m by 120m fronting onto the south side of Charlcombe Lane, within the developed area of the village.

This application relates to a garage erected in the curtilage approximately 12m to the west of the house itself. This building measures 6.0m by 9.0m and is finished in natural rubble stone with a roof of clay tiles. On the front (north-facing) elevation the garage has an eaves height of 2.3m and a roof ridge height of 5.5m, but at the rear of the building the ground level has been lowered and a basement floor formed, causing the building to have
an eaves height of 5.0m and a roof ridge height of 8.2m as seen from the rear. The roof includes a large south-facing gable and a games room has been formed within the roof space.

This building as constructed does not comply with the relevant planning permission, ref 01/02356/FUL, which showed a building having an eaves height of 2.3m and a roof ridge height of 5.5m as seen from all elevations. The lowering of the ground at the rear of the building and the formation of the lower floor is not shown on the approved plans, and the building as it has been constructed is unauthorised.

The lowering of the ground and the formation of the lower floor has caused the building to have a two-storey appearance as seen from land to the south and south-east of the site, with the rear elevation of the building being 5.0m high to eaves level rather then 2.3m as shown on the approved plans, and the ridge height being seen as 8.2m from the adjacent ground level rather then 5.5m high as on the approved plans.

The present application is to retain the existing garage building but to build a suspended platform at ground floor level against the rear (south-facing) elevation of the building, behind which earth would be bunded to the same level to screen the supporting wall of the platform.

The platform would project 3.8m from the rear of the building and would be a maximum of 11.5m wide. The top surface of the platform would be covered with topsoil and seeded with a natural grass/wildflower mix, and the bund at the rear would be planted with native-species shrubs.

Beneath the platform would be an open area 2.2m deep which would provide access to the garden machinery storage area already formed in the basement of the building, accessed by a trackway along the west side of the building.

CONSULTATIONS & REPRESENTATIONS
CHARLCOMBE PARISH COUNCIL: Supports the application. This is the latest in a series of applications concerning the garage at Walnut Lodge. The Parish Council is concerned that earlier applications which it supported have been refused by B&NES and trusts that this application will be approved.

HIGHWAY DEVELOPMENT OFFICER: No Objection

LOCAL RESIDENTS: The occupiers of two houses adjoining the application site have written to object to the proposal, on grounds that the proposal does not address the key issue that this building is a three-story structure which does not comply with the approved plans of the garage.

Two other local residents have advised that they have no objection to the proposal and consider the garage as existing is not damaging to the character of the village. They are opposed to the garage being taken down and re-erected in a different location.
PLANNING ISSUES
RELEVANT PLANNING HISTORY: Planning Permission for Walnut Lodge was granted in 2001 (01/00164/FUL refers), this house replacing a smaller 1950s house on the site. The scheme included the erection of a separate 3-car garage with a games room in the attic space, this garage to be sited close to the frontage onto Charlcombe Lane.

The applicants were subsequently granted planning permission to re-site the garage some 25m to the south (01/02356/FUL refers). When this garage was built, however, it was found to differ significantly from the approved plans, in that at the rear (south side) of the garage the ground level formed was at a level 2.2m lower than shown on the approved plans, with an additional 'basement' floor formed by building the walls and foundations down to the lower ground level. Two openings with timber double doors have been formed in the basement area to enable garden machinery to be stored within the basement floor. In addition, an earth bund approx 2.0 m high was formed close to the south elevation of the building, the bund planted with trees and shrubs to seek to ultimately screen the lower floor of the garage building.

The works carried out were brought to the Council’s attention and in November 2004 a planning application for the garage as built, including the bund, was submitted (04/03789/FUL refers). This was refused at the March 2005 Committee meeting on grounds that the size and location of the building would cause it to detract from the Green Belt and the Cotswold AONB. A subsequent Appeal against the refusal was dismissed.

Two subsequent applications for retention of the building but with ground levels altered adjacent to the building were both withdrawn prior to determination (07/02664/FUL withdrawn 9th November 2007 and 07/03361/FUL withdrawn 7th January 2008).

A further application to retain the building in its present form but to alter the ground levels around the building to reduce its impact on the landscape was Refused in May 2008 (08/00893/FUL refers).

A further application, 08/02906/FUL, was submitted for alterations to the garage, including lowering of the roof ridge and removal of the larger dormer on the rear roof slope, and this was refused on 25th September 2008.

An Enforcement Notice requiring the removal of the garage building from the application site was issued on 8/10/2007, and the applicant submitted an Appeal against the Notice. This Appeal was dismissed on 21st April 2008, and the applicant is therefore now required to remove the building.

Although the Appeal decision required that the building be removed within six months of the date of the decision letter, that is, by 21st October 2008, it has not been removed and the applicant is now liable to prosecution procedures by the Council.
PLANNING CONTEXT: BATH AND NORTH EAST SOMERSET LOCAL PLAN (INCLUDING MINERALS AND WASTE POLICIES) ADOPTED 2007: The following policies are material considerations:-
BH6 - Conservation Areas
GB1 - Development within Green Belt
GB2 - Visual Amenity within Green Belt
NE2 - Areas of Outstanding Natural Beauty
D2 - General Design and Public Realm Considerations
D4 - Townscape Considerations

PRINCIPLE OF PROPOSED USE: The garage as erected on the site does not comply with the plans approved by 01/2356/FUL and no subsequent permission has been granted for the building. The existing building therefore is unauthorised development and represents a breach of the Planning Regulations.

GREEN BELT/AREA OF OUTSTANDING NATURAL BEAUTY: The application site forms part of the designated Green Belt, where the presumption against the erection of new buildings set out in Policy GB1 of the Local Plan applies. The building does not fall within any of the exceptions set to Green Belt Policy set out in Policy GB1, and no very special circumstances apply which justify an exception to Green Belt Policy. The building as erected therefore represents inappropriate development in the Green Belt, contrary to Policy GB1 of the Local Plan.

The application site is in an elevated position on the side of a south-facing valley slope, and the building as completed forms a very prominent and intrusive feature as seen from this valley, to the detriment of the openness of the Green Belt.

The works proposed to the existing building comprise the formation of the platform on the rear elevation of the building. The applicants take the view that the formation of the platform would restore the ground level at the rear of the building to its level before the garage was built. The basement floor of the garage would be obscured by the platform and the earth bunding included in the application, and so it is suggested that the building would have no greater visual impact on the local and more distant landscape then the building as it was originally approved by Planning Permission 01/02356/FUL.

However, the proposed platform would be a significant structure in its own right, measuring 3.8m by 11.5m maximum and having a volume of approximately 105 cu metres, and it would significantly increase the volume of the garage onto which it would be built. This would add to the level of ‘inappropriate development’ at this site as a result of the unauthorised garage, and thus would be contrary the Council’s Green Belt Policy as set out in Policy GB1 of the Local Plan.

The applicants suggest that the proposed platform would recreate the ground levels at this location before the garage was built. However, the plans submitted with the original application indicate that the land at the rear of the garage was not flat, as would be created by the present proposal, but would continue the gentle slope of the land which existed on the site prior to Walnut Lodge being erected.

The proposed flat surface to the rear of the site, and then the sloping bund shown on the submitted plans, would not recreate the former contours of the land at this point but would
on the contrary represent a further change in land levels at this site which would itself require planning permission as an engineering operation. These works are included in this application, but in themselves represent inappropriate development in the Green Belt and cannot be recommended for approval.

While the proposed platform and the bunding would screen the external walls of the basement floor of the garage, this would be at the cost of permitting the substantial additional development work in the Green Belt, contrary to Policy GB1 of the Local Plan. The garage and its attendant earthworks would still represent an intrusive feature in the landscape within the Green Belt and the Cotswold Area of Outstanding Natural Beauty, contrary to policies GB2 and NE2 of the Local Plan.

HIGHWAY ISSUES: The proposed earthworks would not affect the vehicle parking and turning facilities at the site, so there is no highway objection to the scheme.

LOCAL RESIDENTS: The garage is approx 80m from the neighbouring house on the west side, Ashley Cottage, and 65m from the house on the east side, Alma Cottage. Both of these neighbouring houses have no windows directly facing the garage and in both cases there are also substantial hedgerows on the side boundaries which reduce the visibility of the garage from these neighbours, and overall the amenities of these neighbours would not be significantly affected by the proposal.

The objections raised by adjacent neighbours referred to the impact of the proposal on the local and wider landscape rather then to their own amenities.

CONCLUSION
The existing garage erected at this site does not comply with the approved plans and thus represents an unauthorised structure in the Green Belt and the Cotswold AONB. The ‘platform’ and bunding proposed by the present application would screen the basement floor of the garage to some extent, but the platform would itself represent a substantial additional structure which would not recreate the original contours of the site and which would itself represent ‘inappropriate development’ in the Green Belt.

RECOMMENDATION
REFUSE

REASON(S) FOR REFUSAL

1 The proposed garage represents inappropriate development within the Green Belt and in the absence of very special circumstances is contrary to Policy GB1 of the Bath and North-East Somerset Local Plan including minerals and waste policies) adopted 2007.

2 The proposed garage, by reason of its size and design, would detract significantly from the openness and natural beauty of this part of the Green Belt and the Cotswold Area of Outstanding Natural Beauty, contrary to Policies GB2 and NE2 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted 2007.

FOOTNOTE: This decision refers only to Drawings ref 1431:SO1 and AN/021/04/P & 05/P, all date-stamped 2nd February 2009.
REPORT

REASON FOR REPORTING THE APPLICATION TO COMMITTEE
This application is brought to Committee at the request of Cllr Hanney in view of the concerns of the Chew Magna Parish Council and local residents.

DESCRIPTION OF SITE AND APPLICATION
The application site comprises two grassed fields having a total area of 2.83 hectares located in the countryside to the north of Chew Magna, on land forming part of the designated Green Belt.

The land is in an elevated position and slopes upwards towards the north, and is accessed via Butham Lane, an unmade lane which leads to Chew Hill 120m to the west. A set of timber gates approx 1.8m high and a gravelled driveway have recently been formed at the entrance of the site onto Butham Lane.
At present on the site there is a large modern agricultural building, which was erected as agricultural permitted development in early 2008 and replaced an earlier building on the same site (08/00861/AGRN refers).

There is also a small animal shelter formed of steel sheeting and a traditional farm building which is in poor condition and appears to be semi-derelict. This group of buildings is located in the south-west corner of the site adjacent to the access onto Butham Lane.

The applicants intend to establish an alpaca farming enterprise on this site, and a number of alpacas are already at the site. An earlier application 08/03684/FUL was refused in November 2008, on grounds that the proposed mobile home would detract from the openness of the Green Belt and the natural beauty of the countryside.

The applicants have advised the Council that for the efficient operation of the site and on animal welfare grounds there is a requirement for a person to live at the site, and this application is for the temporary siting of a mobile home on the land to provide accommodation for the applicants. In respect of application 08/03684/FUL the applicants submitted an Agricultural Appraisal and a Business Plan in support of the application.

The mobile home would measure 14.0m by 6.1m and would have a double-pitch roof of ridge height 3.9m. It would provide four bedrooms, one of which would be used as an office for the alpaca business, plus a lounge, a dining room and a kitchen. This is the same form of dwelling as on the earlier application, however the present application includes measures to seek to mitigate the visual impact of the proposal.

These would include the excavation of the site of the mobile home by a maximum of 1.0m, to reduce the overall height of the building in the landscape and a planting scheme to enhance the existing natural hedgerow immediately to the west of the site of the mobile home. The mobile home would also be finished in a colour to be agreed with the Council to make the building less conspicuous.

CONSULTATIONS & REPRESENTATIONS
CHEW MAGNA PARISH COUNCIL: Objects in Principle.

(a) is concerned about the size of the proposed dwelling and its location, and considers the mobile home would be harmful to the openness of the Green Belt and to the landscape character of the area.

(b) Considers the proposal would generate a significant increase in traffic movements in Butham Lane and larger vehicles using the lane. Butham Lane is an unmade rural lane and the access onto Chew Hill has poor visibility, and the Parish Council is concerned that any significant increase in traffic levels in Butham Lane would be hazardous to traffic in the lane and on Chew Hill.

(c) The Parish Council is also aware of the opposition from neighbouring households who are concerned about loss of amenity, damage to the landscape and increased traffic hazards.
HIGHWAY DEVELOPMENT OFFICER: Has visited the application site and discussed the proposal with local residents. Following this the applicants were asked to provide additional information relating to likely traffic movements in Butham Lane resulting from this proposal, and these have also been considered.

Under the current arrangement the major traffic to the site is the daily visits needed to check on the welfare of the animals. There are other movements associated with the overall operation and some of these would take place whether the overall alpaca enterprise were to transfer onto this site or not.

The visits to check the animals would no longer take place if this proposal is implemented, but will in the main be replaced by other vehicle movements associated with the domestic use of the proposed dwelling. The domestic element in the traffic figures is slightly lower then would be expected if one of the databases such TRICS were to be used, but the figures supplied by the applicant do give a reasonable and realistic breakdown.

These figures indicate that if the mobile home were to be placed on the site, the level of vehicle movements overall would be very similar to the present levels. On this basis refusal of permission on highway grounds could not be sustained.

Any permission granted should ensure that the proposed dwelling is linked to the agricultural operation at the site.

LOCAL RESIDENTS: Letters Objecting to the proposal have been received from seven local households, the principal reasons for objection being:-

(a) the proposed mobile home would be prominent in the landscape and would detract from the appearance and rural character of the area of which forms part of the Green Belt.

(b) The mobile home would be visible and prominent from local houses and would detract from the amenities of these neighbouring occupiers.

(c) The access lane to the site is inadequate to accept the additional traffic which would result from the proposal, and has a poor access onto Chew Hill. Some neighbours complain that the applicants have widened the lane without permission.

(d) Some objectors are concerned that the proposed mobile home is to replace the applicant's existing house, which is approximately 700m to the north of the site.

PLANNING ISSUES
PLANNING HISTORY:

08/03684/FUL - Siting of Mobile Home as Temporary Dwelling - Refused 28/11/2008
PLANNING CONTEXT: The following policies are material considerations:-

GB1 - Development within Green Belt
GB2 - Visual Amenity within Green Belt
NE1 - Landscape Protection
ET6 - Agricultural Development
HG10 - Agricultural Dwellings
D2 - General Design and Public Realm Considerations
D4 - Townscape Considerations

PRINCIPLE OF PROPOSED USE: Policy HG10 of the Local Plan advises that the erection of new dwellings in the countryside will not be permitted except where the dwelling is essential to support an existing well established agricultural enterprise. This policy does not differentiate between permanent and temporary dwellings.

In respect of temporary dwellings, PPS7 advises that if a new dwelling is essential to support a new farming activity, it should be demonstrated that there is a functional need for the dwelling at the site, and that this could not be fulfilled by other existing accommodation in the area. The Statement also requires that other normal planning requirements such as siting and access are satisfied, and states that temporary permissions will normally be given for three years only.

The site lies within the designated Green Belt, and in such areas Policy GB1 confirms that the presumption against new development. However in section (1)(a) the policy advises that buildings for agricultural purposes can be an exception to this presumption and can be permitted, and do not represent inappropriate development in the Green Belt.

AGRICULTURAL APPRAISAL AND BUSINESS PLAN: The agricultural circumstances of this application are unchanged from the earlier application 08/03684/FUL, for which the applicant submitted a full Agricultural Appraisal to seek to demonstrate that there is a functional need for a farm worker to live at the site and also a Business Plan to seek to demonstrate that the proposal has the potential to develop into a financially viable enterprise, in accordance with the requirements set out in PPS7.

These were assessed by a qualified local consultant, and his view is that on balance the material submitted does demonstrate that there is a firm intention and ability to develop the proposed alpaca enterprise, and that the enterprise has been planned on a sound financial basis.

He also accepts that there is a functional and animal welfare need for there to be a farm worker resident at the site. He has noted that the current address of the applicant is only approx 0.7km from the application site, but did not consider that a person living in this proximity would overcome the need for someone to be permanently at the site.

IMPACT ON GREEN BELT AND LANDSCAPE: The application site is in an elevated position on the side of a south-facing hillside. The proposal is to site the mobile home immediately to the north of the new farm building at the site, between this building and the disused farm building. This would screen the mobile home from views to the south, however the mobile home would be visible from other directions. The size of the proposed mobile home would cause it to be visible in the landscape, but this would be mitigated to a
significant extent by the lowering of the ground level where the mobile home would be sited, reducing its overall height as seen from the surrounding countryside.

The mobile home would be seen in conjunction with the new agricultural building and the disused farm building and would form a group of buildings on this site. However the proposed mobile home would be both smaller and lower on the site then both the existing buildings, and it is considered that with the building sited lower on the site, it would not detract significantly from the openness and rural character of the area. It is considered therefore that the present proposal would not be contrary to policies GB2 and NE1 of the Local Plan.

The proposed siting of the building is in the lowest part of the field and is close to existing buildings, which is preferable to siting the building elsewhere in the field.

HIGHWAY ASPECTS: The siting of the mobile home would represent a family-sized domestic unit and if placed on the site it would be likely to generate a substantial level of vehicle movements for domestic purposes to and from the site, independent of the agricultural use of the site. While the number of vehicle movements to the site to care for the animals would be reduced by someone living on the site, this would be likely to be cancelled out by vehicle movements for domestic purposes, and the Highway Development Officer does not consider that siting the mobile home would overall result in an increased level of vehicle movements to this site.

NEIGHBOURING OCCUPIERS: The nearest house to the application site is `Cedar Lodge' which is approximately 60m to the west of the site of the proposed mobile home. Cedar Lodge does not have any windows facing the application site and is separated from the site by hedgerows and vegetation, and the siting of the mobile home would not significantly affect the amenities of this neighbouring occupier.

There are a number of other houses to the west of the application site, the closest being approx 95 m from the site of the mobile home, and the separation distance and intervening vegetation would prevent any significant detriment to the amenities of these occupiers.

GENERAL CONSIDERATIONS: The Agricultural Appraisal submitted in respect of the previous application has shown that the proposed agricultural enterprise requires someone to be resident on the site and that it would be financially viable. No objection is therefore raised to the proposal on agricultural grounds. The situation in respect of highway safety is that the proposal is not considered likely to increase vehicle movements to and from the site, and so would not detract from highway safety.

However, the mobile home would be a substantial structure, measuring 14m by 6.1 m with a roof ridge height of 3.9m. The effect of this mobile home if sited at ground level would be significant, however with the building partially sunk into the ground as proposed, and screened to some extent by the existing buildings, the effect on the landscape and on the openness of the Green Belt would not be such that the refusal of this application would be recommended.

The concerns about the impact of a mobile home referred to in this report would apply to a greater extent to the erection of a permanent dwelling on this site. Government advice in
PPS7 (annex `a', para 13) is that planning authorities should not normally give permission in locations where they would not allow a permanent dwelling. However, an agricultural dwelling at a later stage would be considered on its own merits.

**CONCLUSION**

This proposal is for a temporary dwelling to be occupied in connection with an agricultural enterprise at this site. Such dwellings can be permissible under the Council's Green Belt Policy.

The excavation of the site of the proposed building would reduce its effect on the landscape and the openness of the Green Belt, and appropriate colouring of the building and landscape planting would further mitigate its impact to the extent that the proposal complies with relevant policy guidance.

**RECOMMENDATION**

**PERMIT with condition(s)**

**CONDITIONS**

1. This permission shall expire on 30 April 2012 and the development hereby permitted shall be removed and the use hereby permitted discontinued and the land restored in accordance with a scheme of works and a programme of implementation which shall be submitted for approval by the Local Planning Authority on or prior to 30 April 2012.

   Reason: The Local Planning Authority considers that a permanent planning permission is not appropriate in this case in view of the location of the site within the designated Green Belt and to accord with the guidance of PPS7.

2. The mobile home shall not be located on the site until a sample of the colour of the walls of the mobile home have been submitted to and approved in writing by the Local Planning Authority.

   Reason: To protect the visual amenities of the area.

3. The excavation of the site for the mobile home shall be carried out in accordance with the Drawing titled ‘Sketch Plan to show site excavation and cross section’, date-stamped 2nd February 2009.

   Reason: To protect the visual amenities of the area and the openness of the Green Belt.

4. The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.

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

5. 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.

6 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.

FOOTNOTE: This decision refers only to the Location Plan, Drawing referring to east and west elevations, Drawing referring to north and south elevations, Illustrative Landscape Plan, and Sketch plan to show Site Excavation and Cross Section.

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

2. Permission has been granted because the proposal would be in accordance with relevant policy guidance and would not detract unreasonably from the appearance of the area or the amenities of neighbouring residential occupiers, and would not harm highway safety.

A Policies GB1, GB2, NE1, ET6, HG10, D2 and D4 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted 2007.
Item No: 06
Application No: 09/00185/OUT
Site Location: Overdene, Timsbury Road, High Littleton, BS39 6HL

Ward: High Littleton  
Parish: High Littleton  
LB Grade: N/A
Ward Members: Councillor L J Kew
Application Type: Outline Application
Proposal: Erection of 2 no detached houses with integral garages following demolition of existing property (Resubmission)
Constraints: Agric Land Class 1,2,3a, Forest of Avon, Housing Development Boundary,
Applicant: Harrub Limited
Expiry Date: 18th March 2009
Case Officer: Hazel Short

REPORT
REASON FOR REPORTING APPLICATION TO COMMITTEE
This application is reported to committee at the request of the Chairman of the Planning Committee, Councillor Les Kew.

DESCRIPTION OF SITE AND APPLICATION
The application site comprises a plot covering 0.23 hectares containing an existing bungalow, detached garage and other miscellaneous domestic outbuildings. The site lies within the Housing Development Boundary of High Littleton and is therefore, in principle, an acceptable site for additional residential development.

Timsbury Road is located on the eastern side of the main A.39 and to the southern side of the village.

The existing property is located centrally on the site, set back from the highway by approximately 14m. To the east and adjacent to the boundary of the site is a large two storey detached property constructed of red brick and to the south west the adjacent property is located in a corner position at the junction of Timsbury Road and Langfords.
Lane. This is a single storey dwelling with detached garage adjacent to the application site boundary.

To the front the property is bounded by mature hedging and some trees adjacent to the highway where there is no existing pedestrian footway.

To the opposite side of Timsbury Road the application site faces open agricultural land at a higher level with mature native hedging and trees bounding the highway and, slightly to the west of the site, is the wide opening of the sloping access to the High Littleton Recreation Ground.

The application is an outline application for the demolition of the existing bungalow and outbuildings on the site and the erection of two four bedroom dwellings.

The dwellings would comprise double integral garage, hall, lounge, office, utility room, kitchen/dining room and w.c at ground level and four bedrooms - one with en-suite bathroom and dressing room plus a family bathroom at first floor level.

The properties have been designed to reflect some features of the style, character and appearance of existing properties in the wider area to the west of the site however within the area as a whole there is no distinctive pattern of design.

The houses would be constructed in brickwork to the front elevations and side gables with rendered side and rear elevations. Feature brickwork comprising arches above the garage doors and front door and aligning to the head of windows at ground and first floors to the front elevations. Windows would be upvc double glazed casement style window frames and doors, roofing would be concrete interlocking tiles to reflect the appearance of other properties within close proximity of the site. The eaves line has been designed to be low to protect the privacy of the adjacent property to the west. Thus it is proposed that the natural light to first floor rooms of the proposed new dwellings would be via roof lights.

To the rear the elevations have been designed to maximise on the openness of the land to the rear and would contain two sets of folding patio doors opening from the dining/kitchen areas at ground floor level, and double window with Juliette balcony to the lounge. At first floor level the design incorporates windows with central full length doors from the first floor bedroom 1.

The existing vehicular access from Timsbury Road would be retained, widened to meet Highways standards and would have a bitmac surface and brick paved parking and turning areas to each house.

CONSULTATIONS & REPRESENTATIONS
HIGH LITTLETON PARISH COUNCIL: Object in principle.

1. The overall size and density of the proposed development will not be appropriate to that of its surroundings.
2. The density will be such that it will erode and cramp the setting of existing neighbouring buildings.
3. The proposed development will not maintain or enhance the existing character of the village but will detract from it, and the form and appearance of the village together with the local distinctiveness of the area will be detrimentally affected.
4. The amenity of existing residents will be adversely and seriously affected in terms of their privacy and visual intrusion.

5. The proposed development does not accord with the guidance given in the Hallatrow and High Littleton Design Statement, which is approved Supplementary Planning Guidance.

HIGHWAY DEVELOPMENT OFFICER: The Council's Highways Development Team have considered the proposal and consider that the proposed joint access at a point along the frontage where available visibility is maximised is much closer to the requirements of Manual for Streets than a previous submission.

On site parking is shown to be two garages per dwelling which is below the Council's standards but there is no scope for additional on-site parking.

There is no objection subject to conditions.

CONTAMINATED LAND OFFICER: No objection subject to standards conditions.

OTHER REPRESENTATIONS/THIRD PARTIES: 4 letters of objection have been received from the occupiers of adjacent and local properties raising the following objections:-

- Over development of the site and present bungalow should be retained.
- The proposal would cause light and noise problems and be an obtrusive blight on the lives of occupiers of one of the adjacent properties.
- Properties are approx 1 m from the boundary hedge, taking into consideration the height of the proposed builds would be extremely intrusive to adjacent properties.
- Side elevations propose windows overlooking both adjacent properties, suggesting that privacy could be an issue.
- The size of each proposed property overdevelops the Overdene site.
- Despite the suggestion that the design reflects that of properties to the west, these are mainly bungalows
- Urban style dwellings with integrated garages are not in keeping with the properties in the surrounding area.
- Height and style of the proposed properties are intruding and obtrusive across the valley
- Properties would exceed the length of the existing adjacent dwellings concluding privacy would be encroached.
- Timsbury Road has recently had a large development of 16 houses causing additional traffic onto an already busy lane.
- The entrance to the proposed properties exits onto a brow of a single track lane opposite the entrance of a popular car park and play area.
- Frontage of Overdene is currently a mature well established hedge which continues each side of the adjacent properties, changes will affect the overall appearance and continuity.
- The design and materials are not compatible with the development in this locality, and integral garages being urban in character.
- Increased traffic movements.
- Affect on the character of the area.
PLANNING ISSUES

RELEVANT PLANNING HISTORY: An outline application seeking permission for the erection of three five-bedroom detached houses on the site, incorporating the introduction of second access to the site, was refused using delegated authority in September 2008. The reasons for refusal were overdevelopment of the site by reason of the scale and design of the dwellings and issues in respect of highway visibility associated with the introduction of an additional access to the site.

POLICY CONTEXT:


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

Policy D.2 - General design and public realm considerations
Policy D.4 - Townscape considerations
Policy T.24 - General development control and access policy
Policy HG.4 - Residential development in the urban areas and R.1 settlements
Policy HG.7 - Minimum residential density

PRINCIPLE OF DEVELOPMENT: Local Plan policy indicates that the allowance for windfall development to meet the strategic housing requirement is based on the redevelopment of previously developed land in accordance with Government advice under PPS 3. The scale and location of schemes is critical to ensure that they can be integrated into the character of the area. It is considered that the net increase of one dwelling within this R.1 settlement site is in line with the criteria of Government and Local Plan policies and could be integrated within the character of this generally mixed area.

AFFECT ON CHARACTER AND APPEARANCE OF THE AREA: This is an outline planning application for the demolition of the existing bungalow on the site (Overdene) and the construction of 2no dwellings, however details of siting, design and access have been submitted within this proposal.

Details submitted within the application indicate that the dwellings would be 19.2m in depth and a maximum of 14.3m in width and the location of the dwellings within the site would reflect the linear position of the existing dwellings within the immediate area.

The proposed dwellings would be located approximately 3m from the boundary to the south west and approximately 2.75m from the boundary to the north east.

The dwellings would share the existing access which would be widened to provide the necessary visibility splay with the dwellings approximately 19m from the highway edge. The existing hedge along the highway would be retained with only a small area removed to facilitate the improved visibility splays.
The ridge height of the dwellings would be 55.7m at the highest point and 55.2m over the remainder of the roof line. The property known as Camburn to the east has a height of 57.0m to the ridge and Chapters Paddock to the south west having a maximum ridge height of 53.28m.

To the rear of the application site the open agricultural land falls relatively steeply down towards Cam Brook and the design of the proposed dwellings would not form the most prominent feature on the skyline and thus would not create an unacceptable visual dominance amongst the overall area, albeit that many of the properties are single storey.

Approaching the site from the east (towards the village/A.39) the apex of the roof of the existing bungalow can be viewed forward of the adjacent dwelling (Camburn). Elements of the roof of the proposed dwellings would be visible from the eastern direction although the dwellings would be set further into the site and would be partly obscured by the ridge height of Camburn.

The proposed dwellings have been designed with a roof height slightly lower than that of the property to the east and first floor windows are proposed to be set into the roof slope as dormer windows and velux roof lights to reduce the visual impact of the dwellings in relation to the single storey properties to the west. The front elevations of the proposed dwellings feature front facing gables which is a feature favoured within the Hallatrow and High Littleton Design Statement and is a feature of existing properties within the wider area to the west in Timsbury Road. However, whilst the design of the proposed dwellings is considered acceptable it should be noted that the Hallatrow and High Littleton Design Statement (approved by Bath and North East Somerset Council in August 2003) carried limited weight and it does not form part of the Bath and North East Somerset Local Plan which was approved in 2007.

RESIDENTIAL AMENITY: Consideration has been given to the effect of the development on the residential amenity of occupiers of adjacent properties and future occupiers of the proposed dwellings. Whilst it is appreciated that the development would create a different aspect for adjacent occupiers it is not considered that this would have a significantly detrimental level of residential amenity as to justify refusal of the scheme because of the distance between the proposed and existing dwellings and the retention of existing boundary treatment.

To the east of the application site the property (Camburn) has a double garage adjacent to the shared boundary with the application site and the gable end facing the property has been designed without windows. The design indicates a large glazed area over the staircase within the area of the dwelling set back from the gable by 5.7m and this could be controlled by condition with regard to the provision of obscure glazing. Other windows in this elevation would be a small w.c. window and dining room window. The proposed properties are ‘handed’ and thus a similar situation would be created in respect of the dwelling to the west of the site which has a drive and garage on the elevation facing the proposed development.

The rear elevation of the proposed dwellings would extend beyond the rear elevation of the adjacent dwellings and thus overlooking from the fenestration to the rear elevation of the proposed dwellings would be limited with regard to the dwelling itself however there is potential for some increase in overlooking both for occupiers of the existing dwellings and
the proposed properties with respect to the garden area and although difficult to quantify, is not considered to be unacceptable in this particular case.

PLANNING OFFICER ASSESSMENT OF HIGHWAY ISSUES: Officers have considered the highway issues of the proposed development and a number of specific issues. The proximity of the proposed development to the access to the High Littleton Recreation Ground has also been considered. It is concluded that although there is likely to be some increase in vehicular movements to and from the site, these would not encroach on the safety of users of the extensive vehicular access to the Recreation Ground.

Consideration has also been given to the safety of both future occupiers of the proposed dwellings and other highway users at this point in the highway where the speed limit reduces to 30mph. The increased width/visibility splay and the requirement for provision of turning space within the site would alleviate some of the concerns and it is not considered that the potential increase in activity would result in an acceptable level of detriment to highway safety.

REFUSE COLLECTION: The applicants have indicated the space to be set aside within the site for storage of refuse and recycling materials which would be placed adjacent to the highway on the relevant collection day(s).

CONCLUSION
Having considered the information provided within the applicant's submission and relevant issues surrounding this proposal as detailed above, officers consider that this proposal is in compliance with National and Local Planning Policy and that the proposed siting and design of the proposed dwellings would not have a detrimental effect on the character and appearance of the street scene at this point. Any permission granted would be the subject of the imposition of conditions to control the issues of residential amenity, landscaping etc.

It is therefore recommended that this application be permitted subject to the following conditions.

RECOMMENDATION
PERMIT with condition(s)

CONDITIONS

1 Approval of the details of the scale, appearance, access, landscaping of the site (hereinafter called the reserved matters) shall be obtained from the Local Planning Authority before any development is commenced.

Reason: This is an outline planning permission and these matters have been reserved for the subsequent approval of the Local Planning Authority under the provisions of Section 92 of the Town and Country Planning Act (as amended) and Articles 1 and 3 of the General Development Procedure Order 1995 (as amended).

2 The development hereby approved shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the latest.
Reason: As required by Section 92 of the Town and Country Planning Act (as amended), and to avoid the accumulation of unimplemented planning permissions.

3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no extension or enlargement (including additions or alterations to the roof(s)) of the dwelling(s) hereby approved shall be carried out without the prior written permission of the Local Planning Authority.

Reason: Any further extensions require detailed consideration by the Local Planning Authority to safeguard the amenities of the surrounding area.

4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no garages or other free standing buildings shall be erected within the curtilage of the dwelling(s) hereby approved, other than those expressly authorised by this permission, without the prior written permission of the Local Planning Authority.

Reason: The introduction of further curtilage buildings requires detailed consideration by the Local Planning Authority to safeguard the appearance of the development and the amenities of the surrounding area.

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

Reason: In the interests of the amenities of adjacent occupiers.

6 The garage hereby approved shall be retained for the garaging of private motor vehicles associated with the dwelling and ancillary domestic storage and for no other purpose without the prior written permission of the Local Planning Authority.

Reason: To retain adequate off-street parking provision.

7 Plans showing the turning area for vehicles in relation to each dwelling shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. This area shall be surfaced in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority and constructed to the satisfaction of the Local Planning before the dwellings area occupied.

Reason: In the interests of amenity and road safety.

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

Reason: In the interests of amenity and highway safety.
REASONS FOR GRANTING APPROVAL:

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

PPS.1, PPS3 and Bath & North East Somerset Local Plan (including minerals & waste policies) adopted 2007 policies, D.2, D.4, T.24, HG.4 and HG.7.

The proposed development would be in accordance with National and Local policies and is capable of being integrated into the character and appearance of the surrounding area.

| Item No:  | 07 |
| Application No: | 08/04003/FUL |
| Site Location: | Ensleigh Lodge, Granville Road, Lansdown, Bath |

| Ward: Lansdown | Parish: N/A | LB Grade: N/A |
| Ward Members: | Councillor D J Hawkins | Councillor Anthony Clarke |
| Application Type: | Full Application |
| Proposal: | Erection of new dwelling and office and associated car parking following demolition of existing dwelling. |
| Constraints: | Agric Land Class 1,2,3a, Forest of Avon, Hotspring Protection, World Heritage Site, |
| Applicant: | Mrs Vida Humphreys |
| Expiry Date: | 30th January 2009 |
| Case Officer: | Neil Harvey |

REPORT
REASON FOR REPORTING THE APPLICATION TO COMMITTEE
This application is returned to Committee to advise members of developments relating to this application since it was considered by members at the 21st January 2009 Committee.
This application was considered at the 21st January Committee, when the Divisional Director (Planning and Transport Development) was authorised to Grant Permission, subject to completion of a Section 106 Agreement linking the residential and office elements, and to advertising of the proposal as Departure from the Local Plan, and appropriate conditions.

No new issues were raised as a result of advertising the proposal as a Departure. However, the applicant has advised that the proposed linking of the two sections of the proposal is not acceptable, as they would need at some time in the future to market the development, and the linking of the two uses would cause the site to be an unviable proposition for a purchaser. The applicants ask that the Committee reconsider the application without the requirement for the two uses to be linked.

DESCRIPTION OF SITE AND APPLICATION
Granville Road extends to the northeast from Lansdown Road close to the edge of the developed area of Bath, and is lined on the north side by an MoD development comprising single-storey, flat-roofed buildings, and on the south side by individual dwellings on large plots.

Ensleigh Lodge is a detached two-storey house of Victorian origin which has rendered walls and a roof of clay double-roman tiles, the house appearing to have been empty for an extended period and is now in a dilapidated condition. The building is not of any special architectural merit.

It stands in a plot measuring 39m by 76m fronting onto the south side of Granville Road, the site being level close to its frontage onto Granville Road but the remainder slopes moderately downwards towards the south. The southwest boundary abuts the curtilage of the neighbouring house, Ensleigh Cottage while the northeast boundary abuts a trackway connecting Granville Road with farmland to the south, beyond which is a single storey dwelling, ‘Longview’. The southeast boundary fronts onto open farmland which forms part of the Green Belt and the Cotswold Area of Outstanding Natural Beauty. The site is in an elevated and prominent position visible from a wide area to the south east.

Planning Permission for the erection of two detached dwellings on this plot was granted in 2005 (05/01988/FUL refers) but has not been implemented

The proposal is to demolish the existing house and to erect a new dwelling and detached garage and also a separate office building on the site, to be used by the occupiers of the house and their employees. The office, house and the domestic garage would enclose three sides of a square enclosing a surfaced parking area.

The proposed house would be sited near the centre of the site and would measure 23.8m by 15.0m and would be of modern design having accommodation on three levels, with some accommodation sunk into the ground to take advantage of the slope of the land. The building would have flat roofs with substantial overhangs and the south elevation would be fully glazed, other walls being of Bath stone ashlar with the roof covered with zinc sheeting.
The proposed office building would be located close to the southwest side boundary of the site and would measure 17.0m by 6.7 with office accommodation on three levels (basement, ground and 1st floors) with the basement floor being sunk into the ground giving the building an overall height on the south east side of 6.2m above the ground level on the east side. This building would have white-rendered walls and a flat roof with a zinc covering, and would provide 286.5 sq m of floor space and would accommodate 6 employees of the business, which is described as Asset Finance Broking.

The proposed garage would be sited close to the northeast boundary of the site and would measure 16.7m by 6.6m by 3.3m high, and in addition to garaging it would include a bin store, cycle store and a tool store. This building would be finished in white render and would have a flat roof covered with zinc sheeting, and would reflect the architectural style of the house and office building.

The buildings would enclose three sides of a surfaced parking area which abuts the Granville road frontage. This would be divided by 2.25m high walls to provide an access to the garage, for the house, which has space for 3-4 vehicles, and a separate parking area for the office, having 6 spaces including a disabled space. The present vehicle access onto Granville Road would be retained and improved.

CONSULTATIONS & REPRESENTATIONS
HIGHWAY DEVELOPMENT OFFICER: No Objection, subject to conditions
BATH PRESERVATION TRUST: Does not wish to comment, but seeks assurances that the new dwelling and office will count towards housing and business targets for Bath set in the Regional Spatial Strategy.
LOCAL RESIDENTS: The owner of a neighbouring property has written in support of the proposal, taking the view that it would make a positive contribution to the area.

The Bath Heritage Watchdog has written to object to the proposal, considering that the design of the building is at odds with the style prevailing in the area, and that the re-use of the existing Ensleigh Lodge should be considered.

PLANNING ISSUES
Planning History
08/01588/FUL - Erection of Two Detached Dwellings - Permitted 8th August 2005
04/03875/FUL - Erection of Two Dwellings - Refused 18th February 2005

Planning Policy
BATH AND NORTH EAST SOMERSET LOCAL PLAN (INCLUDING MINERALS AND WASTE POLICIES) - ADOPTED OCTOBER 2007

The following policies are material considerations:-
BH1 - World Heritage Site
GB2 - Development affecting the appearance of the Green Belt
POLICY ASPECTS

Efficient Use of Housing Land

Policy HG7 of the Local Plan, reflecting Government Advice in PPS3, requires that residential development will only be permitted where the development will achieve the maximum density compatible with the site, its location, accessibility and its surroundings.

The application site has an area of 0.29ha, and while for historical reasons there is presently only one house on the site, this does not represent the optimum use of the site in housing terms. A high-density development would be inappropriate in this location because it would be out of keeping with the pattern of development on the south side of Granville Road and because of the prominence of the site, however the previous permission has shown that at least two dwellings can be located on the site while maintaining the character of the area, and any future development of the site should reflect this.

The present proposal would result in one dwelling only on this large site, which is contrary to the requirements of Policy HG7 and to relevant Government advice.

Office Development

Policy ET2 of the Local Plan advises that outside of Bath City Centre proposals for new office floorspace will only be supported if the site has been identified for office development in the Local Plan, is within a protected Core Business Area, or is within or very close to the Central area of Bath and some other settlements. None of these qualifications apply to the application site and the establishment of a B1 office use in the proposed location would be contrary to the Council’s office development policy as set out in Policy ET2.

THE PROPOSED DESIGN: The proposed development would represent a group of buildings of a very modern concept, but which would have a distinctive and attractive appearance. To the southwest of the site are Ensleigh Lodge and Ensleigh Cottage, both two-storey dwellings of traditional design, while the neighbouring dwellings on the northeast side are bungalows of 1950’s appearance. While the proposal would represent a contrast with the neighbouring dwellings, there is not a predominant architectural style in this street to which any new building should conform.

There are also existing flat-roofed buildings in the MOD development on the south side of Glanville Road (to the north east of the application site) and also on the north side on Granville Road. It is not considered that the modern concept of the design of the proposed buildings or the use of flat roofs would cause them to detract from the appearance of the area.
VISUAL IMPACT: In terms of visual impact on the area, the design has taken advantage of the sloping ground level and has also included sinking some of the accommodation of both the house and the office building into the ground. This has the result that the roof lines of the proposed buildings would be lower than that of the existing Ensleigh Lodge building.

However, while lower than the existing house, the proposed buildings would represent a relatively intensive form of development of this site and would cause the site to have a more ‘built up’ appearance than at present, where the relatively modest single house on this large site means the site has retained a relatively open appearance. However, the level of site coverage would not be excessive for this large plot and is similar to that of the scheme for two houses approved by 05/01988/FUL.

However, the large areas of glazing on the rear (south-east) elevation which would be illuminated in the darkness hours could cause the proposed dwelling to have greater visual impact during the darkness hours.

COMPARISON WITH APPROVED SCHEME: Planning Permission 05/01588/FUL for the erection of two large houses on this site was granted in August 2005 and remains valid. Both houses had double-pitch roofs of a relatively steep pitch, causing these houses to be relatively high from the adjacent ground level.

The buildings now would have a combined footprint slightly smaller than that of the approved proposal, and plans submitted by the applicant indicate that the roof of the proposed new house would be at a level approximately 4.0m lower than the ridge height of the lower of the two dwellings approved, and 5.0m lower than the higher of the two houses.

The proposed office building would be 3.9m lower than the ridge height of the higher of the two approved houses, and 2.9m lower than that of the lower of the two approved dwellings.

The application site is in an elevated position and is close to the skyline, and the large houses approved would be prominent in distant views from the south-east. The lower height of the scheme now proposed would cause it to have significantly less visual impact in views from the south-east, to some benefit to the setting of Bath.

NEIGHBOURING OCCUPIERS: The proposed office building would be close to the neighbouring house on the southwest side, Ensleigh Cottage, however this house has no windows facing the application site and would not be significantly affected by the proposal. The owners of Ensleigh Lodge have written to advise they have no objection to the proposal.

The northeast side boundary of the application site abuts an access track approx 5m wide. Beyond this is a detached bungalow now known as ‘Longview’ (shown as ‘Highlands’ on Location Plan). Longview has two side-facing windows facing the application site, however the bungalow itself is 15m from the application site and has a thick deciduous hedge approx 2m high on its side boundary onto the track. The side windows of ‘Longview’ would face the rear elevation of the proposed garage at a distance of 16m, and
the outlook and lighting of these windows would not be significantly affected by the proposal. The occupiers of this property have not objected to the proposal.

**SUSTAINABILITY ISSUES:** The application site is a previously developed site within the developed area of Bath and is close to Lansdown Road, which is a bus route into the City Centre. The development of this site is therefore not contrary to the Council’s objectives in respect of sustainable development.

The applicants advise that the buildings have been designed on ecological principles to reduce as far as possible its carbon footprint and other impacts on the environment.

The main glazed elevation of the dwelling faces southeast to maximise lighting and passive heat gain from sunlight, and solar shading is also adopted in the design to prevent overheating of the building in summertime. The building would have a high thermal mass and high levels of insulation to enable the building to retain heat within its structure, and solar collectors are included in the design to reduce the imported energy needed for heating. Rainwater will also be collected from the roof to provide ‘grey water’, reducing the requirement for water from the mains system.

**CONCLUSION**
The proposed buildings are of a very modern design but are of attractive appearance and would not be damaging to the appearance and character of the area. However, the use of part of this residential site for a B1 office development would reduce its capacity to accommodate residential uses and would also be contrary to the Council’s Office Development Policy.

The application was recommended for Refusal at the 21st January 2009 meeting for the reasons set out in this report. The application was approved by Members subject to a Section 106 Agreement linking the proposed house and office building, and as the applicant has now declined to enter into such an Agreement, Refusal of Planning Permission is Recommended

**RECOMMENDATION**
REFUSE

**REASON(S) FOR REFUSAL**

1 The proposed development would fail to make the most effective use of this residential site, contrary to Policy HG7 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted 2007 and Government Guidance in Planning Policy Statement No 3.

2 The application site does not fall within any of the situations identified in Policy ET2 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted 2007 as appropriate for office development, and the proposal is therefore contrary to Policy ET2.

**FOOTNOTE:** This decision refers only to Drawings ref 01, 3A, 4A, 6A and 8A, all date-stamped 27th October 2008, and Drawings ref 02B, 5A and 7A, all date-stamped 31st October 2008.