

Democratic Services

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Your ref:**Our ref:****Date:** 10 January 2012**E-mail:** Democratic_Services@bathnes.gov.uk

To: All Members of the Development Control Committee

Councillors:- Lisa Brett, Neil Butters, Gerry Curran, Liz Hardman, Eleanor Jackson, Les Kew, David Martin, Douglas Nicol, Bryan Organ, Martin Veal, David Veale and Brian Webber

Permanent Substitutes:- Councillors: Rob Appleyard, Sharon Ball, John Bull, Nicholas Coombes, Sally Davis, Malcolm Lees, Dine Romero and Jeremy Sparks

Chief Executive and other appropriate officers
Press and Public

Dear Member

Development Control Committee: Wednesday, 18th January, 2012

You are invited to attend a meeting of the **Development Control Committee**, to be held on **Wednesday, 18th January, 2012 at 2.00pm** in the **Brunswick Room - Guildhall, Bath**

The Chair's Briefing Meeting will be held at 10.00am on Tuesday 17th January in the Meeting Room, Lewis House, Bath.

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

The agenda is set out overleaf.

Yours sincerely

David Taylor
for Chief Executive

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

This Agenda and all accompanying reports are printed on recycled paper

NOTES:

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

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

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

Appendices to reports are available for inspection as follows:-

Public Access points - Riverside - Keynsham, Guildhall - Bath, Hollies - Midsomer Norton, and Bath Central, Keynsham and Midsomer Norton public libraries.

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

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

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

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

Development Control Committee - Wednesday, 18th January, 2012

at 2.00pm in the Brunswick Room - Guildhall, Bath

A G E N D A

1. EMERGENCY EVACUATION PROCEDURE

The Chair will ask the Committee Administrator to draw attention to the emergency evacuation procedure as set out under Note 6

2. ELECTION OF VICE CHAIR (IF DESIRED)

3. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

4. DECLARATIONS OF INTEREST

Members who have an interest to declare are asked to state:

(a) the Item No and site in which they have an interest; (b) the nature of the interest; and (c) whether the interest is personal or personal and prejudicial.

Any Member who is unsure about the above should seek advice from the Monitoring Officer prior to the meeting in order to expedite matters at the meeting itself.

5. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

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

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

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

7. ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

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

8. MINUTES: 14TH DECEMBER 2011 AND 5TH JANUARY 2012 (Pages 9 - 36)

To confirm as a correct record the Minutes of the meeting held on Wednesday 14th December 2011 (attached) and the Special meeting held on Thursday 5th January 2012 (to follow)

9. MAJOR DEVELOPMENTS

The Senior Professional – Major Developments to provide an oral update

10. SITE VISIT LIST - APPLICATION FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (Pages 37 - 46)

11. MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (Pages 47 - 124)

12. TREE PRESERVATION ORDER - 29 FLATWOODS ROAD, CLAVERTON DOWN, BATH (Pages 125 - 132)

13. QUARTERLY PERFORMANCE REPORT - JULY TO SEPTEMBER 2011 (Pages 133 - 142)

14. NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES (Pages 143 - 146)

To note the report

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

Member and Officer Conduct/Roles Protocol*

Development Control Committee

(*NB This is a brief supplementary guidance note not intended to replace or otherwise in any way contradict Standing Orders or any provision of the Local Authorities (Mode Code of Conduct) Order 2001 adopted by the Council on 21st February 2002 to which full reference should be made as appropriate).

1. Declarations of Interest (Personal and Prejudicial)

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

2. Local Planning Code of Conduct

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

3. Site Visits

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

4. Voting & Chair's Casting Vote

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

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

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

5. Officer Advice

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

6. Decisions Contrary to Policy and Officer Advice

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

7. Officer Contact/Advice

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

1. Maggie Horrill, Planning and Environmental Law Manager
Tel. No. 01225 39 5174
2. Simon Barnes, Senior Legal Adviser
Tel. No. 01225 39 5176

- General Member queries relating to the Agenda (including Public Speaking arrangements for example) should continue to be addressed to David Taylor, Committee Administrator Tel No. 01225 39 4414

**Planning and Environmental Law Manager, Planning Services Manager,
Democratic Services Manager, Solicitor to the Council
April 2002**

Site Visit Procedure

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

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DRAFT MINUTES PENDING CONFIRMATION AT THE NEXT MEETING

BATH AND NORTH EAST SOMERSET

MINUTES OF DEVELOPMENT CONTROL COMMITTEE

Wednesday, 14th December, 2011

Present:- Councillor Gerry Curran in the Chair

Councillors Lisa Brett, Neil Butters, Liz Hardman, Eleanor Jackson, Les Kew, David Martin, Bryan Organ, Martin Veal, David Veale, Brian Webber and Dine Romero (In place of Douglas Nicol)

Also in attendance: Councillors Patrick Anketell-Jones, Cherry Beath, Sally Davis, Charles Gerrish, Roger Symonds and Tim Warren

84 EMERGENCY EVACUATION PROCEDURE

The Senior Democratic Services Officer read out the procedure

85 ELECTION OF VICE CHAIR (IF DESIRED)

A Vice Chair was not required

86 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

An apology for absence was received from Councillor Doug Nicol whose substitute was Councillor Dine Romero

87 DECLARATIONS OF INTEREST

There were no declarations of interest

88 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There were no items of urgent business

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

The Senior Democratic Services Officer informed the meeting that there were members of the public etc. wishing to make statements on the Enforcement Item (Report 11) relating to The Old Orchard, 1 The Shrubbery, Lansdown, Bath, and that they would be able to do so when reaching that Item on the Agenda. There were also a number of people wishing to speak on planning applications in Reports 12 and 13 and they would be able to make their statements when reaching their respective items in those Reports.

90 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

There were no items from Councillors

91 MINUTES: WEDNESDAY 23RD NOVEMBER 2011

The Minutes of the previous meeting held on Wednesday 23rd November 2011 were approved as a correct record and signed by the Chair

92 MAJOR DEVELOPMENTS

The Development Manager reported that there were no issues on major developments on which to update Members but, if Members had any queries, they could raise them with the Senior Professional - Major Developments direct

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

The Committee noted the report and congratulated Officers on their success rate in appeals being dismissed

94 ENFORCEMENT REPORT - THE OLD ORCHARD, 1 THE SHRUBBERY, LANSDOWN, BATH

The Committee considered (1) a report by the Development Manager requesting Members to authorise enforcement action regarding the materials used to clad the boundary wall to the garden and parking areas which did not match the approved sample; (2) oral statements by a representative of St James' Park Residents Association supporting enforcement action and the owner of the property speaking against enforcement action; and (3) a statement by the Ward Councillor Patrick Anketell-Jones raising various issues.

The Team Leader - Development Management reported on the matter by means of a power point presentation. The Development Manager reminded Members of their decision at the previous meeting and that the only outstanding issue for consideration related to whether enforcement action should be authorised on the cladding of the stone wall.

The Chair stated that The Shrubbery was an important walkway and needed to be protected. Councillor Neil Butters accepted the owner's submission that the cladding had been done correctly and moved that enforcement action should not be authorised. This was seconded by Councillor Brian Webber who felt that the owner had narrowly complied with the condition and therefore enforcement action would not be justified.

Members discussed the issue of the colour of the stone cladding which appeared to be different to that which had been approved. Some Members felt that the cladding should be replaced. It was pointed out that, according to information obtained from the supplier of the stone, the shade of colour can vary. Officers suggested that this could be due to the stone being quarried at a different time and at a different depth. However, in this case, the colour appeared not to match the approved sample. The Development Manager commented on the issues and informed Members that it was Officers' professional opinion that the condition had not been complied with and the colour of the unauthorised stone cladding was harmful to the Conservation Area, adjoining listed buildings and the Bath World Heritage Site.

The motion was put to the vote and it was **Resolved** that enforcement action should not be authorised regarding the stone cladding to the boundary wall and parking areas (Voting: 8 in favour and 2 against with 2 abstentions).

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

The Committee considered

- a report by the Development Manager on a planning application on land rear of Holly Farm, Brookside Drive, Farmborough
- an Update Report by the Development Manager on this application, a copy of which is attached as *Appendix 1* to these Minutes
- oral statements by members of the public etc., a copy of which is attached as *Appendix 2* to these Minutes

RESOLVED that, in accordance with their delegated powers, the application be determined as set out on the Decision List attached as *Appendix 3* to these Minutes.

Land rear of Holly Farm, Brookside Drive, Farmborough - Residential development comprising 38 dwellings with associated access, car parking and landscaping – The Case Officer reported on this application and her recommendation (A) that the application be referred to the Secretary of State as a departure from the Development Plan; (B) to authorise the Planning and Environmental Law Manager to secure an Agreement under Section 106 of the Town and Country Planning Act 1990 as detailed in the Report; and (C) upon completion of the Agreement, to authorise the Development Manager to Permit the application subject to various conditions. She referred to the Update Report which informed Members of further consultation responses having been received. Members of the public etc then made statements against and in favour of the proposal which was followed by a statement by the Ward Councillor Sally Davis.

Members asked questions to which Officers responded. Concerns were expressed about the size of the proposed development, its access and highway safety.

Councillor Bryan Organ moved that permission be refused which was seconded by Councillor Martin Veal. Members debated the motion and raised various other concerns such as the layout of the development and the location of the affordable housing, the effect on residents of Brookside Drive, parking, cramped development and sustainability. A Member however, considered that this was a good development providing both affordable and retirement housing. After hearing the debate, Councillor Bryan Organ clarified that the reasons for refusal were: overdevelopment of the site, an adverse effect upon highway safety in terms of the junction with the main road, an adverse effect from construction traffic, the sustainability of the site's location outside the housing development boundary, unacceptable layout in particular the location of the affordable housing and the effect upon parking conditions in Brookside Drive.

The Development Manager explained that, because this was an outline application, layout and the location of the affordable housing could not be considered until the Reserved matters stage. She advised Members that this was a safeguarded site in the Local Plan and the proposal, together with the proposed S106 Agreement complied with the principles of the Council's Draft Core Strategy and she reminded the Committee that the Highways Officers had no objection on highway safety grounds. The Development Manager further advised that the effect of construction traffic could be dealt with by the imposition of a suitable condition and that the number of dwellings proposed was close to that included in the Council's Strategic Housing Land Availability Assessment.

The motion was put to the vote. Voting: 6 in favour and 5 against with 1 abstention. Motion carried for the following reasons: Members considered that the proposal would result in an overdevelopment of the site. The development would have an adverse effect on highway safety due to the site being located close to the substandard junction of the A39 and The Street and due to the effect on parking in the surrounding area. Also because the site is located outside of the Housing Development Boundary, it is considered to be located in an unsustainable location.

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

The Committee considered:

- The report of the Development Manager on various applications for planning permission
- An Update Report by the Development Manager on Item Nos. 1-5, a copy of which is attached as *Appendix 1* to these Minutes
- Oral statements by members of the public etc. on Item Nos. 1, 2, 5 and 6, a copy of which is attached as *Appendix 2* to these Minutes

RESOLVED that, in accordance with their delegated powers, the applications be determined as set out in the Decisions List attached as *Appendix 4* to these Minutes.

Items 1&2 Gammon Plant Hire, Rock Hall Lane, Combe Down, Bath – (1) Erection of 1 Mining Interpretation Centre (rated BREEAM Excellent), 8 Eco-Homes (rated Code 5 zero carbon), 1 apartment (rated Code 5 zero carbon) and all associated hard and soft landscaping following demolition of all existing properties with the exception of a portion of historic stone wall to Rock Hall Lane (Resubmission)(Ref No 11/04166/FUL); and (2) demolition of all existing properties with the exception of a portion of historic stone wall to Rock Hall Lane (Ref No 11/04167/CA) – The Historic Environment Team Leader and the Planning Officer reported on these applications and their recommendations to refuse permission/consent. Attention was drawn to the Update Report which contained further information and summarised further representations received and recommended the deletion of the 3rd reason for refusal on application (1) above. The public speakers made their statements against and in favour of the proposals and the Ward Councillors Cherry Beath and Roger Symonds made statements supporting the proposals.

The Development Manager advised Members that the Secretary of State was due to make an Environmental Impact Assessment (EIA) screening direction and, therefore, if Members were minded to Permit, the matter should be delegated to Officers to Permit subject to the Secretary of State making a negative screening opinion. She also advised Members that the Secretary of State had been asked to consider "listing" the existing buildings. She advised that, whilst this did not affect Members' decision today, if the Secretary of State should "list" the buildings before any permission/consent were implemented, then the applicant would need to obtain listed building consent as well.

Councillor Eleanor Jackson agreed with the Officers' recommendations and moved that the applications be refused accordingly which was seconded by Councillor Liz Hardman. Members debated the motions. Most Members were supportive of the scheme as they considered that the existing buildings were not of significant architectural and historical merit to warrant their retention. The design of the new buildings with a zero carbon rating was good and would fit into the streetscape. The motions to Refuse were put to the vote. Voting: 2 in favour and 8 against with 2 abstentions. Motions lost. It was then moved by Councillor Neil Butters and seconded by Councillor David Martin to Delegate to Officers to Permit/Consent subject to the Secretary of State issuing a negative EIA screening direction, the completion of a S106 Agreement to secure financial contributions in respect of Children's Services and appropriate conditions. The motions were put to the vote. Voting: 9 in favour and 2 against with 1 abstention. Motions carried for the following reasons: Members were of the view that the existing buildings, even if they were to be regarded as heritage assets, were not of sufficient historical value to warrant retention and their demolition would not be harmful to the Conservation Area. Members also felt that the proposed buildings were of a good design with a carbon zero rating and, in the context of a mixed area, would not be harmful to the Conservation Area or the setting of nearby "listed" buildings.

Item 3 Parcel 0006, Maynard Terrace, Clutton – Erection of 43 dwellings and associated works – This application was withdrawn at the applicants' request.

Item 4 Land rear of Nos. 2-20 High Street, Keynsham – Erection of 3 storey building to provide 14 residential apartments and associated landscaping and car parking (including re-provision of car parking for existing High Street properties) – The Committee considered the report on this application. The Update Report contained further representations and referred to amended drawings being received which revised the application in a number of ways. The Update Report amended the Recommendation in the Main Report to: Subject to (A) no new material planning matters arising from the re-advertising of the amended plans; and (B) confirmation from the Planning and Environmental Law Manager that a satisfactory signed Unilateral Agreement has been received, authorise the Divisional Director for Planning and Transport Development to Permit subject to the conditions in the Main Report and any other appropriate conditions.

The Ward Councillor Charles Gerrish made a statement and urged Members to defer consideration of the application so that members of the public could have more time to comment on the revised plans. Members considered this issue. It was moved by Councillor Martin Veal and seconded by Councillor Bryan Organ to Defer

consideration to enable further consultation on the amended scheme. The motion was put to the vote and agreed unanimously.

Item 5 Fairash Poultry Farm, Compton Martin Road, West Harptree – Erection of 7 dwellings following demolition of existing poultry farm – The Case Officer reported on this application and her recommendation to refuse permission. A further reason for refusal was recommended in relation to the increased use of a sub-standard access. The Update Report set out the Case Officer's comments on a further representation received from the Environmental Health Officer. The applicant made a statement in favour of the application and the Ward Councillor Tim Warren made a statement supporting the proposal. He considered that a Site Visit should be held.

Councillor Dine Romero moved that consideration be deferred for a Site Visit to view the site in the context of its surroundings. This was seconded by Councillor Neil Butters. A deferral for a Site Visit was generally supported and therefore the motion was put to the vote and was carried, voting being 9 in favour and 1 against with 2 abstentions.

Item 6 No. 69 Haycombe Drive, Southdown, Bath – Erection of a detached 2 storey dwelling on land to the rear of 69 Haycombe Drive – The Case Officer reported on this application and his recommendation to Permit subject to conditions. He read out the comments of Councillor Paul Crossley, one of the Ward Members, who considered that it should be refused. The applicant's agent made a statement in favour of the proposal.

Councillor Dine Romero considered that this was not a good site for a house because it adjoined a very busy road with fast moving traffic and would cause a hazard to traffic and pedestrian safety. She moved that permission be refused which was seconded by Councillor Martin Veal.

Members debated the motion. Some Members felt that the scheme had a number of good points but other Members considered that the highway safety issues were a serious concern with a number of reported accidents in the vicinity (as well as unreported incidents) and there was also the effect of the development on the amenities of adjoining residents to consider. The motion to refuse permission was put to the vote. Voting: 7 in favour and 5 against. Motion carried for the following reasons: The proposal would be detrimental to highway safety and would have an unacceptable impact on the amenity of the occupiers of neighbouring properties in relation to the likely proximity of the dwelling to the neighbouring property.

The meeting ended at 5.10 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

BATH AND NORTH EAST SOMERSET COUNCIL

Development Control Committee

14 December 2011

**OBSERVATIONS RECEIVED SINCE THE PREPARATION OF THE MAIN
AGENDA**

ITEM 12

ITEMS FROM SITE INSPECTION

| Item No | Application No | Address | Page No |
|---------|----------------|--|---------|
| 01 | 11/02432/OUT | Land Rear of Holly Farm, Brookside Drive, Farmborough | 57 |

Further consultation response:

Farmborough Parish Council: Further comments have been received from the Parish Council. These can be summarised as follows:

There is concern with the potential for the access from Tilly Lane for construction vehicles. The Parish Council have been made aware of a strong objection by the residents of Tilly Lane. This option would inevitably transfer the disruption to those in the Cold Bath area of Tilly Lane. These concerns are raised due to the limited space in a single carriageway, lack of pedestrian walkways and poor road state. Access to the construction site remains a major concern.

The Parish Council note that the number of houses is not regarded as a reserved matters in the report. The Parish Council reiterate that overdevelopment of the site, not in line with the character of the surrounding area.

Further representations

6 further objection comments have been. The content can be summarised as follows:

- General disruption and danger from construction traffic if Tilly Lane is to be used
- Tilly lane is single track
- Tilly Lane has no pedestrian pavements and is used daily by walkers often with small children, pushchairs and dogs together with horse riders, cyclists etc.
- Front doors of a number of properties exit directly onto Tilly Lane
- Tilly Lane has not been engineered for use by regular heavy goods vehicles.
- There are no passing places apart from private drives.

- Damage to residents driveways from HGVs – cost to occupiers
- Substandard access at the junction of Tilly Lane and the A39 which is unsuitable for larger vehicles
- Safer options that Tilly Lane for construction access available.
- Lack of consultation for the residents of Tilly Lane
- Tilly Lane is poorly lit
- Number of house proposed is too many
- Article 8 of the human rights act (the right for private and family life at home) and related privacy issues.

ITEM 13

ITEMS FOR PLANNING PERMISSION

| Item No | Application No | Address | Page No |
|----------------|-----------------------|--|----------------|
| 01 | 11/04166/FUL | Gammon Plant Hire, Rock Hall Lane, Combe Down, Bath | 86 |

Further Information:

Viability

The developer has now confirmed that they are willing to enter into a S106 Agreement to secure financial contributions as requested by Childrens' Services in line with the Planning Obligations Supplementary Planning Document. The third reason for refusal relating to this issue therefore no longer stands and can be omitted from the Committee Report.

It should be noted that the Homes and Community Agency procurement process (i.e the allocation of funds) is not material to planning. In this case, there are no financial benefits other than the contribution to children's services, so who funds the scheme is not relevant.

Ecology

The need for the Local Planning Authority (LPA) to consult Natural England has been questioned by a third party. However, as the LPA have concluded that there will not be a significant impact upon the SAC or SSSI, there is no statutory requirement for this body to be consulted. Following receipt of additional information prepared by the Agent's bat consultant, Natural England have confirmed that they are satisfied that they do not need to be consulted on the development as proposed. Policies NE8 and NE10 of the Local Plan have been considered.

Further representations received

4 further supporting comments have been received. The comments can be summarised as follows:

- The legacy of the stone mines and stabilization project should be remembered through a purpose built centre in the village and this is the opportunity to achieve that goal.
- The plans are attractive and will be a great improvement on the buildings currently on the site whilst providing much needed housing in the village
- The use of the basement for heating/services and storage/archive is a great advance on the original scheme
- The schools and many local organisations have looked forward for some years to the development of a Centre as a much needed venue. Though its dimensions are less than was hoped for, it is the best the community are going to get.
- Exemplar of good modern architecture with particularly well designed sustainable environmental features only opportunity for its fulfilment.

Supplementary objection comments from third parties that have already objected have been submitted, many of these comments expand on previous points raised. The additional comments can be summarised as follows

- The buildings have yet to be formally assessed for designation. The absence of designation for such heritage assets does not indicate lower significance and they should be considered subject to the policies in HE9.1 to HE9.4 and HE10
- The maltings and brewery equally form part of the sites history and that of Combe Down. To demolish these heritage assets is to erase this era of history from the site completely.
- The existing buildings are correct in terms of scale, proportion and materials.
- The applicants have not provided any additional information which materially alters or justifies the proposals or takes into account comments made by various parties, and this application should be refused
- PPS5 assessment is required evidence for consideration by statutory consultees and the public, and material evidence for the Committee Report
- The assessment as presented does not satisfy the requirements of PPS5. It does not describe or assess the significance of existing heritage assets (HE6.1), ignores evidence from the applicant's own Historic Building Report and Structural Survey, fails to demonstrate that the existing fabric could be used within a mixed development, makes unsubstantiated claims about the benefit of the proposed development and attempts to justify demolition on the grounds of the financial viability of an apparently pre-ordained scheme

Officer Comment

The information submitted at the time the planning and conservation area consent applications were registered and the information submitted shortly after was in line with the provisions of PPS5 and allowed the case officers to understand the potential of the proposed development on the significance of the historic assets.

| Item No | Application No | Address | Page No |
|---------|----------------|--|---------|
| 02 | 11/04167/CA | Gammon Plant Hire, Rock Hall Lane, Combe Down, Bath | 104 |

REPRESENTATIONS

A further seven letters of objection have been received since the original report was prepared (two from the same objector).

The maltings and former shop are built from local materials and form part of the heritage of Combe Down; they should be restored.

The descendants of miners and masons who built this site still survive in Combe Down and the objections to demolition expressed by the Heritage Watchdog are fully supported (see below).

The buildings have yet to be formally assessed for designation. The absence of designation for such heritage assets does not indicate lower significance and they should be considered subject to the policies in HE9.1 to HE9.4 and HE10

The maltings and brewery equally form part of the sites history and that of Combe Down. To demolish these heritage assets is to erase this era of history from the site completely.

The existing buildings are correct in terms of scale, proportion and materials.

PPS5 assessment is required evidence for consideration by statutory consultees and the public and material evidence for the Committee Report. The assessment presented does not satisfy the requirements of PPS5. It does not describe or assess the significance of existing heritage assets (HE6.1), ignores evidence from the applicant's own Historic Building Report and Structural Survey, fails to demonstrate that the existing fabric could be used within a mixed development, makes unsubstantiated claims about the benefit of the proposed development and attempts to justify demolition on the grounds of the financial viability of an apparently pre-ordained scheme

Criticism is also made of the proposed funding arrangements which are skewing the proposals (Officer comment: issues surrounding probity in relation to HCA funding are largely beyond the scope of the issues to be considered as part of this application for Conservation Area Consent. The applicant has not sought to justify the scheme in terms of enabling development, and there are no financial benefits other than a contribution offered to children's services under the parallel planning application. How the scheme might be funded is not relevant to the merits of the application for CAC).

The applicant notes that other parties have considered the option to retain the existing buildings but fails to present these or assess this possibility

despite being advised by the Planning Department that “The absence of any such justification is potentially a reason for refusal in its own right”.

The new information provided by the applicant does not satisfy the requirements of PPS5. The scheme should be rejected and the applicant invited to submit a well-reasoned proposal that respects the existing historic setting that works with it to deliver the best to the local environment, local community, and future residents.

The Bath Heritage Watchdog

Maintain strong objection to demolition. As regards the discussion concerning the E.I.A. the site not only has connections to the construction of the WHS, it is located within the WHS itself. The impact of the proposals will be wider than the localised effect claimed by the applicant.

The so-called PPS 5 assessment submitted by the applicant is clearly in conflict with the PPS5 HE9. The fact the buildings are not listed does not mean they are not of significance. All aspects of the environment resulting from the interaction between people and places through time, including surviving physical remains of past activity whether visible or buried etc. with significance are assets that should be retained.

The brief prepared for the Interpretation Centre is also in conflict with Policy HE9 as this contains a presumption in favour of conserving heritage assets. Whilst the inclusion of an Interpretation Centre is a positive aspect it totally ignores the malting and brewing part of the site’s history.

The threat of what might happen to the site if consent is not granted is merely scaremongering.

The applicant’s comments on the contribution of the existing buildings clearly demonstrates a lack of understanding of the conservation area. Any negative aspects are due to a lack of maintenance; this does not mean the buildings are unusable or un-repairable. The existing buildings are correct in terms of scale, proportion and materials something the proposed replacement buildings are not.

Attention is drawn to an English Heritage survey for Industrial Heritage at Risk- 71% of the population believe industrial heritage sites should be re-used whilst preserving their character. The following is taken from English Heritage Strategy for Historic Industrial Environment Report no. 1 “Even maltings which are not worthy of listing may form an important part of the landscape, urban or rural and its history. Too often when it comes to maltings there is a comment that there is nothing left in the building but open space as all the machinery is gone. This shows a total lack of knowledge of the malting process which does not require a lot of open floor space.”

Although the applicant is claiming consideration of options this is at odds with the submitted notes from the pre-application meeting that recorded

“The proposals require demolition of existing buildings and there are significant concerns with this aspect of the development. It is felt to be ironic that a scheme aimed at interpreting local history should request the removal of a real part of the area’s heritage. Such losses should be regarded as a last resort.”

LISTED STATUS OF THE BUILDINGS

The site lies within the Bath Conservation Area, and where consent is required for the demolition of buildings. On the 12th December officers received notification that an application had been sent to English Heritage to have the buildings listed as having architectural or historic interest. English Heritage has confirmed this is the case and that there had been no prior application for a Certificate of Immunity from Listing.

The case will be assessed and a formal decision will be issued in due course. Typically this can take a number of months but usually priority is given to cases where a current planning application is pending. In the event that the building becomes listed, listed building consent will be required for its demolition.

| Item No | Application No | Address | Page No |
|---------|----------------|--|---------|
| 03 | 11/04300/OUT | Parcel 0006, Maynard Terrace, Clutton | 114 |

The applicants have submitted additional information with regards to this application. The amendments include alterations to the proposed access and the internal layout of the roads and further information following the consultation responses. This includes the following;

- Further highways information following the consultation response
- Landscape and visual comments
- Ecology protected species survey
- Response to housing consultation
- Drainage and Flood Risk addendum
- Public access consultation response
- Cover letter including response to planning policy comments

Consultation Responses

BUILDING CONTROL – no comments received

HIGHWAYS – Object to the proposal and raise the following points:

- The parking levels have increased to provide at least two parking spaces for each dwelling.
- The location of the parking spaces relative to the dwelling has been improved and most have a better relationship to their parking spaces.

- Plots 21 and 22 do not show a rear access to provide easy access to their parking areas
- There is a lack of suitable turning areas for the parking areas for Plots 26, 27 and 28, such that it could result in vehicles reversing over a long driveway distance. Similarly, there is no appropriate turning facility for Plot 33.
- The layout has also been amended to ensure only 5 dwellings are served by a private drive, and additional areas are now shown to be offered for adoption, although in the case of the access road to Plots 12-14 and 23-25, the arrangement does appear to be contrived.
- The layout is intended to provide a 2m wide footway fronting the development to the new access road, but Plot 1 would appear to form an obstruction to such a route, which would also affect the available visibility from the junction.
- The Transport Consultant has prepared a plan (Figure 4.1 Rev A) to indicate a revised alignment for Maynard Terrace where it forms a junction with the site access road, which pulls the junction further away from the Station Road/Clutton Hill junction, and shows an improvement to the visibility to the east for the private access lane which runs to the rear of the Maynard Terrace dwellings. Whilst this does provide some improvement to the existing and originally proposed layout, the layout will still result in a lot of vehicular activity centred around one junction, and does not, in my view, achieve an acceptable arrangement.
- The Transport Consultant's plan also shows alterations to the junction of Maynard Terrace with Station Road/Clutton Hill with an extension of the footway from Maynard Terrace around the radius into Station Road. This would appear to pull the stop line from the junction out into Station Road, but with no continuation of footway along Station Road. This layout is also in conflict with the proposed site plan numbered 0392-1005 Rev A.

HIGHWAYS DRAINAGE – no comments received

CONTAMINATED LAND – no further comments

ENVIRONMENTAL PROTECTION – no comments received

PLANNING POLICY – no further comments

PUBLIC RIGHTS OF WAY – no further comments

LANDSCAPE – no further comments

ARBORICULTURE – no further comments

ECOLOGY – Object to the proposal and raise the following points

- Concerns remain about the remaining ecological survey required for the development site area
- incomplete ecological assessment and mitigation details

- The assessment does not provide the quantitative and qualitative detail required to fully assess habitat impacts and losses, and on which to base proposals for retention, compensation and mitigation. This requirement was set out in point 3 of the Ecology comments 8th Nov 2011.
- More detailed mitigation and compensation proposals at this stage would also usually be expected, to demonstrate that it is feasible to provide measures to address ecological impacts within the proposed scheme, rather than attempting to build them into an approved scheme afterwards.
- With incomplete survey, ecological assessment and insufficient mitigation proposed at this stage, the proposal does not demonstrate that it is able to compliance with policies NE9, 10, 11 and 12.

URBAN DESIGN – No further comments

HOUSING – Provide the following further comments

- The application offers a higher than policy requirement contribution of affordable housing, and in principle this is a position that we would support, especially with the involvement of a Registered Provider such as Somer Community Housing Trust. However, the higher than policy contribution must be considered on its merits and in terms of the evidence submitted in support of the application.
- An offer of additional affordable housing although welcome cannot be supported simplistically on this basis but must be considered in detail. If the application is determined to be acceptable in planning terms, Housing Services response should be considered as in support but with some reservations which are recommended to be included as conditions to be addressed within the Reserved Matters.
- The application has made claims that it is a development opportunity that would support the growth and housing needs of Clutton however the evidence supplied has identified market housing demand gaps that were omitted within the proposals.
- The application refers to partnership with the landowner and consultation with the local community. However there is little actual evidence in how local consultation has helped to inform and shape the proposals and it appears that Parish Council do not support this scheme.
- Clutton existing affordable housing stock is already heavily skewed to three bedroom houses, and the applicants' own information has shown there are only four one bedroom flats currently available, with no turnover of these units for some considerable time; we must add to this that some 35% of households on the Councils waiting list for Clutton are requiring one bed accommodations. Strategically I consider that this demand for one bedroom accommodation is actually disproportion to sustainable needs and would recommend that a balanced provision should be based upon 20% of the affordable dwellings.
- Within the district's rural area the SHMA illustrated that market house prices and rents were higher than average and therefore 80% market rents need to be applied with caution on affordability grounds.

Therefore some effort is required of the applicant to demonstrate to the Council that the affordable rent tenure is genuinely within reach to those on local incomes.

- Within the district's rural area the SHMA illustrated that market house prices and rents were higher than average and therefore 80% market rents need to be applied with caution on affordability grounds.
Therefore some effort is required of the applicant to demonstrate to the Council that the affordable rent tenure is genuinely within reach to those on local incomes

ARCHAEOLOGY – no comments received

PARKS AND OPEN SPACES – no comments received

CHILDREN'S SERVICES – no further comments

CLUTTON PARISH COUNCIL – no comments received

ENVIRONMENT AGENCY – no comments received

WESSEX WATER – No further comments received. The published report states that Wessex Water has no objection subject to condition but the response refers to the signing of various Agreements relating to the sewerage. These agreements relate to legislation outside of the planning process and as such, the previous comments stand.

REPRESENTATIONS – 6 further letters of objection received, raising the following points;

- Support is based on people being told that if this application gets permission, the site at Church Farm will not get consent
- The revised information does not alter my objection
- The revised alterations does not alter the fact the proposed development would introduce a large number of cars onto the narrow and dangerous roads through Clutton in both directions
- Such traffic flows will inevitably result at both peak times and throughout the day in a far more dangerous environment both car users and pedestrians
- It is of no surprise that the residents of Maynard Terrace, who experience this road on a daily basis, are much more aware of how perilous the walk to school or the post office is and that they avoid personal injury or worse regularly. My children have been narrowly missed on a number of occasions
- I think it is telling that only just over half of the objections came from Maynard Terrace – this shows significant objection from elsewhere in the village
- Further, I think it curious to observe that whilst both the Parish Council and the Rural Clutton Campaign consultations (the latter independently verified) both concluded that such development was not backed by the community, the proposal finds a cluster of supporters, many of whom I

understand may have responded in the hope of stopping alternative proposals at the top of the village

- I am unsure if those who used to live in the village or have relatives in the village constitute 'local community support'.
- I am not certain, but there also appears to be some inaccuracies within the spatial distribution maps as a brief glance suggests some objectors may not have been included. Perhaps this is due to the time lag between posting objections and their being uploaded especially towards the end of the original consultation process?
- I am still unaware of any assessment as to the need for this development
- I have serious concerns regarding the transparency and underhand methods used leading up to and during this planning application, I am sure that all information that has been accurately provided by Council Officers in their responses will be clearly presented at Committee, and any inaccurate information that has been provided as part of the application is highlighted, so that decisions can be made on facts rather than any miss leading information that may been provided during any lobbying behind the scenes, running up to and during this application.
- There are pages of arguments regarding the unidentified local need, but the fact is, as confirmed by the Development Officer that there is no local needs survey or identified local housing need, apart from 20 people on the housing register wanting to live in Clutton, no detail of priority or their needs or if they have a local connection to Clutton.
- That summary of support/objection is biased, it could also be summarised as 100% of people directly affected and living adjacent to the development object to the proposal and that 42% of the objectors do not live adjacent to the site but elsewhere in the village.
- The individual objection responses have not been summarised correctly or accurately identified on the map.
- The support for the scheme is a summary of the 6/7 standard letters worded by the agent/applicant/landowner? Signed following verbal lobbying door to door on the application, not individual responses.
- There are also letters included from people saying they live at home with parents, when they are actually currently adequately meeting their own housing needs within the village.
- There is no record of those who opposed the plans whilst the agent/landowner was lobbying support door to door - do we assume all those households with no dot on the map are opposed to the scheme?
- I note the comments on the New Homes Bonus that the Council will receive if the application is approved. This would also be available on the brownfield sites within the boundary.
- No identified local need.
- It is clearly documented in the housing statement, included in the standard support letters and poster put up in the village all produced by the applicant/agent that there will be a local connection in place for the affordable homes. However, the Housing Development Officer confirms in his statement that the Council will have full nomination rights to

people in greatest need from the Housing Register, there is no mention of priority to local people (with mention to this being a growth site, not a rural exception site, due to its size and as the due process for rural exception sites not being followed).

- I would also like to add an objection on ecology grounds, over the years I have personally seen many slowworms, an adder, door mice, toads, frogs, song thrushes, wrens, sparrows, herons, sparrow hawks, owls, bats nesting/using the trees and hedgerows within the site boundary.

ADDITIONAL OFFICER ASSESSMENT

HIGHWAYS: The proposal has been amended to increase the amount of parking and this has resulted in the proposed level and location of parking being an improvement on the previous layout. However, there is a lack of suitable turning areas for the parking areas for Plots 26, 27, and 28, which could result in vehicles reversing over a long driveway distance. There is no appropriate turning facility for Plot 33.

The proposed layout has been amended to ensure that only 5 dwellings are serviced by a private drive and there are additional areas that are being offered for adoption. Whilst this is welcomed, it has resulted in the access roads to Plots 12-14 and 23-25 having a rather contrived appearance.

The proposal revises the realignment for Maynard Terrace where it forms a junction with the access road. This pulls the junction further away from the Station Road/Clutton Hill junction, and shows an improved visibility to the east for the private access lane which runs to the rear of Maynard Terrace. Whilst this is an improvement on the original submission, it still results in a lot of vehicular activity centred around one junction and does not achieve an acceptable arrangement.

The Transport Consultant has submitted a plan which shows alterations to the junction of Maynard Terrace and Station Road/Clutton Hill but this layout is in conflict with that shown on the proposed site plan (0392-1005 Rev A).

ECOLOGY: The applicant has submitted further ecology information but this assessment does not provide the quantitative and qualitative detail required to be able to fully assess the habitat impacts and losses, and on which to base proposals for retention, compensation and mitigation.

The hedge along the northern boundary is a species rich hedgerow. As part of the proposed layout, the hedge will either be lost or incorporated into gardens in a reduced form. This is likely to have a significant adverse impact on this habitat feature. The ecological assessment would need account for and to address every such impact, and has not done so – the loss of this northern boundary hedgerow is not noted. This impact needs to be acknowledged, and ideally the layout revised to enable the retention of this hedgerow with a buffer strip to separate it from residential gardens and

safeguard it in the long term. Quantified assessment of impacts on habitat is needed with proposals for how impacts will avoided, or compensated.

With incomplete survey, ecological assessment and insufficient mitigation proposed at this stage, the proposal does not demonstrate that it is able to compliance with policies NE9, 10, 11 and 12.

HOUSING: The Housing Development Officer has responded to the additional information submitted by the applicant and this is summarised above. In view of this, it is still not considered that the proposed development meets the local needs as detailed in the published report and the assessment as made in the Officer report remains.

With the exception of the sections detailed above, the remainder of the report is as per the Officer report in the previously published agenda.

REVISED PLANS LIST

This decision relates to drawings numbered 0392/1000/1, 0392-1000-2, 0392-1004, and 0392-1006 and related Planning Statement, Design and Access Statement, Preliminary Utility Study, Transport Assessment, Housing Statement, Arboricultural Report, Ecology and Protected Species Survey, Statement of Community Involvement, Flood Risk Assessment, Drainage Strategy, and Phase I Geo-environmental assessment, received by the Council on 4th October 2011 and Landscape and Visual Appraisal, received by the Council on 5th October 2011, and drawing numbered 0392-1005 Rev A, Ecology and Protected Species Survey, Landscape and Visual comments, Housing Paper, and correspondence from GL Hearn and Clark Bond, received by the Council on 25th November 2011.

| Item No | Application No | Address | Page No |
|---------|----------------|--|---------|
| 04 | 11/04325/FUL | Land at rear of 2-20 High Street, Keynsham | 139 |

Keynsham Civic Society: Object to the application on the basis that this is overdevelopment of the site and the loss of this car park will seriously reduce the available long stay parking for workers as well as the taxi company which have recently moved to this site, causing them to park illegally in the High Street. Taxis will continue to use this location and operate into the night and are likely to cause disturbance to new residents, leading to conflict.

I resident has objected on the grounds that they have always been used to the openness at the rear of their house reducing space and light at the rear of their property. The building will be too high, and they don't want it to come around the corner of the road.

1 resident has commented on the basis of the validity of this proposal and its effect on the high street area and associated immediate roads. I would not

support the creation of this number of dwellings or the changes to the current car parking.

Amended drawings have been received. These revise the application as follows

1. The southern elements of the building have been brought further forward toward the street.
2. The undercroft parking has been revised by removing one space and providing more manoeuvring space.
3. The adjacent small area of car parking has been turned through 90 degrees.
4. More direct pedestrian routes through the car park to the rear of the public house are indicated.
5. Additional tree planting is proposed.
6. Hard surfacing now runs into the building along the west façade with all planting and boundary walls removed. Railings replace the front boundary walls.
7. A new space is proposed at the corner with tree planting. The hard surfacing will again run through to the building. A rubble surface finish to this area is being indicated partly to discourage people walking close to the building.

The applicant has now submitted a draft Unilateral Agreement to cover the sums required to contribute toward highway works and green space.

OFFICER RESPONSE: The land currently has an element of formalised parking taking place in connection with High Street Business Uses. That parking (comprising of 23 car parking spaces) will be re-provided within the site and therefore there will be no negligible impact from those arising. Unauthorised parking or other activities taking place on the site will be displaced however in the case of those activities they could be prevented from access to the site in any event and that would not warrant rejection of the proposal. Taxis and the waiting locations of those operating outside of the site cannot be controlled through this application however there is considered to be no conflict specific to this site that are not common in all town centre locations. The proposed residential parking at a ratio of 1 per unit is more than adequate in this sustainable location.

The applicant has met with the highway officer and urban design officer and the drawings have been amended in line with their requirements and as specified within the main agenda. The amendments made are set out above and are considered satisfactory. The amendments are largely detailed and make no significant change in terms of overall mass or height of the buildings. In this regard the amended drawings would not have any greater impact on residents but would improve the overall development in respect of design, highway manoeuvring and pedestrian movement.

RECOMMENDATION

Subject to A) no new material planning matters arising from re-advertising of the amended plans, and B) confirmation from the Planning and Environmental Law Manager that a satisfactory signed Unilateral Agreement has been received

Authorise the Divisional Director for Planning and Transport Development to PERMIT subject to conditions as included in the main agenda and any other conditions as appropriate.

| Item No | Application No | Address | Page No |
|----------------|-----------------------|---|----------------|
| 05 | 11/03843/OUT | Fairash Poultry Farm, Compton Martin Road, West Harptree | 151 |

Further comments have been received from the environmental health officer they are as follows:

"I have considered the Environmental Noise Survey which places the site into NEC B of PPG 24.

I would suggest that standard thermal double glazed units with trickle ventilation would provide the necessary acoustic protection for future occupiers and therefore have no objections to these proposals."

The above comments remove the environmental health objection to the application. The comments do not outweigh the objections raised within the report and the application is still recommended for refusal.

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

**MEMBERS OF THE PUBLIC ETC WHO MADE A STATEMENT AT THE
MEETING OF THE DEVELOPMENT CONTROL COMMITTEE ON
WEDNESDAY 14TH DECEMBER 2011**

SITE/REPORT NAME/REPRESENTING FOR/AGAINST

| | | |
|---|---|---|
| ENFORCEMENT REPORT 11 | | |
| The Old Orchard, 1 The Shrubbery, Lansdown, Bath | Mark Strickland (St James' Park Residents Association) | Statement in favour of enforcement action |
| | Janet Wilson (Owner) | Statement against enforcement action |
| SITE VISIT LIST REPORT 12 | | |
| Land rear of Holly Farm, Brookside Drive, Farmborough | Chris Pike <u>AND</u> John Clay | Against – To share 3 minutes |
| | Catherine Jackson (Applicants' Agent) | For |
| MAIN PLANS LIST REPORT 13 | | |
| Gammon Plant Hire, Rock Hall Lane, Combe Down, Bath (Items 1&2, Pages 86-113) | Jill Attwood <u>AND</u> Jack Steenstra <u>AND</u> Ian Barclay <u>AND</u> Martin Coulson | Against – To share 6 minutes |
| | John Hewitt <u>AND</u> Richard Read <u>AND</u> Jeff Manning | For – To share 6 minutes |
| Fairash Poultry Farm, Compton Martin Road, West Harptree (Item 5, Pages 151-157) | Peter Wood (Applicant) | For |
| 69 Haycombe Drive, Southdown, Bath (Item 6, Pages 158-167) | Nigel Spragg (Applicants' Agent) | For |
| | | |

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BATH AND NORTH EAST SOMERSET COUNCIL

DEVELOPMENT CONTROL COMMITTEE

14th December 2011

SITE INSPECTION DECISIONS

| | | | |
|--------------------------|--|----------------------|--|
| Item No: | 01 | | |
| Application No: | 11/02432/OUT | | |
| Site Location: | Land Rear Of Holly Farm, Brookside Drive, Farmborough, Bath | | |
| Ward: Farmborough | Parish: Farmborough | LB Grade: N/A | |
| Application Type: | Outline Application | | |
| Proposal: | Residential development comprising 38 dwellings with associated access, car parking and landscaping | | |
| Constraints: | Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary, Public Right of Way, | | |
| Applicant: | Blue Cedar Homes | | |
| Expiry Date: | 14th September 2011 | | |
| Case Officer: | Tessa Hampden | | |

DECISION REFUSE for the following reasons:

1 The proposed development, due to number of dwellings proposed constitutes the overdevelopment of the site. The development is therefore considered to be contrary to policies D2 and D4 of the Bath and North East Somerset Local Plan (including minerals and waste) adopted October 2007.

2 The proposed development is located outside of the Housing Development Boundary and as such is considered to be located in an unsustainable location. Further, the development is considered to have a detrimental impact upon highway safety due to the site being located close to the substandard junction of the A39 and the Street and due to the effect on parking in the surrounding area. The proposed development is therefore considered to be contrary to policies T24 and T26 of the Bath and North East Somerset Local Plan (including minerals and waste) adopted October 2007 and the key aims of PPG13.

PLANS LIST: Indicative street scene, 08.075.08 , 08.075.09, 08.075.10D, 08.075.11, 1108_2010/06, FARM-01, SK01 REVISION P2 , SK02 REVISION P2 date stamped 24th May 2011, 08.075.10D, 08.075.11, 08.075.20 date stamped 15th June 2011

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BATH AND NORTH EAST SOMERSET COUNCIL

DEVELOPMENT CONTROL COMMITTEE

14th December 2011

DECISIONS

| | | |
|-------------------|---|---------------|
| Item No: | 01 | |
| Application No: | 11/04166/FUL | |
| Site Location: | Gammon Plant Hire, Rock Hall Lane, Combe Down, Bath | |
| Ward: Combe Down | Parish: N/A | LB Grade: N/A |
| Application Type: | Full Application | |
| Proposal: | Erection of 1no. Mining Interpretation Centre (rated BREEAM Excellent), 8no. Eco-Homes (rated Code 5 zero carbon), 1no. Apartment (rated Code 5 zero carbon) and all associated hard and soft landscaping following demolition of all existing properties, with the exception of a portion of historic stone wall to Rock Hall Lane (resubmission). | |
| Constraints: | Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, Local Shops, Water Source Areas, World Heritage Site, | |
| Applicant: | Ian Cox Development Partners Ltd | |
| Expiry Date: | 22nd November 2011 | |
| Case Officer: | Tessa Hampden | |

DECISION Delegate to PERMIT

Authorise the Development Manager to PERMIT with appropriate conditions

| | | |
|--------------------------|--|----------------------|
| Item No: | 02 | |
| Application No: | 11/04167/CA | |
| Site Location: | Gammon Plant Hire, Rock Hall Lane, Combe Down, Bath | |
| Ward: Combe Down | Parish: N/A | LB Grade: N/A |
| Application Type: | Conservation Area Consent | |
| Proposal: | Demolition of all existing properties with the exception of a portion of historic stone wall to Rock Hall Lane. | |
| Constraints: | Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, Local Listing, Water Source Areas, World Heritage Site, | |
| Applicant: | Ian Cox Development Partners Ltd | |
| Expiry Date: | 22nd November 2011 | |
| Case Officer: | Ian Lund | |

DECISION Delegate to CONSENT

Authorise the Development Manager to CONSENT with appropriate conditions.

| | | |
|--------------------------|--|----------------------|
| Item No: | 03 | |
| Application No: | 11/04300/OUT | |
| Site Location: | Parcel 0006, Maynard Terrace, Clutton, Bristol | |
| Ward: Clutton | Parish: Clutton | LB Grade: N/A |
| Application Type: | Outline Application | |
| Proposal: | Erection of 43no. dwellings and associated works. | |
| Constraints: | Airport Safeguarding Zones, Coal - Standing Advice Area, Coal - Referral Area, Cycle Route, Flood Zone 2, Flood Zone 3, Forest of Avon, Housing Development Boundary, Public Right of Way, | |
| Applicant: | Somer Community Housing Trust | |
| Expiry Date: | 6th January 2012 | |
| Case Officer: | Suzanne D'Arcy | |

DECISION Application Withdrawn

| | | | |
|-----------------------------|--|----------------------|--|
| Item No: | 04 | | |
| Application No: | 11/04325/FUL | | |
| Site Location: | Land At Rear Of 2-20, High Street, Keynsham, | | |
| Ward: Keynsham North | Parish: Keynsham Town Council | LB Grade: N/A | |
| Application Type: | Full Application | | |
| Proposal: | Erection of three storey building to provide fourteen residential apartments and associated landscaping and car parking (inc. re-provision of car parking for existing high street properties) | | |
| Constraints: | Agric Land Class 3b,4,5, City/Town Centre Shopping Areas, Conservation Area, Forest of Avon, General Development Site, Housing Development Boundary, | | |
| Applicant: | Deeley Freed (Charlton Road) | | |
| Expiry Date: | 12th January 2012 | | |
| Case Officer: | Sarah James | | |

DECISION Defer consideration to allow consultation period to end.

| | | |
|--------------------------|--|----------------------|
| Item No: | 05 | |
| Application No: | 11/03843/OUT | |
| Site Location: | Fairash Poultry Farm, Compton Martin Road, West Harptree, Bristol | |
| Ward: Mendip | Parish: West Harptree | LB Grade: N/A |
| Application Type: | Outline Application | |
| Proposal: | Erection of 7no. dwellings following demolition of existing poultry farm. | |
| Constraints: | Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Water Source Areas, | |
| Applicant: | Mr Peter Wood | |
| Expiry Date: | 22nd November 2011 | |
| Case Officer: | Alice Barnes | |

DECISION Defer consideration to allow Members to visit the Site.

Reason: To view the site in the context of its surroundings.

| | | |
|--------------------------|---|----------------------|
| Item No: | 06 | |
| Application No: | 11/03987/OUT | |
| Site Location: | 69 Haycombe Drive, Southdown, Bath, Bath And North East Somerset | |
| Ward: Southdown | Parish: N/A | LB Grade: N/A |
| Application Type: | Outline Application | |
| Proposal: | Erection of a detached 2 storey dwelling on land to the rear of 69 Haycombe Drive | |
| Constraints: | Agric Land Class 3b,4,5, Forest of Avon, Hotspring Protection, World Heritage Site, | |
| Applicant: | Mr & Mrs David and Elizabeth Bates | |
| Expiry Date: | 12th January 2012 | |
| Case Officer: | Richard Stott | |

DECISION REFUSE for the following reasons:

1 The development of this plot would result in an increase in vehicular activity associated with the new dwelling on a busy main road to the detriment of highway safety, contrary to Policy T.24 of the Bath and North East Somerset Local Plan, including minerals and waste policies, October 2007.

2 The siting of a single dwelling on this site would create an unacceptable sense of enclosure and dominance to the detriment of the residential amenity of the occupiers of

adjoining properties, contrary to Policy D.2 of the Bath and North East Somerset Local Plan, including minerals and waste policies, October 2007.

PLANS LIST: This decision relates to the Design and Access Statement, Site Location Plan and drawings 1023/01 and 1023/03 date stamped 13th September 2011.

| Bath & North East Somerset Council | | |
|------------------------------------|---|--------------------------|
| MEETING: | Development Control Committee | AGENDA ITEM NUMBER |
| MEETING DATE: | 18th January 2012 | |
| RESPONSIBLE OFFICER: | Lisa Bartlett, Development Manager, Planning & Transport Development (Telephone: 01225 477281) | |
| TITLE: | SITE INSPECTION APPLICATIONS | |
| 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 online at <http://planning.bathnes.gov.uk/PublicAccess/>.

- [1] Application forms, letters or other consultation documents, certificates, notices, correspondence and all drawings submitted by and/or on behalf of applicants, Government Departments, agencies or Bath and North East Somerset Council in connection with each application/proposal referred to in this Report.
- [2] Department work sheets relating to each application/proposal as above.
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 - Environmental Services
 - Transport Development
 - Planning Policy, Environment and Projects, Urban Design (Sustainability)
 - (ii) The Environment Agency
 - (iii) Wessex Water
 - (iv) Bristol Water
 - (v) Health and Safety Executive
 - (vi) British Gas
 - (vii) Historic Buildings and Monuments Commission for England (English Heritage)
 - (viii) The Garden History Society
 - (ix) Royal Fine Arts Commission
 - (x) Department of Environment, Food and Rural Affairs
 - (xi) Nature Conservancy Council
 - (xii) Natural England
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 - (xiv) Other interested organisations
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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.

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| ITEM NO. | APPLICATION NO. & TARGET DATE: | APPLICANTS NAME/SITE ADDRESS and PROPOSAL | WARD: | OFFICER: | REC: |
|----------|----------------------------------|---|--------|--------------|--------|
| 01 | 11/03843/OUT 22 November 2011 | Mr Peter Wood Fairash Poultry Farm, Compton Martin Road, West Harptree, Bristol, BS40 6EQ Erection of 7no. dwellings following demolition of existing poultry farm. | Mendip | Alice Barnes | REFUSE |

REPORT

REASONS FOR REPORTING THE APPLICATION TO COMMITTEE: The application is being brought to Committee at the request of Councillor Tim Warren for the following reasons: The poultry houses are outdated and if the site was to be used as a poultry farm then replacement buildings would have to be constructed. The units cannot be rented as commercial buildings.

The application has been referred to the Chairman of the Development Control Committee who has agreed that the application should be considered by the Development Control Committee as the site is considered to be in need of redevelopment and is close to the main road with a bus route.

Following the Committee meeting of the 14th December the application has been deferred for a site visit.

DESCRIPTION OF SITE AND APPLICATION

The application site is located on the main A368 between the villages of West Harptree and Compton Martin. It is an agricultural site surrounded by some housing but is largely located within the open countryside. The site is located within the Mendip Area of Outstanding Natural Beauty.

The existing site is currently occupied by agricultural buildings which are of a high density within the site. The site is surrounded by a low fence and is adjacent to an existing crossroads. It is clearly visible from the streetscene and within long range views from the surrounding area. The site is bordered by the A368 to the south and is at the corner of an existing crossroads.

This is an application for the erection of 7 dwellings at Fairash Poultry Farm. This is an outline application with all matters reserved, but the applicant has submitted an indicative layout of the proposed development. The indicative layout shows the provision of 7 houses arranged around a cul-de-sac. The proposed housing would be accessed from the A368. The plans include approximate heights of the proposed buildings. The dwellings are proposed to range from 9m to 11m in height. This suggests that the buildings will range from between 2 and 3 stories in height.

RELEVANT PLANNING HISTORY:

09/01216/FUL - Change of use of poultry buildings to business (Use Class B1, B2 and B8), withdrawn 13/05/2009

4105/F - Erection of an extension to an existing battery chicken house, permission 5/06/1981

4105/G - Erection of an extension for a new battery chicken house for egg production, permission 18/08/1981

4105/J - Erection of an extension for a new battery chicken house for egg production, permission 23/11/1981

4105/K - Extensions and alterations, permission 09/05/1991

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

HIGHWAYS: Objection. The site access is located off the A368, close to a cross roads junction, and on a section of carriageway which is subject to a 40mph speed limit. The road is also winding and has undulations in the alignment, such that visibility is restricted.

The visibility from the point of access is restricted to the north-west by the boundary hedge to Fairash Bungalow, and the application site excludes any further land to secure any improvements.

The site falls outside of the defined Housing Development Boundary, and therefore the development of this site for housing would be contrary to Policy.

The site is located remote from the village, and its local services, and there are no footways leading from the village to the site, to provide for any pedestrian movements. The site would therefore be heavily reliant on the private car as a main mode of travel, which is contrary to national and local policies. Therefore the application should be refused.

HOUSING: Support. The council will seek 35% of the total dwellings on site for affordable housing.

ENVIRONMENTAL HEALTH: The Environmental Noise Survey places the site into NEC B of PPG 24.

It is suggested that standard thermal double glazed units with trickle ventilation would provide the necessary acoustic protection for future occupiers and therefore have no objections is raised to these proposals.

CONTAMINATED LAND: Due to the sensitive nature of the site conditions should be attached requiring a desk study and the reporting of unexpected contamination.

HIGHWAYS DRAINAGE: The applicant's proposal is locate outside of the flood zones. The applicant has indicated that surface water will be disposed of via soakaways. Ground conditions should be established and infiltration testing carried out to ensure soakaways are a feasible drainage option. If not, an alternative drainage methodology should be approved before use.

COMPTON MARTIN PARISH COUNCIL: Object in principle. Whilst the site is part of West Harptree parish it is close to Compton Martin parish. There is no need for an isolated settlement where access is along a busy A road which does not have a verge to walk along. This will result in increased traffic movements at a busy and dangerous crossroads. The application is outside of local plan policy. A scheme to realign the road was considered some years ago and any development should include a section 106 to implement the scheme.

WEST HARPTREE PARISH COUNCIL: No objection to the development but could this opportunity be used to look at the safety of this dangerous junction (fairash crossroads).

COUNCILLOR TIM WARREN: The farm is no longer financially viable and the alternative would be to keep the site vacant. The buildings have been advertised for commercial use without success. The only credible alternative is housing.

REPRESENTATIONS: One representation has been received objecting to the application for the following reasons;

- The proposed buildings will be higher than the existing buildings, blocking the view to nearby properties.
- The road access is not suitable for the amount of traffic generated by seven dwellings.
- There is no pavement access to nearby villages.
- There has never been any visible advertisement that the property was 'up for rental or for sale' since 2009.
- Two representations have been received in support of the application for the following reasons;
- The proposed development will enhance neighbouring properties.
- Concern is raised over the access to the property.
- Comments have also been received raising the question;
- What is the proposed boundary treatment?

POLICIES/LEGISLATION

BATH & NORTH EAST SOMERSET LOCAL PLAN INCLUDING MINERALS AND WASTE POLICES - ADOPTED OCTOBER 2007: Policies D.2 and D.4 relate to the impact of the development on the character of the area. Policies T.24 and T.26 set out highway safety and parking requirements. Policy HG.10 relates to housing outside settlements. Policy Ne.2 relates to developments which relates to the impact of development on the area of outstanding natural beauty. Policy Ne.1 relates to the impact on landscape character. Policy ET.7 relates to the use of agricultural land. Policy HG.9 relates to affordable housing on rural exception sites.

SUBMISSION CORE STRATEGY, MAY 2011

Bath and North East Somerset Submission Core Strategy (May 2011) is out at inspection stage and therefore will only be given limited weight for development management purposes. The following policies should be considered:

CP6 - Environmental Quality

NATIONAL POLICY:

Planning Policy Statement 1 (PPS1): Delivering Sustainable Development

Planning Policy Statement 3 (PPS3): Housing

Planning Policy Statement 7 (PPS7): Sustainable development in rural areas.

Planning Policy Guidance 13 (PPG13): Transport

Draft National Planning Policy Framework - This document is a draft document currently under consultation and is given very limited weight at this stage.

OFFICER ASSESSMENT

PRINCIPLE OF PROPOSED DEVELOPMENT: This is an application for outline permission with all matters reserved. The application site is located between the villages of Compton Martin and West Harptree. The application site is therefore located outside the housing development boundaries of the two villages. The site is

not closely connected to the two villages and is located within the open countryside. Policies HG.4 and HG.6 seek to restrict new housing developments to within settlements with adequate facilities to sustain further growth without increasing unsustainable transport movements. Therefore the principle of development is not accepted.

Policy HG.10 of the local plan relates to housing outside settlements. The policy states that housing developments will not be permitted unless they are essential for agricultural or forestry workers. In this case the proposed dwellings are market housing and would not be used for this purpose. Therefore the proposed development does not comply with this policy.

The applicant has provided a marketing report to show that the site is no longer viable as an agricultural site. The report states that the existing buildings can no longer be used as they do not satisfy modern agricultural standards. The site was marketed for a range of commercial uses including office use and holiday lets. There was a limited response to the advertising. The buildings on the site appear best suited to agriculture. Such a report does not outweigh the fact that the application does not comply with the housing policies within the local plan or the emerging core strategy.

Policy HG.9 relates to rural exception sites whereby exceptions to housing policy can be made if 100% affordable housing is being proposed. This has not been proposed in this application therefore the proposal does not comply with policy HG.9.

PPS7 seeks to locate new development close to existing service centres. It also states that if existing agricultural buildings are proposed to be replaced with new housing then this should be treated as a new housing development. PPS 3 also states that new housing development should be located close to existing community facilities and services. Therefore the proposed development is not considered to comply with national policy.

HIGHWAYS: The highways officer has objected to the application. The site is located on a busy main road between West Harptree and Compton Martin and there is no pavement access to either village centre. Therefore occupiers of the site would be heavily reliant on private cars to reach local shops and services.

The site access is located off the A368, close to a cross roads junction, and on a section of carriageway which is subject to a 40mph speed limit. The road is also winding and has undulations in the alignment, such that visibility is restricted. The visibility from the point of access is restricted to the north-west by the boundary hedge to Fairash Bungalow, and the application site excludes any further land to secure any improvements. Therefore it does not appear that improving the visibility splay is within the applicant's control.

Whilst there is a bus stop close to the site there is no pavement access to the site from the bus stop and accessing the bus stop would include crossing a busy road. Services to the bus stop run less than hourly Monday to Saturday therefore this is not considered to offer a viable alternative to car travel.

AREA OF OUTSTANDING NATURAL BEAUTY AND LANDSCAPE IMPACT: Whilst this is an application for outline permission the applicant has submitted an indicative layout of the proposed site and given an indication of the heights of the proposed buildings. The proposed development will likely represent an increase in height from the existing buildings. The proposed development being located within the open countryside is likely to be visually prominent within the landscape. Whilst it is common to view agricultural buildings within the open landscape a housing development would appear at odds with the open rural character of the area.

The existing buildings range between are single storey buildings, but the site include food hoppers which are higher than the existing buildings. The proposed building would range between 9 and 11m in height. The increase in height will increase the prominence of the buildings from outside the site. For example when the site is approached from the north it is seen set against the Green hillsides of the Mendips. Therefore the proposed development is considered to be harmful to the character of the surrounding area of outstanding natural beauty. Policy Ne.2 states that development which adversely affects the natural beauty of the landscape of the designated Area of Outstanding Natural Beauty will not be permitted. Therefore the proposed development does not comply with policy Ne.2.

Policy Ne.1 seeks to protect landscape character. The policy states that development that does not either conserve or enhance the character and local distinctiveness of the landscape will not be permitted. For the reasons outlined above the proposed development is considered to be contrary to policy Ne.1.

AMENITY: The applicant has submitted a noise assessment stating the site is within noise category B. This assessment is currently awaiting further comments from the environmental health officer and will be included in the update report. The environmental health officer has stated that it is suggested that standard thermal double glazed units with trickle ventilation would provide the necessary acoustic protection for future occupiers and therefore have no objections is raised to the proposals.

The existing site is located adjacent to the residential property of Fairash Bungalow. The existing property being currently located adjacent to a farm is likely to result in a reduction in noise levels from a proposed housing estate. As this is an outline application no elevations have been submitted. Therefore it is not possible to fully assess the impact of overlooking from the proposed dwellings onto Fairash Bungalow. It would appear from the indicative layout that the closest dwelling being plot 1 is approximately 20m from Fairash Bungalow. It is unlikely that the proposed development would harm the amenity of Fairash Bungalow from overlooking.

OTHER MATTERS: The housing officer commented in support of the application and has requested that the council will seek 35% of the total dwellings on site for affordable housing. The applicant has not proposed to provide affordable housing. Policy HG.8 within the local plan relates to affordable housing, it seeks to provide affordable housing within settlements. In this case the site is located outside any settlements and would not fall within the requirements for affordable housing.

CONCLUSION

The principle of the proposed development is not accepted as it does not comply with policies set out within the local plan or the emerging core strategy in respect of new housing. The proposed development is considered to result in an increase in vehicle movements as the site is not connected to existing settlements and is considered to be in an unsustainable location. The proposed development is set within the open countryside and would be harmful to the rural appearance of the area of outstanding natural beauty. Therefore the proposed development is recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed development has been located outside of the housing development boundary, remote from existing settlements and poorly served by public transport. The housing will not be used for either forestry or agriculture. The proposed development is therefore contrary to policy HG.10 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007. Planning Policy Statement 7 (PPS7) and Planning Policy Statement 3 (PPS3).

2 The proposal is located remote from services, employment opportunities and is not well served by public transport. It is contrary to the key aims of Planning Policy Guidance Note 13 which seeks to reduce growth in the length and number of motorised journeys. The proposal is therefore contrary to policy T.24 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007

3 The provision of housing within the open countryside will harm the natural beauty of the surrounding Mendip Area of Outstanding Natural Beauty. The proposed is therefore contrary to policies Ne.1 and Ne.2 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007

4 The use of the existing sub-standard access to serve the development, together with the generation of conflicting traffic movements close to an existing junction, would be prejudicial to road safety. The application is therefore contrary to policy T.24 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007

PLANS LIST: Existing and proposed site plan layouts, 3832/101, rev A, date stamped 27th September 2011

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| Bath & North East Somerset Council | | |
|---|--|---|
| MEETING: | Development Control Committee | AGENDA ITEM NUMBER |
| MEETING DATE: | 18th January 2012 | <div style="border: 1px solid black; width: 80px; height: 40px; margin: 0 auto;"></div> |
| RESPONSIBLE OFFICER: | Lisa Bartlett, Development Manager, Planning & Transport Development (Telephone: 01225 477281) | |
| TITLE: | APPLICATIONS FOR PLANNING PERMISSION | |
| WARDS: | ALL | |
| BACKGROUND PAPERS: | | |
| AN OPEN PUBLIC ITEM | | |

BACKGROUND PAPERS

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

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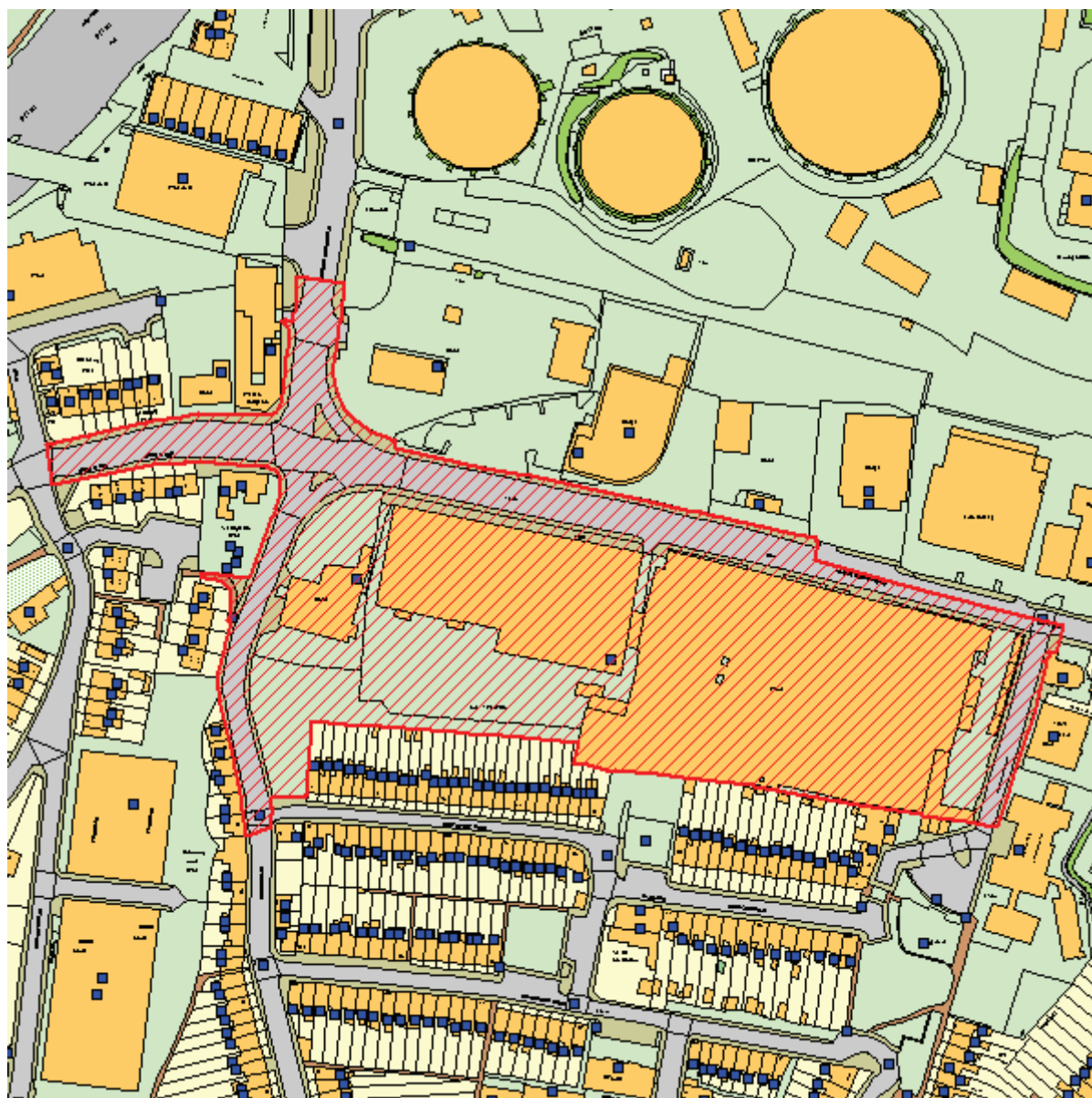
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|----------|----------------------------------|---|----------------|--------------|--------------------|
| 01 | 11/02674/EFUL 10 October 2011 | St James's Investments Limited & Tesco Stores Limited The Bath Press, Lower Bristol Road, Westmoreland, Bath, Bath And North East Somerset Mixed-use redevelopment comprising 6,300sqm of retail (Class A1), 4,580sqm of creative work space (Class B1), 2,830sqm of offices (Class B1), 10 residential houses, car park, landscape and access (including realignment of Brook Road). | Westmoreland | Sarah James | REFUSE |
| 02 | 11/01772/FUL 16 August 2011 | Linden Homes Western Ltd Site Of Alcan Factory, Nightingale Way, Midsomer Norton, BA3 4AA, Residential-led mixed use redevelopment comprising of the erection of 176no. dwellings, community facilities, offices, town centre link, formal green space and associated works. | Westfield | Gwilym Jones | Delegate to PERMIT |
| 03 | 11/04325/FUL 12 January 2012 | Deeley Freed (Charlton Road) Land At Rear Of 2-20, High Street, Keynsham, Erection of three storey building to provide fourteen residential apartments and associated landscaping and car parking (inc. re-provision of car parking for existing high street properties) | Keynsham North | Sarah James | Delegate to PERMIT |

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

Item No: 01
Application No: 11/02674/EFUL
Site Location: The Bath Press, Lower Bristol Road, Westmoreland, Bath



Ward: Westmoreland **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor S Ball Councillor June Player
Application Type: Full Application with an EIA attached
Proposal: Mixed-use redevelopment comprising 6,300sqm of retail (Class A1), 4,580sqm of creative work space (Class B1), 2,830sqm of offices (Class B1), 10 residential houses, car park, landscape and access (including realignment of Brook Road).

| | |
|----------------------|--|
| Constraints: | Agric Land Class 3b,4,5, British Waterways, Flood Zone 2, Forest of Avon, Hazards & Pipelines, Hotspring Protection, Tree Preservation Order, World Heritage Site, |
| Applicant: | St James's Investments Limited & Tesco Stores Limited |
| Expiry Date: | 10th October 2011 |
| Case Officer: | Sarah James |

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

This application has been appealed for non-determination. The purpose of this report is to obtain Members' views on the application and these will then be the basis of the Council's case on the appeal.

DESCRIPTION OF SITE AND APPLICATION:

The site is located approximately 1 km to the west of Bath City Centre within the area of East Twerton. It covers an area of 3 hectares. The site is bounded to the north by Lower Bristol Road (A36), by residential properties to the south and the residential streets of Brook Road and Dorset Close to the west and east respectively. The site is within the City of Bath World Heritage Site.

Opposite the site, on the northern side of Lower Bristol Road, is a series of garages, beyond which is the former gas works site and the River Avon. The former gas works and adjacent developed and undeveloped land north of Lower Bristol Road form the area of the proposed Bath Western Riverside development. There are existing residential properties to the south of the site which have frontages onto South View Road and Denmark Road. Oldfield Park Infant School is located along Dorset Close to the east of the site. The site is bound on its west side by Brook Road. Residential properties and the Royal Oak public house front onto Brook Road.

The last use of the majority of the site was as a print works (Bath Press), which ceased operations in 2007. On the western half of the site there are two warehouse buildings associated with the former printing activities, and a tyre depot on the corner of Lower Bristol Road and Brook Road. Located on the eastern half of the site is the main former Bath Press building.

It is proposed to demolish the existing buildings on-site whilst retaining the historic print works facade fronting Lower Bristol Road. The facade would be retained by a steel frame, and would in part be tied back to the new buildings. The existing fenestration would be partially removed and replaced with new infills. The existing factory chimney would also be retained. The building would be developed with a mix of uses comprising of retail floor space, creative work units, Offices (B1) 10 houses and a small museum.

The Proposed Retail Store

The proposed retail store would be located within the central part of the site facing the Lower Bristol Road. It would have 6,300 m² (gross internal area) floorspace. The application states that there would be a net sales floorspace of 3,383 m² (excluding checkouts, lobby areas, customer toilets and other space not accessible to the customer) to be used for food (2,414 sq.m) and (969m² sq.m) non-food sales (based upon the Competition Commission method of classifying net retail sales area). A café would be

located in the north east corner of the store and staff rooms canteens offices and general storage located in the southern end of the building. Warehouse and refrigeration areas would be located to the west and to the west of this would be an external enclosed loading bay. This would receive all store deliveries with access from Brook Road. Pedestrian access would be from the Lower Bristol Road to the north and a pedestrianised space to the east. A travelator adjacent to these entrances would provide access to a basement car park located below the store. A separate staff entrance would be located in the south western corner of the building leading out onto Brook Road.

It is proposed that the store would be open from 06:00 to midnight Monday to Saturday and 10:00 to 16:00 on Sundays (outside of these hours there would be staff working within the building). It is estimated by the applicant that the retail store would create 350 full time (equivalent) posts.

The building would be single storey and have a low pitch roof. It would be approx. 7.5 metres high with ventilation additions to the roof that would reach a maximum approximate height of 11 metres. The building would be located behind the existing Bath Press façade which would be retained. There would be a pedestrian walkway between the retained facade and the new building. The new building would be clad in Bath stone, with glazing around the main entrance onto Lower Bristol Road.

Creative work units

An L-shaped building containing work units within B1 of the Use Classes Order is proposed to wrap around the north west corner of the store so as to address the Lower Bristol Road and Brook Road and the prominent junction. The building would be three storey facing onto the north western corner of the site. A two storey terrace would be located to the east of the store. The total proposed B1 work unit floorspace would be 4,580 m². It is estimated by the applicant that 97 people would be employed in the creative work units.

The three storey unit is designed as a series of vertical Bath stone columns which span two storeys. Above the columns a horizontal Bath stone beam would align with the retained façade. At second floor level the building would be set back and made up of lightweight glass and steel reducing the dominance of this upper storey.

The two storey terraced building is designed with gable fronted units to accord with the design of the dwelling terrace and the building would overlook an area of public space. The facades comprise of a combination of brick and glass.

Offices

2830m² of office space is proposed in a part 2 and part 3 storey block at the eastern end of the site. A small museum is proposed in the north east corner of this building which it is planned will display exhibits from the Pitman collection as a reference to the historic printing use of the site. It is estimated by the applicant that 236 people would be employed in the offices and one person is likely to be employed in the museum.

The office building facing the Lower Bristol Road would comprise Bath stone and vertical glazing in keeping with the treatment of the retained façade. Along its eastern and western edge a more industrial treatment has been adopted comprising primarily red brick.

Residential

Ten two-storey houses are proposed in the south east of the site along the south boundary. The residential dwellings would be traditional in appearance similar to dwellings in Denmark Road to the south. They would be faced in Bath stone with red brick to the rear façade. The dwellings would have pitched roofs and be approximately 9 metres from ground to ridge. They would have small south facing gardens and front courtyards. The houses would have solar panels on the roofs.

Highways and access

The main pedestrian access onto the site is proposed from the Lower Bristol Road utilising the walkway provided behind the retained façade. A further pedestrian route is proposed from Lower Bristol Road to Dorset Close.

A new principal vehicular access is proposed off a realigned Brook Road in the west of the site. This would provide the main service access into the retail store service yard. Deliveries for other uses would be via a lay by in Dorset Close or via the basement car park.

Parking

The basement car park would be excavated to a depth of approximately 4 m below ground level. The proposed basement car park would be 13,330 m² and would accommodate 425 car parking spaces, including 399 spaces for the store and 26 spaces for the offices and work units. The basement car park would be protected by a flood gate at the entrance.

Some existing residential parking use of the former Bath Press Yard would be re-provided and this would be accessed from Brook Road. 9 spaces for the new residential units and one car club space would be provided at street level adjacent to Dorset Close and seven spaces would be provided in the service yard for staff at the retail store. 29 spaces would be provided for existing local residents in the south west of the site. Cycle parking would comprise of 24 stands to serve the food store, 10 stands for the offices and work units and one cycle parking space per dwelling. Six of the 24 store stands would be allocated for staff use.

Landscape works

A new square of public open space would be created between the office building and the supermarket. Stone paving is proposed to reflect the materials within the retained facade and new buildings with some block paving. Street tree planting would be introduced around the square with planters along some site boundaries such as the edge of the front gardens of the proposed dwellings. An existing red brick retaining wall along the south east of the site, bordering the rear gardens of properties on Denmark Road, would be retained. A landscaped boundary fence would be provided in the south west of the site, to the north of the existing residents' parking area, to provide an acoustic and visual barrier to the proposed car park ramp and service yard.

Sustainability

A range of technologies have been employed within the scheme including sustainable ventilation, roof lights, solar panels, air source heat pump, and a combined heat and power unit. The office buildings are specified to reach beyond the requirements of Building Regulations Part L and the residential units have been designed to achieve code level 3 for Sustainable Homes.

The application is accompanied by an Environmental Impact Assessment with the following Technical Appendices submitted - Scoping, Air Quality, Cultural Heritage, Landscape and Townscape Visual Assessment, Traffic and Transport, Ground Conditions, Natural Heritage, Noise and Vibration, Water Environment. The following additional documents accompanied the application - Environmental Assessment (non-technical summary) Planning Statement, Design and Access Statement, Sustainability and Energy Statement, Retail Assessment, Historic Appraisal, Statement of Community Involvement, Arboricultural Survey, Building Condition Survey, Utility Report, Land Use Planning Report, Flood Risk Assessment Topographical Drawings.

An application to extend the existing Sainsbury store at Green Park is currently under consideration. It is relevant to the consideration of this application and that relevance is addressed in this report. The application is under Planning Reference 10/04475/FUL for Erection of extension to foodstore to provide additional retail floorspace and warehouse floorspace and alterations to car park layout. The proposals comprise of 1,448sq m of shop floor area and 963sqm of additional net retail sales floorspace, split between additional convenience (food) and comparison (non-food) goods sales.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

PLANNING POLICY: Comments made 27th September 2011 - Based on the evidence, planning policy objects to the retail elements of the application on the basis of lack of capacity to support the proposal, the proposal is not compliant with the sequential approach to site selection and the serious harmful impact on the Moorland Road shopping area.

HEALTH AND SAFETY EXECUTIVE: Comments generated through PADHI +, HSE's planning advice software tool 28th June 2011 - The assessment indicates that the risk of harm to people at the proposed development is such that the Health and Safety Executive's advice is that there are sufficient reasons, on safety grounds, for advising against the granting of planning permission in this case.

HIGHWAY DEVELOPMENT OFFICER: Comments made 18th July 2011 Objection on the basis that the proposed development will have an unacceptable impact on both capacity and safety of the highway network to the detriment of the operation of the public highway. The applicant has failed to demonstrate that the development can be adequately serviced and accessed without detriment to the operation of the public highway and existing users, including those accessing nearby premises.

Further comments made 23rd November 2011 - The revised Transport Assessment and plans for the above application have been reviewed and whilst some concerns raised in earlier correspondence have been resolved, we still have serious concerns about the proposed development. In particular

- 1) The A36 Lower Bristol Road/A3064 Windsor Bridge Road/Brook Road junction is still shown to operate well over capacity on all approaches with the proposed development.
- 2) The proposed traffic signal staging structure adopted is unacceptable at this location, on highway safety grounds
- 3) Provision for westbound cyclists on A36 Lower Bristol Rd is unacceptable and a danger to cyclists

- 4) The Council does not control the land required to implement the necessary carriageway widening at the north west corner of the junction, as shown on the submitted plans. The applicant has not provided any evidence to indicate that they are able to acquire this land.
- 5) Given the proximity of the store access junction and the A36 Lower Bristol Rd/Windsor Bridge Rd junction, together with the likely queuing on Brook Rd, the operation of these junctions must be analysed as a complex junction. The necessary assessment has not been provided.
- 6) There will be a substantial generation of new trips and turning movements at the A36 Lower Bristol Rd/Windsor Bridge Rd junction, which has inadequate capacity to accommodate these traffic movements
- 7) Inadequate provision has been made for taxi pick up and drop off within the development.
- 8) The delivery area for the workshops creates additional junctions in close proximity to the proposed access junction. This creates an unnecessary highway safety hazard for pedestrians and other road users.
- 9) No swept path analysis has been provided for servicing access to the Royal Oak Public House. Given the substantial increase in traffic flow in the vicinity of the access, as a result of the development, there will be increased conflict between vehicles serving the public house and other vehicles on the highway, to the detriment of highway.

The Highway position remains one of Objection.

Further comments made 21st December 2011 - 1) A36 Lower Bristol Rd/Windsor Bridge Rd junction

1a) Junction Capacity the Council proposes to improve the capacity of the A36 Lower Bristol Rd/Windsor Bridge Rd junction as part of the Bath Transportation Package, which achieved programme entry status on 14/12/11. The future base case (without development) is therefore no longer valid, since capacity improvements will be achieved without the proposed development.

1b) Traffic Signal Staging My concerns regarding item 1b above (21/11/11) remains. Whilst the proposed signal staging structure is used elsewhere in the UK, local circumstances, predicted traffic flows, turning movements and queues render it unsuitable at this location for the reason given previously. There is a particular concern that the proposal will increase the level of eastbound queuing on the A36 Lower Bristol Road, east of the junction, which will cause right turning traffic from Brook Road to block the junction.

1c) Cycle facilities on A36 Lower Bristol Road.

It is accepted that the safety of cycles traveling westbound can be improved by additional cycle markings to be agreed by way of a planning condition.

1d) Land at north-west corner of A36 Lower Bristol Rd/Windsor Bridge Rd junction.

The existing geometry at this junction does not provide sufficient width on Lower Bristol Road to provide three entry lanes (3m minimum) for eastbound traffic together with a 2m footway. In addition, it appears that the applicant has used Ordnance Survey (OS) data, rather than a topographical survey to indicate the proposed layout. The OS data does not show the correct position of existing kerb lines, so I cannot be confident that an acceptable geometric design can be achieved within the highway boundary and on land owned by the applicant.

1e) Junction Operation

I am satisfied that, at peak times, the proposed development provides sufficient queuing capacity within the site boundary.

2) Trip Generation

I am satisfied that the trip generation estimates provide a sound basis for assessing the effect of the development.

3) Taxi Pick Up/Drop Off

The applicant has provided a drawing to show a taxi pick up/drop off area within the basement car park area. This will provide an acceptable facility for taxis.

4) Workshop Delivery Area

The applicant has estimated that 15 light goods vehicles per day would use the proposed workshop delivery area, with access restricted by controlled bollards. The applicant has also confirmed that larger servicing vehicles would be able to use the foodstore service yard by prior arrangement. I have reviewed my earlier objection to this layout but remain convinced that it would create an unacceptable highway safety hazard, for the reasons given previously (12/11/11).

5) Servicing Royal Oak Public House

The applicant has provided a swept path analysis for vehicles servicing the Royal Oak public house. Given that servicing is currently undertaken by light goods vehicles, I am satisfied that the proposed layout does not create a highway safety hazard.

6) Right Turn from Brook Road

The applicant has confirmed that vehicles will be able to turn right from Brook Road into the proposed development and this can be accommodated within the proposed scheme.

The Highway position remains one of Objection.

AIR QUALITY MONITORING OFFICER: comments made 19th July 2011 identify a number of errors within the report submitted.

Comments made 12th September 2011 - Objection over the effects of the development on air quality levels, particularly on Brook Road and South View Road where large increases in nitrogen dioxide concentrations are shown.

HIGHWAYS DRAINAGE OFFICER: comments made 24th June 2011 - The applicant has indicated that surface water discharge rates from the development will be the same as the current surface water drainage system rates however we would expect to see the betterment of the system to be achieved.

An electronic submission of the Windes calculations is required. Evidence of an approval of the surface water discharge rates from Wessex Water is required. Details of the maintenance schedule and regime of the attenuation systems is required.

ENVIRONMENT AGENCY: Comments made 22nd July 2011 - No objection subject to conditions.

WESSEX WATER: Comments made 28th June 2011- Advise that public apparatus may be affected by the development and diversion or protections works may be required and are to be agreed and implemented before building works are started. A contribution to the cost of uprating the sewerage system may be required (if flows are increased). The

developer will need to agree drainage matters further with Wessex Water and there have been discussions which are being considered.

ECOLOGY: Comments made 13th July 2011 - Ecological surveys have been undertaken including full bat surveys. No significant habitats or issues were identified on the site, although the site was found to be used by foraging pipistrelle and noctule bats, and the existing buildings and vegetation offer some nesting and roosting habitats & opportunities. Equivalent and enhanced habitat replacement (roosting, nesting and foraging) should be incorporated into the new scheme. The lack of incorporation of green space, green roofs and other planting, and the lack of creation of opportunities for this within the scheme, is disappointing and could be improved for the benefit of both people and wildlife. In addition, all the recommendations of the Ecological reports need to be implemented. This can be secured by condition.

NATURAL ENGLAND: Comments made 13th July 2011. There is no objection to this application. However, I would like to recommend that a condition should require the preparation of an Environmental Management plan for approval in line with the commitments made in the Environmental Statement

URBAN DESIGNER: No comments made

LANDSCAPE ARCHITECT: No comments made

CONSERVATION OFFICER: No comments made

ENGLISH HERITAGE: No comments made

COMMISSION FOR ARCHITECTURE AND THE BUILT ENVIRONMENT (CABE): No comments made.

ARBORICULTURAL OFFICER: Comments made 13th July 2011. All trees within the main site will be lost. The indicative tree planting sites and a number of suggested species shown on the Landscape Masterplan appear too optimistic in view of the limited space made available. I would question whether suitable mitigation has been provided for the loss of the current trees contributing towards the public realm.

CRIME PREVENTION OFFICER: Comments made 22nd July 2011 An objection is raised. A range of issues are identified including the design of the underground parking and access ramp, parking for disabled, cyclists and the proposed housing and some design features of the terrace housing and street furniture as they consider they could be used for purposes other than those for which they were designed.

ENVIRONMENTAL HEALTH OFFICER: Comments made 28th June 2011 The applicant has carried out noise monitoring and should use this data to predict the likely noise exposure category (NEC) in accordance with Planning Policy Guidance note 24 (PPG 24) If the assessment shows that the site falls into NEC C or D then refusal of the application would be recommended. Conditions are suggested should the development be permitted.

CONTAMINATED LAND OFFICER: comments made 15th July 2011 No Objection but conditions are recommended to carry out a site investigation and risk assessment.

BRITISH WATERWAYS: No comments made

ARCHEOLOGICAL OFFICER: Comments made 15th July 2011 A desk based archaeological assessment of the site, has been submitted and approved and no objections are raised subject to conditions.

EDUCATION OFFICER: Comments made 26th June 2011- Sought a total contribution of £6,962.25

Updated comments made 15th November 2011 - contributions are sought on the basis of Early Years provision £22,487.52, school places £4,961.25, Youth provision £2,001.00 Therefore a total contribution sought of £29,449.77

ECONOMIC DEVELOPMENT OFFICER: no comments made.

HOUSING SERVICES: no comments made

OTHER REPRESENTATIONS / THIRD PARTIES

The following Objections have been received:

Co- operative Group: We have significant concern over the considerable impact that the proposed Tesco store will have upon the Co-operative store at Moorland Road.

Sainsburys Supermarket: The proposal fails the Sequential Test, would impact harmfully on Moorland Road, will divert expenditure from Central areas, and will jeopardize the regeneration of BWR and Green Park Station.

Royal United Hospital: The RUH appointed consultants to assess the impact on the hospital and it has been concluded that the traffic created would have an unacceptable impact on hospital traffic particularly emergency vehicles.

Bath Heritage Watchdog: There are a number of concerns raised with regard to the detailed design and the proposals for the retention and integration of the façade. The proposals do not reflect the truly Important Local Building.

Bath Preservation Trust: The Trust welcomes the intention to redevelop this important site for mixed uses but raise objection on various aspects relating to the design approach.

Vineyard Residents Association: Object to this application due to the impact the development would have on traffic on the Lower Bristol Road (A36), Windsor Bridge and the Upper Bristol Road on the other side of that bridge, on traffic in the city more generally, and so on residential amenity.

50 Residents have objected on the following grounds:

- Tesco dominate the market
- Impact on highway
- Impact on hospital traffic impeding it

- Impact on Moorland Road shopping area and other independent business further afield
- The location of the entrance and delivery yard will create traffic noise and disturbance to the detriment of residents nearby.
- Road widening and roundabout
- Proximity to other supermarkets
- Seagull nuisance
- There are existing empty facilities new ones aren't needed.
- Noise and disturbance locally
- Wrong location
- Traffic will be an even bigger problem than it is now
- Dull architecture
- Loss of existing industrial fabric
- Inadequate residential provision
- Poorly sized workshop units
- Incorrect retail assessment
- Inadequate provision for pedestrians and cyclists
- Poor air quality /pollution
- Lack of demand
- Highway safety impact
- Inadequate parking for the business uses
- Impact on the structural integrity of bridges
- Hazard to local school children
- Not sustainable as will encourage car use over sustainable transport

4 Residents have written to support the application on the basis that:

- Improvements to the junction would be welcome
- Supermarket competition is required
- A pedestrian crossing would be good

The following have made general comments:

Oldfield Park School Chair of Governors comments that we are keen to see the Bath Press site developed, as the buildings and hoardings are deteriorating rapidly and are an eyesore both for us and for visitors to our school via Dorset Close. We would reiterate the need for consideration of the proximity of the school to the site and the effect this may have on our children's safety, noise levels and access to the school.

POLICIES/LEGISLATION

RELEVANT PLANNING HISTORY:

10/03380/EFUL - Mixed-use redevelopment comprising 6,300sqm of retail (Class A1), 4,580sqm of creative work space (Class B1), 2,610sqm of offices (Class B1), 220sqm of community space (Class D1/D2), 10 residential houses, car park, landscape and access (including realignment of Brook Road) Pending Consideration.

POLICY CONTEXT:

REGIONAL PLANNING GUIDANCE

Policy EC6 Town Centres and Retailing

JOINT RELACEMENT STRUCTURE PLAN 2002 - saved policies

- 1 - Sustainable Development
- 2 - Locational Strategy
- 6 - Bath
- 30 - Employment sites
- 38 - Town centres and shopping
- 40 - New Retail
- 41 - Local shopping
- 54 - Car parking
- 58 - Transport

ADOPTED LOCAL PLAN

Bath & North East Somerset Local Plan (including Minerals and Waste policies) 2007

- IMP.1 Planning obligations
- SC.1 Settlement classification
- NE.11 Species and Habitats
- NE.14 Flooding
- HG..1 Meeting the District's housing need;
- HG.4 Housing Development
- HG.8 Affordable housing
- D.2 General Design and public realm considerations
- D.4 Townscape considerations
- ES.1 Renewable energy Generation
- ES.2 Energy Use Reduction
- ES.4 Water Supply
- ES.5 Foul and surface water drainage
- ES.9 Pollution and Nuisance
- ES.10 Air Pollution
- ES.12 Amenity
- ES.13 Hazardous Substances
- ES.15 Contaminated land
- ET.2 Office development
- T.1 Travel and transport
- T.3 Pedestrians
- T.5 Cyclists
- T.6 Cycle Parking
- T.16 Transport infrastructure
- T.24 General Development control and access policy
- T.25 Transport assessments
- T.26 On-site parking and servicing provision
- ET.1 Employment Land Overview
- ET.2 Office Development B1a and B)

ET.3 Non Office Business Development
BH.1 World Heritage Site
BH.5 Local List of Buildings
BH.12 Archaeology
BH.22 External lighting
CF.2 Community facilities
SR.3 Provision of recreational facilities to meet the needs of new development
S.1 Retail Hierarchy
S.4 Retail Development outside Shopping Centres

Supplementary Planning Document S106 Contributions

Bath and North East Somerset Submission Core Strategy (May 2011) is currently subject to Examination and the Hearings are due to take place in January 2012. Therefore it can only be given limited weight for development management purposes. The following policies should be considered

CP2: Sustainable construction
CP3: Renewable Energy
CP4: District Heating
CP5: Flood Risk Management
CP6: Environmental Quality
CP7: Green Infrastructure
CP10: Housing Mix
CP12: Centres and Retailing
CP13: Infrastructure provision
DW1: District-wide spatial Strategy
B1: Bath Spatial strategy
B3: Twerton and Newbridge Riverside Strategic Policy
B4: The World Heritage Site and its setting

NATIONAL POLICY

PPS1 Delivering Sustainable Development
PPS 4: Planning for Sustainable Economic Growth
PPS.5 - Planning For the Historic Environment
PPS9 Biodiversity and Geological Conservation
PPG13 Transport
PPS25 Development and Flood Risk

DRAFT NATIONAL PLANNING POLICY FRAMEWORK (undergoing a consultation exercise and should only therefore be afforded limited weight)

OFFICER ASSESSMENT

PLANNING CONSIDERATIONS:

ALTERNATIVE LIVE APPLICATION: Application 10/03380/EFUL is also being considered by the Council [and is not yet the subject of an appeal]. It is the same as the application that is the subject of this report save for the following important differences:

- The application the subject of this report includes office accommodation whereas application 10/03380/EFUL does not contain office accommodation and instead includes community space;
- The application the subject of this report does not include any proposals to decommission the Gas Tanks whereas application 10/03380/EFUL includes proposals to deal with the Gas Tanks.

DEPARTURE: This application has been referred to the Secretary of State as a departure from the development plan and it has been confirmed that it will not be called in and can be determined at the local level.

LOSS OF EXISTING USE: The Local Plan forecasts the need for a managed reduction of industrial-type floorspace (B1c/B2/B8), which is incorporated into Policy ET.1 as indicative guidance on the scale of change appropriate. Policy ET.1 indicates a net reduction in Bath of 17,500sqm from 2001 to 2011.

Broadly speaking, during the Local Plan period there has been a net reduction in industrial floorspace within Bath of about 15,000 sq.m against the indicative managed reduction limit of 17,500 sq.m. Policy ET.3 states that the loss of land and floorspace for non-office development will be judged against the extent of positive or negative progress being made in achieving the managed net reduction set out above, and also against the following criteria: whether the site is capable of continuing to offer adequate accommodation for potential business or other similar employment uses; or whether continued use of the site for business or other similar employment uses would perpetuate unacceptable environmental or traffic problems; or whether an alternative use or mix of uses offers community benefit outweighing the economic or employment advantages of retaining the site in business or other similar employment uses.

Policy B1 (2e) of the Core Strategy continues the theme of a managed reduction of industrial floorspace. Broadly speaking the loss of 40,000 sq.m industrial floor space will be required in order to deliver the regeneration objectives for the River Avon Corridor. Policy B3(4aiii) requires that proposals for the loss of industrial land and floorspace at Twerton Riverside be assessed against evidence of current and future demand, the availability of suitable alternative provision within Bath for displaced occupiers and the benefits of the alternative uses being proposed. Policy B3(4aiii) serves as a check/balance to ensure proper consideration of industrial losses at any point in relation to actual evidence on the ground and/or unforeseen or changing circumstances.

The loss of industrial floorspace on this site would mean that the total managed loss referred to in policy ET.1 is exceeded but this is considered to be acceptable due to the proposed new employment uses (B1 and offices) that form part of the proposal and the current evidence in relation to demand. After considering the Local Plan and the Employment land and site specific policies of the Submission Core Strategy policy for the Twerton Riverside it is considered that the loss of the existing employment use is acceptable in principle.

HOUSING: Housing is in principle acceptable within the City limits subject to other policies of the development plan. The application proposes a small amount of housing (10 units) and this is acceptable in principle. This would be located near the school and other residential housing, is set back from the road and is in keeping with the locality in respect

of its appearance. The design and location of the housing is considered therefore to be acceptable.

OFFICE: The site is located so as to be associated with the central area of Bath whereby new office uses are acceptable under the terms of Policy ET.2. The B1 use is acceptable to be located alongside residential uses as has been proposed and the office proposals are also acceptable in principle.

RETAIL: The Local Planning Authority commissioned a retail specialist to update its Retail Floorspace Quantitative Need Assessment in 2011. That update is publicised on the Council's website and will be used in the consideration of The Bath & North East Somerset Local Development Framework incorporating the Core Strategy and relevant documents of the Regeneration Delivery Plans. The data is the most up to date retail information for the District that is now used to inform Development Management planning application decisions.

The applicant has submitted a retail assessment in support of their application that in broad terms suggests that the proposed store will provide needed competition, reduce shopping leakage out of Bath, will not have any significant harmful retail impact and would provide a number of benefits cited to be sustainability benefits that will reduce travel.

However the independent evidence base prepared on behalf of Bath and North East Somerset Council does not agree with the applicant's submission. The analysis carried out for the Council concludes as follows:-

Sequential Approach

Site Location

Within the Local Plan, the Tesco application site is not allocated for any specific land uses and lies outside of any defined centre. The nearest centres are located along Lower Bristol Road (to the east) and Moorland Road district centre (to the south). Both of these centres are beyond 300 metres walking distance and therefore, under PPS4 guidance, the Tesco site can be classified as an out of centre site.

It is of relevance to this consideration to note that the Sainsburys site does not lie within a defined centre. The closest defined centre is the city centre which lies to the east of the site. The walking distance between the eastern edge of the Sainsburys car park and the edge of the Primary Shopping Area ('PSA') is around 250 metres and the distance between the Sainsburys store and the PSA is around 300 metres. On this basis the Sainsburys store is an edge of centre location.

In accordance with PPS4 a sequential approach to site selection should be followed. Adopting a sequential approach to selecting sites means wherever possible seeking to focus new development within existing defined centres, or failing that on well-located sites on the edge of existing defined centres. Only if town centre or edge of centre sites are not available will out of centre locations be likely to be appropriate in policy terms, provided that they are well served by alternative means of transport, and are acceptable in all other respects including impact. In considering the sequential approach to site selection a number of factors have been looked at (in accordance with the guidance within PPS4) including site availability and suitability, and the full and detailed assessment of all the

relevant considerations is available within the retail consultant's report on the Councils web site.

In conclusion if the Green Park area is a suitable location for additional supermarket retail development then the Tesco proposal does not demonstrate compliance with the sequential approach to site selection. Beyond the expansion of the Waitrose store, the Green Park area (and the Sainsburys site in particular) is the next best 'in principle' alternative to accommodate new supermarket development and meet the identified need. Even if the Green Park / Sainsburys area were to be discounted then the Tesco proposal would still conflict with the sequential approach given the potential of the Western Riverside East area to accommodate new retail development in a location which is closer to the city centre.

Therefore, the Tesco proposal fails to comply with the sequential approach in PPS4 because there are up to two sequentially preferable locations where the need for additional retail floorspace which the proposal seeks to address could be met.

Convenience Goods

Following the grant of planning permission for a new Sainsburys store at Odd Down (and its recent opening), along with a certificate of lawfulness which will enable a significant expansion of the Waitrose store in the city centre and a resolution to grant planning permission for a Lidl foodstore on Lower Bristol Road (this is delegated to permit and awaiting completion of a s106 planning obligation), there is limited current quantitative capacity to support new convenience goods floorspace in Bath. Forecasts suggest that in the short to medium term, the area is capable of supporting only a modest sized foodstore or extensions to existing facilities by 2016. To put this into context the proposed Sainsbury extension could be regarded as a modest sized extension whereas the Tesco proposal would far exceed the retail capacity available. Larger levels of capacity only arise from 2021 onwards but even then, a large new foodstore would be likely to have some adverse impacts on existing facilities and the impact of proposed development would need to be assessed carefully. These impacts would be greater if a large new store was opened at an earlier date. Based upon the available data there is insufficient quantitative capacity to accommodate the proposed Tesco store in addition to those for which planning permission has been granted or resolved to be granted.

Comparison Goods

The evidence confirms that the Southgate development has soaked up previously identified capacity for additional comparison goods floorspace in Bath and part of the expenditure growth between 2011 and 2016. Given the scale of the Southgate development, the new retailers which it has attracted to the City, and churn effect (i.e. this is the natural and ongoing in and out migration of occupiers of existing sites which release those sites for new occupiers to enter) it will cause on existing property across the City there is no need to plan for any significant new comparison goods floorspace in Bath until after 2016. Additional capacity could be required in the future and this potential is being appropriately planned for within the Core Strategy via small to medium sized retail development (as referred to in policy B1). This retail development would need to be accommodated in accordance with the sequential approach, where first priority is given to sites within the city centre, followed by edge-of-centre sites. The current Tesco application is in an out-of-centre location. It is anticipated that sites will be considered and allocated for further comparison retail development through the Placemaking Plan.

Convenience goods impact

The District Centre of Moorland Road is located approximately 400 metres south of the current application site. If permitted the Tesco store would have a significant adverse impact upon the vitality and viability of the Moorland Road District Centre due to the lack of quantitative capacity to sustain the additional retail store in this location. It is indicated (based upon the Consultants' report for BANES) that the proposed Tesco store would have a significant financial impact upon the Co-op store with £2.4m diverted from that store. In addition, £0.2m would be diverted from the Sainsburys Local and £0.1m from other convenience stores in the centre. This diversion alone would reduce the Co-op's turnover by one quarter although when assessed alongside other commitments the Co-op would stand to lose almost 40% of its turnover. These estimates of impact are based upon a higher turnover level for the Co-op than given in the assessments supporting the Tesco and Sainsburys applications and therefore could be seen as an optimistic view of the likely impact upon this store. If the alternative turnover levels for the Co-op are adopted then the store could stand to lose as much as 50% of its total turnover. Faced with such a large financial impact, and a residual turnover level which could be well below the average Co-op company performance, it is likely that the future of the Co-op will be uncertain. Indeed, closure of this store, given the scale of reduction in its turnover and ongoing competition from the nearby Tesco, is a very real possibility. The closure of the Co-op would lead to the significant adverse impact upon the health of Moorland Road district centre. As the centre's anchor store, it attracts a significant amount of shopping trips to the centre, and these would be lost. In addition to the impact on the Co-op, other parts of Moorland Road's convenience goods retail sector would see a reduction in their turnover levels. Whilst not as severe as the Co-op impact, the Sainsburys Local would experience a 19% impact and other smaller convenience goods stores would lose 8% of their 2016 turnover. Broadly half of this impact is attributable to the proposed Tesco store alone. Indeed, whilst the scale of financial impact upon these other stores is lower than the Co-op, store closures cannot be ruled out due to the proximity and trading strength of the proposed Tesco store, which stores in Moorland Road would find hard to compete with. The consequential effect of the impact of the Tesco on Moorland Road would be to reduce choice and competition in the district centre and the range of goods which it is able to offer to visitors.

It has also been considered whether there could be any positive benefits associated with the Tesco proposal in terms of linked trips with Moorland Road district centre which could mitigate the direct financial impact suffered by existing stores. Taking into account the distance between the Tesco site and Moorland Road, the intervisibility between the two locations, the barriers to movement and the attractiveness of the route it is unlikely that there would be any significant linked trips between these two locations. The length and character of the route which shoppers would have to negotiate would not be attractive and it is very likely that shoppers visiting the Tesco store would simply use it as a stand-alone shopping destination.

This is contrary to policy S4 of the Adopted Local Plan and national policy set out in PPS4. It would also be detrimental to the retail strategy/hierarchy of centres serving Bath as this vibrant District centre plays an important role in that hierarchy.

Consideration of the impact of the proposed Sainsburys Extension on Moorland Road District centre.

Whilst the Sainsbury application will need to be assessed on its own merits, it is of relevance to this application and can be afforded some weight since it has also been assessed in light of the updated Retail Floorspace Quantitative Need Assessment 2011.

In this regard, the Sainsburys store at Green Park is in reasonably close proximity to the District Centre and this is likely to result in a small financial impact upon the district centre. Whilst these financial impacts are a negative aspect of the Sainsburys extension proposal they are not considered significant enough to cause concerns over the future trading performance of stores on Moorland Road. In particular, the role and function of the Co-op store is unlikely to be affected. In terms of the other aspects of the extension's impact on the health of Moorland Road, it is not considered that footfall in the centre would be substantially affected, nor investment in the centre and vacancy levels. Overall, whilst the Sainsburys store is also unlikely to provide any positive impacts upon Moorland Road district centre, the assessment of the wider impacts associated with the Sainsburys extension indicates that the vitality and viability of the centre would not be affected to any significant extent.

Cumulative Retail Impact.

The retail analysis carried out by the appointed consultant takes into account any current retail commitments i.e. developments that either have planning permission or a resolution to grant. Account also needs to be taken of the current application for a proposed extension to the Sainsbury store, as mentioned above. In light of the Sainsburys proposal it was felt appropriate to commission a further piece of work from the Council's retail consultants in order to understand the cumulative retail impact of both the proposed Sainsburys and Tesco stores were they both to be permitted and this is discussed below.

Cumulative City Centre Impact

The conclusions of that additional analysis are that both proposals would have a comparatively low impact upon the city centre, with an overall impact of 2% for Sainsburys and 4% for Tesco. The differences between the two schemes becomes more noticeable when the impact is based upon convenience goods expenditure alone, with the Tesco store having an 18% impact upon the city centre and the Sainsburys extension having a smaller 8% impact. For both schemes the cumulative impact is lower than the impacts directly associated with each scheme due to the commitment for an extended Waitrose store which will boost city centre turnover.

Cumulative Moorland Road Impact

There is a clear difference between the two proposals in terms of their individual impacts on Moorland Road, with the Tesco store being identified as having a significant adverse impact upon the viability of the Moorland Road shopping centre, in contrast to the much lower levels of trade diversion associated with the Sainsburys extension. The cumulative impact of the Tesco proposal and the Sainsburys extension would be greater than either proposal alone, thus reinforcing concerns over the future health of the District centre.

Planned Investment

Neither the Tesco or Sainsbury proposal has been proven to have a direct impact upon planned investment in the city centre or Moorland Road district centre although the higher financial impacts associated with the Tesco scheme may make investment in convenience

goods floorspace in the city centre, such as the Waitrose extension, more marginal and also have the potential to influence future investment plans in Moorland Road.

Cumulative Retail Impact Conclusion

As a consequence of the above, it is not considered that there are grounds to resist the grant of permission for either or both of the Tesco and Sainsburys proposals based upon the level of impact on Bath City Centre. However, given that there are significant concerns over the impact of the Tesco store alone on the health of Moorland Road District Centre, approval of both schemes would exacerbate this impact even further. This is supported by the lack of available quantitative expenditure capacity to support both stores. The Tesco store would be unacceptable in terms of its impact irrespective of whether the Sainsbury store was permitted.

HEALTH AND SAFETY: The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Zones around Major Hazard Sites and pipelines. The application site falls within the HSE Consultation Zones around the Windsor Bridge Gasholder Station, and the application has consequently been considered using the PADHI+ planning advice software tool provided by the HSE for assessing gas generated risk. The advice of the HSE is that there are sufficient reasons, on safety grounds, for advising against the granting of planning permission in this case. Whilst it is recognised that the likelihood of a major accident occurring is small, the possibility remains that a major accident could occur at the installation and that this could have serious consequences for people in the vicinity. In particular with regard to the proposals there would be significant numbers of visitors and workers present within the development that could be at risk. In the circumstances Officers strongly advise that the application is refused on grounds of Health and Safety. In the event that this application is proposed to be permitted the Health and Safety Executive must be provided with 21 days notice to consider whether to request that the application is called in for determination by the Secretary of State.

HIGHWAYS: A Transport Assessment has been submitted. The Council's Traffic Signals Engineers are of the opinion that the proposed development will be detrimental to the operation of the Lower Bristol Road/Windsor Bridge Road/Brook Road junction, one of the most critical on the local network, exacerbating problems of capacity by increasing the level of overall saturation that would otherwise have occurred without both the development and the proposed mitigation works.

There are also safety issues associated with the proposed road layout. These are set out within the Highway Development Officer's consultation response in further detail. Taking account of the information submitted it is considered that the overall impact on the capacity of the junctions and the adverse impact on highway safety as a consequence of this development would be unacceptable.

There are also concerns that neither the Council nor the applicant controls the land necessary to carry out the proposed carriageway widening at the north-west corner of the above mentioned junction. Failure to deliver those improvements would result in reduced lane widths which, in turn, would further reduce junction performance and capacity. However it is to be noted that this could be addressed by a Grampian condition preventing the development (or some of it) from commencing until the works in question have been carried out.

AIR QUALITY: There is an air quality concern due to the significant increases in nitrogen dioxide that would arise in the vicinity of the development. Whilst it is not considered appropriate to refuse the application on this basis it is considered that the issue is symptomatic of development that would not provide for efficient and sustainable transport. As already discussed within the report the development is out of centre, has limited opportunity for linked trips, is likely to be used as a stand alone destination and the levels of parking provision demonstrate that many of these trips will be by car rather than more sustainable travel modes. This issue is exacerbated by the difficulties associated with the poor operation of the junction discussed above. In contrast the Sequentially preferable Sainsburys proposal offers much better potential to encourage linked trips with the city centre and is more sustainably located

DRAINAGE: A satisfactory flood risk assessment has been submitted and there are considered to be no flood risk or drainage issues arising from the development that cannot be appropriately and acceptably addressed through planning conditions in accordance with the advice of the Environment Agency and Highways Drainage Officer.

ECOLOGY: It has been suggested by the Councils ecologist that the scheme could do more to provide ecological enhancements. However, that would not warrant rejection of the scheme. The proposals are agreed not to harm any ecological interests, subject to the imposition of suitable planning conditions. Based upon the current evidence of ecology known to be on the site a licence from English Nature would not be required and there would be no significant effect on any European Site or local site of nature conservation importance

DESIGN AND LANDSCAPE: The application has taken the approach of retaining and integrating the existing façade and chimney whilst demolishing the rest of the building. There are competing views on whether the design approach is appropriate particularly with regard to how much, if any, of the building should be retained. Design is a subjective matter and in this case the applicant has made a satisfactory case for the approach taken. However it would be appropriate, if the application were to be approved, that the repair and retention of the façade is secured within a section 106 planning obligation. The applicant has amended the design in response to concerns from Officers and on balance it is considered that in design terms the scheme is acceptable in terms of the design approach. Landscape opportunities within the site are limited. It is acknowledged that all trees within the site would be lost and that there are limited planting opportunities. However, this is an urban location and it is considered that, on balance, the development is acceptable and where opportunities for planting within the site exist this new planting can be conditioned and a scheme agreed to respond appropriately to the site and its context. It is considered that carriageway widening works outside of the site to the public highway would be visually detrimental in townscape terms as the highway would become more visually dominant, and this is to be regretted. However, it is considered that taking account of the extent of the changes and the fact that highway works and improvements could take place outside of the scope of planning and in connection with any number of proposals for development these impacts do not provide the basis for a reason for refusal.

CRIME PREVENTION: The applicant has advised that the security strategy adopted is based on the principle of casual supervision. It is agreed that the arrangement of the mix of uses is generally helpful in securing natural surveillance and that there will be good

permeability through the site. There will be some CCTV on site and particularly in basement areas this is considered appropriate. Whilst security measures have not been addressed in great detail in the submission it is considered that it would not be appropriate to refuse the application on these grounds. A condition requiring security details could be attached to any decision.

EDUCATION: The initial figure required for an education contribution was revised and increased. This increase has been based on the revised data available and the requirement to review figures periodically to take account of changes over time as set out in the Officer's response. If the application were to be found acceptable a sum by way of an education contribution would need to be agreed with the applicant in accordance with the Council's adopted Supplementary Planning Document. The absence of such a contribution would justify refusal.

AFFORDABLE HOUSING: The site would generate an affordable housing requirement in accordance with Policy HG8 of the adopted Local Plan. This has not been agreed with the applicant and no Heads of Terms have been provided. Therefore, if the application were to be found acceptable provision for affordable housing would need to be agreed with the applicant in accordance with the Council's adopted Supplementary Planning Document. The absence of such provision would justify refusal.

ARCHEALOGY: There are no archaeological objections to the scheme, however, conditions to monitor development would be required.

LAND CONTAMINATION: There are no land contamination objections to the scheme, however, conditions would be required to investigate and assess risk.

NOISE: The applicants have not submitted a noise assessment that predicts the Noise level categories that the development would fall within. The applicant has advised that whilst the residential element of the scheme did not receive specific consideration within the Environmental Statement, the baseline noise survey does contain a measurement at a location near to their proposed location, off Dorset Close. This places the location on the boundary of NEC A and NEC B. Taking account of the fact that no new residential properties are proposed in the vicinity of Brook Road but only in the area off Dorset Close, and the fact that the new residential dwellings are set back into the site and partially screened from major roads by other buildings, the residential element of the scheme would not be subject to noise levels so significant so as to warrant refusal of permission.

ADJOINING RESIDENTS: The site in its current condition makes no contribution to the locality and its redevelopment would improve overall residential amenities. The proposed mix of uses is appropriate to the locality and overall it is considered that the proposal would improve the amenity of local residents. It would remove unsightly vacant buildings and bring forward uses onto the site that would generate less noise than the extant use might generate and be more compatible with the local residential area and the adjacent school.

OTHER MATTERS: Concern has been raised with regard to seagull nuisance and if the scheme were to be permitted a condition could be attached to the decision to install necessary preventative measures. The applicant has confirmed this would be acceptable.

JOB CREATION: Whilst it is to be noted that the proposal would have the potential to create new jobs for the local population (in retail and office development) it is also to be noted that job opportunities could be lost from other stores in Bath as a result of the diversion of trade to the new Tesco store. For example, significant amounts of trade would be diverted from the two Sainsburys stores, the Morrisons, the Waitrose in the city centre and the Co-op on Moorland Road. Whilst consideration has been given to job creation and some benefits are acknowledged it is considered that the benefits arising from this specific development are not so great so as to warrant significant positive weight being given to this aspect of the proposals.

ASSESSMENT OF ANY BENEFITS ASSOCIATED WITH THE DEVELOPMENT: The applicant has made a number of statements outlining what they regard to be the benefits of this proposal. In summary as set out within their planning statement the applicant is suggesting that "the new retail store will provide much needed new convenience shopping in south Bath, which will improve competition and limit the current overtrading and retail leakage from the city. It is also anticipated that these proposals will act as a stimulus to the wider regeneration of this part of Lower Bristol Road, along with the forthcoming development at Bath Western Riverside to the north".

In contrast Officers having carefully weighted up all of the information provided are of the view that these claims have not been demonstrated. Whilst there may be some benefits associated with the development and these are discussed within the report these would not outweigh the very significant level of harm that would arise if the development were to be permitted.

CONCLUSION:

Whilst the scheme has some accepted benefits there are very significant concerns raised from a Health and Safety, Highway and Retail impact perspective. It is considered that the harmful impacts identified clearly outweigh any benefits and refusal is recommended on these grounds.

RECOMMENDATION

If the Council had been in a position to make a decision on the application then the recommendation would be to REFUSE:

REASON(S) FOR REFUSAL

1 The proposed development would give rise to a potential danger to human lives by virtue of its proximity to the nearby operational gasholder site contrary to planning policy ES9 and ES13 of the adopted Bath and North East Somerset Local Plan and contrary to the advice of the Health and Safety Executive.

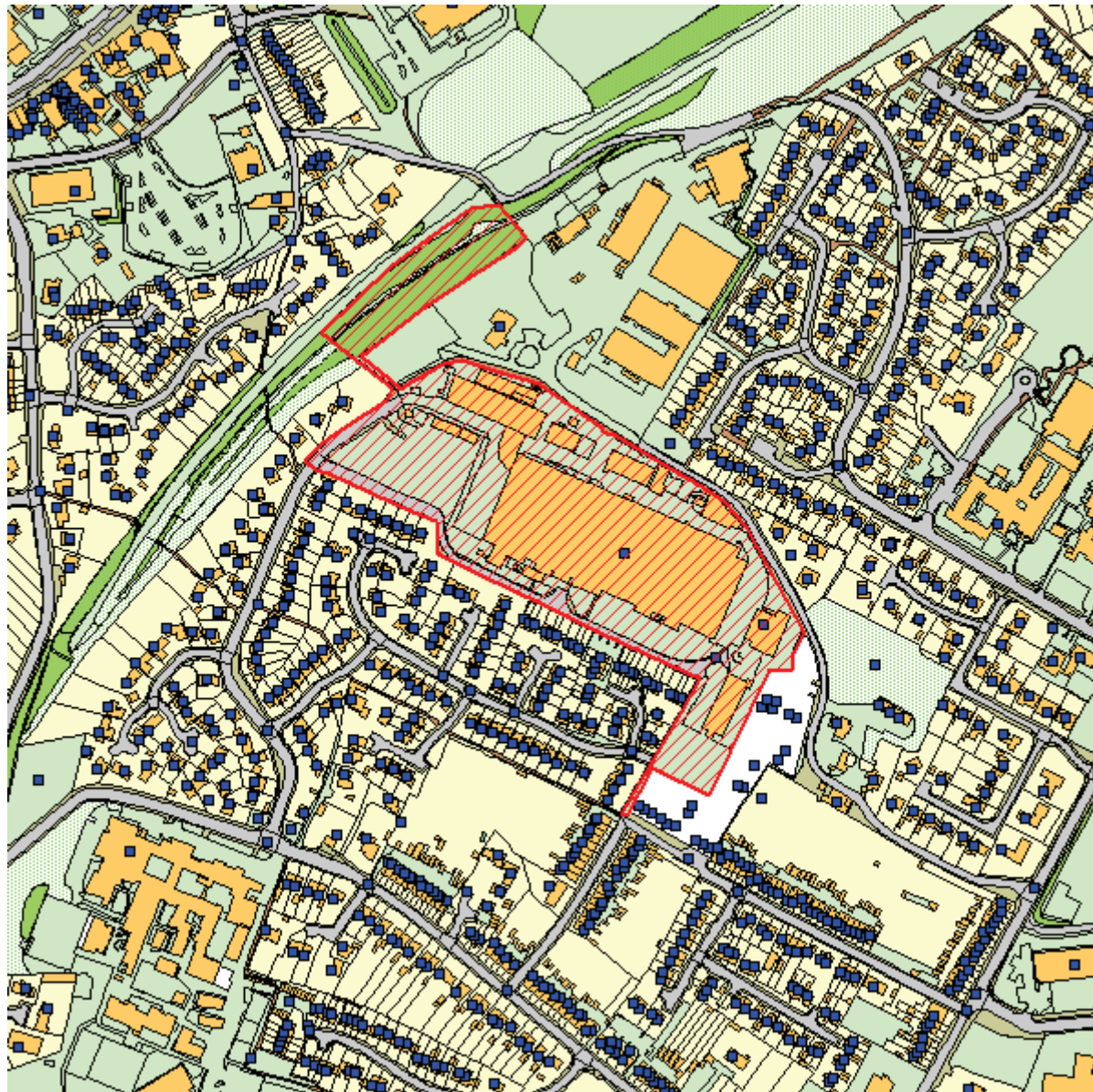
2 The proposed development would give rise to unacceptable highway safety hazards by virtue of the unacceptable revised road layout proposed traffic signal phasing and workshop servicing arrangements, contrary to Policies T24 and T26 of the adopted Bath and North East Somerset Local Plan.

3 The proposed development would result in an increased use of the A36 Lower Bristol Road/Windsor Bridge Road/Brook Road junction, where insufficient capacity exists to accommodate the increased use adversely affecting the efficient functioning of the road network contrary to Policies T1, T3, T5, T16 and T24 of the adopted Bath and North East Somerset Local Plan and having regard to additional developments already committed in this part of Bath.

4 The proposed development is not in accordance with the requirements of the sequential approach to development contrary to EC15 of PPS4, Bath and North East Somerset adopted Local Plan Policy S4, Joint Replacement Structure Plan Policy 40 and Regional Planning Guidance Policy EC6. This would generate unsustainable travel patterns and be harmful to the Councils retail strategy.

5 The proposed development would give rise to an unacceptable and harmful impact on the vitality and viability of the Moorland Road District Shopping Centre contrary to Policies EC17.1 of PPS4, S1 and S4, of the adopted Bath and North East Somerset Local Plan, Joint Replacement Structure Plan Policies 40 and 41 and Regional Planning Guidance Policy EC6.

Item No: 02 **Application No:** 11/01772/FUL
Site Location: Site Of Alcan Factory, Nightingale Way, Midsomer Norton, BA3 4AA



Ward: Westfield **Parish:** Westfield **LB Grade:** N/A
Ward Members: Councillor R Appleyard Councillor Robin Moss
Application Type: Full Application
Proposal: Residential-led mixed use redevelopment comprising of the erection of 176no. dwellings, community facilities, offices, town centre link, formal green space and associated works.
Constraints: Agric Land Class 3b,4,5, Coal - Standing Advice Area, Core Employment Area, Forest of Avon, Housing Development Boundary, Public Right of Way, Sites of Nature Conservation Imp (SN), Tree Preservation Order,
Applicant: Linden Homes Western Ltd
Expiry Date: 16th August 2011
Case Officer: Gwilym Jones

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE

The application has been called to Committee by Cllr Appleyard given the scale of the development and Parish Council interest in the scheme.

DESCRIPTION OF SITE AND APPLICATION

This application relates to a site in Westfield Midsomer Norton, accessed off Nightingale Way and previously occupied by Alcan a multi-national packaging company that closed the factory on the site in 2006.

The main part of the application site is bounded to the north by Old Pit Road (a private road which connects to Fosseway further to the east); to the east by a vacant site known as 'Flowers and Hayes' which had planning permission for residential development but which has not been implemented; to the south by the back gardens of residential properties in Chaffinch Drive/Lark Close/Blackbirds Close/Swallow Close on land that was formerly the sports grounds for Alcan but which was developed for housing in the late 1980s; and to the west by the route of the former Somerset and Dorset Railway, part of which is included within the planning application boundary. The site is generally flat, although beyond the site boundary to the west the land slopes down steeply towards Midsomer Norton town centre.

The area immediately surrounding the site is predominately residential apart from land to the north which is occupied by Sun Chemicals and forms part of the old colliery on the site and which was developed for industrial purposes in the 1960's. Local facilities include Westfield Primary School, Fosseway School and Norton Hill Secondary School, and the former Norton Hill Garage site on Fosseway is the subject of a current planning application for retail units. Midsomer Norton town centre is located approximately 500m to the north-west, accessed via a public footpath which runs down the embankment of the former railway connecting to Primrose Lane and Excelsior Terrace. To the east of Old Pit Road is a vacant site referred to as the 'Hann Land', and on the far side of Fosseway is Westfield Industrial Estate.

Vehicular access to the site is via Nightingale Way only, which connects to Charlton Road to the south opposite Norton Hill Secondary School. Although the application site is bounded to the north by Old Pit Road this is a private access road leading to the Sun Chemicals site and there is no right of access onto this road from the Alcan site. Old Pit Road is narrow and controlled by traffic lights just to the east of the Alcan site. A public footpath runs along the north west boundary of the application site linking Nightingale Way with Old Pit Road and through to Chaucer Road. The nearest bus route is the 782 that runs along Charlton Road, Fosseway and Longfellow Road.

The Alcan factory site is approximately 4.5 hectares in size (5.24 hectares including the land to the west comprising part of the former Somerset and Dorset Railway embankment) and until recently was occupied by a large three-storey high factory building and associated buildings including the Mardon Social Club located at the eastern end of the site. At the western end of the site was a car park for 163 cars plus informal parking. Alcan vacated the site in 2006 and the factory buildings, amounting to some 20,200m², were demolished in 2010/2011. The site was acquired by the applicant, Linden Homes Western Ltd, in January 2010.

This is an application for detailed planning permission for the comprehensive redevelopment of the site comprising the erection of 169 residential units, community space, and offices together with formal green space and associated works. The application also includes a proposed pedestrian link from the site to connect with Pit Road (and on to Midsomer Norton town centre).

The proposed development comprises two principal elements:

- i) the majority of the site is to be developed for housing comprising a mix of two and three-storey houses (including 7 'live work units), three storey blocks of flats and flats above garage blocks;
- ii) a community/office use building located in the north west corner of the site providing 422.5m² of community space and 1,004m² of office floorspace.

All vehicular access to the site would be via Charlton Road/Nightingale Way. A secondary vehicular access, serving 18 properties at the south-eastern end of the site, is proposed via Nightingale Way and Woodpecker Avenue. Pedestrian and cycle access would be from Nightingale Way, Woodpecker Avenue and Old Pit Road, and from Lynton Road/Hazel Terrace in the south eastern corner of the application site as well as the proposed new link to Midsomer Norton town centre.

The site is laid out with a road running roughly west-east through the centre of the site with properties fronting onto it for the majority of its length, with routes running perpendicular to this serving residential properties located to the north and south of this central route. Three areas of public open space are located at the western and eastern ends of the site and on its northern boundary. Parking is provided in a combination of within curtilage spaces for houses and parking courts and limited on-street parking.

The application is supported by Design and Access Statement, Planning Statement, Regeneration and Economic Statement, Statement of Community Involvement, Flood Risk Assessment, Ecology & Protected Species Survey, Bat Mitigation Strategy, Utilities Assessment, Land Contamination Report, Noise Assessment, Air Quality Assessment, Transport Assessment (including Draft Travel Plan), Tree Survey and Arboricultural Impact Assessment, Archaeological Desk Based Assessment, Site Waste Management Plan, Energy Statement, Sustainable Construction Checklist, Landscape and Visual Impact Assessment, Town Centre Link Report, Business Premises Market Demand Report, Marketing and Disposal History Report, Summary Viability Statement, Affordable Housing Statement and Draft Heads of Terms. The applicant has also submitted a confidential financial appraisal of the proposed development.

PLANNING HISTORY

The most recent planning permission of any significance was granted in 2002 and was for extension to production facility to form new inks warehouse, preparation and dispensing area (Ref: 02/00593/FUL). Prior to that there were a series of permissions for extension to the factory/operations of the site.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

URBAN DESIGN: (June 2011) - the proposal presents a strong physical site plan and the detailed design of streets, spaces and buildings that will create a distinctive and legible environment within the site of the former factory. Within the limitations imposed by existing off site constraints the submitted proposal creates improved connections to the

existing surrounding areas. The proposals provide some replacement employment opportunity and 35% affordable housing but fail to deliver a balance of uses and community facilities that would re-build a community and employment focus for the site. The master plan 'future proofs' development of neighbouring sites however it is unfortunate that this proposal does not secure a comprehensive consent through an integrated approach, including both neighbouring sites, thereby securing an optimum solution and stimulating delivery of regeneration and resolving more fundamental issues of connectivity.

The proposal fails to harness the site, development volume and advances in construction to deliver performance above building regulation and HCA required standards. 35% of the homes are affordable and designed to meet CFH level 3 whereas the remaining 65% market houses are designed only to meet Building Regulations. This is an unfortunate loss of an opportunity for an exemplar development, harnessing design and the site's assets to deliver higher environmental performance across all sectors.

Buildings are from a standard typology to a significant degree however they exhibit architectural quality and have been positioned within the landscape strategy to add to the creation of distinct and well-structured spaces, address vistas and mark gateways. The proposed main access would benefit from review to reinforce the gateway quality. Building materials have drawn upon analysis of the local context and the palette of materials specified in the DAS is appropriate.

The landscape strategy is strong and of a high standard, creating an overarching structure coordinating with the definition of distinct spaces. On site open space provision is limited to two main spaces and investment in off-site green infrastructure should be secured where an on-site quantitative/qualitative shortfall is identified.

The structure of highways and routes is a strong characteristic of the master plan, but these are designed to create connections across the site and link its spaces legibly. Roads have been broken into sections between spaces to reduce speed to the benefit of public realm quality. Hard and soft landscape has been integrated with the highway network. The proposed master plan designs for potential further pedestrian connections to the town centre, north to Chaucer Road and east into Old Pit Road (Hann Land) and onto the Fosseyway.

The pedestrian / cycle link to Midsomer Norton town centre has been designed within significant topographic and landscape constraints and due to the significant slopes to its west, the site remains more closely associated with Westfield. The attractiveness of this route for daily shopping trips should not be over-estimated. The scheme is predominantly residential, within a predominantly residential area. The nearest shop or cafe is beyond convenient walking distance and there is a potential need / opportunity local retail A1/A3 space. This would be well located at the central square, which is designed as a focus of routes, but lacks any focal uses. Due to the insular cul-de-sac environment to the south, the development relies upon limited access points to the west and east however it is accepted that this is currently unavoidable.

Pedestrian routes are logical, connecting main attractors and streets and public spaces within the development are well overlooked. Parking is largely integral within garages and on front drives. The extent of this form of parking will reinforce the suburban nature of the

development, which is its context, but it will reduce the quality of street enclosure. A greater use of on-street parking could be considered to enable a greater density of development.

The site is not accessed by public transport. Not all parts of the site are within 400m of an existing service. Due to the existing restrictions in force on Old Pit Road, the proposal is not putting forward a bus connection through the site, which is considered a significant shortcoming. The site is within walking and cycling distance of primary and secondary schools. The proposal should commit the scheme to a programme of safe routes to these schools.

The scheme provides very limited opportunity for the re-provision of larger scale employment uses. The street/block pattern in the master plan is capable of flexibility. Sites within the northern parts of the site adjacent to Old Pitt Road and Sun Chemicals should be considered should greater employment content be considered a requirement.

DEVELOPMENT AND REGENERATION: (August 2011) - The site is designated as a Core Employment Site under Policy ET.3 and the proposal is contrary to policy and should not be permitted unless there is sufficient justification for Policy ET.3 to be overlooked. From an employment perspective progress against Policy ET.1 industrial floorspace targets for a managed net reduction in floorspace for industrial-type floorspace (Class B1c/B2/B8) should be reviewed to establish whether there is a case for setting aside Policy ET.3. Monitoring from the Annual Monitoring Report shows a net increase in industrial floorspace in Norton-Radstock and loss in Rural Areas. Given the overall level of net loss against the target if the Alcan proposal comes forward the loss of industrial space will exceed the target and does not justify Policy ET.3 being overlooked.

In terms of the Draft Core Strategy, whilst there is a policy of managed reduction in industrial floorspace (to be set against the new floorspace on the allocated General Development Site at Old Mills) the loss of 20,200m² at Alcan would exceed this headroom and be contrary to the provisions of Policy SV.1.

In terms of local employment, the combination of industrial restructuring and increases in the working age population has led to increasing numbers of workers commuting out of the area which is unsustainable. Given the employment floorspace analysis and the Core Strategy vision that the southern part of the District will become more self-reliant, facilitated by economic-led revitalisation it is vital that losses of jobs and floorspace provide replacement employment. The Smart Growth Report (2011) identifies that to meet Core Strategy employment growth targets will require a gross increase of 1,900 jobs in the Somer Valley to take account of existing and projected job losses. The report indicates that the focus of new employment will be office and service sector based. To replace the 220 jobs lost at Alcan would require the provision of up to 3,500m² of new office accommodation.

The Development and Regeneration Team believe that the priority is to replace the 220 jobs that were provided on the Alcan site, to help affect existing and future industrial job losses in the Somer Valley. The Development and Regeneration Team does not support the application in its current form and would recommend that the applicants be asked to make up the shortfall in replacement employment provision by maximising employment

floorspace to re-provide the 220 jobs with the priority being for provision of employment on-site and then at a suitable location in the Somer Valley.

HIGHWAY DEVELOPMENT: (June and November 2011) - in principle there is no highways objection to residential development in this location, which is in an existing residential area, convenient to schools, local employment areas, public transport and local shops. The site benefits from existing travel links to these facilities and to the community centres of Midsomer Norton and Westfield. The Transport Assessment shows an overall daily increase in traffic movements as a result of development, which will be distributed along Charlton Road with 56% heading towards Silver Street and 44% towards the Fosseway. This shows there will be negligible impact on the Nightingale Way/Charlton Road junction, however for limited times during the peak hours there will be an adverse impact on the efficiency of the junctions of Charlton Road with Silver Street and Fosseway. This will result in queuing and delays, however these assessments compare 'before' and 'after' scenarios based on surveyed traffic flows only, and do not include for traffic generated by the extant use on the site should it be brought back into operation. The calculation of impact on these junctions is therefore very much a worse case assessment. Beyond these junctions development traffic generated is diluted to the extent that it does not represent a significant increase in flows, when considered against current traffic levels. Whilst concerns have been expressed about the highway impact, especially on local junctions, it is important to bear in mind that the site's current permitted use is as a large employment site (20,200m²). The local streets will have benefited from the fact that it has been unused since December 2006, so will inevitably see an increase in traffic once the development is built. While there will be a peak hour increase in traffic (when comparing the extant use with the proposed), it has been demonstrated that this will not have a significant detrimental effect on the operation of local junctions and there will be a significant reduction in the frequency of large industrial traffic.

The original TA recognises the issues at the Charlton Road junction and having visited during school hours issues often arise when cars are parked illegally, reducing the width of the road at the junction and therefore its capacity. When these cars have been moved the junction operates much more efficiently.

Mitigation for the impact of this additional traffic on junctions has been considered and several measures/schemes are considered appropriate in addressing each location. Although the site is in a good location in general terms, and important and relatively convenient links exist for pedestrians and cyclists (including the proposed '5 Arches' cycle path) as well as public transport, some of the more direct routes into Midsomer Norton itself are steep, narrow and poorly maintained in places. It is vital therefore that the proposed new link to Midsomer Norton is completed prior to the development being occupied. Similarly a critical link to local schools, the local bus service and other facilities in Westfield is across Old Pit Road to Chaucer Road. Whilst there are understood to be land ownership/rights of way issues this is an important link in terms of its potential to promote sustainable travel and this link must be established prior to occupation. On a related issue, the proposed closure/diversion of an existing footpath along the north western boundary of the site will need to be resolved.

Routes to destinations to the north west of the development are currently severed by Silver Street and a proposed Toucan crossing facility will be an important improvement to off-site sustainable travel infrastructure. The site is well located for access to buses

with the site benefiting from reasonable access to services to local facilities (schools, supermarket, health centre etc.), and further afield. Direct pedestrian links are available to some services from the development. While service infrastructure (shelters, timetables etc.) is generally adequate on these routes, there are elements that could be upgraded to maximise its potential usage. Whilst not identified in the TA, improvements will be sought from the development specifically for local services that take residents of the development to/from local key facilities (shops, schools, health centre etc.).

A Travel Plan is proposed, and is welcomed. The document submitted is a good draft on which a final plan can be produced (via condition) with separate documents required for the Community / Office building.

The overall site layout, based on a system of avenues, squares and cul-de-sacs is generally acceptable in that it encourages shared-use, low speeds and interaction with different users. Clarification has been provided on which areas are proposed for adoption as public highway including, as necessary, commuted sums for future maintenance. The use of trees in close proximity to the public highway will need further consideration in terms of their species and installation.

The overall parking allocation is in accordance with the Local Plan but includes a compromise to the maximum standards reflecting the site's sustainable location and potential for alternative travel. The principle of shared parking for the community uses and office elements has been accepted. A full parking management strategy is recommended as a condition and other matters of detail are to be addressed through submission of details.

HIGHWAYS DRAINAGE: (May and November 2011) - site is located within Flood Zone 1. Proposed discharge of surface water to the existing Wessex Water sewer network will require approval of Wessex Water. The detailed drainage design should be based on the principles included in the preliminary design. Support the proposed reduction in impermeable area and the attenuation of surface water run off (as stipulated by Wessex Water) but disappointed with the lack of sustainable drainage features within the proposed system. An electronic copy of the Windes calculations should be submitted for approval.

SCIENTIFIC OFFICER CONTAMINATED LAND: (May and November 2011) - recommend conditions regarding site assessment, remediation and on-going monitoring.

EDUCATION/CHILDREN'S SERVICES: (June and November 2011) - based on the proposed mix of housing size and projected capacity in the area it is estimated that the children generated by the development will create a need for a financial contribution towards Primary school provision of £184,234. A Youth Services provision of £27,213.60 is also identified. Provision in the area for Early Years (age 0-2 and 3-4) and Secondary age and Post-16 is considered sufficient.

PARKS AND GREEN SPACES: (May 2011) - identify a need for a financial contribution (£233,260) towards off site provision of formal green space and allotments and the enhancement of existing natural green space in order to meet the demands which would be created by the new development. There may also be the need for an additional green spaces commuted sum towards future maintenance and management of the proposed pedestrian/cycle link to the town centre.

ARCHAEOLOGY: (June 2011) - recommend a condition requiring submission and approval of a programme of archaeological work in accordance with a written scheme of investigation and provision for a watching brief during construction.

ARBORICULTURAL OFFICER: (June and December 2011) - No objection to the loss of the groups of Leyland Cypress along the southern boundary within the site however concerned that the proximity of neighbouring trees has not been considered. Disappointed that despite the relatively few trees on the site and those present being close to the boundaries the layout does not attempt to retain all the better quality trees, or allows little room for future growth for those retained. The area of the proposed town centre footpath link area is covered by Tree Preservation Order 533/17 as a woodland designation. Selected tree removals to create the footpath link would be acceptable provided that the overall tree cover and visual contribution which the woodland provides is not compromised. A boardwalk approach along part of the section of slope is considered favourable to limit the loss of trees and impact on retained trees during construction and limit future management requirements.

ECOLOGY: (December 2011) - submitted ecology report found evidence of lesser horseshoe bat roosts at the factory site and recommend mitigation under a Natural England EPS licence. There is also a badger sett which could be negatively impacted by the development.

Recommend conditions to prevent/minimise impact on protected species. Note that there are opportunities for positive impacts on wildlife by incorporation of wildlife enhancement initiatives.

AVON AND SOMERSET POLICE CRIME PREVENTION DESIGN ADVISOR: (May 2011)
- no objection

ENVIRONMENT AGENCY: (June 2011) - no objection subject to conditions regarding approval of surface water run-off limitation scheme, contaminated land investigation and remediation. Recommend safeguards to prevent pollution during construction.

WESSEX WATER: (June 2011) - foul water network modelling has identified off site works are required to mitigate against the additional flows the development will create. A scheme has yet to be agreed with the developer. In addition the local public surface water network has limited capacity to accept flows from the development. Wessex Water has advised an attenuated peak surface water flow which can be accommodated without the need for off-site network reinforcement. The flow should also be agreed with the Environment Agency to satisfy flood risk measures stipulated under PPS25. A scheme has yet to be agreed with the developer. In view of these circumstances recommend conditions be imposed requiring submission and approval of a foul and surface water drainage strategy.

NATURAL ENGLAND: (June and November 2011) specification for the replacement bat roost (detailed in the Bat Mitigation Strategy, October 2011) is acceptable subject to a condition requiring construction of the replacement roost according to the specification and specifying that the roost must be available for use by bats by 15 March 2012 (not 1st April as the report states). It is very important that the planting of native trees and shrubs

along the Northern Boundary of the site is also complete by 15th March 2012. The Bat Mitigation Strategy specifies that the bat corridor along the northern boundary will be dark throughout with lighting levels of maximum 2 lux where lighting cannot be avoided due to public safety and this commitment needs to be secured by a condition. In addition, a condition will also need to require the submission for approval of a detailed method statement for the construction of a section of the Town Centre Link as it passes a badger main sett to ensure that proposals for avoiding disturbance are workable and satisfactory. The lighting principles for the Five Arches Path will need to be adopted for the Link including a requirement that the path is not lit between 30 March and 26 October inclusive as it is a known commuting corridor for horseshoe bats. If the Town Centre Link needs to be lit at certain times then this must be by bollard lighting only and with the lowest light levels possible. Object unless outstanding issues are resolved by condition/submission of further details.

OTHER REPRESENTATIONS / THIRD PARTIES

MEMBERS: Councillor Appleyard (May 2011) - supports the application however raises concerns regarding the size of the community space (which appears insufficient for a sustainable facility) and shared parking with the office space. Supports the provision of 35% affordable housing. Would like a review of the public transport provision for the site together with careful consideration to the additional pressures the development will add to Nightingale Way/ Charlton Road Junction.

WESTFIELD PARISH COUNCIL: (June and November 2011) - no objection however concerns regarding overdevelopment of site and issues with access and egress into Nightingale Way/Charlton Road. No objection to October 2011 revisions. Welcomes the development and, arising from this, a contribution towards the employment facilities proposed that would have a significant impact on the Parish and would help address the change of use of this land from employment to residential.

18 letters have been received objecting to the development on the following grounds (number of respondents raising an issue in brackets):

- sole access via Nightingale Way will increase congestion and there needs to be further access routes to the site if this planning application is to be granted (7)
- extra traffic and congestion for the surrounding area which already has a significant traffic problem
- congestion at peak times associated with school drop-off at Norton Hill School, blocking through traffic and route for emergency vehicles
- additional homes all using the existing Charlton Road junction will exacerbate existing congestion at peak times (there are already long queues building up through the town, affecting traffic from Westfield, Silver Street, Charlton Road and Radstock Road)
- access via Woodpecker Avenue which is not suitable for the additional traffic, exacerbated by existing residents parking on the road making it difficult to navigate with the heavier traffic movements (3) - 'sleeping policemen' proposed to stop speeding
- decrease in quality of Woodpecker Avenue due to the increase of traffic on an already busy road

- road safety concern with pedestrians and cyclists using Old Pit Lane which is used by heavy goods vehicles accessing Sun Chemicals
- loss of privacy/overlooking arising from proximity of new properties to existing rear gardens in Chaffinch Drive and three-storey flats on Keats Road (8)
- increase in traffic, congestion, pollution and noise will destroy the surrounding area
- noise, litter and security concerns arising from the new footpath links from the site
- loss of tranquillity/increase in noise from new residents
- lack of local facilities (schools, doctors' surgeries and dental provision) and shops (scheme should include chemist, small supermarket, coffee shop)
- loss of local employment resulting in fewer places to work locally and likely out-commuting to Bristol, Bath and further afield which will be by car
- loss of existing trees screening the site (2) and security fence
- provision of affordable housing out of keeping with the area
- new club house/community building for Mardon is far too close to homes and likely to give rise to disturbance
- location of flats above social club [omitted in October 2011 amendments to the application]

Further letters of objection to October 2011 Revisions on the grounds of:

- sole access via Nightingale Avenue will increase congestion and there needs to be further access routes to the site if this planning application is to be granted (2)
- extra traffic and congestion for the surrounding area which already has a significant traffic problem at peak times particularly due to school drop-off (2)
- loss of privacy/overlooking arising from proximity of new properties to existing rear gardens in Chaffinch Drive and three-storey flats overlooking properties in Keats Drive (3)
- loss of employment land
- access from Woodpecker Avenue and associated road safety fears
- road safety concern with pedestrians and cyclists using Old Pit Lane which is used by heavy goods vehicles accessing Sun Chemicals
- loss of light from three-storey flats
- noise, litter and security concerns arising from the new footpath links from the site

7 letters of support have been received raising the following points:

- local need for more houses in the local areas, particularly larger/affordable homes (2)
- replacement of Mardon Social Club (3)
- layout of the site
- removal of derelict site/eyesore (3)
- new homes would fit nicely with the surrounding houses
- good design incorporating green space for children to play safely (2)
- location is near to the town centre (2)
- good transport links to nearby cities
- extra people living in the area will be good for the local economy

Further letters of support for October 2011 revisions on the grounds of:

- provision of social club
- removal of eyesore
- general support

Letter in support from Trustee of the Mardons Club and Chair of the Lawson Mardon Pensioners Association, and Midsomer Norton Society.

POLICIES/LEGISLATION

Joint Replacement Structure Plan 2002 - Saved Policies

- 1 - Sustainable Development
- 2 - Locational Strategy

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

- IMP.1 - Planning obligations
- SC.1 - Settlement classification
- D.2 - General design and public realm considerations
- D.4 - Townscape considerations
- ET.1 - Employment land overview
- ET.3 - Non-office business development
- CF.1 - Protection of Land and Buildings for Community Purposes
- CF.3 - Contributions from new development to Community Facilities
- SR.2 - Allocation of land for recreational use
- SR.3 - Provision of recreational facilities to meet the needs of new development
- ES.2 - Energy conservation and protection of environmental resources
- ES.5 - Foul and surface water drainage
- ES.15 - Contaminated land
- NE.9 - Locally important wildlife sites
- NE.10 - Nationally important species and habitats
- NE14 - Flood risk
- HG.4 - Residential development
- HG.7 - Minimum residential density
- HG.8 - Affordable housing on allocated or windfall sites
- WM.3 - Waste reduction and re-use in development proposals
- T.3 - Promotion of walking and use of public transport
- T.5 - Cycling strategy: improved facilities
- T.6 - Cycling strategy: cycle parking
- T.24 - General development control and access policy
- T.25 - Transport assessments and Travel Plans
- T.26 - On-site parking and servicing provision

Midsomer Norton is identified in the Local Plan as an 'Urban Area' (Policy SC.1) and the Alcan site (together with the Sun Chemicals site to the north) is identified as a 'Core Business Area' (Policy ET3). The site lies outside the Housing Development Boundary for Norton Radstock & Environs (Policy HG.4). The former railway embankment/route (part of which is included in the planning application site boundary) is identified as a Site of Nature Conservation Interest (Policy NE.9) and Recreational Proposals (Policy SR.2).

Submission Core Strategy:

- 4 - Somer Valley (including Diagram 15 and 16)

DW1 - District Wide Spatial Strategy
SV1 - Somer Valley Spatial Strategy
SV2 - Midsomer Norton Town Centre Strategic Policy
RA3 - Community Facilities and Shops
CP2 - Sustainable Construction
CP3 - Renewable Energy
CP6 - Environmental Quality
CP9 - Affordable Housing
CP10 - Housing Mix

Also of relevance is the Evidence Base for the Core Strategy, in particular the following documents:

- Strategic Housing Land Availability Assessment Version 2.1 (May 2011)
- Economic Strategy for Bath and North East Somerset 2010-2026
- Local Economic Assessment (May 2010)
- Economic Regeneration Delivery Plans (March 2011) - Appendix 3

National Policy:

PPS1 - Delivering sustainable development (January 2005)
PPS1 - Planning and climate change supplement (December 2005)
PPS3 - Housing (June 2011)
PPS4 - Planning for sustainable economic growth (December 2009)
PPG13 - Transport (January 2011)
PPS23 - Planning and Pollution Control (2004)
PPS25 - Development and Flood Risk (March 2010)

Draft National Planning Policy Framework (July 2011)

OFFICER ASSESSMENT

INTRODUCTION: The proposed comprehensive redevelopment of the Alcan site raises a number of planning policy issues as well as detailed matters relating to the impact of the proposals on the local environment. Decisions on planning applications must be made in accordance with the development plan, that is the Bath and North East Somerset Local Plan (including minerals and waste policies) 2007 and the saved policies from the Somerset Joint Replacement Structure Plan 2002, unless material considerations indicate otherwise. These Plans will in due course be replaced by documents that make up the Local Development Framework including the Core Strategy, and the Draft Core Strategy (Publication Version) December 2010 is a material planning consideration in the determination of this application. As the document is still in draft form and has not yet been the subject of an Examination in Public only limited weight can be given to the strategy and policies contained within it. Likewise, the Draft National Planning Policy Framework, issued by the Government for consultation in July 2011, is a material consideration however only limited weight can be given to it in the determination of this application. Whilst these are still emerging policy documents PPS3 (para.72) states that local planning authorities should not refuse applications solely on the grounds of prematurity and therefore a balance has to be struck between current and emerging policy and other development plan documents.

The principal issue concerns the redevelopment for predominately residential purposes of a site designated in the Local Plan as a 'Core Business Area' and located outside the

defined Housing Development Boundary. In addition the application raises issues concerning impacts arising from the proposed development including those on the local road network and natural environment, on local services and community facilities, as well as issues of sustainability including sustainable design and construction, of housing mix and affordable housing provision, and of environmental quality and amenity for the existing and new residents.

ENVIRONMENTAL IMPACT ASSESSMENT: Under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 the local planning authority is required to 'screen' planning applications to determine whether they represent development requiring an environmental impact assessment (EIA). Officers undertook a Screening Opinion in March 2011, prior to the application being submitted, and on the basis of the available information concluded that an EIA was not required. Officers have subsequently re-considered the matter in the light of the specific application proposals and relevant information in the supporting documents. From this officers have concluded that the scale of impacts arising from the proposed development itself, and cumulatively with other relevant permitted development, is not on a significantly greater scale than the previous use of the site, that the types of impact are not of a markedly different nature, and nor are the levels of contamination on the site of a significance that would require an EIA. Accordingly the proposals do not constitute development requiring an EIA.

THE PRINCIPLE OF RESIDENTIAL-LED MIXED-USE DEVELOPMENT: The application proposes the redevelopment of a former industrial site (previously a complex of buildings providing 20,200m² of industrial floorspace) with a scheme comprising 169 residential units (amounting to approximately 14,000m² of space) and around 1,500m² of business space. Whilst the application is for the mixed-use development of the site the predominant use will be residential, with non-residential floorspace space amounting to around 10% of the proposed floorspace and less than 10% of the industrial floorspace formerly on the site.

The Alcan site is identified in the Adopted Local Plan as a 'Core Business Area', referred to as Norton Hill Factories (Coates and Alcan) and Policy is ET.3 states that:

"1. ...

2. Planning permission will not be granted for proposals which would (a) result in the loss of land or floorspace for non-office business use within the core employment areas identified on the Proposals Map ..."

In terms of the potential use of the site for residential purposes Policy is HG.4 states that:

"Residential development in ... Norton Radstock ... will be permitted if:

- i) it is ... within the defined housing development boundary; or
- ii) it forms an element of
 - a) a comprehensive scheme for a major mixed use site defined in Policy GDS.1; or
 - b) a scheme coming forward under Policies ET.2(2&3), ET.3(3);
- iii) and it is appropriate to the scale of the settlement in terms of the availability of facilities and employment opportunities and accessibility to public transport."

The Alcan site lies outside the Housing Development Boundary for 'Norton Radstock and Environs', is not identified for comprehensive development under GDS.1 and is not a site coming forward under the employment policies in the Local Plan. Accordingly the

exceptions set out within Policy HG.4 do not apply and the proposals represent a departure from development plan policies relating to employment and housing land. In the circumstances it is relevant to consider whether, in this case, there are other material considerations that would justify a departure from policies set out in the adopted Local Plan.

In this regard it is relevant to consider the emerging policy framework set out in the Draft Core Strategy which, though not yet forming the statutory development plan, is a material consideration. The document is at an advanced stage of preparation and together with the associated evidence base represents an up-to-date assessment of the housing, employment and other needs of the area to 2026. For the Somer Valley area as a whole the strategy is to make provision for the development of the economic and community facilities needed to increase self-reliance and support economic revitalisation. The strategy is aimed at contributing to economic diversification, enabling local firms to expand and to provide space for new businesses to locate in the area thereby providing an improved range of local employment opportunities to target workers with different skills to replace jobs lost in traditional manufacturing industries. In the case of new housing development, the Core Strategy notes that "in the light of the high level of existing housing commitments, new housing will only be acceptable if it has direct economic, employment and community benefits to Midsomer Norton, Radstock and Westfield or contributes to the implementation of the Town Park."

Policy SV1 (Somer Valley Spatial Strategy) aims to protect and enhance the distinctive character of the area and prioritise development on brownfield sites including the redevelopment of vacant and underused industrial land and factories. Alternative uses of land will only be allowed where there is employment benefit or where it contributes to improvements to the town centres, and does not lead to an unacceptable loss of employment land. However Policy SV1(c) does not impose a blanket protection of all employment land but rather seeks to safeguard the successful, modern estates in business use whilst allowing for the redevelopment for mixed uses of older, less suitable factory complexes.

In terms of new housing Planning Policy Statement 3 requires that local planning authorities maintain a five-year supply of land to meet forecast growth. In their Development Plan Documents planning authorities should identify specific deliverable sites for the first five years of a plan as well as sites for years 6-10, and ideally for years 11-15 (or broad locations for future growth where it is not possible to identify specific sites) to enable the five-year supply to be topped up. In the Somer Valley the strategy is to enable up to 2,700 new homes to be built within the area to 2026 with any new housing above the existing commitments of 2,200 dwellings being within the Housing Development Boundary as well as having either employment benefit or contributing to the implementation of the Town Park.

The Council's assessment of deliverable sites in accordance with PPS3 is set out in its Strategic Housing Land Availability Assessment (SHLAA) which forms part of the evidence base for the Draft Core Strategy. This identifies and assesses potential sites for housing across the district and the likely timescale in which they will come forward. The SHLAA December 2010 (Version 1.1) and May 2011 (Version 2.1) include the Alcan site (reference MSN.10), noting that the site has the potential to accommodate 150 units, with 120 deliverable within next five years and remainder in year 6.

Appendix 1di of the SHLAA includes a detailed assessment of the Alcan site concluding that the site is available for development and including it within the Council's current (2011-2016) five year supply of housing land. Specifically the assessment notes that the site is "within a predominantly residential area in close proximity to Midsomer Norton town centre and local services. The site is currently redundant and does not provide a viable use. The adjacent residential uses (built on Alcan's former sports pitches) means that the site is no longer suited to heavy industrial uses." In addition "residential development would result in the removal of a number of unsightly and unsympathetic buildings resulting in a significant improvement to the local area and providing visual enhancement in terms of both local and distant views of the site." Whilst the Alcan site is not currently located within the defined Housing Development Boundary for Norton/Radstock (the SHLAA incorrectly states that it is) this will be reviewed in due course through a separate document - the Placemaking Plan - in the context of an overall approach of limiting unsustainable patterns of development and climate change, and in accordance with Core Strategy policies.

As noted above the proposed development of the site for predominately residential purposes also needs to be considered in the context of the consequential loss of employment land. At the strategic level Policy ET.1 of the Local Plan seeks to achieve an increase in office floorspace (Class B1a & b) and to allow for the managed reduction in industrial-type floorspace (Class B1c/B2/B8) across the district including, in Norton Radstock. At the site level, the Council's Economic Regeneration Delivery Plan (March 2011) considers amongst other matters the potential of the Alcan site to remain in long term industrial use. Although not a planning document (and not the subject of extensive consultation) the Delivery Plan represents an up-to-date assessment of the potential of the site in achieving the regeneration objectives for the Somer Valley. The document notes that due to its location, surrounding residential uses and restricted access, the Alcan site is unlikely to be suitable for large scale industrial re-use. Further, it notes that redevelopment of the Alcan site for a mix of uses could provide new modern business space focused on office based business services and knowledge, creating employment opportunities to replace the jobs lost when the factory closed and thereby helping to restructure the local economy. In this context the Delivery Plan concludes that the Alcan site has the potential to deliver around 4,000m² of modern office space and up to 4,000m² of residential accommodation, with improved connectivity to surrounding residential areas and the town centre and a contribution towards the replacement of the existing community facilities on the site. The quantum of office and residential space is considered in more detail below however as well as providing business space on and off site, the application also includes improved connections to/from the site as well as the provision of space to re-accommodate the existing Mardon Social Club facility on a similar basis as existing and as an integral part of the development in accordance with policies CF.1 of the Local Plan.

In its response to the current application the Council's Development and Regeneration Team notes that the application does not comply with Local Plan policies ET.1 and ET.3 or the economic development provisions in Core Strategy Policy SV.1. They also indicate that there is a potential undersupply of industrial floorspace in the Somer Valley. Notwithstanding this overall situation however, and in order to help address existing and future industrial job losses in the Somer Valley, they advise that the priority is to replace the 220 jobs that were provided on the Alcan site. Therefore whilst the Development and

Regeneration Team does not support the application (due to the loss of employment land), they recommend that the objective should be to re-provide the 220 jobs, with the priority being for provision of employment on-site and then at a suitable location in the Somer Valley. This is considered in more detail below.

Of relevance here is Policy EC2.1h in PPS4. This notes that as well as development plans being able to facilitate a broad range of economic development, the allocation of land for employment purposes should not be retained if there is no realistic prospect of a site being used for the allocated economic use. In such cases, wider economic uses or alternative uses should be considered. In the case of the Alcan site and the prospect of securing a single large employment use on the site, or a predominately employment-led development, the applicant has submitted evidence of marketing of the site for disposal from August 2008 (after closure of the factory) and continuing following the acquisition of the site by Linden Homes in January 2010. The report notes that the site has been promoted through numerous channels at the local and national scale, and that there has been no significant or meaningful employer interest in either the whole or part of the site and no significant speculative commercial schemes for the site. In the circumstances it is considered that appropriate efforts have been made to dispose of the site for employment purposes, that no meaningful offers have been received and that it is therefore appropriate to consider alternative uses for the site.

In the light of the specific characteristics of the application site, that is its location and surrounding uses, its brownfield status and acknowledged unsuitability for large scale industrial use as well as evidence that there is no real prospect of the site being developed for its allocated use, it is considered that there are material considerations that would justify a departure from policy in this case. Accordingly for the reasons set out above, and subject also to the appropriate provision of employment space and/or jobs and the mitigation of development impacts arising from the proposed development through design or other measures, then the principle of the loss of employment land and its redevelopment for a residential-led mixed use scheme is considered acceptable.

RE-PROVISION OF EMPLOYMENT SPACE/JOBS: As noted above Policy ET.3 in the Local Plan seeks to resist the loss of employment floorspace however there are other sites in the Somer Valley area providing modern business space, including large format buildings, and given the location and setting of the Alcan site it is considered that these provide a more suitable and appropriate location for large scale industrial buildings and operations. In the circumstances and in the light of the economic regeneration strategy for the Somer Valley it is considered that the priority for the Alcan site should be on providing a similar number of job opportunities and in a form that is conducive to supporting the restructuring of the local economy.

The former Alcan building provided around 20,200m² of B2 industrial space and ancillary office space. Although extensive in terms of floorspace and site coverage, employment levels on the site were relatively low with accommodating around 220 jobs. The application proposes two complimentary forms of employment space:

- i) on site in the form of office space, live-work accommodation, community space (to replace the existing Mardon Social Club) and children's nursery, and
- ii) the refurbishment of a local building to provide a 'work-hub' off site to provide a form of managed workspace for a range of small businesses that would be able to use the facilities at different times and on a flexible basis.

The on-site office space would be provided in a building adjacent to the existing Sun Chemicals site, occupying the first and second floors, with the ground floor used as community space and a day nursery. In total 1,004m² of office floorspace would be provided plus 422.5m² of community/nursery space. The live-work accommodation would be in 7 buildings located close to the office/community building. In terms of employment generation, the applicant has estimated that the office space would accommodate around 70 jobs and the live/work units would result in at least 6 jobs. They estimate that proposed nursery and the management of the community facility would provide a further 5 jobs. These estimates, based on full occupation of the space, are considered reasonable resulting in on-site employment of around 80 jobs. The applicant has also estimated the potential for local employment triggered by expenditure by residents of the development. Making some allowance for residents already in the locality moving to the site they estimate that there might be some 35-40 spin-off jobs in the locality.

Off-site the applicant is proposing that a local building is refurbished to provide a 'work-hub' of around 600m². This is aimed at serving the small and micro-business sector across the Somer Valley area. Based on evidence from other similar schemes the applicant considers it reasonable to assume that the proposed off-site work-hub could support 100 businesses. Assuming each such business is a sole trader operation they suggest that the work-hub could support 100+ jobs although not all of these would necessarily be additional as existing businesses already in the area may take up space or utilise the building.

When taken with the on-site employment space the applicant estimates that the proposed development overall could support around 215 jobs in total. Clearly the actual delivery of these jobs will be dependent on business take up of the available space and the success of the work hub in attracting businesses. However it is considered that the mix of employment space being provided, aimed at smaller businesses (rather than a single industrial-use building suitable only for a single large occupier) as well as the prospect of the early delivery of the work-hub are positive features of the proposed development and are supported. Whilst the amount of floorspace being proposed is significantly below the 4,000m² identified in the Council's Economic Regeneration Delivery Plan, the proposed development has the potential to support a similar level of employment as was previously on the site when Alcan operated from it. Construction of the new homes and business space would also provide employment opportunities in the building trades and is estimated by the applicant to create around 90 full time equivalent jobs per annum over the 4 year construction period.

Consideration has been given to the inclusion on the site of other uses such as a small retail store to serve the site and provide a facility for residents outside the site however the applicant has advised that given nearby shops on Fosseyway (and further away in Midsomer Norton town centre) this does not form part of the current application.

Details of the off-site building and scope of refurbishment work are still under discussion with the Council's Development and Regeneration Team however the principle of and funding for a work hub has been agreed with the applicant. In the circumstances and subject to securing the provision of the business space on and off site through a s.106 agreement (including its timing, fit out and funding), this aspect of the proposed development is considered acceptable.

HOUSING: The application proposes a total of 169 residential properties comprising:

| | Market | Affordable |
|--------------|---------------|-------------------|
| 1 bed flat | 2 | 8 |
| 2 bed flat | 16 | 13 |
| 2 bed house | 5 | 13 |
| 3 bed house | 42 | 20 |
| 4+ bed house | 45 | 5 |
| Total | 110 | 59 |

In terms of overall numbers and housing density, although this is above the level assumed in the SHLAA (150 units) it is considered that the layout and design of the scheme supports this level of housing (see Urban Design and Building Architecture below). The mix of unit sizes is considered to provide an appropriate range of both market and affordable properties and the affordable housing is considered to address local housing need as set out in the Strategic Housing Market Assessment (SHMA)

As proposed, 35% of the new homes would be affordable (i.e. as set out in Policy HG.8 of the Local Plan) although this level of provision is based on a number of assumptions that underpin the overall viability of the scheme. Examining the affordable housing proposal in more detail the applicant proposes that this is split 70% Affordable Rent and 30% Intermediate housing whereas the Local Plan (para. B7.59 and Appendix B of the Adopted Planning Obligations SPD) states that on large housing sites the provision of affordable dwellings will normally be about 75% Social Rented and 25% Intermediate forms of ownership. The applicant also proposes that the provision of affordable housing is supported by Government grant whereas the Council would normally expect affordable housing to be delivered grant-free. Linden Homes has secured Government grant (through the Homes and Communities Agency) to deliver affordable homes in the sub-region and is proposing that part of this is applied to the Alcan site. This grant funding is understood to be conditional upon the homes being completed by March 2015 and assumes a 70:30 affordable tenure split.

The current application therefore provides a slightly higher percentage of Intermediate units and, importantly, the delivery of the rented element is dependent on grant support and will be in the form of Affordable Rent homes. Affordable Rent is the Government's preferred form of rented affordable accommodation and is the only form of affordable rented accommodation that is currently eligible for grant. Rent levels are set as a percentage of local market (i.e. private) housing rents and Government guidance is that affordable rents can be set at up to 80% of market rents. Although Affordable Rent tenancy rents are higher than for Social Rent they are eligible for Housing Benefit. The final rent levels will be agreed with the Registered Provider however these assumed levels set an overall cap on the rents that can be charged.

The applicant has submitted a confidential financial appraisal with the application to support their proposal and to demonstrate that the overall scheme is only viable with grant support and with the affordable housing at the level and mix set out above. The financial appraisal has been reviewed by Officers as well as specialist consultants appointed by the

Council to establish whether the costs, values and other assumptions are reasonable. The conclusion from this review is that given the other costs to the scheme, including various s.106 obligations necessary to mitigate the impact of the proposed development, the scheme is only able to deliver affordable housing in the form proposed. Whilst the details of the affordable housing provision are not entirely aligned with current Local Plan policy it does achieve 35% of homes as affordable and the applicant has amended the scheme to address a number of concerns raised by Officers regarding the original offer. These include changes to the housing size mix to provide more 2-bed houses (and fewer 2-bed flats) which addresses local need, and the re-planning of the site layout and location of the affordable units (to avoid a concentration in any one part of the site and achieve a maximum of 8 contiguous units). All the affordable homes are to be constructed to Code for Sustainable Homes Level 3, with 60% achieving Lifetime Homes Standard. The affordable housing includes four 1-bed flats and two 3-bed houses that are wheelchair accessible i.e. 10% of the affordable properties and 3.5% overall.

In the light of these changes and the overall quality of the accommodation being provided, whilst Housing Officers have some reservations regarding the integration of the affordable housing within the scheme they advise that the overall level of affordable housing, the tenure and dwelling size mix, and its affordability is acceptable. This has been taken into account by Planning Officers in assessing the proposals and it is considered that on balance the overall housing offer is acceptable. The applicant has confirmed that the affordable housing will be built out concurrently with the market housing and given the time limit on grant availability there is an incentive on the applicant to deliver the affordable homes in a timely manner. The affordable housing will be secured through the s.106 agreement.

SITE MASTERPLANNING: The Alcan site is in effect 'land-locked' and a 'backland' site with no frontage onto the public highway, with existing or proposed housing development on three sides and limited direct connections to the surrounding area. To a large extent this is a legacy of the historic development of the site and surrounding area, and the piecemeal development of sites for housing over the years. Given this setting the Alcan site has the potential to knit together the existing communities that are currently separated by the former industrial operation, as well as open up and improve local links with the wider area. It also has the potential to contribute to the Westfield and Midsomer Norton area in terms of providing local job opportunities and community facilities.

In support of their application the applicant has undertaken an assessment of how the site fits into the wider neighbourhood as well as how the layout within the Alcan site could connect into adjoining sites as and when they come forward. Of particular relevance are the Flower and Hayes site (immediately to the east where planning has previously been granted for residential development) and a site on the far side of Old Pit Road (referred to as the Hann land and where small scale housing has been granted permission). Whilst it is understood that the owners of the Flower and Hayes land wish to develop their site independently from the Alcan site, the layout of the Alcan site (including the alignment of roads and the location and orientation of buildings) complements the layout of the adjoining site allowing for onward connections and would not prejudice it coming forward jointly or separately. The Hann land is separated from the Alcan site by Old Pit Road and could also be developed independently. Whilst combining the three sites would allow for a comprehensive scheme for the area, the applicant does not control the other sites and in

the circumstances it is considered that the Alcan site appropriately accommodates the independent development of these sites.

Internally the layout of the Alcan site has been amended to align a road/footpath with Chaucer Road to the north that will allow pedestrians and cyclists to walk through the site rather than via the narrow footpath that currently exists between the Alcan and Sun Chemicals sites. The application also proposes providing a pedestrian route from the site through to Lynton Road/Hazel Terrace that will provide a pedestrian link to local bus routes and shops on Fosseyway. To the south the site is bordered by the rear gardens of properties in the cul-de-sacs off Woodpecker Avenue and the scope for a further connection through to Woodpecker Avenue is limited and was also not supported by residents living there. As a consequence north-south connections through the Alcan site are limited to Nightingale Way in the west (for all movements) as well as via Woodpecker Avenue for a limited number of properties on the site, and to Lynton Road/Hazel Terrace for pedestrians and cyclists. On balance this is considered acceptable and will be a significant improvement on the existing situation.

As noted above the site will be connected to Midsomer Norton town centre via a new pedestrian route that avoids stepped access and so will be suitable for all users. This was identified through pre-application consultation as important in connecting the site with local facilities and will involve the acquisition of land from the adjacent Sun Chemicals site and the provision of a new route connecting to Pit Road to the north. The design of this route has been progressed with relevant officers of the Council and whilst further detailed design work is required it is considered that the principle of the route and design proposals are acceptable. The provision of the route will be funded by the applicant/developer and will be secured through a s.106 agreement.

Whilst the application site is surrounded on most sides by residential properties the Sun Chemicals site to the north remains in industrial use, and it is understood that the company intends to continue operating their business as a research and development facility with an associated manufacturing function. Accordingly no part of the Sun Chemicals site will be available for redevelopment in the foreseeable future and this is of relevance in terms of both the impact of this operation on the amenity of the new residential properties on the Alcan site as well as ensuring the development of the Alcan site does not prejudice Sun Chemicals' continued use of its site. Also relevant is how the use and layout of the Alcan site might link into a wider scheme should the Sun Chemicals site come forward for development at some stage in the future. The current layout of the Sun Chemicals site has the majority of buildings located some way from the boundary with the Alcan site. This includes a modern industrial/storage building closest to the Alcan site (approximately 6m in height on the northern side of the access into the Sun Chemicals site) and a modern office building located further to the west. Surface car parking wraps round the remainder of the site boundary.

Within the Alcan site the buildings are generally set back from the site boundary and immediately opposite the closest building there is an area of open space providing a buffer with the industrial building/use. The layout is considered to provide an acceptable relationship between the two sites and is not considered to prejudice either residential amenity for new residents or the continued operation of the Sun Chemicals facility. By locating the new business space in the north western part of the Alcan site it is close to a new office building on the Sun Chemicals and they could, potentially, function together as

part of a business cluster should the Sun Chemicals building and/or site become surplus at some stage in the future. Whilst this scenario is not currently being promoted by any party it does mean that the future of the Sun Chemicals site is not prejudiced in the short or long term.

URBAN DESIGN AND BUILDING ARCHITECTURE: The proposed development provides a mix of two and three-storey detached and semi-detached houses, short terraces of up to five two storey houses and three storey blocks of flats. The design of the buildings varies across the site and combines a range of materials. The main access to the site from Nightingale Way is marked by a large detached property with a mix of two and three storey houses fronting onto the western area of public open space with the three storey office/community building and three-storey live work units providing the other two sides to this space. This provides overlooking of this public space with footpaths around the perimeter and through the space connecting to the pedestrian link to Midsomer Norton town centre. Routes are clearly defined and parking is generally unobtrusive in a combination of garages and on street provision. All the houses have private gardens (some also have first floor balconies overlooking the street) and the flats are located adjacent to the shared open space. The live-work units have two storey 'work' buildings at the rear comprising ground floor garage and first floor office space. Ensuring that the properties remain as live-work units will be controlled by condition as the provision of a range of types of business space and contribution to the overall employment mix is considered an integral part of the development proposals.

Beyond this group of buildings the main west-east street is fronted by three storey detached houses with short cul-de-sacs off it serving smaller groups of houses to the south and houses and blocks of flats to the north. The taller houses on the main street, with garages between and with corner buildings having additional feature windows, provides a strong and distinctive character to this part of the site with two storey lower key buildings located behind around small parking courts. The main route continues towards the east with two storey detached and semi-detached houses. The northern side of the site comprises a mix of houses, and two and three storey blocks of flats that generally overlook the areas of public open space in this part of the site. Parking is provided in a mix of garages and parking courts and there are a small number of flats located above garages. Whereas the houses on the site are typically a mix of render and stone with slate pitched roofs, the blocks of flats are brick with slate or clay pantile pitched roofs. Although this creates a distinct and contrasting character between the types of accommodation across the site the flats and houses are both market and affordable and so not distinguishable in terms of tenure. Subject to submission of materials samples the overall approach to building design and use of materials is considered to be of a high quality and will create a distinctive neighbourhood.

The community/office use building will be constructed in brick with render panels and a simple, regular pattern of windows and slate roof. Subject to approval of materials this is considered acceptable.

Policy D.2 of the Local Plan sets out a number of criteria against which development proposals will be assessed. The masterplan for the site includes the provision of new links to/from and through the site for pedestrians and cyclists and will ensure that the site is well connected to its surroundings, and its internal layout allows for easy, direct and safe movement through the site. The design and character of the public realm within the

site is of a high quality and overlooked creating a safe and secure environment for all users, with high levels of natural surveillance and a clear distinction between the shared public realm and private garden space. Street lighting is provided within the site providing an appropriate level of lighting which balances safety with ecological interests such as dark corridors for bats. Lighting is also proposed along the new town centre link although this needs further refinement and appropriate lighting will also be needed along the new link in the south eastern corner of the site, both of which can be dealt with by condition. Whilst the main west-east access route through the centre of the site is a defining feature of the proposed layout, it is broken down into different zones so that road access does not dominate. Car parking is provided close to Local Plan standards in a mix of garages, parking courts, garages and on-street and whilst this means that in parts of the site the parking areas are relatively extensive (such as adjacent to the community/office building and blocks of flats) through a combination of layout and planting they do not dominate the site overall. The redevelopment of the site will (re) introduce activity after a period of relative quiet following closure of the factory, however the nature of the proposed use is appropriate for the location and its surroundings and the layout and will not cause significant harm to the amenities of existing or proposed occupiers.

Policy D.4 of the Local Plan sets out a number of design requirements for new development and as noted above the layout of the site responds well to the local context in terms of its internal layout and 'future-proofing' the long term development of adjoining sites, with clear opportunities for integrating with adjoining sites as and when they come forward. At a more detailed scale a number of the proposed properties are designed to be wheelchair accessible and/or capable of adaptation to respond to the changing needs of occupiers. The formality of the layout is in contrast with the looser pattern of 1970's and 80's development around it however the site is considered to be of sufficient scale to establish its own identity and that continuing the appearance, siting, spacing and layout of the immediate neighbourhood would not be the most effective use of the site. The building design is based upon a thorough analysis of local character and the use of locally distinctive materials draws on and complements a number of traditional qualities of local distinctiveness. This is further enhanced by the landscape strategy that both enhances the development and complements its surroundings.

LANDSCAPING: The application involves the comprehensive development of the site including the removal of a number of trees on the site, some of which screened the industrial building on the site from adjoining residential properties. Whilst the proposals will involve the removal of a number of trees on the site with proposed re-planting and the overall landscaping treatment is considered appropriate and acceptable.

Given the former use of the site, security fencing was provided along much of the boundary and this will be replaced with close-boarded fencing adjacent to existing residential properties, so maintaining their privacy and security, and will be removed along other boundaries such as Old Pit Road. Single column mounted street lights will be provided along the main routes through the site and within parking courts with lower level lighting along the town centre link.

The Landscape Masterplan included in the Design and Access Statement proposes a varied approach to hard and soft landscaping across the site, based on a simple and limited palette of materials. It is considered that the proposed built form and landscape

achieve a legible hierarchy of public open spaces, shared surfaces, streets, avenues, mews, and courtyards and create a distinct character and sense of place.

ECOLOGY: The application has been supported by an ecological survey that indicates evidence that a building on the site is used as a roost by a lesser horseshoe bat (and that a room in another building is used as an occasional night roost) although given their location the report concludes that this can only have occurred in the last 3-4 years since the factory closed and machinery was removed. Whilst there was limited suitable habitat for bats to forage on the site itself, the bat survey recorded lesser horseshoe, common pipistrelle and soprano pipistrelle bats foraging along the northern boundary of the site. The wooded route of the former railway to the north west of the site (designated in the Local plan as a Site of Nature Conservation Interest, SNCI) is identified as the most likely route for the bats to access the site.

The presence of a European protected species is a material consideration in the determination of this application and works affecting the roost will require a European Protected Species licence. Before making any decision to permit the development, the local planning authority must demonstrate that it is satisfied that the 'three tests' set out in the Conservation (Natural Habitats, and c.) Regulations 1994 and EU Habitats Directive have been met.

The three tests are outlined below along with a considered view on whether they are capable of being met.

1. Regulation 44(2)(e) - 'The Purpose Test' - does the development meet a purpose of preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment? Whilst there are no specific public health or safety reasons for the proposed development, the provision of new homes (including affordable homes in accordance with Policy HG.8 of the Local Plan) meets an identified need and the proposed business space will contribute to social and economic well-being. The provision of business space is consistent with Policy ET.1 in the Local Plan and together with the provision of new homes it is considered that an overriding public interest has been demonstrated capable of meeting the first test.

2. Regulation 44(3)(a) The 'No Satisfactory Alternative Test' - there is no satisfactory alternative to the development as proposed. The existing buildings and structures have largely been demolished and the survey evidence suggests that the bat roost was established following removal of machinery and equipment from the site. One alternative to the proposed development would be to leave the site undeveloped i.e. do-nothing, however this would fail to achieve the benefits that the scheme delivers in terms of new homes and business space and bringing a derelict brownfield site back into use. Another alternative would be a smaller scale of development and/or retaining the structures where bat roosts and their possible entry points exist. However this is likely to significantly undermine the viability of the scheme and compromise the positive features of the proposed layout of the site. In the circumstances the most appropriate option is considered to be the scheme as proposed, which includes replacement roosts for the bats as well as other complementary mitigation measures. In the circumstances it is concluded that there are no other satisfactory alternatives and this test has been passed.

3. Regulation 44 (3)(b) - the action authorised will not be detrimental to the maintenance of the population of the species concerned as a favourable conservation status in their natural range. The Council's Ecologist has considered the mitigation measures proposed by the applicant, which includes a new bat roost located close to a known flight path and close to where the roost currently exists. In addition bat boxes will be provided along the northern boundary of the site. Subject to these measures being implemented (with minor modifications) it is considered that favourable conservation status of the species of bat involved can be ensured. The details of mitigation measures to avoid harm to protected species will be secured by condition and in light of this, and in the absence of any information to indicate otherwise, the proposals are considered to meet the third test.

Overall the development is considered to meet the three tests set out in the Conservation (Natural Habitats, and c.) Regulations 1994 and EU Habitats Directive. Policy NE.10 of the Local Plan states that development which would adversely affect species that are internationally or nationally protected, or the habitat of such species, will not be permitted. In this case it is considered that appropriate measures to protect and enhance conditions for protected species have been identified.

As noted above the woodland to the north west of the site (through which the link to Midsomer Norton town centre is to be constructed) is designated as an SNCI. Policy NE.9 of the Local Plan seeks to protect such areas against development that would adversely affect them, either directly or indirectly. In this case the initial design of the link has been progressed with relevant Officers and aims to minimise any harm to the nature conservation value of the site. Subject to agreement of the detailed design and construction methods it is considered that this aspect of the proposals are acceptable.

TRANSPORT: As noted above all vehicular access is from Nightingale Avenue, leading to Charlton Road. Parking is to be provided on site for the residential properties in compliance with the standards set out in the Local Plan. Parking for the community use and offices is shared. A drop off area is to be provided for the nursery space.

The Transport Assessment (TA) submitted with the application (and the updated TA to reflect the reduction in residential units from 176 to 169 and increase in on-site office floorspace from 506m² to 1,004m²) has been reviewed by the Council Highways officer. They advise that the estimated level of traffic generated by the site, both in its previous industrial use and following development, is based on an accurate and robust assessment. This shows (Table 5.6 of the TA) an increase in total traffic movements as a result of development of around 70-75 vehicles in the AM and PM peaks, and 440-450 over a 24-hour period. The difference in the level of traffic likely to be generated between the original and updated TA amounts to about 56 trips over the course of a day, which equates to an additional 12 and 9 vehicles in the AM and PM periods respectively. This change is considered a marginal increase over that previously assessed and does not constitute a material difference in terms of the operation of the junctions.

In their report the Council Highways officer notes that the site was previously used by a large industrial operation, that the local streets will have benefited from the fact that it has not been in use since December 2006 and so will inevitably see an increase in traffic once the development is built. However, while there will be a peak hour increase in traffic, they advise that it has been demonstrated this will not have a significant detrimental effect on the operation of local junctions. There will also be a significant reduction in the frequency

of large industrial traffic using Nightingale Way. Concerns have been raised about the use of Woodpecker Avenue as a secondary access however this will serve only 18 properties and is not a through route for the main part of the development other than for emergency vehicles.

In terms of local junctions, and specifically concerns raised by local residents to the impact of the additional traffic, the TA considers in detail the operation of junctions both at the year the development is likely to be complete and 5 years hence (which includes traffic growth factors). Modelling of the Nightingale Way/Charlton Road junction indicates that this priority junction currently operates well within its theoretical capacity in the peak hours and will continue to do so in the 2016 assessment year. The additional development flows will have a negligible impact on the Nightingale Way/Charlton Road junction, however for limited times during the peak hours there will be an adverse impact on the efficiency of the junctions of Charlton Road with Silver Street and Fosseway resulting in queuing and delays. This assessment however compares 'before' and 'after' scenarios based on surveyed traffic flows only, and does not make any allowance for traffic generated by the previous use on the site. The calculation of impact on these junctions is therefore very much a worst-case assessment. Beyond these junctions development traffic generated is diluted to the extent that it does not represent a significant increase in flows when considered against current traffic levels. In terms of the specific concerns regarding the Nightingale Way/Charlton Road junction, from observations during school hours Highways note that difficulties often arise when cars are parked illegally, reducing the width of the road at the junction and therefore its capacity. When these cars have been moved the junction operates much more efficiently.

The Council Highways officer has considered mitigation for the impact of this additional traffic on junctions and those presented in the TA are considered appropriate in addressing each location. In the case of Nightingale Way/Charlton Road, while increased flows could exacerbate problems already experienced during school peak hours, it is considered that works already undertaken here (pedestrian crossing, relocated kerblines, double-yellow-lines etc.) will go some way in addressing the problems caused by inappropriate parking (i.e. not development related) and which has been a significant cause of congestion and delay. At Charlton Road/ Silver Street queues here are best resolved by improving opportunities for traffic to emerge from Charlton Road. The developer (as part of a package of measures to enhance walking/cycling from the development) is committed to introduce, or contribute towards, the improved crossing of Silver Street from the end of the 5-Arches cycle-route. Its introduction will slow traffic on Silver Street generally, and with the introduction of yellow-box markings will create gaps for vehicles leaving Charlton Road. At Charlton Road/Fosseway there are limited opportunities to improve the efficiency of this junction due to the proximity of the Charlton Lane roundabout and the lack of available road space for improvements. The developer has however offered to deposit a sum of money to monitor the situation and pay for any future works which may be required to assist the situation, as necessary.

In conclusion Highways advise that whilst the development will result in additional traffic on the local network this is likely to be during short periods in the existing peak hours, although as noted above the existing situation does not represent the position should the previous use of the site be recommenced. The improvements proposed will mitigate for the identified short-term issues to a significant degree, and are considered appropriate in terms of the level of additional traffic likely to be generated from the development.

In terms of promoting sustainable patterns of development the site is considered to be generally well located. However whilst relatively convenient links to/from the site to local facilities and public transport already exist for pedestrians and cyclists, some of the more direct routes into Midsomer Norton itself are steep, narrow and poorly maintained in places. The site is very convenient for the proposed '5 Arches' cycle path however again links from the site are relatively poor. Given this situation Highways advise that it is vital that a new link to Midsomer Norton town centre (as proposed in the TA) is completed prior to the development being occupied. Similarly, a critical link to local schools, the local bus service and other facilities in Westfield, is across Old Pit Road to Chaucer Road. Old Pit Road serves only the Sun Chemicals site (and properties in Coxwynne Close) and there is an existing pedestrian crossing close to the Sun Chemicals entrance linking Chaucer Road to the public footpath along the northern edge of the Alcan site. Although there is likely to be greater use of this crossing, speed restrictions operate within the Sun Chemicals site and with appropriate design measures it is considered that pedestrian safety concerns raised by consultees can be satisfactorily addressed. Whilst there appear to be ownership issues, Old Pit Road being a private road, the Council's Public Rights of Way Team have advised Officers that there is an established use along this route and as an important link in terms of its potential to promote sustainable travel it is considered that this link must be established prior to occupation of the development. Routes to destinations to the north-west of the site are currently severed by Silver Street which is a particularly busy pedestrian/cycling route for school pupils and a crossing facility (Toucan) on this road will be an important improvement to off-site sustainable travel infrastructure.

In terms of public transport, the site is reasonably well located in respect of existing bus routes and is also relatively well served by local facilities (schools, supermarket, health centre etc.) with direct pedestrian links available to some services from the development. Service infrastructure (bus shelters, timetables etc.) is generally adequate on these routes however it is considered that there are elements which could be upgraded to maximise potential usage such as the provision of real-time service equipment. Whilst not identified in the TA, the Council Highways officer consider that it is appropriate that improvements are sought from the development specifically for local services that take residents of the development to/from key local facilities. In the absence of specific proposals it is considered that this can be supported through travel planning measures. A Travel Plan is proposed and the submitted document is considered a good draft on which a final version can be produced. This, together with a 'Travel Statement' for the Community Facility and 'Welcome Packs' for new residents, would be secured by condition.

Highways advise that the overall site layout with its system of avenues, squares and cul-de-sacs, is generally acceptable in that it encourages shared-use, low speeds and interaction with different users. The applicants have submitted proposed Adoption plans for the site and whilst the principles appear acceptable, further clarification is needed so that the intention for access, refuse-collection, location of street-furniture and use of materials can be considered and agreed, and appropriate sums identified for commuted payments for future maintenance. This will be secured by legal agreement. The use of trees in close proximity to the public highway will also need further consideration in terms of their species and installation however this is likely to be best addressed at Section 38 technical approval stage. It is noted that the application proposes to close a section of existing public footpath along the western boundary of the site. Whilst an alternative route

is proposed through the Alcan site this will need to be progressed in consultation with the Council's Public Rights of Way Team and agreed prior to implementation.

Other matters of detail raised by Highways to the original application proposals including clarification of parking for the office/community use building (shared by the community and office use but with separate parking facilities for the nursery) have been addressed in the amended plans and updated TA and are considered to be acceptable. A full parking management strategy is recommended as a condition of any consent. Various mitigation measures and financial contributions have been discussed and agreed with the applicant as follows:

- Construction of new pedestrian/cycle link to Midsomer Norton town centre
- Construction of new pedestrian/cycle link to Chaucer Road
- A contribution of £75,000 for the introduction of a 'Toucan' crossing on Silver Street or, in the event that programming results in the crossing being installed by others, appropriate alternative measures to promote sustainable travel
- 'Keep Clear' or yellow-box markings at Charlton Road/Silver Street junction, with any associated advance warning sign considered appropriate
- Financial contribution of £10,000 for monitoring/future improvements to Charlton Road / Fosseway junction
- Financial contribution of £9,000 toward local public transport infrastructure on Longfellow Road.
- Travel Plan(s)
- Commuted sums for non-standard highway materials
- All costs in respect of the diversion of the Public Right of Way (subject to ongoing discussion).

SUSTAINABILITY AND RENEWABLE ENERGY MEASURES: The site is considered to be generally well located in terms of proximity to services and public transport with Primary and Secondary schools within 300m and 550m walking distance from the centre of the site respectively. The former Norton Hill Garage site on Fosseway (the subject of a current application for retail units) is about 650m walking distance from the centre of the site and Midsomer Norton town centre about 850m away via the proposed new link although closer via the existing public footpath. Buses run along Charlton Road, Fosseway and Longfellow Road. The redevelopment of the site is considered an appropriate re-use of a brownfield site and the applicant is proposing that construction of the affordable homes will be to Code for Sustainable Homes Level 3. In addition photovoltaic (PV) panels will be provided on selected properties to reduce the site's overall regulated carbon emissions by a total of 10%.

Policy ES.2 of the Local Plan states that permission for new buildings will be granted only where within the other constraints on the development the design, orientation, and layout of the buildings and outside areas have taken into account the need to minimise energy consumption over the lifetime of the development. Policy CP2 of the Draft Core Strategy seeks to ensure that sustainable design and construction will be integral to new development and that all major residential developments in 2011-12 will meet Code Level 3 and Code Level 4 in 2013. Planning applications should also demonstrate how they are achieving a number of objectives including maximising energy efficiency and integrating the use of renewable and low-carbon energy, minimising waste and incorporating recycling during construction and in operation, and ensuring efficiency in materials use.

The applicant has submitted a Code for Sustainable Homes Pre-Assessment checklist that shows that the development will, necessarily, meet the mandatory targets in terms of energy and carbon dioxide emissions. However the applicant's overall commitment to sustainability is considered by Officers to be a disappointing aspect of the proposed development both in terms of the lack of intent to achieve Code Level 3 across all tenure types and failure to deliver above the minimum statutory requirements/those required to secure funding through the HCA. Given the high quality of the scheme layout and building design, this lack of commitment, other than a 10% target for renewable energy through PV panels, is considered to be a significant shortcoming of the proposed development. The applicant has provided evidence of the extra cost of achieving a Code Level 3 for the affordable housing and, by extrapolation that achieving this standard for all homes would adversely affect scheme viability. Given the other positive features of the scheme and the current statutory requirements in respect of sustainability measures it is considered that this, of itself, is not a sufficient reason for refusing planning permission for the proposed development.

NEIGHBOUR AMENITY: The application site is bounded on three sides by residential properties and whilst the removal of the former industrial use and buildings is considered to improve their overall setting the development will locate buildings closer to the site boundary than currently exists. Some of the properties on the northern edge of the application site will be closer to properties in Keats Road and Coxwynne Close (off Old Pit Road) than existing however the closest building (Block 5) is two storeys in height and living rooms in this building face south (i.e. away from existing houses). Windows in the rear (northern) elevation towards Coxwynne Close are to the hall, bathroom and kitchen of these flats and the closest property in Coxwynne Close is 20m from the rear of Block 5 and is screened by a 2m high wall. Block 4, to the west is three-storeys in height has the same layout as Block 5 (i.e. the windows are to the main living room and bedrooms face south) and the building faces obliquely towards buildings in Keats Road with the nearest property 26m away. The Landscape Masterplan shows the northern boundary of the site defined by a row of trees that will also provide a visual break between the existing and proposed properties.

Along the southern boundary (backing on to properties in Chaffinch Drive, Lark Close, Blackbird Close and Swallow Close) the new houses within the Alcan site that face south will be a minimum of 20m away from the rear of these properties. There are a number of buildings closer to the boundary however these are either at right angles to existing properties and so views will be oblique, or the properties do not have habitable room windows facing south. New houses to the east are a minimum of 19m from the rear of existing houses in Swallow Close.

Given the location, orientation and internal layout of the new properties relative to those existing around the perimeter of the site, plus the boundary treatment/planting, it is considered that the amenity of existing properties will be safeguarded. Whilst the existing trees within the Alcan site which screened the factory building will be removed, and a new 2m high close boarded fence provided along the site boundary, it is considered that the relationship between new and existing buildings is acceptable. Whilst concerns have been raised regarding the noise, litter and security associated with the new pedestrian link to Lynton Road/Hazel Terrace it is considered that this link is important in connecting the site and wider area. It is proposed that this route is adopted and further details of lighting

and treatment of this route will need to be submitted to the Council to ensure that it is safe and secure for existing residents and future users.

Within the site, window-window distances vary but at their closest are 15m across the main west-east route. Whilst this is below what might normally be expected between new and existing properties it is considered that this affords a reasonable degree of privacy and new residents will be aware of this when purchasing a property.

OTHER PLANNING CONSIDERATIONS: Noise - the application is supported by a daytime and night-time noise assessment which indicates that the majority of the site falls into NEC A with a small parcel of land (approximately 5m) fall into NEC B on the northern boundary with the Sun Chemicals factory. Guidance in PPG24 for NEC A is that noise need not be considered as a determining factor in granting planning permission, whereas for NEC B consideration needs to be given to mitigation to ensure that a suitable environment for residential occupation can be achieved. The application locates the community/office building adjacent to this zone and the block of flats do not have bedrooms or living rooms facing onto the Sun Chemicals site. Based on this assessment and subject to the building and internal layout arrangements described above, it is considered that noise does not pose a material constraint to the development of the site.

Concern has also been raised about noise from the community space/social club and its proximity to residential properties. An initial proposal to locate flats above the community/office space has been amended by the applicant (this space will now be offices) and whilst new residential properties will be closer than existing properties to the current social club it is considered important that the community space is integrated into the development, with the control of noise and outdoor activities being a management issue for those running the facility.

LAND CONTAMINATION - the application has been supported by a desktop land contamination assessment and supplementary ground investigation. In summary, this has identified elevated arsenic, vanadium and nickel concentrations (likely to be a result of past mining activity and natural strata rather than Alcan's operations on the site) that, unremediated, represent an unacceptable risk to residential land end users. Asbestos has also been noted within made ground in one location on the site. Hydrocarbons may also pose an unacceptable risk to controlled waters. The report recommends various remediation measures and the agreement of a detailed strategy with the Council. The Council's Scientific Officer has reviewed the submitted reports and raises no objection to the proposals subject to conditions being imposed requiring that further site investigation work is carried out and that a remediation strategy is submitted to and agreed with the Council. These conditions are included as part of the Recommendations in this report.

FLOOD RISK - the application is accompanied by a Flood Risk Assessment that considers the likelihood of flooding on the site from a number of sources. The River Somer flows eastward approximately 500m northwest of the site, however the application site is in a relatively elevated location and the site and the surrounding area is shown by the Environment Agency's Flood Zone mapping to be within Flood Zone 1 i.e. land assessed as having a less than 1 in 1000 annual probability of river flooding in any year (<0.1%). In terms of surface water flooding the Strategic Flood Risk Assessment conducted by the Environment Agency concludes that 'given the extensive urban drainage system within Midsomer Norton ... flooding from land is considered low'. The

report also considers that the risk of infrastructure failure flooding affecting the site is minimal.

Residential dwellings are considered 'more vulnerable' in terms of flood risk and the PPS25 Flood Risk Vulnerability and Flood Zone Compatibility matrix (PPS25, Table D.3) indicates that 'more vulnerable' development is appropriate in Flood Zone 1. Accordingly the proposed development is considered to pass the Sequential Test. As the site is demonstrated to pass the Sequential Test an Exception Test is not explicitly required under PPS25. The Flood Risk Assessment report details measures necessary to mitigate any residual flood risks to ensure that the proposed development and occupants would be safe and that flood risk would not be increased elsewhere. This includes a surface water drainage strategy. The conclusions of the report are considered acceptable and the Environment Agency raises no objections on flood risk grounds however it recommends that a condition be imposed requiring a surface water run-off limitation scheme to be submitted and approved prior to commencement of development.

PLANNING OBLIGATIONS: Local Plan Policy IMP.1, together with the Council's Adopted Planning Obligations SPD, set out the policy context for considering planning obligations. This notes that whether a development makes appropriate provision for or a contribution towards requirements that are made necessary by and are related to the proposed development will be a material consideration in determining that application. Negotiations should seek a contribution towards the full cost of all such provision that is fairly and reasonably related in scale and in kind to the proposed development and its impact on the wider area. Planning obligations should also reflect strategic and local needs. The Community Infrastructure Levy (CIL) Regulations 2010 put certain of the Government's policy tests on the use of planning obligations set out in Circular 05/2005 on a statutory basis for developments which are capable of being charged CIL.

In accordance with the statutory provisions and policy guidance the proposed heads of terms for a Section 106 Agreement are set out below under Recommendation A.

CONCLUSION

The Alcan site is a large, derelict former industrial site within a predominately residential area of Westfield and surrounded on three sides by residential properties. The buildings on the site have been largely demolished and the applicant, Linden Homes, has submitted an application for redevelopment for predominately residential purposes with on and off-site employment space provision.

The Alcan site is identified in the Adopted Local Plan as a 'Core Business Area' and lies outside the Housing Development Boundary and accordingly the proposed development of the site represents a departure from the development plan. The site is however included within the SHLAA as a potential housing development site. In addition policies in the Local Plan and Draft Core Strategy propose that there will be a managed reduction of older industrial floorspace as part of a strategy for Norton-Radstock and the Somer Valley area generally which aims to increase self-reliance and support economic revitalisation. The applicant has committed to providing the on-site space and will refurbish a building off site or make a financial contribution to the Council to support employment space in the local area. Given the specific characteristics of the application site, its location, surrounding uses, brownfield status, and unsuitability for large-scale industrial use, it is considered that a case can be made for departure from Local Plan policy.

The layout of the site, housing density and affordable housing provision is considered acceptable and the design of the buildings is considered to be of a high standard. The mix of unit sizes is considered to provide an appropriate range of both market and affordable properties and in terms of the affordable housing is considered to address local housing need. The site is of a sufficient size to create its own distinctive identity and the applicants have demonstrated how the site integrates with the surrounding area.

The site is known to include a bat roost and the northern boundary of the site is a dark corridor used by bats. As a European Protected Species the Council has undertaken an assessment of the proposals against the tests set out in the Conservation (Natural Habitats, and c.) Regulations 1994 and EU Habitats Directive and has concluded that the development meets the three tests and is acceptable.

The development will lead to an increase in traffic on the local highway network however modelling of the key junction indicates that it currently operates well within its theoretical capacity in the peak hours and will continue to function with the development proposed.

Officers have considered the impact of the proposed development on adjoining properties, on the local road network and on the natural environment and consider that subject to mitigation through design and other measures the proposals are acceptable.

RECOMMENDATION:

(A) Authorise the Planning and Environmental Law Manager to secure an Agreement under Section 106 of the Town and Country Planning Act 1990 to secure:

1. Affordable Housing

Provision of 35% (up to 59 dwellings) of affordable housing (with HCA grant) at a tenure mix of 70%(41 dwellings) affordable rent 30% (18) intermediate/shared ownership
60% of the affordable housing to be constructed to Lifetime Homes Standards
10% of the affordable housing to additionally meet wheelchair standards

2. On Site Employment

Provision of an employment/community building of approximately 1,620m² (Gross Internal Area) comprising:

- Ground floor community use (Class D1)
- First and second floor offices (Class B1)

The community use space to be available at negligible cost

The employment/community building to be managed by a community trust for the benefit of residents and the surrounding community

The employment/community building to be available for occupation to shell and core specification (details to be agreed) prior to the occupation of more than 50 residential dwellings

3. Off Site Employment

Applicant to use reasonable endeavours to provide off site employment facilities in the form of a Business Hub facility for small and medium size enterprises and start-ups, such provision to be capped at £445,000

In the event that the contract to provide these facilities is not agreed by the occupation of 75% of the residential dwellings then the sum of £445,000 shall be paid to the Council for the provision of off-site employment

4. Transport

Provision of a town centre footpath/cycleway link to be provided as a publicly maintainable highway or permissive path linking the site to the town centre to be completed prior to occupation of the first dwelling

A strategic transport contribution of up to £221,000 to include:

- construction of new pedestrian/cycle link to Chaucer Road to be completed prior to occupation of the first dwelling
- contribution of £75,000 for the Introduction of a 'Toucan' crossing on Silver Street or, in the event that programming results in the crossing being installed by others, appropriate alternative measures to promote sustainable travel
- provision of 'Keep Clear' or yellow-box markings at Charlton Road/Silver Street junction, with any associated advance warning sign considered appropriate
- financial contribution of £10,000 for monitoring/future improvements to Charlton Road/Fosseway junction
- financial contribution of £9,000 toward local public transport infrastructure on Longfellow Road.

Submission and approval of Travel Plan(s) for the community and office space

Payment of a commuted sum for non-standard highway materials

All costs in respect of the diversion of the PROW to be met by the applicant

5. On Site Green Space

On site provision of 5,400m² of on-site formal green space

The on-site formal green space to be managed by a management company but with unrestricted public access

6. Off Site Green Space and Play

Contribution toward the provision, enhancement and maintenance of off-site Public Open Space and the provision of play services of £223,983

7. Education contributions

Contribution toward primary education of £184,234 and youth services of £27,214

8. Administration fee

Payment of £5,000 monitoring fee

(B) Upon completion of the Agreement authorise the Development Manager to PERMIT the application subject to 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 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 of buildings, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the details so approved.

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

3 No development, including site preparation work, shall commence until a Construction Management Plan including but not limited to details of working methods and hours, deliveries (including storage arrangements and timings), contractor parking and traffic management has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved Construction Management Plan.

Reason: To safeguard the amenities of adjoining residential properties and ensure the safe operation of the highway.

4 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.

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

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

6 No development shall take place until an Arboricultural Method Statement with tree protection plan identifying measures to protect the trees to be retained has been submitted to and approved in writing by the Local Planning Authority. The statement shall include proposed tree protection measures during site preparation, construction and landscaping operations. The statement should also include the control of potentially harmful operations such as the position of service runs and soakaways, storage, handling and mixing of materials on site, location of compound and movement of people and machinery.

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

7 No development activity shall commence until the protective measures as stated in the approved Arboricultural Method Statement are implemented. The local planning authority is to be advised two weeks prior to development commencing of the fact that the tree protection measures as required are in place and available for inspection.

Reason: To ensure that the trees are protected from potentially damaging activities.

8 No development shall take place within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a controlled watching brief during ground works within the previously undeveloped areas of the site, with provision for excavation of any significant deposits or features encountered.

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

9 An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination

(ii) an assessment of the potential risks to;

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters, (g) ecological systems,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

10 Prior to commencement of development and subject to the findings of the reports submitted under Condition 9, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

11 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

12 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 9, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 10, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in any approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 11.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

13 A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 5 years, and the provision of

reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

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

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

14 The development shall not be commenced until a foul and surface water drainage strategy has been submitted to and approved in writing by the Local Planning Authority in consultation with Wessex Water.

The drainage scheme shall be completed in accordance with the approved details and to a timetable agreed in writing with the Local Planning Authority.

Reason: To ensure that proper provision is made for sewerage of the site and that the development does not increase the risk of sewer flooding to downstream property.

15 No development shall commence until details of the proposed estate roads, footways, footpaths, verges, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the details so approved.

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

16 No part of the development hereby permitted shall be occupied until junctions on the internal access roads serving the relevant part of the development have been constructed with no obstruction to visibility at or above a height of 900mm above the nearside carriageway level. The visibility splays shall thereafter be maintained free of obstruction at all times.

Reason: In the interests of highway safety.

17 The proposed parking and turning areas for each dwelling shall be constructed in such a manner as to ensure that before it is occupied each dwelling 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 part of the development identified on the submitted plan for shared parking and turning shall be brought into use unless and details of their construction have been

submitted to and approved in writing by the Local Planning Authority. Thereafter they 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.

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

Reason: In the interests of sustainable development.

20 The garaging 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

21 Prior to the commencement of the development a Parking Management Plan for the community and office buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the details so approved.

Reason: To retain adequate off-street parking provision.

22 No part of the development hereby permitted shall be occupied until details of the pedestrian/cycle links identified on the submitted plans and a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority. The links shall thereafter be maintained free of obstruction at all times.

Reason: In the interests of amenity and sustainable development.

23 Before any dwelling is first occupied new residents Welcome Packs, the content of which shall have been approved in writing by the Local Planning Authority, shall be issued to occupiers of the property. The Packs should include information of bus and train timetable information, information giving examples of fares/ticket options, information on cycle routes, a copy of the Travel Better, Live Better publication, car share, car club information, together with complimentary bus tickets for each household member to encourage residents to use public transport.

Reason: In the interests of sustainable development.

24 No works associated with the Town Centre Link shall commence until a detailed method statement for the construction of the boardwalk has been submitted to and approved by the Local Planning Authority. The details so approved shall be implemented in full and thereafter be maintained in accordance with the approved details.

Reason: To prevent or minimise any adverse impact on a main badger sett located adjacent to the Link.

25 No works associated with the Town Centre Link shall commence until details of the design including landscaping works and a woodland management plan together with a construction method statement (including a Tree Protection Plan) has been submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the details so approved.

Reason: To ensure that the trees and are protected from potentially damaging activities.

26 No works associated with the Town Centre Link shall commence until details of lighting columns including their precise quantity and locations, method of illumination and lux levels have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall not be used between the 30th March and 26th October inclusive.

The details so approved shall be completed prior to the use of the Link or in accordance with a detailed programme to be agreed in writing by the Local Planning Authority.

Reason: To prevent or minimise any adverse impact on bats using the site and its surroundings.

27 The planting of trees and shrubs along the northern boundary of the site shall be completed by 15th March 2012 or in accordance with a detailed programme to be agreed in writing by the Local Planning Authority, and where lighting along the northern boundary of the site is required for public safety reasons lighting levels shall be a maximum of 2 lux.

Reason: To prevent or minimise any adverse impact on bats using the site and its surroundings.

28 Construction of the replacement roost shall be as detailed in the Bat Mitigation Strategy (October 2011) and shall be completed by 15 March 2012 or in accordance with a detailed programme to be agreed in writing by the Local Planning Authority.

Reason: To prevent or minimise any adverse impact on bats using the site and its surroundings.

29 The business floorspace of the live/work units shall be finished ready for occupation before the residential floorspace is occupied and the residential use shall not precede commencement of the business use. Thereafter the live/work units shall be used solely as a live/work space and for no other purpose including solely for residential or employment use.

Reason: To ensure the provision of live/work units in accordance with submitted application.

30 The business floorspace of the live/work unit shall not be used for any purpose other than for purposes within Class B1 in the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: To safeguard the amenities of neighbouring residential properties.

31 All affordable dwellings shall achieve Level 3 of the Code for Sustainable Homes and no affordable dwelling shall be occupied until a final Code Certificate certifying that Code Level 3 has been achieved has been submitted to the Local Planning Authority.

Reason: In the interests of securing the sustainable development of the site.

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

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

PLANS LIST:

10031(L)100 Rev. C; 10031(L)101 Rev. B; 10031(L)221 Rev. AG; 10031(L)303 Rev. B; 10031(L)304 Rev. B; 10031(L)305 Rev. B; 10031(L)306 Rev. A; 10031(L)307 Rev. A; 10031(L)402 Rev. F; 10031(L)403 Rev. D; 10031(L)404 Rev. G; 10031(L)405 Rev. H; 10031(L)406 Rev. B; 10031(L)407 Rev. G; 10031(L)408 Rev. E; 10031(L)409 Rev. C; 10031(L)410 Rev. B; 10031(L)412 Rev. G; 10031(L)413 Rev. F; 10031(L)414 Rev. C; 10031(L)415 Rev. E; 10031(L)416 Rev. D; 10031(L)417 Rev. E; 10031(L)419 Rev. D; 10031(L)420 Rev. F; 10031(L)421 Rev. F; 10031(L)422 Rev. G; 10031(L)423 Rev. E; 10031(L)426 Rev. F; 10031(L)427 Rev. E; 10031(L)428 Rev. E; 10031(L)430 Rev. D; 10031(L)431 Rev. B; 10031(L)432 Rev. C; 10031(L)433 Rev. C; 10031(L)434 Rev. C; 10031(L)435 Rev. C; 10031(L)436 Rev. C; 10031(L)500 Rev. H; 10031(L)502 Rev. E; 10031(L)503 Rev. C; 10031(L)504 Rev. E; 10031(L)505 Rev. E; 10031(L)506 Rev. E; 10031(L)507 Rev. F; 10031(L)508 Rev. E; 10031(L)509 Rev. D; 10031(L)510 Rev. B; 10031(L)512 Rev. E; 10031(L)513 Rev. E; 10031(L)514 Rev. E; 10031(L)515 Rev. D; 10031(L)516 Rev. E; 10031(L)517 Rev. E; 10031(L)519 Rev. E; 10031(L)520 Rev. E; 10031(L)521 Rev. E; 10031(L)522 Rev. F; 10031(L)523 Rev. E; 10031(L)526 Rev. E; 10031(L)527 Rev. E; 10031(L)528 Rev. F; 10031(L)530 Rev. C; 10031(L)533 Rev. C; 10031(L)534 Rev. C; 10031(L)535 Rev. D

The applicant is advised that approval of the proposed layout of the site does not amend or extinguish any existing public rights of way that exist on the site or adjacent to it and any works affecting public rights of way will require a separate application to be submitted to and approved by the Council before such works are undertaken.

Reasons for Granting Permission:

The decision to recommend approval has taken account of relevant policies set out in the Development Plan and approved Supplementary Planning Documents, and national guidance in PPS1, PPS3, PPS4, PPG13, PPS23 and PPS25. The decision has also been taken into account other material considerations including emerging local and national planning policy and guidance and the responses from statutory consultees and those from other interested parties including local residents.

The proposals are contrary to Policies ET.3 and HG.4 of the Local Plan however it is considered that a departure has been justified in this case in the light of the specific characteristics of the application site that is its location, surrounding uses, brownfield status, and its acknowledged unsuitability for large scale industrial use. In this context the

redevelopment of this site for residential, commercial and community use purposes is considered appropriate.

The proposal will result in an increase in peak hour traffic on the local road network however it has been demonstrated that this will not have a significant detrimental effect on the operation of local junctions. Mitigation is proposed to address local highway impacts and to promote sustainable forms of travel.

The layout of the site has been designed to integrate with adjoining built and the proposed development makes provision for improved pedestrian and cyclist connections with the local area. The design of the buildings is of a high quality and will not result in significant harm to neighbouring amenity.

The site is the location of a bat roost. The Council is satisfied that the requirements of the Habitats Directive have been met and that the application makes appropriate provision for replacement of the roost and safeguarding of the dark corridor.

The proposed development is in accordance with Policies IMP.1, D.2, D.4, CF.1, CF.3, ES.15, NE.9, NE.10, NE.14, HG.7, HG.8, T.3, T.5, T.6, T.24, T.25 and T.26 of the Bath & North East Somerset Local Plan (including minerals and waste policies) 2007.

Item No: 03
Application No: 11/04325/FUL
Site Location: Land At Rear Of 2-20, High Street, Keynsham,



Ward: Keynsham North **Parish:** Keynsham Town Council **LB Grade:** N/A
Ward Members: Councillor Brian Simmons Councillor C D Gerrish
Application Type: Full Application
Proposal: Erection of three storey building to provide fourteen residential apartments and associated landscaping and car parking (inc. re-provision of car parking for existing high street properties)
Constraints: Agric Land Class 3b,4,5, City/Town Centre Shopping Areas, Conservation Area, Forest of Avon, General Development Site, Housing Development Boundary,
Applicant: Deeley Freed (Charlton Road)
Expiry Date: 12th January 2012
Case Officer: Sarah James

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE

The application has been requested to be reported to Committee on the request of Cllr Gerrish on the basis that there are concerns that the height of the buildings will rather dominate St John's Court there are also worries about the lack of open space for the development facing directly onto the supermarket car park.

DESCRIPTION OF SITE AND APPLICATION

The application site is located in the north western part of Keynsham town centre, immediately to the rear of 2-20 High Street. It comprises 0.22 hectares in total. It is bounded to the south and east by the rear of the properties which front Keynsham High Street and to the north and west by the recently constructed access road which serves the nearby Tesco foodstore. The site is located within the Keynsham Conservation Area. The northern end of the site is gravel and is used for unstructured parking. The remainder is vacant land. The site is fairly level. A public footpath lies at the southern end of the site partially within the site and this gives access to the high Street via an archway through the 'Old Bank' public house.

The application is supported by a Planning Statement a Heritage Statement, a Transport Statement, Land Contamination Statement, Sustainable Construction checklist, Noise Assessment, Ecology Phase 1 Study, Archaeological Study, Design and access Statement, Community Involvement Statement, Arboricultural Assessment, Planning Obligations Statement, Landscape Management and Maintenance Statement.

THE PROPOSAL: The application seeks full planning permission for the erection of a three storey building to provide fourteen residential apartments. Associated off-street car parking and landscaping is proposed. Materials proposed comprise of grey and buff brick with small render panels and aluminium windows. Twelve apartments will be 1-bed units with the other two being 2-bed units. Secure cycle parking for the apartments will be provided. Car parking is proposed for the new units at 14 spaces and car parking spaces for the High Street commercial properties that already have car parking is being re-provided within the proposals. 37 car parking spaces and 14 cycle parking spaces are proposed in total. Vehicular access to the application site will be from the existing adjacent access into the retail store. This access is not a public highway.

HISTORY: There is no relevant planning history

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

PLANNING POLICY: No comments made.

HIGHWAYS DRAINAGE OFFICER: comments made 18th October 2011 The applicant's proposal is located outside of the flood zones. The applicant has indicated that surface water will be disposed of to the main sewer. Wessex Water should provide confirmation that they are happy to receive the surface water from the site to their network. Discharge rates and connection points should be agreed with Wessex Water.

HIGHWAY OFFICER: comments made 4th November recommend refusal on the basis that the car parking layout is not considered to be acceptable or appropriate to serve the

development. If this was overcome and approval was to be recommended this would be subject to a requirement for a Strategic Highway contribution.

Further comments made 17th November 2011 - The applicants consultants have also provided further information which would reduce the level of contribution payable to £1,329.85. However, it would seem that the wards of Bathavon North, South and West were excluded, and a revised calculation to include these wards would result in the following: 25 trips x £483.58/trip x 11.6% to give a total contribution sum of £1,402.38.

Further comments made 12th December 2011 - The layout has been amended to bring forward the building on the site, closer to the footway. The parking area under the building has been reduced to provide for 5 spaces, including one disabled space, and the spaces have been set back further from the building wall to provide for some intervisibility between drivers and pedestrians using the footway across the access. This provides a more acceptable arrangement for the safe use of the access. The parking spaces served off the layby/drop off zone have been re-orientated such that they are perpendicular with the access road, and with each space served directly off the layby. This is considered to be an acceptable arrangement. The parking area to the south of the new building and to the rear of the pub has been amended to indicate a pedestrian route across the car park, to provide a direct route through to the crossing point over the main access road. This would offer a choice to pedestrians to avoid the existing dog leg route, with this car parking area being used as a shared space for vehicles and pedestrians. Having regard to the alterations made, I would recommend that no highway objection is raised subject to the prior completion of a legal agreement to secure the strategic highways and transport contribution of £1,402.38, together with conditions.

URBAN DESIGN OFFICER: comments made 15th November 2011 - Not acceptable in its current form. Massing scale and rhythm are acceptable but there are some design and layout issues that could be improved upon. In particular concern is raised with regard to the highway engineering led frontage design and the failure to address the quality of the pedestrian route from the High Street.

Further comments made 13th December 2011. On balance I consider the revised scheme has advanced to a point where the scheme is satisfactory. I would appreciate an opportunity to resolve details like paving, landscape and materials through condition. I still consider the scheme to be sub-optimal, not harnessing the frontage (to the south) to deliver built form as part of the application. I also regret that the Tesco indicative master plan has not been refined with this application. It is unfortunate that wider master planning issues have not been addressed. In particular, the failure to address the delivery of connections comprehensively at the rear of the Old Bank.

CRIME PREVENTION DESIGN ADVISOR: comments made 4th November 2011 object to this application on the basis that crime, security and safety have not been addressed in the Design & Access Statement

PUBLIC RIGHTS OF WAY OFFICER: comments made 21st November 2011 confirm that there is no comment

ECOLOGIST: comments made 10th November 2011 - There is a small area of scrub noted in the ecological report (a wall and strip of scrub, shown on Plate 5 of the ecological

report potential habitat for reptiles & nesting birds). It has now been confirmed that this small area of habitat is outside the development site and shall be retained. The site therefore has no other features of ecological value and no mitigation measures are required.

I have no objection to the proposals.

ENVIRONMENTAL HEALTH: comments made 7th November 2011 - The applicant has submitted an acoustic report that identifies this site will fall into noise exposure category (NEC) B for the daytime and A for the night-time. Consequently there is no objection subject to a condition.

PARKS OFFICER: comments made 14th November - a contribution totalling £48,503.28 toward formal, natural and allotment green space provision is required.

ARBORICULTURAL OFFICER: comments made 26th October 2011 - I agree with the general assessment of the existing trees. The proposal does not adequately allow for the retention of trees shown for retention and this needs further consideration.

LANDSCAPE OFFICER: comments made 15th November 2011 - The landscape scheme should be revised and simplified.

Further comments made 21st November 2011 - The amendments made are an improvement and there are no objections raised.

EDUCATION OFFICER: comments made 4th November 2011 - No contribution is required

ARCHAEOLOGICAL OFFICER: comments dated 17th November 2011 - The proposed development site lies within the historic core of Keynsham to the rear of buildings on the High Street and within a number of their medieval burgage plots. The neighbouring new food retail store site has been the subject of archaeological assessment and evaluation, which revealed the evidence of Roman and medieval occupation in this area. A desk-based archaeological assessment of the proposed development site has been submitted and is satisfactory subject to conditions.

LAND CONTAMINATION OFFICER: comments made 27th October 2011. A Phase 1 Report has been submitted. The report identifies that elevated levels of metal and organic contaminants within made ground soils and a potential for ground gas and radon were identified on the adjacent Tesco site. The Phase 1 report recommends further site investigation in the area of the proposed development in order to ascertain site specific details on the site soils including geotechnical properties and potential contamination. Taking account of the ground conditions found during the site investigation on the adjacent site, the sensitivity of the proposed development (residential end use) and the recommendations made in the Phase 1 report the submitted conditions would be appropriate to apply to require further site investigation and assessment.

THIRD PARTY COMMENTS:

KEYNSHAM TOWN COUNCIL: Support the application.

Keynsham Civic Society Object to the application on the basis that this is overdevelopment of the site and the loss of this car park will seriously reduce the available

long stay parking for workers as well as the taxi company which have recently moved to this site, causing them to park illegally in the High Street. Taxis will continue to use this location and operate into the night and are likely to cause disturbance to new residents, leading to conflict.

An Objection has been received on the grounds that they have always been used to the openness at the rear of their house reducing space and light at the rear of their property. The building will be too high, and they don't want it to come around the corner of the road.

An Objection from a resident has been received on the grounds that the development would dominate, cause loss of privacy, and reduce residential amenity.

1 resident has commented on the basis of the validity of this proposal and its effect on the high street area and associated immediate roads. I would not support the creation of this number of dwellings or the changes to the current car parking.

Objection

A petition has been received raising objection to the application on the grounds that the development would dominate the locality and destroy views including that of the church. 72 people have signed the petition.

Following re-notification of amended plans 2 further objections have been received on the grounds that:-

The access for the supermarket is restrictive and to introduce housing would only increase the problem

Noise levels would increase causing a disturbance to local residents and guests of the Old Manor Hotel

The design of the proposed buildings are not in keeping to the surrounding area

The siting of the building closer to the road would increase its dominance

The building would affect privacy

The building would affect traffic visibility

The application has not been made transparently

POLICIES/LEGISLATION

ADOPTED LOCAL PLAN

"Bath & North East Somerset Local Plan (including Minerals and Waste policies) 2007" was adopted October 2007. Policies relevant to this site in the Bath and North East Somerset Local Plan, including Minerals and Waste Plan are:

IMP.1 Planning obligations

BH6 Conservation area

SC.1 Settlement classification

GDS/K4 General development Site

CF3 Community contributions

D2 General Design and public realm considerations

D4 Townscape considerations

T1 Over arching access policy

T3 Promotion of walking and use of public transport

T5 Cycling Strategy: improved facilities

T6 Cycling Strategy
T24 General development control and access policy
T25 Transport assessment and travel plans
T26 On-site parking and servicing provision
ES.2 Energy conservation
ES3 Gas and Electric Services
ES.4 Water supply
ES.5 Foul and surface water drainage
ES.9 Pollution and nuisance
ES10 Air Quality
ES12 Noise and vibration
ES.15 Contaminated Land
NE11 Locally important species
NE12 Natural Features
BH22 External lighting
HG.1 Meeting the District Housing requirement
HG.4 Residential development in the urban areas and R.1 and R.2 settlements

Key National Policy
PPS1 Delivering Sustainable Development
PPS3 Housing
PPS.5 - Planning For the Historic Environment
PPS9 Biodiversity and Geological Conservation
PPG13 Transport

DRAFT NATIONAL PLANNING POLICY FRAMEWORK (undergoing a consultation exercise and should only therefore be afforded limited weight)

Bath and North East Somerset Submission Core Strategy (May 2011) is out at inspection stage and therefore will only be given limited weight for development management purposes. The following policies should be considered

CP2: Sustainable construction
CP6 Environmental Quality
CP10 Housing Mix
CP13 Infrastructure Provision
DW1 District-wide spatial Strategy
KE1 Keynsham Spatial strategy

Adopted Supplementary Planning Document - Planning Obligations

OFFICER ASSESSMENT

POLICY: The site is located within part of General development site KS4 which is for a comprehensive mixed use scheme for development/redevelopment for town centre/community uses including: Food store of 1,500-2,000 sq.m. net floorspace, community meeting place, improvements to existing parking and servicing of properties fronting Bristol Road, High Street and Charlton Road, and CCTV linking with existing provision in town centre. During the Local Plan Inquiry it was specifically raised by the Council that this might include a small amount of housing and this was agreed by the

Inspector. The proposal is for redevelopment of a brown field site in a sustainable location and is therefore an appropriate Town centre use which fits within the requirements of the planning policy. The proposals are in accordance with the mix of uses that were identified to be located on this site and the development would not prejudice any other developments.

HIGHWAYS: The land currently has an element of formalised parking taking place in connection with High Street Business Uses. That parking (comprising of 23 car parking spaces) will be re-provided within the site and therefore there will be no negligible impact from those spaces arising. Unauthorised parking or other activities taking place on the site will be displaced however in the case of those activities they could be prevented from access to the site in any event and that would not warrant rejection of the proposal. Taxis and the waiting locations of those operating outside of the site cannot be controlled through this application however there is considered to be no conflicts specific to this site that is not common in all town centre locations. The proposed residential parking at a ratio of 1 per unit is more than adequate in this sustainable location. There are no highway objections to this proposal from the highway officer and the development is acceptable on highway grounds. The building relates acceptably to the Tesco car park access which is not a public highway.

DESIGN: The proposal is in the Keynsham Conservation Area within the setting of listed buildings. The development site is formed from an amalgamation of some rear plots of the historic buildings addressing Keynsham High Street that back onto the Tesco site. It also now relates to the newly created Tesco access road and the extensive car park, which has exposed the rear plots of the historic properties to public view. The site contains a new route used by the public from the High Street to Tesco via The Old Bank Public House arch.

The external appearance of the scheme has been developed following local architectural studies. The height of the development has been kept to a maximum three stories with pitched roofs, taking reference from the adjoining and neighbouring buildings on the High Street. The orientation of these roof pitches also derives from the local context, replicating the gables of the existing buildings. The gable pitched roof allows for glimpses through to adjoining buildings and to the church tower. Distant views have been kept of the church tower by allowing a small section of flat roof on the corner and not developing across the whole western boundary of the site. This flat roof also makes reference to the later additions to the historic buildings on the High Street. It is considered that the scale, mass and rhythm of development is appropriate. As the site is within the Conservation area consideration is whether the statutory test to preserve or enhance the Conservation area as set out within section 72 of the Act has been made and it is considered that the development would enhance the Conservation Area.

Initially the development was led by the access into the supermarket dictating the frontage giving rise to unacceptable urban design form. However amendments were sought which brought the building forward which in summary are as follows. Improvements have been made to the parking layout. More direct pedestrian routes through the car park to the rear of the public house are indicated. Additional tree planting is proposed. Hard surfacing now runs into the building along the west façade with all planting and boundary walls removed. Railings replace the front boundary walls. A new space is proposed at the corner with tree

planting and a rubble surface finish to this area is being indicated to discourage people walking close to the building.

It is acknowledged that opportunities to master plan the wider area and to bring the development forward as part of a comprehensive scheme to address the rear of the High Street have not been optimised. However there are land ownership matters outside of the applicant's control and in design term it is considered that the building is acceptable as proposed and it will not compromise possible future development adjacent to the site at the rear of the High Street if that were to come forward.

RECREATION AND OPEN SPACE: Lack of open space has been identified as a concern by some residents. However in this urban site which is tightly constrained a good quality urban scheme is more appropriately to be promoted. It is considered therefore as discussed above that buildings should move forward to achieve this and the inadequate spaces in front of the buildings which make no positive contribution should be removed. As the development would generate a need for open space and that cannot be provided on this site a contribution based on the Councils adopted Supplementary Planning Document obligations has been sought and agreed by the applicant.

CRIME PREVENTION THROUGH DESIGN: Consideration has been given to the design so as to discourage crime and fear of crime. Measures taken include a balance of uses, good surveillance, ownership of spaces, physical protection, management and maintenance. These are considered acceptable to address security issues.

ECOLOGY: Information submitted with the application demonstrates to a satisfactory level that there is no significant ecology present on the site. It is confirmed for the avoidance of doubt that no licence would be needed from English nature in respect of ecology and no designated Ecological sites would be affected by the development. No Licences would be required from English Nature and no European Sites would be affected.

NOISE: The development would not be subjected to unacceptable levels of noise.

LANDSCAPE AND TREES: Landscape opportunities are limited in this urban location. However a high quality urban scheme is being promoted as the appropriate design solution and any landscaping will be secured by condition to ensure it is appropriate.

EDUCATION: The development has not generated a requirement for an education contribution. This assessment is made based upon an assessment of need at the time of the application and the number and type of dwelling units proposed.

ARCHAEOLOGY: An Archaeological assessment made has confirmed that in view of its close proximity to the High Street and Bristol Road, the application area is considered to have good archaeological potential. It is therefore appropriate to add conditions to any consent to require an archaeological written scheme of investigation, post excavation analysis and detailed drawings of any underground works. Subject to those conditions the development would be acceptable from an archaeological perspective.

RESIDENTIAL AMENITY: It is considered that the development would not dominate existing properties and would not reduce privacy taking account of the relative locations of

existing and proposed buildings and distances between them. The resiting of the building closer to the pavement brings forward only a marginal reduction in distance between the building and the residents and the distances are considered sufficient so as not to introduce an unacceptable dominance on residents or the hotel. The development would provide new occupants with a good standard of accommodation in a highly sustainable location that would suit occupiers seeking an urban location.

NOISE: Levels of noise created by the residential use would be minimal and the use in this regard is compatible with the locality.

LEGAL AGREEMENT: A draft Unilateral Agreement has been submitted by the applicant to cover the financial sums required in accordance with the Councils adopted Supplementary Planning Document and that is with Legal Officers for comment.

OTHER MATTERS: The applicant suggests that the development would be preferable to the fallback position suggested to be the tarmac over of the parking area and the use of the land for parking. It is agreed that the development provides some enclosure and housing provision and tidying up of the area would be a benefit. However it is considered that the fallback position which would be a formalisation of the existing use which is informal parking is not so harmful so as to warrant the approval of a development that is not of the highest standards. The application has been made and advertised in accordance with planning regulations.

CONCLUSION

As proposed the development is acceptable in terms of its design and impact and it would enhance this part of the Conservation Area.

RECOMMENDATION

A. Subject to receipt of a Unilateral Legal Agreement completed to the satisfaction of the Planning and Environmental Law Manager to cover the following

- 1) A contribution totalling £48,503.28 toward formal, natural and allotment green space provision.
- 2) A Strategic Highway Contribution based upon the Highway Officers advice of £1,402.38.

B. Upon completion of the Agreement authorise the Development Manager to PERMIT with the following conditions

CONDITIONS

- 1 The development hereby approved 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 and to avoid the accumulation of unimplemented planning permissions.

2 Prior to the commencement of development, a sample panel of all external walling materials to be used shall be erected on site, approved in writing by the Local Planning Authority, and kept on site for reference until the development is completed.

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

3 No development shall commence until samples of the roofing material to be used on the development have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure satisfactory development

4 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 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.

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

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

6 No site works or clearance shall begin until a scheme for protection of trees and other existing or proposed landscape areas to British Standard 5837:2005 has been submitted to and approved in writing by the Local Planning Authority. The approved protection scheme shall be implemented before the development is begun and shall not be removed until the development has been completed. Protected areas shall be kept clear of any buildings, plant, material, debris and trenching. Existing ground levels maintained within protected areas. There shall be no entry to protected 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.

7 An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning

Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

a survey of the extent, scale and nature of contamination;

an assessment of the potential risks to:

human health,

property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

adjoining land,

groundwaters and surface waters,

ecological systems,

archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

8 A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

9 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local

Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

10 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 7 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition no. 10 which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition no. 9

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

11 A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 5 years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

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

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

12 On completion of the works but prior to any occupation of the approved residential development, the applicant shall submit to and have approved in writing by the Local Planning Authority, an assessment from a competent person to demonstrate that the development has been constructed to provide sound attenuation against external noise in

accordance with BS8233:1999. The following levels shall be achieved: Maximum internal noise levels of 40dBLAeq,T for living rooms and bedrooms. For bedrooms at night individual noise events (measured with F time-weighting) shall not (normally) exceed 45dBLAmax.

Reason: To protect residents from external noise nuisance

13 No development shall take place within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a controlled excavation of all significant deposits and features which are to be disturbed by the proposed development, and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation. Thereafter the building works shall incorporate any building techniques and measures necessary to mitigate the loss or destruction of any further archaeological remains.

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

14 No development shall take place within the site (including any site clearance or demolition works) until the applicant, or their agents or successors in title, has produced detailed drawings of all underground works, including foundations, drainage and those of statutory undertakers, which have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the location, extent and depth of all excavations and these works shall be carried out and completed in accordance with details as approved.

Reason: The site is within an area of significant archaeological interest and the Council will wish to protect the archaeological remains.

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

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

16 Prior to occupation of the dwellings the access, parking and turning areas shall be properly bound and compacted (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. These areas shall be kept clear of obstruction and shall not be used other than for the access, parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety.

17 Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

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

Reason: In the interests of sustainable development.

19 The areas 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.

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

Reason: In the interests of sustainable development.

PLANS LIST:

2663 1101 REV C, 2663 2100 REV D, 2663 2101 REV C, 2663 2102 REV C, 2663 2103 REV C, 2663 3000 REV C, 2663 3001 REV C, 2663 3010 REV D, 2663 3020 REV C .

REASONS FOR GRANTING APPROVAL

The proposed development would enhance the Conservation Area. It would create no unacceptable highway impact. It has no impact on ecology including any European Sites. It would provide needed new residential housing and would not be harmful to the amenities of existing residential occupiers.

| Bath & North East Somerset Council | | |
|--|--------------------------------------|--------------------------|
| MEETING: | Development Control Committee | AGENDA ITEM NUMBER |
| MEETING DATE: | 18 January 2012 | |
| TITLE: Tree Preservation Order: Bath and North East Somerset Council (29 Flatwoods Road, Claverton Down, Bath No. 267) Tree Preservation Order 2011 | | |
| WARD: Combe Down | | |
| List of attachments to this report: Plan of Site | | |
| AN OPEN PUBLIC ITEM | | |

1. THE ISSUE

- 1.1 This report primarily requests the Committee to confirm, with a modification to alter the schedule to 14 Beech , the Tree Preservation Order entitled Bath and North East Somerset Council (29 Flatwoods Road, Claverton Down, Bath No. 267) Tree Preservation Order 2011 (“the TPO”), which was provisionally made on the 7 September 2011 to protect a group of trees which make a significant contribution to the landscape and amenity of the area.

2. RECOMMENDATION

- 2.1 That the Committee resolve to confirm the Tree Preservation Order entitled Bath and North East Somerset Council (29 Flatwoods Road, Claverton Down, Bath No. 267) Tree Preservation Order 2011

3. FINANCIAL IMPLICATIONS

- 3.1 **Financial:** Under the law as it stands the owner of a tree cannot claim compensation from the Council for making a tree the subject of a tree preservation order. However if the tree is covered by a tree preservation order and the Council refuses an application to fell the tree, the owner may be able to claim compensation if he or she suffers a loss or damage as a consequence of that refusal.
- 3.2 **Staffing:** None.
- 3.3 **Equalities:** In deciding to make the TPO the provisions of the Human Rights Act 1998 have been taken into account. It is considered that Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property) of the convention rights apply in this matter. Confirmation of the TPO is however, considered to be a proportionate interference in the wider public interest.
- 3.4 **Economic:** None.
- 3.5 **Environment:** The trees which are the subject of this report make an important contribution to the landscape and amenity of the local area.
- 3.6 **Council Wide Impacts:** The confirmation of the TPO will involve officers from Legal Services and Officers from Development Control will need to take account of the trees when considering any application for development or alterations on the site which might affect the trees.

4. THE REPORT

BACKGROUND

- 4.1 The trees which are the subject of the TPO are a row of 14 mature Beech growing along the northern boundary of 29 Flatwoods Road shown encircled in black and marked G1 on the attached plan.
- 4.2 A request was received from the former owner of the property for the trees to be considered for protection because the house was being sold and the former owner wished to safeguard the future of the trees.
- 4.3 The trees were assessed and was considered to be of sufficient merit to be worthy of a Tree Preservation Order.
- 4.4 The making of a Tree Preservation Order was considered expedient in view of the future change in ownership.
- 4.5 Since the making of the TPO it has been noted that the number of trees identified is in error and the Beech next to the western boundary may not have been included but remains an integral component of the row of trees.

4.5 Letters of objection to the Tree Preservation Order

The Council are required to take into account all duly made objections and representations before deciding whether to confirm the TPO.

4.6 One letter objecting to the inclusion of the tree nearest the house has been received from the new owners of the property.

4.7 The main objections are identified below.

- The proximity of the tree was considered to be damaging the roof of the property.
- The tree could potentially damage the mains drainage and septic tank.
- The crown was weighted towards the house so should the tree fail, particularly in high winds it would fall towards the house.
- The tree could shed limbs without warning.

A report from Aldous George of Up a Tree recommended removal based on it being close to the house and within striking distance. The report also stated:

- that there was possible included bark on large limbs spreading towards the house
- excavation to construct the patio may have caused damage to some roots
- Beech are shallow rooted and susceptible to wind fall

4.8 The objections to the Tree Preservation Order outlined in section 4.7 above have been considered by Officers and the following comments are made:

- The Councils Arboricultural Officers have assessed the trees for amenity value as part of the TPO process and found that the group makes an important contribution within the locality. The end tree which is the subject of the objection is in a similar condition to the remaining trees in the row.
- An application for tree surgery to the tree which is the subject of the objection has been received. The proposed works will address a number of the concerns identified in the objection letter such as the proximity of growth to the roof of the property and reduction of the canopy spread to reduce the likelihood of branch failure.
- No evidence has been provided to indicate that there is any current damage to the mains drainage and septic tank. If there are any future issues an application could be submitted for appropriate works.
- Without a TPO the tree could be managed inappropriately or felled with no due consideration. Any consent for appropriate management can include a condition to ensure that the quality of workmanship is based on current good practice. Should felling be necessary in the future then replacement planting can be conditioned.
- The report by Aldous George consists of generic comments with no details to support the likelihood of failure of individual branches or failure of the tree. The construction of the patio is not recent and no investigation has

been undertaken to determine whether significant roots were affected at the time of construction of the patio or small retaining wall.

5.0 LEGAL AND POLICY FRAMEWORK

Tree Preservation Order

- 5.1 A tree preservation order is an order made by a local planning authority in respect of trees and woodlands. The principal effect of a tree preservation order is to prohibit the:

Cutting down, uprooting, topping, lopping, wilful damage or wilful destruction of trees without the council's consent.

- 5.2 The law on tree preservation orders is in **Part VIII** of the **Town and Country Planning Act 1990** and in the **Town and Country Planning (Trees) Regulations 1999**

- 5.3 A local planning authority may make a tree preservation order if it appears

“Expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area”

- 5.4 The Council's Arboricultural Officers have a written method for assessing the 'Amenity' of trees and woodlands considered to be under threat. This is in keeping with the Office of the Deputy Prime Minister (formally the Department of the Environment, Transport and Regions) guidance, and takes account of the visual impact of the tree/s and their contribution to the landscape, their general overall health and condition, their longevity and their possible or likely impact on services and property.

- 5.5 This assessment concluded, having taken account of, visual amenity, tree health considerations and impact considerations, that it would be expedient in the interest of amenity to make provision for the preservation of the trees. The TPO was made on 7 September 2011. This took effect immediately and continues in force for a period of six months.

Planning Policy

- 5.6 Bath and North East Somerset Local Plan including minerals & waste policies 2007

C2.22 *'Trees are an important part of our natural life support system: they have a vital role to play in the sustainability of our urban and rural areas. They benefit:*

- *the local economy – creating potential for employment, encouraging inward investment, bringing in tourism and adding value to property;*
- *the local environment by reducing the effects of air pollution and storm water run off, reducing energy consumption through moderation of the local climate, and providing a wide range of wildlife habitats;*

- *the social fabric in terms of recreation and education'*

C2.23 'Much of the tree cover in the urban areas is in a critical condition and there is little or no replacement planting for over-mature trees in decline. Infill development has often reduced the space available for planting large tree species. In addition, new tree planting takes many years to mature. The management and retention of significant trees is therefore pressing'

C2.25 'Bath & North East Somerset has a duty under the Town and Country Planning Act 1990 to ensure tree and woodland preservation wherever it is appropriate. The Council will continue to protect trees and woodlands through Tree Preservation Orders (TPOs) as appropriate. There is also a level of protection afforded to trees in Conservation Areas (CAs). However there are many trees of value outside these designations and careful consideration should be given to the removal of any tree'

6. CONCLUSION

- 6.1 The tree which is the subject of the objection is an integral part of the row and as such contributions to the landscape and amenity of this part of Combe Down.
- 6.2 Confirmation of the TPO with a modification to 14 individuals within the group would ensure the retention of the group of trees. Should it be found in the future that it would be unreasonable to retain the individual tree, the Council will then be able to ensure that a replacement tree of a similar species is planted.
- 6.4 In keeping with the policies referred to above and the Council's commitment to conserve and enhance the environment, it is recommended that the Committee confirm the TPO without modification.
- 6.5 This report has not been sent to Trades Unions because there are no staffing implications.

| | |
|--------------------------|---|
| Contact person | Jane Brewer – Senior Arboricultural Officer 01225 477505 |
| Background papers | The file containing the provisional Tree Preservation Order, relevant site notes, documentation and correspondence can be viewed by contacting Jane Brewer on the above telephone number. |

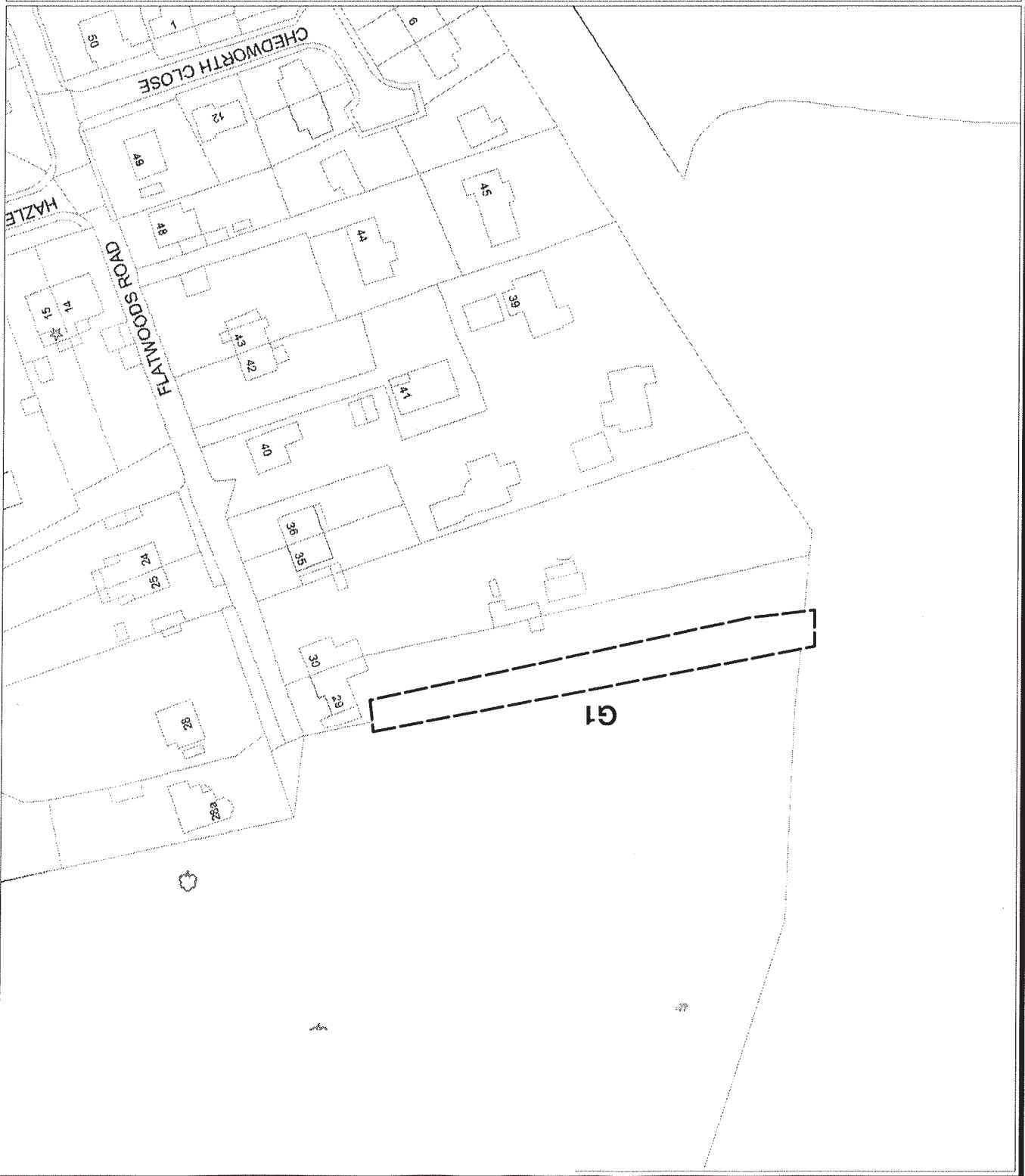
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Title:
TOWN AND COUNTRY PLANNING ACT 1990
BATH AND NORTH EAST SOMERSET
COUNCIL (29 Flatwoods Road, Claverton Down,
Bath No. 267)
TREE PRESERVATION ORDER 2011

I hereby certify that this plan referred to in
the BATH AND NORTH EAST SOMERSET
COUNCIL (29 Flatwoods Road, Claverton Down,
Bath No. 267)
TREE PRESERVATION ORDER 2011

[Signature]
Divisional Director, Planning & Transport Development

Scale 1:1250 Date: August 2011 Plan No: 500/267 Grid Ref: ST 776 632



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| Bath & North East Somerset Council | | |
|-------------------------------------|--|--------------------|
| MEETING: | Development Control Committee | |
| MEETING DATE: | 18 January 2011 | AGENDA ITEM NUMBER |
| TITLE: | Quarterly Performance Report – Jul – Sept 2011 | |
| WARD: | ALL | |
| AN OPEN PUBLIC ITEM | | |
| List of attachments to this report: | | |
| None | | |

1 THE ISSUE

- 1.1 At the request of Members and as part of our on-going commitment to making service improvements, this report provides Members with performance information across a range of activities within the Development Management function. This report covers the period from 1st July – 30th Sept 2011. ***Please note - comparative planning application statistical data with neighbouring authorities is no longer published quarterly by the Department for Communities and Local Government and thus has been removed from this report.***

2 RECOMMENDATION

- 2.1 Members are asked to note the contents of the performance report.

3 THE REPORT

3.1 Commentary

Members' attention is drawn to the fact that as shown in **Table 1** below, performance on 'Major' was below government target during July - Sept 2011. 'Minor' and 'Other' were above target, both an improvement on the previous two quarters.

Performance on determining 'Major' applications within 13 weeks fell to 36% during July - Sept 2011. Performance on determining 'Minor' applications within 8 weeks rose from 72% to 73%. Performance on 'Other' applications within the same target time of 8 weeks increased from 75% to 82%.

Table 1 - Comparison of applications determined within target times

| Government target for National Indicator 157 | B&NES Jan - Mar 2011 | B&NES Apr - Jun 2011 | B&NES Jul - Sept 2011 | |
|---|---------------------------------|---------------------------------|----------------------------------|--|
| 'Major' applications 60% | 9/22 (41%) | 11/12 (92%) | 4/11 (36%) | |
| 'Minor' applications 65% | 92/137 (67%) | 88/122 (72%) | 116/159 (73%) | |
| 'Other' applications 80% | 243/357 (68%) | 268/355 (75%) | 334/409 (82%) | |

Note: An explanation of 'Major', 'Minor' and 'Other' categories are set out below.

'LARGE-SCALE MAJOR' DEVELOPMENTS – Decisions to be made within 13 weeks

- Residential – 200 or more dwellings or site area of 4Ha or more
- Other Land Uses – Floor space of more than 10,000 sq. metres or site area of more than 2Ha
- Changes of Use (including change of use or subdivision to form residential units) – criteria as above apply

'SMALL-SCALE MAJOR' DEVELOPMENTS – Decisions to be made within 13 weeks

- Residential – 10-199 dwellings or site area of 0.5Ha and less than 4Ha
- Other Land Uses – Floor space 1,000 sq. metres and 9,999 sq. metres or site area of 1Ha and less than 2Ha
- Changes of Use (including change of use or subdivision to form residential units) – criteria as above apply

'MINOR' DEVELOPMENTS – Decisions to be made within 8 weeks

- Residential – Up to 9 dwellings or site up to 0.5 Ha
- Other Land Uses – Floor space less than 1000 sq. metres or site less than 1 Ha

'OTHER' DEVELOPMENTS – Decisions to be made within 8 weeks

- Mineral handling applications (not County Matter applications)
- Changes of Use – All non-Major Changes of Use
- Householder Application (i.e. within the curtilage of an existing dwelling)
- Advertisement Consent
- Listed Building Consent
- Conservation Area Consent
- Certificate of Lawfulness
- Notifications

Table 2 - Recent planning application performance statistics

| Application nos. | 2010/11 | | | | 2011/12 | | | |
|------------------|---------|------|------|------|---------|------|----|----|
| | Q1 | Q2 | Q3 | Q4 | Q1 | Q2 | Q3 | Q4 |
| On hand at start | 576 | 544 | 562 | 478 | 496 | 550 | | |
| Received | 601 | 629 | 499 | 577 | 601 | 605 | | |
| Withdrawn | 59 | 56 | 36 | 43 | 57 | 68 | | |
| Determined | 575 | 555 | 547 | 516 | 489 | 579 | | |
| On hand at end | 542 | 562 | 478 | 496 | 551 | 508 | | |
| Delegated | 557 | 528 | 520 | 502 | 477 | 564 | | |
| % Delegated | 96.8 | 95.1 | 95.0 | 97.2 | 97.5 | 97.4 | | |
| Refused | 99 | 81 | 99 | 71 | 63 | 93 | | |
| % Refused | 17.2 | 14.5 | 18.0 | 13.7 | 12.8 | 16.0 | | |

Table 2 above shows numbers and percentages of applications received, determined, together with details of delegated levels and refusal rates.

Due to seasonal variation, quarterly figures in this report are compared with the corresponding quarter in the previous year. During the last three months, the number of new applications received and made valid has fallen by 4% when compared with the corresponding quarter last year. This figure is 2% down on the same period two years ago, and 4% down on three years ago. Planning applications received and made valid have fallen by 3% in the last four quarters when compared to the four quarters previous to that.

The current delegation rate is 97% of all decisions being made at officer level against cases referred for committee decision. The last published England average was 91% (year ending March 2011).

Table 3 - Planning Appeals summary

| | Oct – Dec 2010 | Jan – Mar 2011 | Apr – Jun 2011 | Jul – Sept 2011 |
|-------------------|-------------------|-------------------|-------------------|--------------------|
| Appeals lodged | 19 | 25 | 16 | 29 |
| Appeals decided | 23 | 22 | 22 | 26 |
| Appeals allowed | 4 (21%) | 5 (28%) | 2 (13%) | 6 (35%) |
| Appeals dismissed | 15 (79%) | 13 (72%) | 14 (87%) | 11 (65%) |

The figures set out in **Table 3** above indicate the number of appeals lodged for the Jul - Sept 2011 quarter has risen when compared with the previous three quarters. However, total numbers received against the same four quarters a year ago has seen a small rise of 2%, and a fall of 8% compared to two years ago.

Members will be aware that the England average for appeals won by appellants (and therefore allowed) is approximately 34%. Because of the relatively small numbers of appeals involved figures will fluctuate slightly each quarter, but the general trend over the last 12 months for Bath & North East Somerset Council is that of the total number of planning

appeals decided approximately 24% are allowed against refusals of planning applications, which demonstrates good performance by the authority.

Table 4 - Enforcement Investigations summary

| | Oct – Dec 2010 | Jan – Mar 2011 | Apr – Jun 2011 | Jul – Sept 2011 |
|---------------------------------------|-------------------|-------------------|-------------------|--------------------|
| Investigations launched | 153 | 179 | 160 | 131 |
| Investigations closed | 213 | 177 | 175 | 141 |
| Enforcement Notices issued | 2 | 3 | 0 | 1 |
| Planning Contravention Notices served | 2 | 9 | 4 | 0 |
| Breach of Condition Notices served | 1 | 0 | 0 | 0 |

The figures shown in **Table 4** indicate that more investigations were received this quarter, when compared with the previous quarterly figure. Resources continue to be focused on the enforcement of planning control with 1 legal notice having been served during this quarter.

Tables 5 and 6 - Transactions with Customers

The planning service regularly monitors the number and nature of transactions between the Council and its planning customers. This is extremely valuable in providing management information relating to the volume and extent of communications from customers.

It remains a huge challenge to ensure that officers are able to maintain improvements to the speed and quality of determination of planning applications whilst responding to correspondence and increasing numbers of emails the service receives.

Table 5 - Letters

| | Jan – Mar 2011 | Apr – Jun 2011 | Jul – Sept 2011 |
|---|----------------|----------------|-----------------|
| Number of general planning enquiry letters received | 204 | 167 | 126 |

Table 6 - Number of monitored emails

| | Jan – Mar 2011 | Apr – Jun 2011 | Jul – Sept 2011 |
|---|----------------|----------------|-----------------|
| Number of emails to 'Development Control' | 1937 | 1492 | 1566 |
| Number of emails to 'Planning Support' | 1302 | 1214 | 1384 |

| | | | |
|---|------|------|------|
| Number of emails to Team Administration within Development Management | 2966 | 2862 | 3169 |
|---|------|------|------|

The volume of incoming e-mail is now substantial, and is far exceeding the volume of incoming paper-based correspondence. These figures are exclusive of emails that individual officers receive, but all require action just in the same way as hard copy documentation. The overall figure for the Jul - Sept 2011 quarter shows a notable increase in volume of electronic communications when compared to the previous quarter, and a decrease for traditional postal methods, highlighting the continuing shift in modes of communication with the service over the last few years.

Table 7 – Other areas of work

The service not only deals with formal planning applications and general enquiries, but also has formal procedures in place to deal with matters such as pre-application proposals, Householder Development Planning Questionnaires and procedures for discharging conditions on planning permissions. **Table 7** below shows the numbers of these types of procedures that require resource to action and determine.

During the last quarter there has been little change in the overall volume of these procedures received in the service.

Table 7

| | Jan – Mar 2011 | Apr – Jun 2011 | Jul – Sept 2011 |
|--|----------------|----------------|-----------------|
| Number of Household Development Planning Questionnaires | 153 | 154 | 147 |
| Number of pre-application proposals submitted | 174 | 177 | 158 |
| Number of 'Discharge of Condition' requests | 100 | 109 | 125 |
| Number of pre-application proposals submitted through the 'Development Team' process | 5 | 8 | 1 |
| Applications for Non-material amendments | 31 | 21 | 28 |

Table 8 – Works to Trees

Another function that the Planning Service undertakes involves dealing with applications and notifications for works relating to trees. **Table 8** below shows the number and percentage of these applications and notifications determined. The figures show fluctuations in the numbers of applications and notifications received. However, during Jul – Sept 2011, performance on determining applications for works to trees subject to Tree Preservation Orders and performance on dealing with notifications for works to trees within a Conservation Area remained above 95%.

| Table 8 | Jan – Mar 2011 | Apr – Jun 2011 | Jul – Sept 2011 |
|--|-----------------------|-----------------------|------------------------|
| Number of applications for works to trees subject to a Tree Preservation Order (TPO) | 22 | 16 | 18 |
| Percentage of applications for works to trees subject to a TPO determined within 8 weeks | 95% | 88% | 100% |
| Number of notifications for works to trees within a Conservation Area (CA) | 110 | 133 | 169 |
| Percentage of notifications for works to trees within a Conservation Area (CA) determined within 6 weeks | 96% | 91% | 97% |

Table 9 - Customer transactions using Council Connect

As outlined in previous performance reports, Members will be aware that since 2006, 'Council Connect' has been taking development management related 'Frequently Asked Questions' (FAQs).

Table 9 below shows an extract of volumes of customer transactions for the previous three quarters:

| | Jan – Mar 2011 | Apr – Jun 2011 | Jul – Sept 2011 |
|--|---------------------------|---------------------------|----------------------------|
| Total customer transactions to Council Connect | 1424 | 1507 | 998 |

| | | | |
|---|---------------|---------------|--------------|
| Total customer transactions (and percentage) resolved at First Point of Contact | 1067 (75%) | 1209 (80%) | 696 (70%) |
| Number of Service Requests to Development Management | 357 | 298 | 302 |

302 'Service Requests' were made by customer service staff to Planning Information Officers and these types of requests usually relate to more complex matters, which need research in order to provide the customer with complete information. The transactions shown in the table above show a sizable volume of requests to resolve complex planning issues and Council Connect taking development management related FAQs.

Table 10 - Electronic transactions

The Planning Services web pages continue to be amongst the most popular across the whole Council website, particularly 'View planning applications online' and 'Apply for planning permission'. In October, we replaced our Public Access website that was for viewing planning applications online with a more advanced version of application searching and viewing web facility. Searching by address in particular is much more efficient. Publicity activities surrounding this improved self-service facility included a news item in the Winter 2011 issue of Connect magazine that was distributed to over 76,000 households throughout the area.

Over 60% of all applications are now submitted online through the Planning Portal link on the Council website, and **Table 10** below shows that the authority received **377 (63%)** Portal applications during the Jul - Sept 2011 quarter, compared with **61%** during the previous quarter. All previous quarterly figures far exceed the current national target of 10%. This provides some evidence of a degree of online self-service by the public. Almost 70% of LPAs received more than 40% of their applications online during Q2 2010, with 98 LPAs receiving more than 50% of their applications online (source: Planning Portal).

Table 10 - Percentage of planning applications submitted electronically (through the national Planning Portal)

| | Government target | Oct – Dec 2010 | Jan – Mar 2011 | Apr – Jun 2011 | Jul – Sept 2011 |
|---|--------------------------|-----------------------|-----------------------|-----------------------|------------------------|
| Percentage of applications submitted online | 10% | 61% | 58% | 61% | 63% |

Table 11 - Scanning and Indexing

As part of the move towards achieving e-government objectives and the cultural shift towards electronic working, the service also scans and indexes all documentation relating to planning and associated applications. Whilst this work is a 'back office' function it is useful to see the

volume of work involved. During the Jul - Sept 2011 quarter, the service scanned over 18,000 planning documents and this demonstrates that whilst the cost of printing plans may be reduced for applicants and agents, the service needs to resource scanning and indexing documentation to make them accessible for public viewing through the Council's website.

Table 11

| | Oct – Dec 2010 | Jan – Mar 2011 | Apr – Jun 2011 | Jul – Sep 2011 |
|--------------------------------|---------------------------|---------------------------|---------------------------|---------------------------|
| Total number of images scanned | 18,183 | 22,129 | 19,616 | 18,085 |
| Total number of images indexed | 7,339 | 9,245 | 6,963 | 6,415 |

Table 12 - Customer Complaints

During the quarter Jul - Sept 2011, the Council has received the following complaints in relation to the planning service. The previous quarter figures are shown for comparison purposes. Further work is currently underway to analyse the nature of complaints received and to implement service delivery improvements where appropriate.

Table 12

| Customer Complaints | Jan – Mar 11 | Apr – Jun 11 | Jul – Sept 11 |
|----------------------------|---------------------|---------------------|----------------------|
| Complaints brought forward | 1 | 7 | 4 |
| Complaints received | 28 | 24 | 21 |
| Complaint upheld | 3 | 2 | 2 |
| Complaint Not upheld | 22 | 23 | 20 |
| Complaint Partly upheld | 3 | 2 | 1 |
| Complaints carried forward | 1 | 4 | 2 |

Table 13 - Ombudsman Complaints

The council has a corporate complaints system in place to investigate matters that customers are not happy or satisfied about in relation to the level of service that they have received from the council. However, there are circumstances where the matter has been subject to

investigation by officers within the authority and the customer remains dissatisfied with the outcome of the investigation. When this happens, the customer can take their complaint to the **Local Government Ombudsman** for him to take an independent view. **Table 13** below shows a breakdown of Ombudsman complaints lodged with the Local Government Ombudsman for the previous four quarters.

Table 13

| Ombudsman Complaints | Oct – Dec 10 | Jan – Mar 11 | Apr – Jun 11 | Jul – Sept 11 |
|-----------------------------------|---------------------|---------------------|---------------------|----------------------|
| Complaints brought forward | 3 | 2 | 4 | 1 |
| Complaints received | 2 | 4 | 1 | 1 |
| Complaints upheld | | | | 1 |
| <i>Local Settlement</i> | | | | 1 |
| <i>Maladministration</i> | | | | |
| <i>Premature complaint</i> | | | | |
| Complaints Not upheld | 3 | 2 | 4 | 1 |
| <i>Local Settlement</i> | | | | |
| <i>No Maladministration</i> | 3 | | 3 | |
| <i>Ombudsman's Discretion</i> | | | | |
| <i>Outside Jurisdiction</i> | | | 1 | |
| <i>Premature complaint</i> | | 2 | | 1 |
| Complaints carried forward | 2 | 4 | 1 | 0 |

| | |
|--|--|
| Contact person | John Theobald, Data Technician, Planning and Transport Development 01225 477519 |
| Background papers | CLG General Development Control statistical returns PS1 and PS2 |
| Please contact the report author if you need to access this report in an alternative format | |

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| Bath & North East Somerset Council | | |
|---|--|---|
| MEETING: | Development Control Committee | <div>AGENDA ITEM NUMBER</div> <div></div> |
| MEETING DATE: | 18th January 2012 | |
| RESPONSIBLE OFFICER: | Lisa Bartlett, Development Control Manager, Planning and Transport Development (Telephone: 01225 477281) | |
| TITLE: | NEW PLANNING APPEALS, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES | |
| WARD: | ALL | |
| BACKGROUND PAPERS: | None | |
| AN OPEN PUBLIC ITEM | | |

APPEALS LODGED

App. Ref: 11/01614/FUL
Location: Lock Up Garages Adj To Royal British Legion Club High Street Paulton Bristol
Proposal: Erection of 3no flats following demolition of garages
Decision: REFUSE
Decision Date: 10 August 2011
Decision Level: Chair Referral
Appeal Lodged: 15 December 2011

App. Ref: 11/03794/FUL
Location: 358 Bloomfield Road Bloomfield Bath BA2 2PD
Proposal: Provision of a loft conversion with 2no. dormer windows.
Decision: REFUSE
Decision Date: 15 November 2011
Decision Level: Delegated
Appeal Lodged: 22 December 2011

APPEAL DECISIONS

App. Ref: 10/04570/FUL
Location: 178 Englishcombe Lane, Southdown, Bath
Proposal: Provision of rear dormer window for loft conversion
Decision: Refuse
Decision Date: 30 December 2011

Decision Level: Delegated
Appeal Decision: Dismissed

Summary:

This application sought planning permission for the provision of a dormer roof extension to the rear elevation of the property. The reason for refusal relates to the detrimental impact on the character and appearance of the host building and the wider area. The Inspector agreed with the Council that the proposal would fail to preserve the character and appearance of the host building and the wider area.

App. Ref: 10/05211/FUL
Location: 7 Entry Rise, Combe Down, Bath
Proposal: Conversion of loft with 1no side dormer and 1no rear flat roof dormer (Resubmission)
Decision: Refuse
Decision Date: 13 April 2011
Decision Level: Delegated
Appeal Decision: Dismissed

Summary:

This application sought planning permission for the provision of a dormer roof extension to the side elevation of the property. The reason for refusal relates to the detrimental impact on the character and appearance of the host building and the street scene. The Inspector agreed with the Council that the proposal would fail to preserve the character and appearance of the host building and the street scene.

App. Ref: 11/01297/FUL
Location: Pizza Express, 8 Southgate Place, BATH, BA1 1AP
Proposal: Display of 1no non-illuminated projecting sign (Retrospective) (Resubmission)
Decision: Refuse
Decision Date: 28 March 2011
Decision Level: Delegated
Appeal Decision: Dismissed

Summary:

This application sought retrospective advertisement consent for the display of a non-illuminated projecting sign. The reason for refusal relates to the detrimental impact on the character and appearance of the host building and the Conservation Area. The Inspector agreed with the Council that the proposal would fail to preserve the character and appearance of the host building and the Conservation Area.

App. Ref: 11/02342/FUL
Location: 7 Kingsway, Bath BA2 2NH
Proposal: The development proposed is a rear dormer
Decision: Refused
Decision Date: 23 August 2011
Decision Level: Delegated
Appeal Decision: Dismissed

Summary:

The reason for refusal related to the design, size and width of the proposed dormer which would detract from the character and appearance of the existing building, within the World Heritage Site, and the terrace of which it forms a part.

The Inspector considered that the principal issue is the effect of the proposed development on the character and appearance of the host building and the area.

The proposed dormer would have a flat roof and would occupy most of the rear roof-plane. Although it would be set down from the ridge, away from the sides, and well up from the eaves, it would still have the appearance of a large and dominant feature. It was considered that it would overpower the existing dwelling and would not be in keeping with it.

Upon site inspection it was noted that one of the houses (no.11) has a large rear dormer. It appears incongruous and intrusive in the otherwise untouched roof-scape at the rear of this handsome terrace, which appears to date from the early 19th-century. The Inspector commented that the building lies within the designated World Heritage Site, where design standards assume a particular importance.

The appellant had brought to the Inspector's attention other examples of rear dormers in the wider area. While these were acknowledged the existence of such dormers, and the subjective nature of any assessment of design merits, it was considered that the proposed development on this specific site would result in an over-dominant and bulky dormer.

It was concluded that the proposed development would be out of keeping with the character and appearance of the host building and of the area, contrary to policies BH1, D2 and D4 of the 2007 Bath and North East Somerset Local Plan.

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