

Democratic Services

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Date: 17 September 2013

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To: All Members of the Development Control Committee

Councillors:- Gerry Curran, Ian Gilchrist, Liz Hardman, Eleanor Jackson, Les Kew, Malcolm Lees, Douglas Nicol, Bryan Organ, Manda Rigby, Martin Veal, David Veale and Brian Webber and 1 Vacancy

Permanent Substitutes:- Councillors: Rob Appleyard, John Bull, Sarah Bevan, Sally Davis, Jeremy Sparks, Vic Pritchard and Nigel Roberts

Chief Executive and other appropriate officers
Press and Public

Dear Member

Development Control Committee: Wednesday, 25th September, 2013

You are invited to attend a meeting of the **Development Control Committee**, to be held on **Wednesday, 25th September, 2013 at 2.00pm** in the **Brunswick Room - Guildhall, Bath**

The Chair's Briefing Meeting will be held at 10.00am on Tuesday 24th September 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, 25th September, 2013
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

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

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

(b) The nature of their interest.

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

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

5. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE 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: 4TH SEPTEMBER 2013 (PAGES 9 - 42)
9. SITE VISIT LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (PAGES 43 - 80)
10. MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (PAGES 81 - 142)
11. NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES (PAGES 143 - 146)

To note the report

12. UPDATE ON LAND AT FORMER FULLERS EARTHWORKS, COMBE HAY, BATH (PAGES 147 - 158)

To consider the report of the Development Manager

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

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

Member and Officer Conduct/Roles Protocol*

Development Control Committee

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

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

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

2. Local Planning Code of Conduct

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

3. Site Visits

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

4. Voting & Chair's Casting Vote

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

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

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

5. **Protocol for Decision-Making**

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

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

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

6. **Officer Advice**

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

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

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

8. **Officer Contact/Advice**

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

1. Maggie Horrill, Planning and Environmental Law Manager
Tel. No. 01225 39 5174
2. Simon Barnes, Principal Solicitor
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, Senior Democratic Services Officer Tel No. 01225 39 4414

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

Site Visit Procedure

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

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DRAFT MINUTES PENDING CONFIRMATION AT THE NEXT MEETING

BATH AND NORTH EAST SOMERSET

MINUTES OF DEVELOPMENT CONTROL COMMITTEE

Wednesday, 4th September, 2013

Present:- Councillor Gerry Curran in the Chair

Councillors Andy Furse, Ian Gilchrist, Liz Hardman, Eleanor Jackson, Les Kew, Malcolm Lees, Douglas Nicol, Bryan Organ, Manda Rigby, Martin Veal, David Veale and Brian Webber

Also in attendance: Councillors Sally Davis, David Martin, Caroline Roberts and Dine Romero

49 EMERGENCY EVACUATION PROCEDURE

The Senior Democratic Services Officer read out the procedure

50 ELECTION OF VICE CHAIR (IF DESIRED)

A Vice Chair was not desired

51 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence

52 DECLARATIONS OF INTEREST

Councillor Liz Hardman declared a prejudicial interest in the planning application at Paulton Infants School (Item 3, Report 10) as a Governor of the School and therefore she would make a statement and then leave the meeting for its consideration. Councillor Andy Furse stated that, although he lived in the vicinity of the application site of Lark Place, Upper Bristol Road, Bath (Report 9), he did not have any interest to declare. Councillor Malcolm Lees (later in the meeting) declared an interest in the planning application at Private Garden, Lark Place, Upper Bristol Road, Bath (Item 3, Report 10) as he was formerly acquainted with the applicant's Architects.

53 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There were no items of urgent business. However, the Chair informed the meeting that the Enforcement Report at Rough Ground and Buildings, Queen Charlton Lane, Queen Charlton, had been withdrawn and therefore would not be considered at this meeting.

54 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 planning applications in Reports 9 and 10 and that they would be able to do so when reaching those Items on the Agenda

55 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

There were no items from Councillors

56 MINUTES: 31ST JULY 2013

The Minutes of the previous meeting held on Wednesday 31st July 2013 were approved as a correct record and were signed by the Chair

57 SITE VISIT LIST - APPLICATION FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE

The Committee considered

- The report of the Development Manager on an application for planning permission at 4 Lime Grove, Bathwick, Bath
- An Update Report by the Development Manager which is attached as *Appendix 1* to these Minutes
- Oral statements by members of the public etc, the Speakers List being attached as *Appendix 2* to these Minutes

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

No 4 Lime Grove, Bathwick, Bath – Conversion of student lets into 2 maisonettes and 1 self-contained apartment with first floor extension at the rear (Resubmission of 12/01925/FUL) – The Case Officer reported on this application and her recommendation to grant permission subject to conditions. The Update Report referred to the receipt of further representations and recommended an additional condition.

The public speakers made their statements against and in favour of the application which was followed by a statement by the Ward Councillor David Martin who was against the proposal.

After hearing Officer's responses to various questions about the proposal, Councillor Eleanor Jackson moved that the recommendation be overturned and that permission be refused on the basis that there would be a greater intensity of use of the building and the garden, the design would affect the appearance and symmetry of the building when viewed from the rear, it would detract from the amenities of the adjoining property and would not preserve or enhance this part of the Conservation Area, all contrary to Policies D2, D4 and HG12 of the Local Plan. The motion was seconded by Councillor Doug Nicol.

Members debated the motion. It was felt that it would be unreasonable to increase the impact on the adjoining property with greater intensity of use and the loss of light resulting from the first floor extension. Members generally agreed that the proposal would detrimentally affect the amenities of the adjoining property. However, one Member considered that there would be minimal impact on the neighbour and that their light would not be affected; the boundary wall was possibly a little too high. The Team Leader – Development Management gave advice regarding the relevance of the Policies quoted as regards the motion to refuse permission.

The motion was then put to the vote. Voting: 10 in favour and 2 against with 1 abstention. Motion carried.

58 **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 etc
- An Update Report by the Development Manager on Item Nos 1 and 5, a copy of which is attached as *Appendix 1* to these Minutes
- Oral statements by members of the public etc, the Speakers List being attached as *Appendix 2* to these Minutes

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

Item 1 Rough Ground and Buildings, Queen Charlton Lane, Queen Charlton – Change of use of land to private gypsy and traveller caravan site – The Case Officer reported on this application and his recommendation to refuse permission. The Update Report informed of further letters of objection being received. The Officer recommended a further reason to refuse permission, namely, lack of sustainability. He therefore amended his recommendation to Delegate to Refuse.

A representative of Compton Dando Parish Council made a statement against the proposal. The Ward Councillor Sally Davis made a statement agreeing with the Officer's recommendation and the points raised by the public speaker.

After some clarification as to the use of buildings in the vicinity of the application site, Councillor Les Kew moved the Officer recommendation. This had been an on-going problem for the area and there were clear reasons for refusal. The motion was seconded by Councillor Bryan Organ.

Members debated the motion. Councillor Eleanor Jackson queried whether the openness of the Green Belt was affected. The welfare of the family should be considered and she felt that temporary permission could be granted.

After some further comments, the motion was put to the vote which was carried, 12 voting in favour and 1 against.

Item 2 Private Garden, Lark Place, Upper Bristol Road, Bath – Erection of a pair of two storey semi-detached 3 bedroom dwellings and a terrace of 3 two storey dwellings including access, parking for 3 cars, cycle storage and amenity provision – The Case Officer reported on this application and his recommendation to (A) authorise the Planning and Environmental Law Manager to enter into a S106 Agreement to secure various provisions relating to Education, Open Space and Recreational Facilities, and Transport; and (B) subject to the prior completion of the Agreement, authorise the Development Manager to grant permission subject to conditions set out in the report (or to be determined). He reported the receipt of 2 further objections.

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

Councillor Andy Furse opened the debate as one of the Ward Members on the Committee. He considered that there were 3 key issues/concerns, namely, the impact on local residents, highways/access, and loss of the allotments. He expounded on these areas of concern and other issues. Councillor Doug Nicol, the other Ward Member on the Committee, agreed with the concerns that had been raised and queried whether legal advice was required on the use as an allotment.

Councillor Ian Gilchrist felt that it would be useful to visit the site to see the existing use and the surroundings. He therefore moved that the application be deferred for a Site Visit. The motion was seconded by Councillor Eleanor Jackson.

Members debated the motion. It was requested that, if the motion was agreed, the site be the first site on the Itinerary to be visited. Councillor Malcolm Lees declared an interest in the application as he was previously acquainted with the applicant's Architects. The motion was put to the vote and was carried, 9 voting in favour and 1 against with 3 abstentions.

Item 3 Paulton Infants School, Plumptre Close, Paulton – Erection of a 3 classroom extension – The Planning Officer reported on this application and the recommendation to grant permission subject to conditions. She reported the concerns of the Chair of the Governors of the Paulton Junior School that had recently been received.

The public speakers made their statements against the proposal.

Councillor Liz Hardman (Ward Member on the Committee) read out a statement by Councillor John Bull (the other Ward Member on the Committee). She stated that there was no objection to the school's expansion; however, there were various issues that needed to be addressed particularly regarding the highway and access to the site with congestion caused by dropping-off and picking-up. A workable Transport Plan was required. She considered that the application should be deferred for this to be done. Councillor Hardman then left the meeting in view of her interest declared earlier in the meeting.

Councillor Les Kew opened the debate. He considered that there was a number of problems to be sorted out and therefore moved that the application be deferred for further negotiations to enable a satisfactory Travel Plan/Statement to be provided. The motion was seconded by Councillor Martin Veal.

Members debated the motion. It was felt by some Members that the existing problems of congestion around the site needed to be addressed and that a time limit should be imposed on any deferment. It was also suggested that permission could be granted with a deadline for work on the Travel Plan. The Team Leader – Development Management informed Members that there was approximately £1M provided by the Polestar developers for educational facilities as a result of additional development in the village. Permission could be granted with the Travel Plan to be completed before occupation. The Highways Development Control Team Leader informed Members that previous information on the matter was now out of date and Officers were working with the School to achieve a preferred Travel Plan. A lot of preparatory work was required before this could be achieved with short, medium and long term measures being required. Members continued to discuss the issue of the Travel Plan. Some Members felt that a deferment with a time limit of 2 months imposed regarding the Travel Plan. Others considered that permission could be delegated to Officers with a Travel Plan being required within 2 months. Some Members were sceptical about whether a Travel Plan could be achieved in such a short space of time to which the Highways Engineer agreed. A Member pointed out that child safety was the priority and should be the main objective of the Travel Plan.

After a full discussion on the subject, Councillor Les Kew stated that classrooms were needed and a solution found. He therefore withdrew his motion to Defer and moved Delegate to Permit with conditions and a satisfactory Travel Plan to be agreed within 2 months. The motion was seconded by Councillor Bryan Organ. The Cabinet Member for Early Years, Children and Youth commented that a large number of children would be looking to start school in September next year; also that the Transport Plan would not influence the highways situation. The Highways Development Control Team Leader agreed but pointed out that there would be resources available next year to deliver some changes to the highways.

The motion was put to the vote. Voting: 6 in favour and 6 against. The Chair used his second and casting vote against the motion which was therefore 6 in favour and 7 against. Motion lost.

Councillor David Veale moved the Officer recommendation to Permit with conditions which was seconded by Councillor Malcolm Lees. The motion was put to the vote and was carried, 9 voting in favour and 0 against with 3 abstentions. Motion carried.

Item 4 Parcel 8970 Tunley Road, Tunley – Erection of an agricultural storage barn and widening of existing access – The Case Officer reported on this application and her recommendation to refuse permission.

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

Councillor Eleanor Jackson knew the site and the dangerous road junction at which a number of car accidents had occurred. She moved that the Officer's recommendation be approved. Councillor David Veale queried whether there was a need for the development. An improvement to the junction was being proposed. He did not support the proposal. Councillor Andy Furse seconded the motion.

Members debated the motion. It was felt that the proposal would be highly visible and it was situated on a fast road. It would affect the openness of the Green Belt and the business using the agricultural storage barn was situated some distance away

from the site. Some Members supported the proposal as it was an agricultural development which could be seen as an exception to Green Belt policy. The building could be set into the ground to minimise the impact. The nearby listed building was not of great significance.

The motion was put to the vote and was carried, 10 voting in favour and 3 against.

(Note: After this decision at 4.50pm, there was a natural break for 5 minutes after which business was resumed)

Item 5 Oldfield School, Kelston Road, Newbridge, Bath – Relocation of existing temporary classroom building within the school campus, erection of new single storey Drama Block on the current site, reintroduction of grassed area and removal of existing lighting columns to current temporary car park at rear of site – The Case Officer reported on this application and her recommendation to grant permission subject to conditions. The Update Report referred to the Highways Officer's response to the neighbour's representations and it amended the recommended Condition 2 and added an extra Condition. The Officer reported on the receipt of a letter of objection from the owner of the adjoining property.

The public speaker made a statement against the application which was followed by a statement by the Ward Councillor Caroline Roberts who suggested various options before the proposal could be considered for permission.

Members discussed the fact that work had started without permission and the impression that this work was being undertaken by the Council. Councillor Les Kew considered that a Site Visit was required to view the impact of the development on the adjoining property and to assess other possible locations within the School site. He moved accordingly which was seconded by Councillor Liz Hardman. A Member considered that a Master Plan should have been provided for development on the site. If the motion was approved, it was requested that it be viewed from the adjoining property and that a sedum roof be considered by the applicants.

The motion was put to the vote and was carried without dissension.

Item 6 Bath Urban Area, Generic Urban Area – Display of vertical banners at Manvers Street, Orange Grove, High Street, Stall Street and George Street; display of pendant banners at Churchill Bridge, Dorchester Street and Southgate Street; and display of Cross Street banners at Milsom Street – The Case Officer reported on this application and her recommendation to grant consent for 1) Cross Street Banner at Milsom Street; 2) Pendant Banners at Stall Street; 3) Pennant Banners at Brunel Square on Dorchester Street; 4) Pendant Banners at Churchill Bridge; 5) Vertical Banner on George Street; 6) Vertical Banners on the High Street (x2); 7) Vertical Banners on Orange Grove (x5); 8) Vertical Banners on Terrace Walk (x3); 9) Vertical Banners on Manvers Street (x7 including temporary posts); and 10) Vertical Banners on Stall Street (x2). There was a recommendation to refuse consent for 1x Vertical Banner at the Guildhall entrance and 2x Vertical Banners between Cheap Street and Orange Grove to the North elevation of the Abbey.

The applicants' Agent made his statement in favour of the proposal.

Councillor Manda Rigby as one of the Ward Members on the Committee spoke first and expressed dismay that she was not consulted on the application by the applicant prior to it being submitted. She referred to the City's status as a World Heritage site and banners being more acceptable in shopping streets. She did not support the proposal. Councillor Brian Webber, as the other Ward member on the Committee, considered that the proposal was acceptable and moved the Officer recommendation. A Member expressed concern on the vertical banners adjoining the highway. In seconding the motion, Councillor Andy Furse queried the time period that the banners would be erected. A 12 week period for these banners was acceptable but he would not wish to see many banners etc around the City for the various events that are held in Bath all year round. Some Members expressed their dissatisfaction with some of the banners that were proposed.

The motion was put to the vote and was carried, 9 voting in favour and 3 against (Note: Councillor Malcolm Lees had left the meeting prior to consideration of this application).

Item 7 Bath Urban Area, Generic Urban Area – Display of non-illuminated 6 sheet poster and temporary low level horizontal banner advertising at B&NES Council car parks (Avon Street, Charlotte Street, Kingsmead, Manvers Street and Sports Centre); Park and Ride sites (Newbridge, Lansdown and Odd Down); and City centre compactor litter bins – The Case Officer reported on this application and her recommendation to grant advertisement consent subject to conditions.

The public speakers made their statements against the proposal.

Members discussed the proposals. Concerns were expressed on the possible obstruction of pavements and public safety, also the lack of control over the content of the adverts on the litter bins. Councillor Liz Hardman considered that generally the proposals were acceptable and therefore moved the Officer's recommendation which was seconded by Councillor Les Kew. The motion was put to the vote. Voting: 6 in favour and 6 against. The Chair used his second and casting vote against and therefore the voting was 6 in favour and 7 against. Motion lost.

Councillor Andy Furse considered that, on the basis of pedestrian access and egress not being hindered and such or similar wording being included in the Recommendation 1b (ii), the advertisements at the City centre car parks and the Park and Ride sites be approved. This was seconded by Councillor Les Kew. The motion was put to the vote and was carried 11 voting in favour, 0 against and 1 abstention.

Regarding the advertisements on Litter Bins, Councillor Andy Furse moved Refusal which was seconded by Councillor Gerry Curran on the grounds of loss of visual amenity. The motion was put to the vote and was carried, 7 voting in favour and 5 against.

59 ENFORCEMENT REPORT - ROUGH GROUND AND BUILDINGS, QUEEN CHARLTON LANE, QUEEN CHARLTON

The Committee noted that this Report had been withdrawn from the Agenda

60 BRIEFING UPDATE - PARCEL 5319, CHARLTON FIELD LANE, QUEEN CHARLTON

The Development Manager submitted a report (1) referring to the Committee's decision at its meeting on 5th June 2013 to approve planning applications at this site; (2) informing that the distance between the site and the nearest house (classed as a sensitive receptor) was 131m, not 150m as stated in the report to that meeting; (3) advising that the difference in distance was not considered material as the key distance was whether or not the property was within 250m of the site which it clearly was; and (4) recommending that the situation be noted.

Members considered the report and approved the Officer's recommendation

RESOLVED to note that the actual distance between the boundary of the composting site and the boundary of the nearest sensitive receptor was 131m, not 150m as reported; however, this did not alter the recommendation that the applications should be approved subject to conditions.

61 ENFORCEMENT UPDATE - PARCEL 0005/2866, WOOLLEY LANE, CHARLCOMBE

Referring to the Minutes of the meeting held on 5th June 2013, the Committee considered (1) the report of the Development Manager which updated Members on the progress on addressing the various breaches of planning control at this site; and (2) an Update Report by the Development Manager, a copy of which is attached as *Appendix 1* to these Minutes.

Councillor Martin Veal noted that it stated in the Minutes of the meeting held on 5th June that the alterations to the site access were immune from enforcement action. He referred to and quoted S171b of the Town and Country Planning Act 1990 which inferred that the usual 4 year rule did not apply. A report to the Committee on 18th July 2010 stated that enforcement action would be taken with regard to the access as it was within the 4 years. The applicants' agent was now claiming that the site access was now lawful and he therefore requested advice as to whether this was the case. It was agreed that the necessary advice be provided to Councillor Veal subsequent to this meeting.

The Team Leader – Development Management gave advice on the Committee's decision of 5th June and updated Members with regard to applications received to regularise the situation.

The Committee noted the report.

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

The report was noted

The meeting ended at 6.12 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

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BATH AND NORTH EAST SOMERSET COUNCIL

Development Control Committee

4th September 2013

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

ITEM 10

ITEMS FOR PLANNING PERMISSION

Item No.	Application No.	Address
Site Visit 01	13/02112/FUL	4 Lime Grove Bathwick

REPRESENTATIONS:

COUNCILLOR MARTIN - comments and observations are the same as for the previous plans.

OTHER REPRESENTATIONS / THIRD PARTIES:

6 x objections received (3 from the same property) in relation to the revised drawings, and summarised as;

- There has been a continuing nuisance problem in terms of noise / litter due to the large numbers of occupants in the house
- Over intensive for the given size of the garden and building
- Amended drawings do not in reduce initial concerns: that the conversion is overdevelopment
- Would allow increased numbers of students to be housed
- This will be a house, designed for a single family and within a family-friendly area, which will become occupied by fourteen residents
- Results in a reduction in quality of life for locals
- The property can easily be converted to 3 flats without the need for an elevated extension
- Because of the load on amenities in the Lime Grove area due to the recent construction of 13 properties, no further residents parking should be permitted for No.4.
- Notice the proposal has an Article 4 constraint being an HMO with 12 student lets. As designated by the existing internal layout, these 12 student lets would be utilizing the 9 bedrooms and 3 lounges. It is reasonable for us to have some concerns that the proposed 11 bedrooms and 3 lounges could be used by 14 students.
- This large property has a limited garden size and with such a large number of occupants making use of it there is deterioration in enjoyment of outside space by neighbours.

- Object to this revised planning application because of the poor quality of the drawings and the unacceptable inaccuracies in depictions of the existing situation
- Will cause harmful overbearing impact and loss of light which is unacceptable
- There is no worthwhile reason to convert a top floor window into a door and then stick an iron railing over it to meet safety requirements

CONDITIONS:

- The proposed bathroom window in the north elevation; shall be glazed with obscure glass and permanently retained as such.

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

PLANS LIST:

This decision relates to drawing no's LG.1.A date stamped 20th May 2013 and LG.3C and LG.4C date stamped 9th August 2013.

Item No.	Application No.	Address
05	13/02302/FUL	Oldfield School Kelston Road Newbridge Bath

Additional representation from neighbour concerning highway issues (summarised):

- Previous applications refer to no increase in pupil numbers at the school and previous decisions have been made on this premise
- The school have granted an increase in numbers from 192 to 217 for this coming academic year 2013 as they now have the ability to accommodate the extra intake. The intake was 139 in 2012 so this is an increase of 80 pupils. There was no mention of this in the recent application for the drama block and two extra classrooms.
- The school is now an academy so is outside of BANES control as the admissions authority
- Amendments are always made to the applications after permission has been granted i.e. the sports hall that was passed without being open to the public. Then an amendment is made extending use of the facility to the public with out of hours use. This has had an adverse effect on parking and traffic in the area.

- Concerns over the use of a drama block by the public with audience participation. It will again have an effect on the traffic and the community as the majority of the pupils come from out of the borough.
- Concerns over the increase of pupils on a year on year basis and the knock-on effects on highway safety

Response from Highways Development Officer dated 16/08/13 to these neighbour comments:

“I understand your concerns regarding previous, and proposed, increases in pupil numbers at the school, which I have also raised in previous recommendations. However, in commenting on planning applications I must respond on the basis of the submitted application details, which in the case of the current application, I have been advised would simply replace two classrooms in the PE block to within the new drama block, and the relocated Training Classroom Block would retain the same use in its new position. I understand that the existing drama studio has been condemned, and would therefore not be brought back into use, and on this basis there would not be any additional classroom accommodation as a result, and therefore no additional capacity for more pupils.

I appreciate that these claims have been made previously, and then some increases in pupil numbers have taken place, but on the basis of the information I have received in respect of this current application, there are no grounds for me to raise a highway objection.

Clearly I am only a consultee within the planning process, and the Planning Case Officer will consider all consultation responses, and letters of support and objection, submitted in relation to this application in order to reach a decision, or make a recommendation to committee.

The school has now changed from a girls school to co-educational, but as yet there are no survey results to give any indication if this change has resulted in the changes in travel habits, and needs, that were expected within the Travel Plan, and although I am aware that there have been parking and road safety issues raised, and addressed, over the years, the Area Traffic Engineer has advised that there have been no adverse issues raised since the changes in the school last September.

With regard to your comment on any potential amendment to the use of the drama block by the public, this would clearly be subject to a separate application, and the implications of any proposed additional use would be considered at that time”.

Conclusion:

In light of the Highway Development Officer’s comments it is evident that there is no highways objection to this proposal. Therefore the officer

recommendation remains as the committee report but it is recommended that condition no.2 is amended, and an additional condition is added as referred to below:

Condition no.2:

Prior to the commencement of the development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority and shall include a timetable for the reinstatement of the grassed area and removal of the contractors compound, deliveries to and from the site (including storage arrangements and timings), contractor parking and traffic management.

Reason: To ensure the safe operation of the highway and the appearance of the site.

Condition no 5:

The development hereby permitted shall be carried out only in accordance with the approved Ecological assessment (Arup letter dated 13th May 2013 and Ecological Walkover Assessment August 2011). If at any time when the buildings are dismantled and protected species are found or evidence of protected species are found, all work should cease and an ecologist be contacted to provide advice. The development thereafter shall be carried out in accordance with that advice.

Reason: To secure adequate ecological protection during the course of development.

Item No.	Application No.	Address
01	13/02781/FUL	Rough Ground and Buildings Queen Charlton Lane Queen Charlton

A further 3 letters of objection have been received bringing the total number of objections received to 15.

No new issues were raised.

Item No.	Application No.	Address
Enforcement Item 13	13/00257/UNAUTH	Parcel 2866 Woolley Lane Charlcombe Bath

Woolley Valley – Enforcement Update Report (13/00257/UNAUTH)

Poultry Sheds

An Enforcement Notice requiring removal of the ten poultry sheds was issued on 23 August 2013.

A site inspection on 30 August 2013 confirmed that all units have been removed.

Caravan, shed and dog kennel

Enforcement Notices requiring the removal of these items was issued on 22 July 2013.

A site inspection on 14 August 2013 confirmed that all items have been removed from the site together with the concrete bases (and the skip in which the material was put had also been removed).

The land excavation works to provide the level area for the caravan, shed and dog kennel was completed more than 4 years ago and therefore immune from enforcement action.

Following a review of photographic and other evidence held by the Council it was concluded that the area was laid with hardcore at the same time and therefore the requirement that this area was provided with topsoil and seed was removed from the Notice.

New Planning Applications

Two separate applications have recently been submitted to the Council seeking to regularise the planning position in respect of various works at the site.

1. Certificate of lawfulness for the existing alterations to access and formation of hardstanding and track around existing building - 13/03374/CLEU. Received on 05/08/2013, this is intended to cover those works that are immune from enforcement action i.e. substantially complete more than four years ago.
2. Alterations and extension to existing agricultural building, formation of farm track, construction of stock pond and ancillary works - 13/03358/FUL. Received on 05/08/2013, this is for those items of work that it was not

considered expedient to take enforcement action against at the Development Control Committee meeting on 5th June 2013.

Consultation on these applications started on 21 August 2013.

As yet there is no date for determination of these applications.

**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 4TH
SEPTEMBER 2013**

SITE/REPORT	NAME/REPRESENTING	FOR/AGAINST
SITE VISITS – REPORT 9		
4 Lime Grove, Bathwick, Bath (Pages 43-49)	Dr David Dymock Lionel Tonizzo (Applicant)	Against For
MAIN PLANS LIST – REPORT 10		
Rough Ground and Buldings, Queen Charlton Lane, Queen Charlton (Item 1, Pages 54-65)	Cllr Chris Willows, Compton Dando Parish Council	Against
Private Garden, Lark Place, Upper Bristol Road, Bath (Item 2, Pages 66- 92)	David Phillips Tony Mason, Ashfords (Applicants' Solicitors)	Against For
Paulton Infants School, Plumptre Close, Paulton (Item 3, Pages 93-105)	Cllr Jeff Humphries (Paulton Parish Council) Garry Yoxall, Chair, School Governors	Against Against
Parcel 8970 Tunley Road, Tunley (Item 4, Pages 106-112)	Cllr Clare Taylor (Dunkerton Parish Council) <u>AND</u> Cllr Brian Huggett (Englishcombe Parish Council) Graham Jones Tom Killen (Applicant's Agent)	For – To share 3 minutes Against For
Oldfield School, Kelston Road, Newbridge, Bath (Item 5, Pages 113-121)	Ralph Murphy	Against
Bath Urban Area, Various Streets in the City centre – Display of vertical banners (Item 6, Pages 122-133)	Vaughan Thompson (Applicants' Agent)	For
Bath Urban Area , Various Car Parks/P&R sites/City centre litter bins – Display of poster and banner advertising (Item 7, Pages 134-142)	Peter Duppa-Miller, Clerk to Combe Hay Parish Council Caroline Kay, Chief Executive, Bath Preservation Trust	Against Against

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BATH AND NORTH EAST SOMERSET COUNCIL

DEVELOPMENT CONTROL COMMITTEE

4th September 2013

SITE VISIT DECISIONS

Item No:	001	
Application No:	13/02112/FUL	
Site Location:	4 Lime Grove, Bathwick, Bath, Bath And North East Somerset	
Ward: Bathwick	Parish: N/A	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Conversion of student lets into 2no maisonettes and 1no self contained apartment with first floor extension at the rear (Resubmission of 12/01925/FUL).	
Constraints:	Agric Land Class 3b,4,5, Article 4, British Waterways Minor and Householders, Conservation Area, Forest of Avon, Hotspring Protection, World Heritage Site,	
Applicant:	Mr Lionel Tonizzo	
Expiry Date:	15th July 2013	
Case Officer:	Rebecca Roberts	

DECISION REFUSE

1 The siting and design of the proposed first floor extension would represent an inappropriate addition to the terrace that would result in a built composition of an asymmetrical appearance which would diminish the existing rhythm between the properties that would adversely affect the character and appearance of the Conservation Area, contrary to policies D.2, D.4 and BH.6 of the Bath and North East Somerset Local Plan (including minerals and waste policies) 2007

2 The proposed development by reason of the over intensification of use and lack of amenity space is considered to represent overdevelopment of the site that is not considered compatible with existing uses within this locality and is therefore contrary to policies D.2 and HG.12 of the Bath & North East Somerset Local Plan (including minerals and waste policies) 2007.

3 The proposed first floor rear extension as a result of its scale, siting and design would result in an overbearing presence resulting in loss of light to the detriment of the residential amenity of the occupiers of No. 3 Lime Grove. This would be contrary to policy D.2 of the Bath and North East Somerset Local Plan (including minerals and waste policies) 2007

PLANS LIST:

This decision relates to drawing no's LG.1.A date stamped 20th May 2013 and LG.3C and LG.4C date stamped 9th August 2013.

DECISION TAKING STATEMENT

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

BATH AND NORTH EAST SOMERSET COUNCIL

DEVELOPMENT CONTROL COMMITTEE

4th September 2013

DECISIONS

Item No:	01	
Application No:	13/02781/FUL	
Site Location:	Rough Ground And Buildings, Queen Charlton Lane, Queen Charlton, Bristol	
Ward: Farmborough	Parish: Compton Dando	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Change of use of land to private gypsy and traveller caravan site (retrospective)	
Constraints:	Airport Safeguarding Zones, Agric Land Class 1,2,3a, Forest of Avon, Greenbelt,	
Applicant:	Mrs Kathleen O'Connor	
Expiry Date:	23rd August 2013	
Case Officer:	Chris Griggs-Trevarthen	

DECISION REFUSE

1 The proposal amounts to inappropriate development in the Green Belt, which would cause significant harm to its openness and would be contrary to its purpose of safeguarding the countryside from encroachment, contrary to policies GB.1 and GB.2 of the Bath and North East Somerset Local Plan (2007) and guidance within the National Planning Policy Framework (2012) and Planning Policy for Traveller Sites (2012).

2 The proposal would harm the character and appearance of the rural landscape and of the setting of the Queen Charlton Conservation Area, contrary to policies GB.2, NE.1, HG.16 and BH.6 of the Bath and North East Somerset Local Plan (2007) and guidance within the National Planning Policy Framework (2012) and Planning Policy for Traveller Sites (2012).

3 The proposal, due to its isolated location in the open countryside remote from services and public transport, would be car dependent and represents an unsustainable form of development contrary to policy T.1 and T.24 of the Bath and North East Somerset Local Plan (2007), guidance in the National Planning Policy Framework (2012) and Planning Policy for Traveller Sites (2012).

4 The benefits of the proposal, including the unmet national, regional and local need for gypsy and traveller sites, and the personal circumstances of the applicant and her family, do not clearly outweigh the harm to the Green Belt, rural landscape and Conservation Area and so do not amount to very special circumstances.

PLANS LIST:

Basic Survey
Site Location Plan 1:2500
Site Location Plan 1:1250

DECISION MAKING STATEMENT

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The Local Planning Authority has entertained a number of similar applications over a period of years which have been subsequently dismissed at appeal. The Local Planning Authority have acted positively by requesting information to clarify the applicant's case and have thoroughly reviewed the case on its own merits despite the very recent dismissal of a similar scheme at appeal in 2009.

Item No:	02	
Application No:	13/02098/FUL	
Site Location:	Private Garden, Lark Place, Upper Bristol Road, Lower Weston	
Ward: Kingsmead	Parish: N/A	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of a pair of two storey semi-detached 3 bedroom dwellings, and a terrace of 3 no. two storey 3 bedroom dwellings, including access, parking for 5 cars, cycle storage, and amenity provision.	
Constraints:	Agric Land Class 3b,4,5, Article 4, British Waterways Major and EIA, Conservation Area, Forest of Avon, Hazards & Pipelines, Hotspring Protection, World Heritage Site,	
Applicant:	Mr P.A. Wells	
Expiry Date:	24th July 2013	
Case Officer:	Daniel Stone	

DECISION Defer consideration to allow members to visit the site to view the application site in context to the surroundings.

PLANS LIST:

This decision relates to drawing nos

DRAWING CL 463-1 / 100 LOCATION PLAN
DRAWING 1000 SURVEY AS EXISTING - SITE PLAN
DRAWING 1001 SURVEY AS EXISTING - SITE SECTIONS
DRAWING 1002 EXISTING SEWER OVERLAY PLAN
DRAWING 3000 SITE PLAN AS PROPOSED
DRAWING 3001 SITE SECTIONS AS PROPOSED

DRAWING 3002 PROPOSED UNITS 1 AND 2
 DRAWING 3003 PROPOSED UNITS 3,4 AND 5
 DRAWING 3004 PROPOSED CYCLE STORE
 DRAWING 463-1 DESIGN AND ACCESS STATEMENT
 ARBORICULTURAL REPORT
 EXTENDED PHASE 1 SURVEY
 NOISE ON CONSTRUCTION SITES - CODE OF PRACTICE

FURTHER LISTED BUILDING CONSENT REQUIRED

Listed Building Consent is required for the relocation of the Listed Milestone on the site frontage onto the Upper Bristol Road. No works affecting the milestone should be begin ahead of Listed Building Consent being obtained.

LICENCE REQUIRED FOR VEHICULAR CROSSING

The applicant should be advised to contact the Highway Maintenance Team on 01225 394337 with regard to securing a licence under Section 184 of the Highways Act 1980 for the construction of a vehicular crossing. The access shall not be brought into use until the details of the access have been approved and constructed in accordance with the current Specification.

- o No materials arising from the demolition of any existing structures, the construction of new buildings nor any material from incidental and landscaping works shall be burnt on the site.
- o The developer shall comply with the BRE Code of Practice to control dust from construction and demolition activities (ISBN No. 1860816126). The requirements of the Code shall apply to all work on the site, access roads and adjacent roads.
- o The requirements of the Council's Code of Practice to Control noise from construction sites shall be fully complied with during demolition and construction of the new buildings.

Item No:	03
Application No:	13/02215/REG03
Site Location:	Paulton Infant School, Plumptre Close, Paulton, Bristol
Ward: Paulton	Parish: Paulton LB Grade: N/A
Application Type:	Regulation 3 Application
Proposal:	Erection of a 3no. classroom extension
Constraints:	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary,
Applicant:	Bath & North East Somerset
Expiry Date:	29th July 2013
Case Officer:	Heather Faulkner

DECISION PERMIT

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

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

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

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

3 Prior to the commencement of the development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority and shall include details of construction access, deliveries (including storage arrangements and timings), contractor parking, traffic management, signing, etc. Thereafter, the development shall not be constructed other than in full accordance with that approved plan.

Reason: To ensure the safe operation of the highway

4 Prior to the first occupation of the development a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with the Travel Plan.

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

5 Desk Study and Site Walkover

A Desk Study and Site Reconnaissance (walkover) survey shall be undertaken to develop a conceptual site model and preliminary risk assessment of the site. The Desk Study shall also be submitted to and approved in writing by the Local Planning Authority. Should the Desk Study identify the likely presence of contamination on the site, whether or not it originates on the site, then full characterisation (site investigation) shall be undertaken in accordance with a methodology which shall previously have been agreed in writing by the Local Planning Authority. Where remediation is necessary, it shall be undertaken in accordance with a remediation scheme which is subject to the approval in writing of the Local Planning Authority and a remediation validation report submitted for the approval of the Local Planning Authority.

Reason

To ensure that risks from land contamination to the current and future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

6 Reporting of Unexpected Contamination

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

Reason:

To ensure that risks from land contamination to the current and future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

7 No development or ground preparation 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 details of the path retention method by the retained Hornbeams; proposed tree protection measures during site preparation (including clearance and the control of potentially harmful operations such as the position of service runs, storage, handling and mixing of materials on site, burning, location of site office if considered necessary, and access and movement of people and machinery). The method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant.

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

8 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 in writing 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.

9 No development shall be commenced on site until a soft landscape scheme has been first submitted to and approved in writing by the Local Planning Authority showing details of all trees, hedgerows and other planting to be retained; finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs; and a programme of implementation.

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

10 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.

11 Prior to the commencement of the relocated bin store further details shall be submitted and approved in writing by the Local Planning Authority showing elevation details and construction materials. The development shall thereafter be carried out only in accordance with the details so approved.

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

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

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

PLANS LIST:

Received 22nd May 2013

CE033A3/AL/01 Rev A Location Plan

CE033A3/AL/02 Rev A Block Plan

CE033A3/AL/03 Existing Part Site Plan and Roof Plan

CE033A3/AL/04 Existing Floor Plan

CE033A3/AL/05 Existing Elevations

CE033A3/AL/06A Proposed Floor Plan and Part Site Plan

CE033A3/AL/07A Proposed Elevations

CE033A3/AL/08 Roof Plan

CE033A3/AL/09 Section Through A-A Hidden South Elevation

CE033A3/AL/11-Rev A Relocated Bin Store

EDUCATIONAL AND OTHER SUPPORTING STATEMENT

TRANSPORT STATEMENT

E033A3 - TS TREE SURVEY ABOR REPORT

E033A3-DAS PLANNING ACCESS DESIGN STATEMENT Public

E033A3-FRA FLOOD RISK ASSESSMENT Public

E033A3-PS PHOTOGRAPHIC SURVEY

Decision taking statement:

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

ADVICE NOTE:

Where a request is made to a Local Planning Authority for written confirmation of compliance with a condition or conditions attached to a planning permission or where a

request to discharge conditions is submitted a fee shall be paid to that authority. Details of the fee can be found on the "what happens after permission" pages of the Council's Website. Please send your requests to the Registration Team, Planning Services, PO Box 5006, Bath, BA1 1JG. Requests can be made using the 1APP standard form which is available from the Planning Portal at www.planningportal.gov.uk.

The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Your attention is drawn to the Coal Authority policy in relation to new development and mine entries available at www.coal.decc.gov.uk

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is available on The Coal Authority website www.coal.decc.gov.uk

Item No:	04	
Application No:	13/01686/FUL	
Site Location:	Parcel 8970, Tunley Road, Tunley, Bath	
Ward: Bathavon West	Parish: Englishcombe	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of an Agricultural Storage Barn and widening of existing access.	
Constraints:	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenbelt, Sites of Nature Conservation Imp (SN),	
Applicant:	Mr Andrew Scurlock	
Expiry Date:	12th July 2013	

Case Officer: Tessa Hampden

DECISION REFUSE

1 By virtue of its siting in this prominent location, the proposed storage barn fails to preserve the openness of the Green Belt, contrary to Policy GB.2 of the Bath & North East Somerset Local Plan Including Minerals and Waste Policies Adopted for October 2007

2 By reason of its siting and design, the proposed barn is poorly connected with the surrounding area, fails to maintain the character of the public realm, fails to respond to the local context and would have an adverse impact on the visual amenities of this area, contrary to Policies D.2 and D.4 of the Bath & North East Somerset Local Plan Including Minerals and Waste Policies Adopted for October 2007

3 By reason of its size, siting and design in this prominent location the proposed barn would adversely affect the setting of the adjacent Listed Building, contrary to Policy BH.2 of the Bath & North East Somerset Local Plan Including Minerals and Waste Policies Adopted for October 2007

4 In the absence of any robust justification for the need or benefit to the rural economy of the storage barn that outweigh the visual harm of the proposed scheme, the proposal is contrary to Policy ET.6 of the Bath & North East Somerset Local Plan Including Minerals and Waste Policies Adopted for October 2007

PLANS LIST:

Plans: SITE LOCATION PLAN, 1403/13/01, 1403/13/03, 1403/13/04, date stamped 22nd April 2013, and 1403/13/09, 1403/13/10, 1403/13/11 date stamped 17th May 2013

Item No:	05	
Application No:	13/02302/FUL	
Site Location:	Oldfield School, Kelston Road, Newbridge, Bath	
Ward: Newbridge	Parish: N/A	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Relocation of existing temporary classroom building within the school campus, erection of new single storey Drama Block on the current site, reintroduction of grassed area and removal of existing lighting columns to current temporary car-park at rear of site	
Constraints:	Agric Land Class 1,2,3a, Forest of Avon, Greenbelt, Hotspring Protection, Major Existing Dev Site, World Heritage Site,	
Applicant:	Oldfield School	
Expiry Date:	13th August 2013	
Case Officer:	Victoria Griffin	

DECISION Defer consideration to allow members to visit the site to view the application site in context to the surroundings.

PLANS LIST:

This decision relates to the following plans/documents:

Drawing ref. 2102 issue A, 2040 issue A, 2100 issue A, 2001 issue A, Travel Plan, Archaeological Desk study, Ecological Walkover Assessment, 2050 issue A, 2103 issue A, 2302 issue A, 2101 issue A, 2060 issue A, Planning Statement, Design & Access Statement, 001D, Site Map, Flood Risk Assessment date received 31/05/13

Drawing ref 2300 issue B, 2052 issue A, 2301 issue B, 2051 issue A date received 18/06/13

DECISION TAKING STATEMENT

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Policy Framework. For the reasons given, a positive view of the submitted proposals was taken and permission was recommended.

Item No:	06
Application No:	13/02395/AR
Site Location:	Bath Urban Area, Generic Urban Areas, Dummy Street,
Ward: Newbridge	Parish: N/A LB Grade: N/A
Application Type:	Advertisement Consent
Proposal:	Display of Vertical Banners at Manvers Street, Orange Grove, High Street, Stall Street and George Street; display of Pendant Banners at Churchill Bridge, Dorchester Street and Southgate Street; and display of Cross Street Banners at Milsom Street
Constraints:	Agric Land Class 3b,4,5, Article 4, Bath Core Office Area, City/Town Centre Shopping Areas, Conservation Area, Forest of Avon, Hotspring Protection, World Heritage Site,
Applicant:	Bath And North East Somerset Council
Expiry Date:	31st July 2013
Case Officer:	Rebecca Roberts

DECISION Split decision - check file/certificate

Consent is hereby **REFUSED** for 1x vertical banner at Guildhall entrance and 2x vertical banners between Cheap Street and Orange Grove to the North elevation of the Abbey for the following reason:

The proposed banners, by reason of their siting in prominent locations adjacent to listed buildings, detract from historical character of the listed buildings and compromise their setting and have a significant detrimental impact upon the character and appearance of the City of Bath Conservation Area and the setting of the World Heritage Site. This is contrary to policies D2, D4, BH1, BH2, BH16 and BH17 of the Bath and North East Somerset Local Plan (including minerals and waste) adopted 2007.

CONSENT is hereby granted to display 1 Cross Street Banner at Milsom Street, Pendant banners at Stall Street, Brunel Square on Dorchester Street and Churchill Bridge and Vertical banners on George Street (x1), High Street (1x banner adjacent to TK maxx and 1x banner on the corner of the Guildhall), Orange Grove (x5), Terrace Walk (x3), Manvers Street (x7 including temporary posts) and Stall Street (x2) in accordance with the application, plans and drawings submitted by you subject to the condition(s) set out below:

1 The banners hereby approved shall not be displayed for more than a 3 week continuous period and once the banner has been removed it shall not be displayed again for at least 3 weeks.

Reason: In the interests of the visual amenities of the area

2 No advertisement shall be displayed until a Management Plan including details of how and who will control the diary for the placement of the banners at the specified locations, implementation of guidelines to ensure a balance between periods when the city is dressed and when it is free of decoration, resolving clashes within the programme and ensuring there is an appeals mechanism and details of maintenance and repair, shall first be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure that the appearance of and locations for the proposed advertisements are acceptable in accordance with the provisions of Local Plan Policy BH.17 and will not significantly prejudice amenity or public safety.

3 a. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

b. No advertisement shall be sited or displayed so as to -

(i) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);

(ii) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or

(iii) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

c. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

d. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

e. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: These conditions are specified in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

4 This consent shall expire at the end of September 2018.

Reason: To review the situation and safeguard the character and appearance of the Conservation Area and setting of the World Heritage Site.

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

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

PLANS LIST:

This decision relates to drawing no's 1301/BC_ED_9030, 1301/BC_ED_9031, 1301/BC_ED_9032, 1301/BC_ED_9034, 1301/BC_ED_9035 and support statement date stamped 6th June 2013 and drawing no. 1301/BC_FB_5500 and banner technical specifications date stamped 12th August 2013.

ADVICE NOTE:

Please advise the applicant that formal consent of the Highway Authority is required under the Highways Act for anyone to erect a sign or similar structure which will overhang the highway and this may be obtained from the Highway Maintenance Team who can be contacted on 01225 394337. Furthermore, separate approval will be required from the Highway Electrical Team with regard to fixing the banners to street lighting columns - contact 01225 394342.

ADVICE NOTE:

Where a request is made to a Local Planning Authority for written confirmation of compliance with a condition or conditions attached to a planning permission or where a request to discharge conditions is submitted a fee shall be paid to that authority. Details of the fee can be found on the "what happens after permission" pages of the Council's Website. Please send your requests to the Registration Team, Planning Services, PO Box 5006, Bath, BA1 1JG. Requests can be made using the 1APP standard form which is available from the Planning Portal at www.planningportal.gov.uk.

Item No:	07
Application No:	13/02396/AR
Site Location:	Bath Urban Area, Generic Urban Areas, Dummy Street,
Ward: Newbridge	Parish: N/A LB Grade: N/A
Application Type:	Advertisement Consent
Proposal:	Display of non-illuminated six sheet poster and temporary low level horizontal banner advertising at: B&NES Council car parks (Avon Street, Charlotte Street, Kingsmead, Manvers Street and Sports Centre); Park and Ride sites (Newbridge, Lansdown and Odd Down); and city centre compactor litter bins
Constraints:	,
Applicant:	Bath And North East Somerset Council

Expiry Date:	31st July 2013
Case Officer:	Rebecca Roberts

DECISION Split decision - check file/certificate

Consent is hereby **REFUSED** for the Big Belly Solar Bins for the following reason:

The proposed advertisements, by reason of their siting on street furniture within prominent locations in the City Centre would detract from historical character of nearby listed buildings and have a significant detrimental impact upon the character and appearance of the City of Bath Conservation Area and the setting of the World Heritage Site. This is contrary to policies D2, D4, BH1, BH2, BH16 and BH17 of the Bath and North East Somerset Local Plan (including minerals and waste) adopted 2007.

CONSENT is hereby granted to display the car park and park and ride advertisements in accordance with the application, plans and drawings submitted by you subject to the condition(s) set out below:

- 1 a. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
- b. No advertisement shall be sited or displayed so as to -
 - (i) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (ii) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air, pedestrian access or egress; or
 - (iii) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
- c. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
- d. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
- e. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: These conditions are specified in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007

2 This consent shall expire at the end of September 2018.

Reason: To review the situation and safeguard the character and appearance of the Conservation Area and setting of the World Heritage Site

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

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

PLANS LIST:

This decision relates to drawing no's BC_CP_2100 date stamped 5th June 2013, BC_CP_2101, BC_CP_2102, BC_CP_2110, BC_CP_2115, BC_CP_2116, BC_CP_2117, BC_CP_2118, BC_CP_2120, BC_CP_2125, BC_CP_2205, BC_CP_2210, BC_CP_2215, BC_ED_9010, BC_ED_9025, BC_ED_9036, BC_BB_6000, BC_CP_2010, BO_CP_2200, BO_CP_2201, BO_CP_2202 and the supporting statement date stamped 6th June 2013 and drawing no. 1301/BC_BB_6100 date stamped 12th August 2013

ADVICE NOTE:

Where a request is made to a Local Planning Authority for written confirmation of compliance with a condition or conditions attached to a planning permission or where a request to discharge conditions is submitted a fee shall be paid to that authority. Details of the fee can be found on the "what happens after permission" pages of the Council's Website. Please send your requests to the Registration Team, Planning Services, PO Box 5006, Bath, BA1 1JG. Requests can be made using the 1APP standard form which is available from the Planning Portal at www.planningportal.gov.uk.

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Bath & North East Somerset Council	
MEETING:	Development Control Committee
MEETING DATE:	25th September 2013
RESPONSIBLE OFFICER:	Lisa Bartlett, Development Manager, Planning & Transport Development (Telephone: 01225 477281)
TITLE:	APPLICATIONS FOR PLANNING PERMISSION – SITE VISITS
WARDS:	ALL
BACKGROUND PAPERS:	
AN OPEN PUBLIC ITEM	

AGENDA
ITEM
NUMBER

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.

- [3] Responses on the application/proposals as above and any subsequent relevant correspondence from:
 - (i) Sections and officers of the Council, including:
 - Building Control
 - Environmental Services
 - Transport Development
 - Planning Policy, Environment and Projects, Urban Design (Sustainability)

 - (ii) The Environment Agency
 - (iii) Wessex Water
 - (iv) Bristol Water
 - (v) Health and Safety Executive
 - (vi) British Gas
 - (vii) Historic Buildings and Monuments Commission for England (English Heritage)
 - (viii) The Garden History Society
 - (ix) Royal Fine Arts Commission
 - (x) Department of Environment, Food and Rural Affairs
 - (xi) Nature Conservancy Council
 - (xii) Natural England
 - (xiii) National and local amenity societies
 - (xiv) Other interested organisations
 - (xv) Neighbours, residents and other interested persons
 - (xvi) Any other document or correspondence specifically identified with an application/proposal

- [4] The relevant provisions of Acts of Parliament, Statutory Instruments or Government Circulars, or documents produced by the Council or another statutory body such as the Bath and North East Somerset Local Plan (including waste and minerals policies) adopted October 2007

The following notes are for information only:-

- [1] "Background Papers" are defined in the Local Government (Access to Information) Act 1985 do not include those disclosing "Exempt" or "Confidential Information" within the meaning of that Act. There may be, therefore, other papers relevant to an

application which will be relied on in preparing the report to the Committee or a related report, but which legally are not required to be open to public inspection.

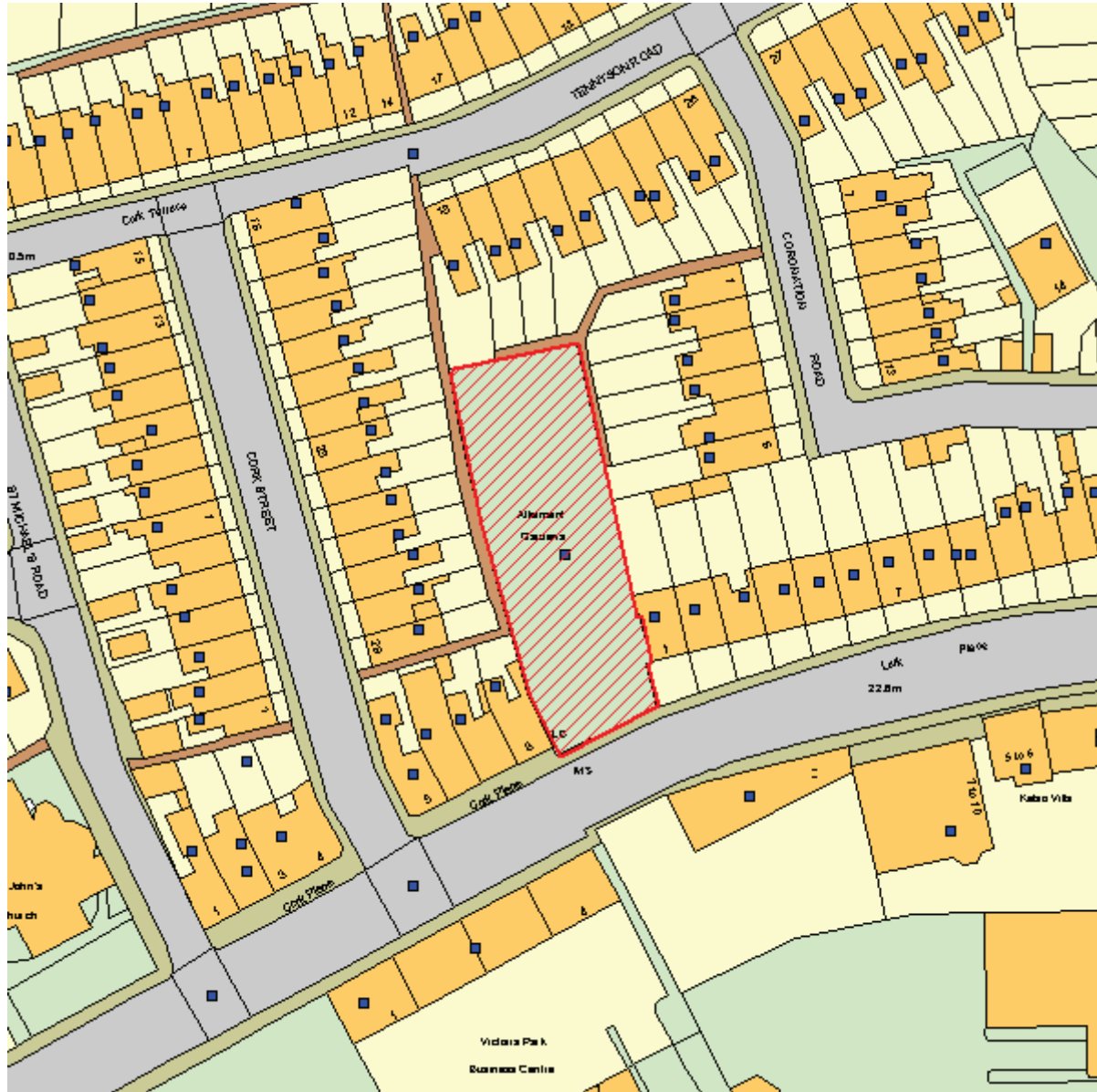
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting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

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ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
001	13/02098/FUL 24 July 2013	Mr P.A. Wells Private Garden, Lark Place, Upper Bristol Road, Lower Weston, Bath Erection of a pair of two storey semi-detached 3 bedroom dwellings, and a terrace of 3 no. two storey 3 bedroom dwellings, including access, parking for 5 cars, cycle storage, and amenity provision.	Kingsmead	Daniel Stone	Delegate to PERMIT
002	13/02302/FUL 13 August 2013	Oldfield School Oldfield School, Kelston Road, Newbridge, Bath, Bath And North East Somerset Relocation of existing temporary classroom building within the school campus, erection of new single storey Drama Block on the current site, reintroduction of grassed area and removal of existing lighting columns to current temporary car-park at rear of site	Newbridge	Victoria Griffin	PERMIT

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

Item No: 001
Application No: 13/02098/FUL
Site Location: Private Garden Lark Place Upper Bristol Road Lower Weston Bath



Ward: Kingsmead **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Douglas Nicol Councillor A J Furse
Application Type: Full Application
Proposal: Erection of a pair of two storey semi-detached 3 bedroom dwellings, and a terrace of 3 no. two storey 3 bedroom dwellings, including access, parking for 5 cars, cycle storage, and amenity provision.

Constraints:	Agric Land Class 3b,4,5, Article 4, British Waterways Major and EIA, Conservation Area, Forest of Avon, Hazards & Pipelines, Hotspring Protection, World Heritage Site,
Applicant:	Mr P.A. Wells
Expiry Date:	24th July 2013
Case Officer:	Daniel Stone

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

Councillor Andrew Furse requested that if the application is to be recommended for approval it should be brought to committee due to the impact upon many residents in Cork Street, Tennyson Road, Coronation Road and Lark Place (not including other local residents who had an allotment on the proposed site), and the fact that it is a significant development within the Conservation Area.

DESCRIPTION OF SITE AND APPLICATION

The site consists of an undeveloped space fronting onto the Upper Bristol Road, surrounded by housing. The applicant describes the site as a private garden that is rented out to an adjoining resident, but surrounding residents describe the land as allotments. The land is not designated as allotments in the Local Plan. The Council's allotment manager describes the site as private allotments, not within the control of the Council.

The site is within the World Heritage Site, and Bath Conservation Area, and additionally the stone fronted terrace to the east is a Grade II Listed building. A Cast iron "milestone" set onto a stone post in the front boundary wall of the site is also Grade II Listed.

The site frontage consists of a high stone boundary wall, above which fruit trees and scrub within the site can be seen. There is currently no access to the site off the Lower Bristol Road, but alleyways run around the perimeter of the site, accessed off Coronation Road to the east, Cork Street to the west and Tennyson Road to the north.

The proposals consist of a pair of semi-detached dwellings to be erected on the site frontage, adjoining the listed terrace and an additional 3 dwellings to be erected towards the back of the site. Openings would be formed in the wall on the road frontage to allow a pedestrian access for the right hand dwelling and to allow the vehicular route through to the dwellings, parking and turning areas to the rear of the site. The listed "milestone" would be removed from its current location and re-erected in the new wall near to its current location.

RELEVANT HISTORY

- 0/5177 - Change of use from allotments to residential purposes - refused 1957. Reason for refusal "The land is zoned for allotment purposes in the Development Plan and the proposed use would conflict with that zoning.

- 6540 - erection of a timber building to be used as joinery workshop, the existing garden to remain as such - refused 1961 - Reason for refusal "The land is zoned for allotment purposes in the Development Plan and the erection of an industrial building on the land would be detrimental to the amenities of the adjoining properties.

- 6540/1 - erection of a timber building to be used as joinery workshop - Reason for refusal "The land is zoned for allotment purposes in the Development Plan; the erection of an industrial building on the land would be detrimental to the amenities of the adjoining properties and the proposal would lead to vehicles standing on the adjoining classified road creating a traffic hazard on this very busy stretch of road.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Summary of Consultation/Representations:

CONSULTATION:

Consultation letters were sent out to 33 properties, a notice was placed in the local press and additionally a site notice was displayed on the site frontage on Upper Bristol Road.

REPRESENTATIONS:

To date 68 letters of objection have been received, plus a petition objecting to the development with 68 signatories. No letters of support have been received.

OBJECTIONS (Summarised):

Existing Use of the site / Loss of Allotments

- Object to the loss of Allotments and to the lack of any alternative provision to make up for the loss.
- The site is incorrectly described as a private garden. It's always been allotments, since before 1960 and was used by 7 residents until being given notice to quit a few months ago.
- There is a shortage of allotments for those who want them in Bath, with a 2 - 3 year waiting list for the nearby allotments: Lower Common West, High Common, Sion Hill. Growing our own food is increasingly important for health and to help families budget.
- The individual allotments are / where maintained by over 7 local resident households and provide a great sense of community
- Object to loss of the green space, which is a useful social and community contact point for the surrounding houses and attractive open space.
- The OS 1:1250 sheet dated December 1950 (some 13 years before the brothers Walkington bought the plot) contains the notation "Allotment gardens" in the area of the proposed development and this notation continues on the current OS sheet.
- The site was allocated as open space / allotments in the 1953 Town Plan
- Regardless of what the tenancy agreement says, the land was sub-divided and sub-let into individual plots for use as allotments, and 4 years ago a resident asked the tenant whether he could be added to his waiting list for allotments.

Conservation and Heritage impacts

- The development would necessitate a Victorian wall being knocked down, which adds to the character of the street.
- Object to the milestone being re-sited from its historical position. The listing includes the fact that it is by definition 1 mile from the Guildhall; exact map references are sited in the listing, and it is farcical to think that placing it elsewhere will not impact its historical importance.

Design

- This is an overdevelopment of the site involving the loss of garden areas which in OS maps are described as allotments and are used by the local community
- The design of the houses (in particular the rear three units) is not in keeping with the character of the Conservation Area, the character of adjoining Georgian terrace (Lark Place) or the Victorian / Edwardian houses of Cork Place, Tennyson Road and Coronation Road.
- Unacceptably high density/overdevelopment of the site, especially as it involves a loss of garden land and the open aspect of the neighbourhood.

Amenity Impacts

- Proposed dwellings would overlook and overshadow the surrounding properties, resulting in an unacceptable loss of privacy and daylight.
- The rear units would particularly overshadow the adjoining gardens, 2 metres to the east, belonging to Coronation Road.
- Construction would result in noise pollution for surrounding residents.
- Concerns raised regarding the proposed excavation works and potential subsidence problems.
- Loss of outlook over green space for surrounding dwellings
- Insufficient detail is shown regarding the relationship between the existing and proposed ground levels and no. 8 Cork Place.
- Concerned about the installation of external lighting within the development.
- There is a known problem in Cork Terrace where the ground has been found to be less than solid. To remove this amount of soil and change the structure of the ground between the two lines of terraced houses could put these houses in danger of a further subsidence or heave particularly by a very busy road which carries very large vehicles thus causing vibration.

Highway Safety / Parking

- It was wrong at pre-application stage to suggest to the Applicant that parking bays lost on the Upper Bristol Road due to the construction of the driveway could be regained by "tacking-on" bays to the east of the existing. This should not happen and a TRO to this effect will not succeed. The parking as it stands extends as far as it physically can eastwards. Even at present, I have observed eastbound traffic encroach into the westbound lane of Upper Bristol Road when passing a vehicle parked at the eastern end of the bays.

- It is not appropriate in highway safety terms to create a residential access (to a small infill development) directly onto an arterial road.
- The driveway into the site is too steep - introducing such a steep access directly onto an arterial road introduces the risk for cars to build up significant momentum prior to having to stop at the entrance to the site.
- The application proposes a very bad access to the site with poor visibility. A swept path analysis should be carried out for fire appliances, refuse trucks and a plan should be submitted showing sight lines for vehicles exiting the site onto Upper Bristol Road.
- Development would cause congestion at the entrance of the site on the Upper Bristol Road

- The access of the Upper Bristol Road is difficult, with high traffic flows and difficult junctions with Park Lane, Cork Street and St Michael's Road
- A vehicle trying to exit the site will have to block the pavement in order to gain the necessary sight lines to make the manoeuvre safely.
- Concerned about inadequate parking - parking in the area is already very difficult. 1 Space per dwelling is not enough
- No traffic assessment has been submitted with the application nor data relating to the impact the proposed access road and crossover will have on the Upper Bristol Road.

Adjoining Businesses

- Object to the loss of parking spaces on the site frontage, which are vital for the survival of the adjoining shops.
- Hair by Dular, the adjoining shop, provides hairdressing particularly to the elderly, some of whom are disabled and arrive by car.
- Starcol Services, the adjoining computer repair shop, raise concerns about the loss of parking, which is essential to their business, allowing customers to pick up and drop off computers / printers.

Consultation process

- Insufficient consultation has taken place

Landscaping / Ecology

- Object to loss of habitat for local wildlife and fruiting trees.
- The landscaping shown on the proposed plans offers an inadequate replacement of the trees and shrubs currently on site and blocks off what has become a wildlife corridor

Other

- The development would reduce property values (Officer Note: Within the existing legislation, the effect of development on property values is not a material consideration).
- The development would add further pressure to local schools.
- If consent is granted, conditions should be attached covering noise, disturbance, dust and the management of construction traffic during the construction period.
- The site is of archaeological importance.
- The private drive giving access to units 3, 4 and 5 will open up easier access to the rear of neighbouring properties

COUNCILLOR FURSE - OBJECT

My objection is based on the following:

- Loss of allotments - already there is a significant deficit with allotment provision in Bath, this would lead to further reduction.
- Loss of natural habitat which complements local gardens.
- Loss of residential amenity for dwellings adjacent to the development site who will suffer significant overlooking.
- Significant visual impact on adjacent dwellings and an over development of the site.
- Difficult and potentially dangerous access and egress to Upper Bristol Road.
- Removal of historical milestone (1 Mile to Guildhall) and wall to gain access to site.
- Increased pressure on current parking zone.
- Impact on the number of limited waiting parking spaces on UBR which are in situ to support local businesses and the reduction of on street parking used during evenings by residents.
- Design of proposed dwellings is not in keeping with either terraced housing in Cork Street/Tennyson Road or Coronation Rd, or with Lark Place as viewed from the UBR. Blending with the local dwellings would be expected within this conservation area. The application is presented as a private garden but is in fact allotments.

BATH PRESERVATION TRUST

Bath Preservation Trust notes that the land to be developed may currently be used as allotments and therefore protected under Local Plan policy CF.8. This clearly needs to be clarified before any planning permission could be granted. Our comments on the design proposals are made without prejudice to the issue of whether the land is available for development.

In general, Bath Preservation Trust supports the development of housing on unused land within the city which will alleviate pressure to build within the Green Belt. We therefore broadly support this proposal, but only subject to clarification of the status of the land.

We do, however, regret the intention to move the Guildhall milestone so far from its current position. Whilst we understand that the marker may have to be moved, it ought to be re-installed far closer to where it sits currently.

We feel strongly that this development must be tightly conditioned in terms of materials including sample panels and that more attention must be given to the related highway proposals as per the highways consultation response if permission is to be given.

HIGHWAYS DEVELOPMENT CONTROL - No objection subject to conditions and contributions being sought towards strategic transport measures.

The submission was the subject of considerable pre-application discussion with the applicant's agent some months ago, particularly in respect of the access from the Upper Bristol Road.

This length of the A4 is very busy at all times, but especially at peak hours, and traffic queues on the westbound approach to the Windsor Bridge Road signal-controlled junction (opposite the proposed access). In addition, it will be necessary to remove a length of existing on-street parking in order that access can be achieved.

In respect of the principle of access from the Upper Bristol Road, I have observed access for vehicles to/from Cork Street and St. Michael's Road, both of which serve many more dwellings than that proposed at this development. While sometimes drivers need to be patient in waiting for an appropriate opportunity to proceed, there do not appear to be safety issues arising (there is no injury-accident record at either junction). In some instances there is a small delay to queuing traffic while a car waits to turn right into the side-road, however the likelihood of this occurring (when access for only five dwellings is required) is very low.

A yellow box-junction is proposed to address the issue of obstruction to queuing traffic. While this was previously thought to be an appropriate way forward, I would now suggest a simple 'Keep Clear' marking should be introduced, secured by way of a contribution to allow the location and extent of the marking to be considered by colleagues. The access is wide enough for a distance into the site to allow one car to enter the site if another is waiting to emerge. A centre-line should be provided on the access to ensure this works efficiently.

The Head of Parking Services and the Area Traffic Engineer have been consulted in respect of the loss of on-street parking. The Head of Parking Services has advised that although the most recent data (2009) shows this is not parked at capacity, he would nevertheless want the lost parking to be replaced. The Area Engineer concurs and has stated that the required changes to the Traffic Regulation Order will have to be funded by the developer. There is a risk in the delivery of the Traffic Regulation Order as the statutory consultation process does not guarantee a positive outcome - I would therefore recommend a Grampian condition to ensure the development cannot commence until there is a successful outcome to a TRO process. The funding for the TRO legal and administrative costs, as well as signs, lines etc. will need to be secured through a Section 106 agreement.

In terms of detail, the low-key design of the access i.e. the footway running across the frontage giving pedestrian priority, is appropriate. Visibility from the access will be compromised by parked vehicles to a certain degree, however Manual for Streets 2 suggests this is a common occurrence in built-up areas and it does not appear to create problems in practice. The site layout allows for emergency access and is designed as a shared-space to minimise speeds and create a low-key environment. It is not required that this road be offered for adoption as a public highway due to the level of development served. The level of parking provided is appropriate as it is consistent with the parking provision at the Western Riverside development (across the other side of the Upper Bristol Road), and the site is located convenient for local facilities as well as alternative forms of travel (a frequent bus service, access to the riverside cycle path, a level walk/cycle to the city).

To reinforce this principle, and to ensure parking doesn't overflow onto Cork Street etc. the applicant should be advised that the occupants will not be entitled to apply for resident's parking permits. The development meets the threshold by which it must contribute

towards strategic transport measures. A development of 5 dwellings is required to contribute a sum of £17,648.40 (5 x 7 multi-modal movements per day, x £504.24). Subject therefore to this being secured, together with the cost of the Traffic Regulation Order and installation of parking restrictions (£6500), and the introduction of the 'Keep Clear' marking on the Upper Bristol Road (£1500), which allows for traffic management), no highway objection is recommended.

FURTHER COMMENTS - 12th August 2013.

I refer to the copy of a letter from Mr Bubb in which he raises a number of highway concerns in relation to the development proposal. I have also considered other objections which have been received following the highway recommendations dated 10th June 2013.

Concerns has been expressed in relation to the additional traffic generated by the development; loss of parking on Upper Bristol Road affecting businesses, insufficient parking on site for the development; steepness of access drive; level of visibility for new access; and the use of the box junction causing more problems on the Upper Bristol Road.

The proposal is for 5 dwellings, where the level of traffic generated by such a development would not result in a material increase in traffic using the Upper Bristol Road. Whilst a new junction would be created from the Upper Bristol Road, resulting in turning movements onto, and off, the highway, the impact of this has been considered in detail.

A yellow box junction has been proposed, but it is now considered that a "keep Clear" marking is sufficient. The means of access, in terms of its geometry and visibility have been considered, having regard to current guidance, and is considered to be appropriate for the level of development.

With regard to the impact on the parking on Upper Bristol Road, the Parking Services Manager has advised that any parking lost as a result of the development would need to be replaced, and a Grampian condition to ensure that Traffic Regulation Orders can be made to secure this before development commences has been suggested.

The level of parking spaces within the site accords with current standards, and reflects the sustainable location of the site, whereby residents would not need to be wholly reliant on the private car. The provision of cycle storage facilities would also help to encourage cycle use.

The gradient of the access drive is proposed with a 1 in 15 gradient for the first 5m, and an average gradient of 1 in 8 beyond, and whilst this would provide a steeper access drive, it falls within acceptable limits.

Therefore, whilst the access to serve the development may not be considered to be ideal, the previous highway recommendations are maintained.

URBAN DESIGN - not acceptable in its current form.

- Support continuation of building line, but I think there should be two access points from the Upper Bristol Road - one for each frontage house as there are along the rest of the terrace.
- Units 1 and 2 roof features double mansard with no chimneys: this makes the roof space unable to be adapted in future, and does not create the articulation chimneys provide. A pitched roof like those to the east of the site could be adaptable in my view and the addition of stack ventilation chimneys would provide a source of natural ventilation that would help reduce the noise from opening windows and provide the articulation roofscapes in the city should have. The patio area, dining area and kitchens of these houses would lack natural daylight due to a sunken area facing north. There appears to be an opportunity to bring these lower level rooms out into the patio area a little to allow rooflights in? This could also allow slightly bigger balconies above.
- Units 3,4 and 5 have a very shallow roof that appears to compromise the efficiency of the proposed PV array, which is supported. A higher pitch with deeper overhanging eaves could serve to improve the proportions of the roof, make pvs more efficient (30% ideal) as well as provide solar shading for south facing windows.
- The arrangement of the public realm exactly follows the line of vehicle turning circles. There is no need to compromise the quality of the public realm by replicating these curves in the line of walls - the appearance of the scheme would be improved if the space required for vehicular movements is maintained whilst incorporating walls that are squared off to relate to the buildings and not to the highway.
- Cycle stores should be in areas of the curtilage of buildings adjacent to access road so that cycles can be moved easily. The undercroft areas of units 1 and 2 look like they could accommodate cycle stores.
- Where would rubbish be deposited for collection? Should not be on Upper Bristol Road unless appropriately contained.

LANDSCAPE OFFICER -No objection subject to conditions to secure a landscaping scheme.

The loss of allotment space is to be regretted and there does not appear to be any material public benefit in its place. This needs to be considered in the overall balance. I would not object to the terrace across the front of the site as this would generally appear as a continuation of the existing. However, I think the rear is very tight for three dwellings as well as turning and access.

The planted areas to the rear may need to be amended to allow for overrun especially in respect of spaces 3 and 4. Having said that, I would not object to the principle, but would want to see a high quality hard and soft landscape scheme. It will specifically need to address the public domain and very particularly the road frontage elements. The boundary wall must also be designed and built to the highest standards.

TREE OFFICER - NO OBJECTION

The trees on and adjacent to the site are protected by the conservation area status. The existing trees are predominantly fruit trees which collectively contribute towards the green infrastructure but are of limited arboricultural merit to support the making of a tree preservation order.

The layout results in a net loss of green infrastructure within the World Heritage Site. The Green Infrastructure Strategy includes a number of principles which include: 'Green infrastructure should be central to the design of new developments. Proposals should respect and enhance green infrastructure within the site and demonstrate strong links to the wider network.' No objection is raised on arboricultural grounds.

ARCHAEOLOGY - NO OBJECTION SUBJECT TO CONDITIONS.

The proposed development lies in close proximity to a number of Roman burials (HER: MBN4562) discovered when the area was developed in the 19th century, indicating a possible area Roman-British activity/occupation. I would therefore recommend that that conditions are attached to any planning consent, to ensure (1) a field evaluation of the site, (2) a subsequent programme of archaeological work or mitigation, and (3) publication of the results.

CONTAMINATED LAND OFFICER - NO OBJECTION SUBJECT TO CONDITIONS.

I have reviewed the planning application for the above referenced site. Due to the sensitive nature of the development (i.e. residential) and the potentially contaminative historical uses in the vicinity of the site (former gas works and depot to south), I advise that conditions are applied to any permission to secure a site investigation, reporting and remediation where necessary.

ECOLOGY - No objections subject to the submission of a Wildlife Protection and Enhancement Plan

A comprehensive ecological survey and assessment have been submitted. No further surveys are required prior to determination of this application. Recommendations, including recommended survey (and mitigation if applicable) for reptiles, are made, along with a range of measures to prevent harm to wildlife.

ENVIRONMENTAL PROTECTION (NOISE) - No objections subject to conditions detailing noise mitigation measures

The development is likely to be affected significantly from noise from traffic on the A4 Upper Bristol Road. We advised prior to the submission of the application the constructed building must meet the criteria within BS8233:1999. 'Sound insulation and noise reduction for buildings - Code of practice', which provides guidance upon appropriate design values for internal and external noise at residential properties.

It is anticipated after a review of the design and access statement that the applicable acoustic criteria will be readily achievable by way of noise control measures incorporated

into the site and building design. The principal method of mitigating noise will be by way of adequately specified sound insulating external building fabric, particularly the glazing and ventilation systems.

HEALTH AND SAFETY EXECUTIVE - The HSE does not advise, on safety grounds, against the granting of planning permission in this case.

EDUCATION - No objection subject to contributions of £20,307.23 being provided towards primary school and Youth Services provision.

PARKS OFFICER - No objection subject to contributions of £11,770.20 being provided towards the enhancement of public open space (Formal green space and natural green space) and allotment provision.

This quantum of development will result in a projected occupancy of 15no. persons who will generate demand for formal green space, natural green space and allotment provision of 225m², 225m² and 45m² respectively.

The Council's data shows that there is currently a surplus within the Kingsmead Ward in respect of formal green space, natural green space and allotment provision. As such, and in accordance with the Council's Planning Obligations SPD, the applicant would be required to make a capital contribution to the Council, to be used for the enhancement of existing facilities within the area.

POLICIES/LEGISLATION

Policies/Legislation:

NATIONAL PLANNING POLICY FRAMEWORK

The NPPF came into effect on the 27th March 2012 replacing all previous Planning Policy Statements (PPS's) and Guidance Notes (PPG's). The NPPF is of primary consideration in the determination of this application. Whilst the NPPF confirms at Para 214 that full weight can be given to relevant (local) Policies for a period of 12 months from the date of its publication, this is conditional on those policies having been made in accordance with the 2004 Planning and Compulsory Purchase Act. In the case of the B&NES Local Plan, although adopted in 2007 this was made in accordance with 1990 Town and Country Planning Act and therefore Para 215 of the NPPF is applicable where it is stated "due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)".

**BATH & NORTH EAST SOMERSET LOCAL PLAN INCLUDING MINERALS AND WASTE
POLICIES ADOPTED FOR OCTOBER 2007**

D.2: General design and public realm considerations

D.4: Townscape considerations
IMP.1: Planning obligations
CF.8 - Protection of Allotments
CF.3: Contributions from new development to community facilities
BH.2 - Listed buildings and their settings
BH.6 - Development within/ affecting Conservation Areas
BH.8 - Improvement work in Conservation Areas
BH.12 - Important archaeological remains
ES.2: Energy conservation and protection of environmental resources
ES.5: Foul and surface water drainage
ES.14: Unstable land
ES.15: Contaminated land
HG.1: Meeting the District housing requirement
HG.7: Minimum housing density
SR.3: Provision of recreational facilities to meet the needs of new developments
NE.1: Landscape character
NE.9: Locally important wildlife sites
NE.10: Nationally important species and habitats
NE.11: Locally important species and their habitats
NE.12: Natural features: retention, new provision and management
T.1: Overarching access policy
T.24: General development control and access policy
T.26: On-site parking and servicing provision

DRAFT CORE STRATEGY, MAY 2011

The Draft core strategy is currently suspended following an Examination in Public however remains a material consideration. At this stage the Core Strategy has limited weight but should be read in conjunction with ID28, the Inspector's Preliminary Conclusions on Strategic Matters and Way Forward, June 2012:

CP2: Sustainable construction
CP6: Environmental quality
CP9: Affordable housing
CP10: Housing mix

A green infrastructure strategy for Bath & North East Somerset - March 2013

OFFICER ASSESSMENT

Officer Assessment:

IS THE PROPOSED DEVELOPMENT ACCEPTABLE IN PRINCIPLE?

HOUSING POLICY CONTEXT

The National Planning Policy Framework advises at paragraph 47:

"to boost significantly the supply of housing, local planning authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework; and identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land."

Paragraph 49 of the NPPF advises subsequently: "housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."

The National Planning Policy Framework stresses a presumption in favour of sustainable development. "Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted."

In 2010 the Council published the draft Core Strategy for consultation and latterly the document has been undergoing its Examination in Public. The Inspector assessing the Core Strategy has advised that the approach of the Core Strategy to assessing the housing requirement is unsound, leading to a requirement to make up a shortfall of 850 houses and to make provision for a 20% buffer to the 5 year housing land supply, and the Council has accepted that it is not currently able to demonstrate a 5-year housing land supply.

As a consequence, the Council accepts that a presumption in favour of Sustainable Development applies to housing proposals, and permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework.

The site is located in a relatively accessible location, within walking distance of the city centre, and with good access to public transport and cycle infrastructure. Consequently, officers consider that the site is a sustainable location for residential development. However many residents have objected to the development of the site, and on the loss of benefits the site provides in terms of residents growing their own food, and this is considered to be the primary issue in the determination of the application, to be balanced against the benefits the development offers in terms of the delivery of additional housing.

LOSS OF EXISTING LAND USE

Policy Context

The National Planning Policy Framework (NPPF) advises at paragraph 74. "existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless an assessment has been undertaken which has clearly shown the open space or land to be surplus to requirements; or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or the development is for alternative sports and recreational provision."

The NPPF does not specifically discuss allotments except to exclude them from the definition of Previously Developed Land, but at paragraph 70 the document advises that to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should plan positively for the provision and use of shared space, community facilities and other local services to enhance the sustainability of communities and residential environments, and guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

Local Plan policy CF.8 advises "Development resulting in the loss of land used for allotments will not be permitted unless:

(i) the importance of the development outweighs the community value of the site as allotments and suitable, equivalent and accessible alternative provision is made; or

(ii) the site is allocated for another use in the Local Plan and suitable, equivalent and accessible alternative provision is made. Development resulting in the loss of vacant land last used for allotments will not be permitted unless the existing and foreseeable local demand for allotments can be met by existing suitable and accessible sites. New allotments will be permitted provided that they are accessible to the area they are intended to serve and suitable for productive use."

Whilst the Adopted Local Plan pre-dates the NPPF, policy CF.8 (which safeguards allotments unless equivalent replacement provision is made), is in full compliance with the NPPF and can be afforded significant weight in assessing the application.

The Core Strategy identifies the lack of allotments as a strategic issue and emphasises the role allotments can play as Green Infrastructure, and residents correctly identify a shortage of allotments in the Bath area. It is clear from the planning history of the site that at the time of the historical applications (1957 - 1964) the land was designated as allotments, however the land carried no such designation in the 1997 Adopted Local Plan, and additionally was not identified as allotments in the 2007 Green Space Strategy.

Status of Existing Use

Current Appearance and Use

At the time of writing, the site has the appearance of allotments, with vegetables planted in strips on either side of a central walkway, extensive areas of fruit trees at the southern end of the site, plus compost bins and several large greenhouses and sheds. At the time of the Officer site visit, there was an occupied bee hive site on the land and the majority of

the land evidently had been in active cultivation, though was starting to become overgrown. It is however of note that there are no obvious signs of separate plots being set out within the land, such as plot numbers or individual small sheds being erected on individual plots.

The applicants confirm that between 2003 - 2013 the site has been privately let to a local resident as a private garden, and have submitted a copy of the tenancy agreement covering this period, which confirms that the whole site was rented to an individual person. In a telephone conversation on 16th July 2013, the tenant confirmed these arrangements. Between 2003 - 2013 he was the sole tenant of the land, with clauses on the lease to prevent him sub-letting the land, but due to ill health he allowed family, friends and adjoining residents to assist him in cultivating the land, with them taking a share of the produce as compensation.

Surrounding residents dispute the applicant's description of the use, some residents commenting that the land was divided up into individual plots, others commenting that they helped the tenant tending the plot, taking produce as compensation for their assistance. No documentary evidence has been produced to substantiate that the land was sub-divided and rented out in the normal manner of allotments, for instance rent receipts or allotment agreements.

Subsequently the applicants have written to challenge objectors assertion that the land was used as allotments, and confirming that any community use of the land was without their consent.

Past Use of the Land

The applicant states that the land was owned by two brothers and used for vegetable growing until 2000 when he bought the site. Officers have undertaken an analysis of aerial photographs of the site in 2009, 2006, 2005 and 1999. Additionally residents have sent in additional aerial photographs from 2000. In all of these photographs, the majority of the site appears to be in cultivation, with the same basic layout as appears today. Several residents have suggested that the site has been consistently cultivated for a substantial period of time, since 1960, 1950 or even back to the second world war, and this is consistent with the information available within the planning office.

Legal Status of Land

The land is privately owned and is not controlled by the Council as a Statutory Allotment. A letter has been received from the applicant's solicitor stating that the land is a private garden rather than an allotment, and that therefore the use is not protected by policy. The solicitors also submitted a copy of the tenancy agreement covering the period 2003 - 2013. The key points from the letter and tenancy agreement are as follows:

- The site has been rented to an individual tenant
- The tenancy describes the land as a private garden rather than an allotment, and makes no mention of the Allotment Acts
- Clauses on the lease prohibited the tenant from assigning, underletting or parting with possession of any part of the premises, or permitting trespass on the land, and there was no evidence of the land being subdivided or sub-letted to form individual plots.

- An allotment is commonly meant to be a plot let out to an individual within a larger allotment field. The land doesn't fall within this description and therefore isn't an allotment in the legal sense of the word
- The land has no community value, in that it has been let to a single person only, the tenancy of the land has been terminated and the owner cannot be compelled to let his land.

Officers have sought a legal opinion on the weight to be given to the tenancy agreement, to the community use of the land, and the robustness of a possible recommendation to refuse consent for the development. The legal opinion advised the following:

- 1) The fact that there is tenancy agreement in itself is not conclusive as to the planning use of the land but it is material factor in its establishment.
- 2) Whether the site is an allotment is a matter of interpretation. The law requires the policy to be interpreted objectively in accordance with the language used and read in its proper context.

The relevant policy appears to be written under the local plan chapter concerning community facilities and services. Chapter B3.40 of the local plan itself states there are a few allotments in private ownership pre-supposing the majority of allotments whether statutory or non-statutory are publicly controlled in the context of the policy. The site is evidently privately owned without any apparent public rights or valid sub-letting to individuals of the community akin to an allotment. The context of the policy states allotments are an important leisure resource bringing in the community value aspect of the underpinning policy objective.

I could not find that the site was assessed as an 'allotment' in the Council's Green Space Strategy to which paragraph B3.41 of the local plan refers. The community value point seems to underpin the policy and in my view this is important. Objectively it appears there is a limited basis to support that the site is a proper allotment in the context of the policy and even less of a basis to uphold that the site is a valid community facility. Overall on the available information you now have, I consider that the Council would have to adopt a very wide approach as a matter of interpretation to bring the site within the meaning of an allotment in terms of the policy.

Also importantly it appears a refusal would not result in the use (if there is an allotment use in terms of the policy) being continued.

So far as material to the application and considering the information made available to me I do not consider that, on balance, the site should be considered an 'allotment' under the policy, however, the exercise of that judgment/decision is a planning one.

I would comment that the applicant's lawyer's letter dated 23 July 2013 seems a fair representation of the position when summarising definitions of allotments.

- 3) In terms of the desirability of retaining an existing use as a material consideration in Westminster City Council v British Waterways Board Lord Bridge expressed the view that it was necessary to show as 'a balance of probability' that a refusal would result in the preferred use being continued. In London Residuary Body v Lambeth London Borough Council the House of Lords held that, even where it has been shown that there is a need for and desirability for preserving the existing use and there is no need or desirability for the proposed change of use, it was still open to the Secretary of State to determine that

the planning objections were not of sufficient importance to overcome the presumption in favour of granting permission.

The key facts that emerge from this, and which are central to the determination of the application are as follows:

- The land is in private ownership, with clauses in the lease covering a 10-year period preventing trespass on the land and sub-letting of the land. Whilst not conclusive in determining the planning use of the land, the tenancy is material in establishing the established use of the land.
- Despite the tenancy agreement, the land has community value for adjoining residents and has had a degree of community use over the last 5/6 years, however it appears that this community use/access was informal and was not officially sanctioned by the owner of the land.
- Whilst safeguarded for allotment use in previous Development Plans, the land is not designated as allotments in the Adopted Development Plan.
- As the land does not form a statutory allotment, and is privately owned, irrespective of this planning decision there is no planning mechanism through which the Council can "force" the owner of the land to rent it out to the community. Therefore whilst the land has had a degree of community use and access, this access (and the community value of the land) was not secure.
- It is within the rights of the landowner to erect a 2 metre fence around the land to prevent access, for which planning permission would not be required.

In conclusion, whilst the land has the appearance of an allotment, it is not designated as such in the Adopted Local Plan, and appears not to have been managed as an organised allotment. Whilst the land has had a community use by some surrounding residents, the use was informal and the community value correspondingly insecure.

Officers consider the deciding factor is that even were the application to be refused, the current use of the site (and the community access to the land) would be very unlikely to be continued, and there is no planning mechanism through which the Council could force the land to be rented out to surrounding residents.

As a consequence in assessing the balance between the benefits delivered by additional housing and the harms resulting from the development, lesser weight can be given to the loss of the existing use and the "loss" of community access to the land.

ARE THE PROPOSALS ACCEPTABLE IN TERMS OF THEIR IMPACT ON THE CHARACTER AND APPEARANCE OF THE CONSERVATION AREA, THE SETTING OF THE WORLD HERITAGE SITE AND ADJOINING LISTED BUILDINGS?

Front Terrace and Works to Form Vehicular Access

To the east of the site lies a Grade II Listed Georgian terrace. The proposals feature a pair of semi-detached dwellings adjoining this terrace, faced in dressed stone, with a slate

roof and a double valley gutter roof. The design and form of the property would relate well to that of the adjoining terrace and the height of the building at eaves and ridgeline would match that of the adjoining listed terrace. The addition of chimneys would further improve the appearance of the development and add articulation to the roof design, but the proposals are not considered to be unacceptable because of this.

Plot 2 would be accessed on foot via a flight of steps set at a right angle to the pavement in the same way as the other properties on Lark Place. Plot 1 would be accessed via a flight of steps coming off the vehicular opening into the site. Whilst this differs in design from the way the adjoining listed buildings are accessed, officers do not consider that this would detract from the setting of the adjoining listed buildings or the Conservation Area.

Overall this building and the associated works at the front would preserve the setting of the Conservation Area, would not detract from the setting of the adjoining Listed Buildings or that of the World Heritage Site.

Proposed Dwellings at Rear and Landscaping

The dwellings at the rear (units 3 - 5) would be faced in dressed stone at ground floor level, render at first floor level with a pantile roof, and in general is modern in appearance. The building appears to have been designed to minimise its height and its impact on adjoining residents and therefore the roof is low in pitch. This roof-form does contrast with that of other buildings in the vicinity, but relates well to the modern design and appearance of the building. The rear building is located in a backland location, would be dug into the site, and would not be viewed prominently within the streetscene. Therefore it is not considered to detract from the character or appearance of the Conservation Area, or the setting of the World Heritage Site.

Concerns have been raised about the layout of the public realm within the development, the layout of which follows the tracking movements of vehicles turning within the site. It is correct that the shape of external spaces is defined by vehicle tracking, and this could be amended, however this would necessitate the private gardens of the properties being reduced in size. Given the confined nature of the site, it seems preferable to leave the layout as submitted, and maximise the amount of private garden space provided.

Re-location of Mile-Marker

In order to create the vehicular access it would be necessary to re-locate the milestone set into the front boundary wall. The Mile marker and the stone backing plinth would be removed and re-set into the new wall, bedded in lime putty mortar. The new location of the mile-marker would be 14.1 metres to the east of its existing location. Whilst the re-location would affect the accuracy of the mile measurement, this would be unnoticeable, and officers do not consider that the relocation of the mile marker this would affect the significance of this heritage asset.

However, as the mile-marker is individually listed, Listed Building consent would need to be sought for the re-location of the marker before these works can go ahead and no such application has been lodged.

IS THE PROPOSED DEVELOPMENT ACCEPTABLE IN TERMS OF ITS IMPACT ON THE AMENITY OF SURROUNDING RESIDENTS AND AMENITY LEVELS IN THE PROPOSED DWELLINGS?

Adjoining residents have objected to the impact the development would have in terms of loss of privacy and loss of light to their properties.

Overlooking

Given the relationship between plots 1 and 2 (on the site frontage) and the adjoining properties, it is not considered that these proposed dwellings would have any significant impact on the amenity of the adjoining residents, and there would be an acceptable facing distance (21 metres) between plots 1 - 2 and 3 - 5.

Regarding plots 3 - 5, these dwellings would be designed with windows in the front and rear elevations and obscure glazed bathroom windows in the side elevations at first floor level, as a consequence no overlooking issues would arise properties overlooking the site from Coronation Road and Cork Street to the east and west. The facing distance between plots 3 - 5 and the rear elevation of the properties in Tennyson Road is a minimum of 18.5 metres. From the proposed sections submitted with the application, these rear plots would be dug substantially into the site approximately a storey height below the external ground level in the gardens to the north. Taking these factors into account, proposed plots 3 - 5 would not overlook the adjoining properties to the north.

Overshadowing

The most significant potential overshadowing impact would arise between the gable end of plot 3 and numbers 3 - 6 Coronation Road. Given the size of the gardens of these properties, and the distance between the properties themselves and plots 3 - 5, the development would not unacceptably harm the amenity of these residents by virtue of overshadowing.

Quality of Dwellings

The proposed dwellings would offer a good standard of amenity for future residents. Concerns have been raised about limited light levels within the dwellings, due to their being dug into the hillside. Light levels at the rear of the proposed dwellings at ground floor level would be restricted by the terraced land to their rear, and in the case of plot 3 by the retaining wall next to the plot, however all the properties have large full height openings on their rear elevations, and plots 1 and 2 are open plan on the ground floor, and this would compensate for the overshadowing experienced. The rear ground floor windows of plot 3, which would have the most potential to be overshadowed by the adjoining retaining wall, do not fail the 45 rule test, indicating that these rooms will receive sufficient daylight.

ARE THE PROPOSALS ACCEPTABLE IN TERMS OF HIGHWAY SAFETY AND PARKING CONSIDERATIONS?

The Councils transport team advise that the proposed development would not generate a significant amount of additional traffic and that there are no objections to the proposals from a highway safety or transport perspective, subject to contributions being provided towards strategic transport measures and subject to a "Grampian" condition being applied to require a Traffic Regulation order to be processed to secure changes to the road markings.

The proposals show that an 8.5 metre stretch of existing on-street parking would have to be lost in order to make room for the access, but this would be compensated by changes to the road layout (agreed through the Traffic Regulation Order) to provide additional on-street parking space to the east.

In total the development would result in the loss of approximately 1 metre of on road parking. Transport officers raise no objection to this, and it would be unlikely to make any noticeable difference to the parking available for the adjoining rank of shops, and therefore the viability of the rank of shops. The application proposes 1 parking space per dwelling, a level of parking provision which is considered to be appropriate given the relatively accessible location of the site in the city and the availability of public transport.

ARE THE PROPOSALS ACCEPTABLE IN TERMS OF THEIR IMPACT ON ECOLOGY AND WILDLIFE?

As advised by the Council's ecologist, the proposals are considered to be acceptable in terms of ecology impacts.

ARE THE PROPOSALS ACCEPTABLE IN TERMS OF SUSTAINABLE DESIGN AND CONSTRUCTION CONSIDERATIONS?

Core Strategy Policy CP2 requires sustainable design and construction to be integral to new development in Bath & North East Somerset. All planning applications are to address the following issues:

- Maximising energy efficiency and integrating the use of renewable and low-carbon energy;
- Minimisation of waste and recycling during construction and in operation;
- Conserving water resources and minimising vulnerability to flooding;
- Efficiency in materials use, including the type, life cycle and source of materials to be used;
- Flexibility and adaptability, allowing future modification of use or layout, facilitating future refurbishment and retrofitting;
- Consideration of climate change adaptation.

In this case, the proposals would incorporate the following features:

- Roof mounted photo-voltaic cells
- Air source heat pumps to provide heating and recovery of heat from waste air
- Development to be highly insulated with air tightness maximized, exceeding 2013 Building Regulations
- Use of water saving fittings

- Incorporation of grey water system, harvesting rain water to use in watering landscaping, washing cars etcetera.
- Inclusion of permeable paving and on site infiltration to minimise discharges to sewers.

The proposals are in accordance with draft Core Strategy policy CP2.

CONCLUSION:

The site is in a sustainable position, within walking distance of the city centre, with good access to public transport provision. The proposals would preserve the setting of the adjoining Listed Terrace and the character and appearance of the Conservation Area. The Council's transport team advise that the proposals are acceptable in terms of highway safety. There are likewise no objections on ecology or noise grounds.

The determining issue for the application is whether the value of the land to the local community outweighs the benefits of housing delivery. Whilst it is evident that the land has had a degree of community use and community value, this community use is insecure and apparently without the owner's permission, and even were the application to be refused, there would be no guarantee of the current use being continued, or continued community access to the land being allowed.

The Council accepts that there is a significant need for additional housing in Bath, and at present the Council is unable to demonstrate a 5-year housing land supply. As a result of the policy situation, with no up-to-date Local Plan and no Adopted Core Strategy, National Planning guidance advises that in such situations planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework.

Against this test, it is not considered that the benefits of the proposed development would be significantly and demonstrably outweighed by the adverse impacts of consent being granted. Therefore the application is recommended for approval.

RECOMMENDATION

Authorise the Development Manager of Planning and Transport Development to PERMIT subject to condition(s)

CONDITIONS

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

1. Education

Contributions £20,307.23 to fund the need for primary school places and Youth Services provision places arising from the development. The agreed contributions shall be provided prior to the commencement of development.

2. Open Space and Recreational Facilities

Contributions of £11,770.20 to fund the enhancement of Formal green space and natural green space and allotments off-site to serve the population. The agreed contributions shall be paid prior to the occupation of the development.

3. Transport

Contributions of

- £17,648.40 towards the implementation of strategic transport measures.
- £6500 towards the cost of the Traffic Regulation Order and installation of parking restrictions on Upper Bristol Road.
- £1500 towards the introduction of the 'Keep Clear' marking on the Upper Bristol Road

B. Subject to the prior completion of the above agreement, authorise the Development Manager to PERMIT subject to the following conditions (or such conditions as she may determine):

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

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

2 Prior to the commencement of the development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include hours of operation, details of the management of deliveries (including storage arrangements and timings), contractor parking, traffic management and wheel washes. The development shall be carried out in full accordance with the agreed construction management plan.

Reason: To ensure the safe operation of the highway and protect the amenity of surrounding residents.

3 Sample panels of all the external materials and finishes and demonstrating coursing, jointing and pointing to the masonry and all hard paved surfaces (including roads and footpaths) are to be erected on site and shall be approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The development shall be completed in full accordance with the approved details and sample panels.

Reason: To ensure that the external appearance of the development is satisfactory in order to protect the character and appearance of the Conservation Area, the setting of adjoining Listed Buildings and the setting of the World Heritage Site.

4 Drawings to a minimum 1:10 scale (also indicating materials, treatments and finishes) of the following items shall be submitted to and approved in writing by the Local Planning Authority before the relevant part of the work is begun, unless otherwise agreed in writing by the Local Planning Authority:

- Windows - to include types, sections and method of opening (including lintol detailing and wall returns), materials, colour and finishes and surrounds
- External doors - to include joinery details, materials, colour and finishes and external architraves and margin lights (if any)
- porch canopies
- Rainwater goods

All details shall show relationship to adjoining materials in plan and section. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the external appearance of the development is satisfactory in order to protect the character and appearance of the Conservation Area, the setting of adjoining Listed Buildings and the setting of the World Heritage Site.

5 No development shall commence until on-street parking along the site frontage has been revised in accord with the details shown on the approved layout plan, secured through the successful delivery of a Traffic Regulation Order.

Reason: To ensure the introduction of a safe access.

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

Reason: In the interests of amenity and highway safety.

7 The area allocated for cycle parking on the submitted plan shall be kept clear of obstruction. These areas shall be secure, sheltered and shall not be used other than for the parking of cycles in connection with the development hereby permitted, and shall be provided prior to the first occupation of the development and thereafter retained.

Reason: In the interests of sustainable development.

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

Reason: In the interests of sustainable development.

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

competent person and completed in accordance with the approved written scheme of investigation.

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

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

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

11 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.

12

A Desk Study and Site Reconnaissance (walkover) survey shall be undertaken to develop a conceptual site model and preliminary risk assessment of the site. The Desk Study shall also be submitted to and approved in writing by the Local Planning Authority. Should the Desk Study identify the likely presence of contamination on the site, whether or not it originates on the site, then full characterisation (site investigation) shall be undertaken in accordance with a methodology which shall previously have been agreed in writing by the Local Planning Authority. Where remediation is necessary, it shall be undertaken in accordance with a remediation scheme which is subject to the approval in writing of the Local Planning Authority and a remediation validation report submitted for the approval of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the current and future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

13

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

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

Reason: To ensure that risks from land contamination to the current and future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

14

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 30dB_LA_{eq,T} for living rooms and bedrooms. For bedrooms at night individual noise events (measured with F time-weighting) shall not exceed 45dB_LA_{max}. The completed development shall not be occupied until sound attenuation has been installed to achieve these standards, to the written satisfaction of the Local Planning Authority.

Reason: In the interests of ensuring that the development offers an acceptable living environment for future residents, and that adequate mitigation is in place to limit noise levels to an acceptable level.

15 No development shall take place until full details of a Wildlife Protection and Enhancement Scheme, in accordance with the recommendations of the approved ecological report entitled Extended Phase 1 Survey dated May 2013, have been submitted to and approved in writing by the local planning authority. These details shall include:

Reptile survey findings and mitigation proposals as applicable

All other measures for the protection of wildlife

All other proposed ecological enhancements as applicable

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

Reason: To ensure that adequate provision is made for habitat provision and wildlife protection within the development.

16 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.

17 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.

18 No development shall commence until details of refuse storage have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the refuse storage has been provided in accordance with the details so approved, and thereafter shall be retained solely for this purpose. No refuse shall be stored outside the buildings other than in the approved refuse stores.

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

PLANS LIST:

1 This decision relates to drawing nos

DRAWING CL 463-1 / 100 LOCATION PLAN
DRAWING 1000 SURVEY AS EXISTING - SITE PLAN
DRAWING 1001 SURVEY AS EXISTING - SITE SECTIONS
DRAWING 1002 EXISTING SEWER OVERLAY PLAN
DRAWING 3000 SITE PLAN AS PROPOSED
DRAWING 3001 SITE SECTIONS AS PROPOSED
DRAWING 3002 PROPOSED UNITS 1 AND 2
DRAWING 3003 PROPOSED UNITS 3,4 AND 5
DRAWING 3004 PROPOSED CYCLE STORE
DRAWING 463-1 DESIGN AND ACCESS STATEMENT
ARBORICULTURAL REPORT
EXTENDED PHASE 1 SURVEY
NOISE ON CONSTRUCTION SITES - CODE OF PRACTICE

2 FURTHER LISTED BUILDING CONSENT REQUIRED

Listed Building Consent is required for the relocation of the Listed Milestone on the site frontage onto the Upper Bristol Road. No works affecting the milestone should be begin ahead of Listed Building Consent being obtained.

3 LICENCE REQUIRED FOR VEHICULAR CROSSING

The applicant should be advised to contact the Highway Maintenance Team on 01225 394337 with regard to securing a licence under Section 184 of the Highways Act 1980 for the construction of a vehicular crossing. The access shall not be brought into use until the details of the access have been approved and constructed in accordance with the current Specification.

4 o No materials arising from the demolition of any existing structures, the construction of new buildings nor any material from incidental and landscaping works shall be burnt on the site.

o The developer shall comply with the BRE Code of Practice to control dust from construction and demolition activities (ISBN No. 1860816126). The requirements of the Code shall apply to all work on the site, access roads and adjacent roads.

o The requirements of the Council's Code of Practice to Control noise from construction sites shall be fully complied with during demolition and construction of the new buildings.

Item No: 002
Application No: 13/02302/FUL
Site Location: Oldfield School Kelston Road Newbridge Bath Bath And North East Somerset



Ward: Newbridge **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor L Morgan-Brinkhurst Councillor C M L Roberts
Application Type: Full Application
Proposal: Relocation of existing temporary classroom building within the school campus, erection of new single storey Drama Block on the current site, reintroduction of grassed area and removal of existing lighting columns to current temporary car-park at rear of site
Constraints: Agric Land Class 1,2,3a, Forest of Avon, Greenbelt, Hotspring Protection, Major Existing Dev Site, World Heritage Site,
Applicant: Oldfield School

Expiry Date:	13th August 2013
Case Officer:	Victoria Griffin

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE

This application is being referred to Committee on the basis of a Member request (Councillor Roberts) which refers to the overbearing effect on the neighbouring property, 130 Kelston Road and concerns raised which refer to the over development of the site. Furthermore, unauthorised works are currently taking place on site, specifically footings for one of the new buildings is underway prior to the grant of any planning permission.

A decision on this application was deferred at the last meeting of the Committee to allow Members to visit the site.

DESCRIPTION OF SITE AND APPLICATION

The application relates to:

- the relocation of an existing temporary classroom building within the school campus,
- erection of new single storey Drama Block on the current site which includes 2 no. classrooms, staff work room and a drama studio, and
- the reintroduction of grassed area and removal of existing lighting columns to an existing temporary car-park at the rear of site.

The site falls outside of the Conservation Area but is situated within the Green Belt, Forest of Avon, Hotspring Protection Zone and the World Heritage Site. It is also identified as a Major Existing Development Site within the Green Belt. The land to the south, north and west of the site is located within an Area of Outstanding Natural Beauty.

The application is supported by a number of documents including:

- Design & Access Report
- Flood Risk Assessment
- Planning Statement
- Sustainable Construction Checklist
- Travel Plan (School)
- Archaeological Desktop Study (ARUP)
- Ecological Report & Bat Study (ARUP)

It is noted that some of the documents include omissions related to new development within the site, namely the sports hall building situated to the front of the site. The site location plan submitted with the proposal however is an up to date survey of buildings contained on the site and includes this building. Furthermore a revised Archaeological Desktop study has been received which reflects the listing of 130 Kelston Road which shares a western boundary with the school.

RELEVANT PLANNING HISTORY:

DC - 11/00436/REG03 - Permission - 12 May 2011 - Erection of a new external stair link, uniting three existing stair cores

DC - 11/02504/FUL - Permission - 29 September 2011 - Erection of a new 4 court sports hall incorporating changing rooms, car park, multi use game area, associated external works and landscaping

DC - 11/02952/FUL - Permission - 21 September 2011 - Installation of solar panels on the roof and electrical inverters.

DC - 12/00322/FUL - Permission - 29 March 2012 - Erection of two teaching blocks to replace existing temporary classroom buildings.

DC - 12/01279/FUL - Withdrawn - 27 July 2012 - Installation of temporary construction access to facilitate delivery of construction materials for proposed Muga Pitch (Retrospective)

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Highways: On the basis that the existing Drama Studio would not be brought back into any use, there would be no increase in teaching space, and it is recommended that no highway objection is raised subject to the following condition being attached to any permission granted:-

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

Reason: To ensure the safe operation of the highway.

Heritage Officer: No objection, it is not felt that the proposed development would adversely impact the setting of either of the listed properties (Penn Hill House and 130 Kelston Road).

Penn Hill House is some distance to the west of the application sites and between it and the sites to be development lies a tree /shrub belt and also additional modern school buildings.

The site for the new Drama school lies closer to 130 Kelston Road but between it and the listed building is also a tree/shrub belt, the new development also appears to be in part set down into the site, with higher ground level to the north to reduce its visual impact. Although acknowledging the new Drama block is larger than the existing two class room blocks, there are buildings already on the application site, as well as also directly to the east , south east, and south.

Views over to the site from the large garden of 130 Kelston Road will no doubt to a degree become more open in the winter months, when the trees/shrubs are not in leaf, and due to the larger building on the school site, on balance, it may be appropriate to consider additional timber fencing at the boundary, and if possible additional planting to reinforce it?

The scale of the Drama building when seen from the west, and facing the boundary to 130 Kelston Road, has to a degree been broken down by changes in height and elevation treatment, this should also help reduce its impact. It also follows a design theme established by other recent modern buildings on the site in the use of render and external timber cladding. It may also be appropriate for the building to have a sedum roof, as already used in the larger modern building adjacent to it, and directly to the east. When viewed from higher ground to the north this has the effect of softening the large expanse of the flat roof and adding interest.

Archaeology: No archaeological investigation or conditions are required.

Ecology: No objection subject to condition:

Prior to the commencement of development or removal of buildings a "toolbox talk" on bats and wildlife issues shall be given to site workers by a suitably experienced ecologist. The development shall thereafter be carried out only in accordance with all necessary ecological precautionary measures and good practice methods. Reason: to safeguard wildlife and protected species.

Arboricultural officer: No objection

Representations: 2 main letters of objections (summarised) from the neighbour at the nearest residential premises, 130 Kelston Road which is a grade II listed building and shares a western boundary with the site.

- Concern over the cumulative impact of new buildings due to their size and height including the impact upon views from neighbouring listed property
- Extremely visible from listed property
- Detrimental impact upon the setting of a grade II listed building
- Overlooking of listed status of Halfway House as no reference to this listed building within supporting documents
- Poor design of proposed building with no architectural merit
- Cumulative impact of works including sports hall have had an adverse impact on the Green Belt and AONB
- Support reinstatement of grassed area
- Information fails to show sports hall
- Size of plans unhelpful to members of the public without printing facilities
- Concern over the noise impact of the drama studio on residential amenity
- There is lack of information and evidence within the submission of more recent developments within the school site
- Works have already commenced on site
- Concern over wider community use outside of school hours as has been the case with the sports hall
- Adverse impact upon highway safety caused by an increase in traffic generation
- Unclear about use of building for large audiences or groups visiting the site

- Light pollution impact upon neighbouring property caused by drama studio
- Re-use of existing areas that have been developed within the site should be utilised away from sensitive premises

Other letters and pictures have been received from the neighbour which supplement original objections raised and also document unauthorised works taking place by the applicant on the site.

POLICIES/LEGISLATION

The following policies are a material consideration:

- D.2 - General Design and Public Realm Consideration
- D.4 - Townscape Consideration
- NE.4 - Trees and Woodland Conservation
- GB.1 - Control of Development in the Green Belt
- GB.2 - Visual Amenities of the Green Belt
- GB.3 - Major Existing Development Sites
- BH.1 - World Heritage Site
- BH.2 - Listed Buildings and Their Settings
- BH.9 - Parks and Gardens of Special Historic Interest
- BH.12 - Important Archaeological Remains
- SR.1A - Protection of Playing Fields and Recreational Open Space
- SR.4 - New Sports and Recreational Facilities
- T.24 - General Development Control and Access Policy
- T.26 - On-site Parking and Servicing Provision

of the Bath & North East Somerset Local Plan Including Minerals and Waste Policies Adopted for October 2007

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
- CP8 - Green Belt
- DW1- District-wide spatial Strategy

At its meeting on 4th March 2013 the Council approved the amended Core Strategy for Development Management purposes. Whilst it is not yet part of the statutory Development Plan, the Council attaches limited weight to the amended Core Strategy in the determination of planning applications in accordance with the considerations outlined in paragraph 216 of the National Planning Policy Framework. Policies BH.1, D.2, D.4, GB.1, GB.2 of the local plan are proposed as saved policies within the submission core strategy.

OFFICER ASSESSMENT

GREEN BELT CONSIDERATIONS

GREEN BELT AND MAJOR EXISTING DEVELOPMENT SITE: The main issues in this case are considered to be:-

- Whether the proposal amounts to inappropriate development in the Green Belt,
- Whether there would be any impact on the openness of the Green Belt and the effect of the proposal on the character and appearance of the area
- Any benefits of the proposal and, if it amounts to inappropriate development in the Green Belt, whether these benefits would clearly outweigh any harm to the Green Belt and any other harm, so as to amount to very special circumstances.

It is recommended that as a matter of logic, the decision-taker should follow a sequential approach to deciding whether planning permission can be granted. The approach may satisfy the judgement of the case as a whole in terms of its impact on the Green Belt. With this in mind a number of questions need to be considered;

WHETHER THE PROPOSAL IS INAPPROPRIATE DEVELOPMENT IN THE GREEN BELT: The NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this include:

limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

Saved Local Plan policy GB.3 referred to major existing developed sites (MEDS) which may be in continuing use. The preamble to policy GB.3 recognises Oldfield School as a recognised MEDS within the Local Plan where limited infilling for educational purposes will be permitted unless;

- (i) It has a greater impact on the purposes of including land in the Green Belt than the existing development; or
- (ii) It exceeds the height of the existing buildings; or
- (iii) It leads to a major increase in the developed proportion of the site.

The proposal involves the erection of a single storey drama block to the western side of the site and the re-siting of an existing temporary classroom building within the school campus to be placed between two existing school buildings located quite centrally. Other minor works include the reintroduction of a grassed area to the north of the site and removal of existing lighting columns to an existing temporary car-park. When viewed from within the site and from the open views to the north and from Kelston Road the proposed buildings would be viewed against the backdrop of the existing school buildings and would not lead to a significant increase in the developed part of the site. Therefore it is not considered to represent a conflict to the purposes of including land in the Green Belt.

Furthermore both proposals are for school buildings and are not of a domestic scale, the roof line of the proposed buildings would not exceed the height of the immediate existing buildings that surround it and will not project above the existing roof lines. The proposed buildings would utilise an area of the site currently occupied by a temporary building and a small area of ground between two existing buildings.

It is concluded that due to the siting, design and scale of the proposed drama studio and resited building would not lead to a major increase in the developed proportion of the site. The site falls within a MEDS and the proposal is considered to represent limited infilling within the site for educational purposes in compliance with GB.3 and the NPPF. The proposal is therefore not regarded as inappropriate development within the Green Belt.

VISUAL AMENITY OF THE GREEN BELT/CHARACTER AND APPEARANCE OF THE AREA: The proposal would be visible from parts of the site to the north, east and west. It would not be visually prominent within the site and in part utilises an area of the site that is currently developed. It is considered that the proposal would not raise significant harm to the special landscape qualities of the Green Belt or AONB that surrounds the site.

HISTORIC ENVIRONMENT: The Heritage officer considers that the proposed development would not adversely impact the setting of either of the listed properties situated in close proximity to the application proposal (Penn Hill House and 130 Kelston Road).

Penn Hill House is separated from the main part of the site which is some distance to the west and between it lies a tree/shrub belt and also additional modern school buildings. By reason of the distance between the proposed development and Penn Hill House it is considered that the proposed development would not adversely impact on its setting. The drama building is however in close proximity to the residential boundary shared with no. 130 Kelston Road to the west of the school site, which is a grade II listed building and is situated within established grounds.

Between the site and the listed building are established trees and shrubs, that although provides some screening during the summer months although it would be visible to a degree when the trees/shrubs are not in leaf in the winter. It is considered however that the existing buildings already on the application site have some visual impact and it is not considered that this proposal would result in additional harm to the historic setting.

The applicants has been asked to consider the introduction of a sedum roof and additional planting to the western boundary, however this is not regarded as essential insofar that without it the application would be regarded as unacceptable. Nevertheless it would be a desirable feature and Members will be advised if a revised proposal is to include these elements.

RESIDENTIAL AMENITY: Objections received have referred to potential amenity issues that may arise as a result of the use of the drama building close to the boundary with no.130 Kelston Road. The proposed building would be situated approximately 10m from the shared boundary (measured off plan). The existing buildings to be replaced provide technology and languages blocks which are within the operations and function of the school. The proposal is not considered to lead to any significant changes to how this part of the site is operated within the parameters of a school site. It is considered therefore that the proposal would not raise a significant increase in harm to residential amenity over what currently exists on this part of the site.

TREES AND LANDSCAPE: There are no trees affected by the proposals whilst the resited building is proposed on an area of open space situated between two existing school buildings. This area has previously been used as a grass verge and walk through

to the adjacent school building however more recently has been adapted to accommodate unauthorised works progressing on site.

A condition is attached however for planting and landscaping details to be submitted in respect of the western boundary.

ECOLOGY: The Ecological officer is satisfied that the ecological assessment submission demonstrates that no adverse impact would be caused to protected species however it is identified that there may be potential for animals to be concealed beneath buildings, and a toolbox talk to contractors is recommended. The condition put forward however would not satisfy the '6' tests set out as the general criteria for the validity of planning conditions (Circular 11/95: Use of conditions in planning permission) and accordingly can not be applied to this recommendation.

OFFICER ASSESSMENT OF HIGHWAY ISSUES: The highways officer has raised no objection to the proposal on the basis that the proposal does not seek to bring back into use the existing drama studio and that a construction management plan is submitted to manage the works undertaken on the site. It is not considered that the new buildings would justify a highways objection in this respect.

Members are advised that an objector has raised additional concerns related to the increase in pupils at the school, which would impact upon highway safety which is not covered here. Further comments are currently awaited from the highways team and will be reported in an update to committee.

ARCHAEOLOGY: No objections or additional comments are raised in respect of archaeological issues on the site.

The proposal is acceptable and can be granted permission, subject to conditions..

RECOMMENDATION

PERMIT with condition(s)

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

Reason: To ensure the safe operation of the highway.

3 No development shall be commenced until a soft landscape scheme for the new drama studio has been first submitted to and approved in writing by the Local Planning Authority,

such a scheme shall include details of trees, hedgerows and other planting which are to be retained and a planting specification to include numbers, density, size, species and positions of all new trees and shrubs

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

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

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

PLANS LIST:

1 This decision relates to the following plans/documents:

Drawing ref. 2102 issue A, 2040 issue A, 2100 issue A, 2001 issue A, Travel Plan, Archaeological Desk study, Ecological Walkover Assessment, 2050 issue A, 2103 issue A, 2302 issue A, 2101 issue A, 2060 issue A, Planning Statement, Design & Access Statement, 001D, Site Map, Flood Risk Assessment date received 31/05/13

Drawing ref 2300 issue B, 2052 issue A, 2301 issue B, 2051 issue A date received 18/06/13

DECISION TAKING STATEMENT

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Policy Framework. For the reasons given, a positive view of the submitted proposals was taken and permission was recommended.

Bath & North East Somerset Council	
MEETING:	Development Control Committee
MEETING DATE:	25th September 2013
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	

AGENDA
ITEM
NUMBER

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

The following notes are for information only:-

- [1] "Background Papers" are defined in the Local Government (Access to Information) Act 1985 do not include those disclosing "Exempt" or "Confidential Information" within the meaning of that Act. There may be, therefore, other papers relevant to an

application which will be relied on in preparing the report to the Committee or a related report, but which legally are not required to be open to public inspection.

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

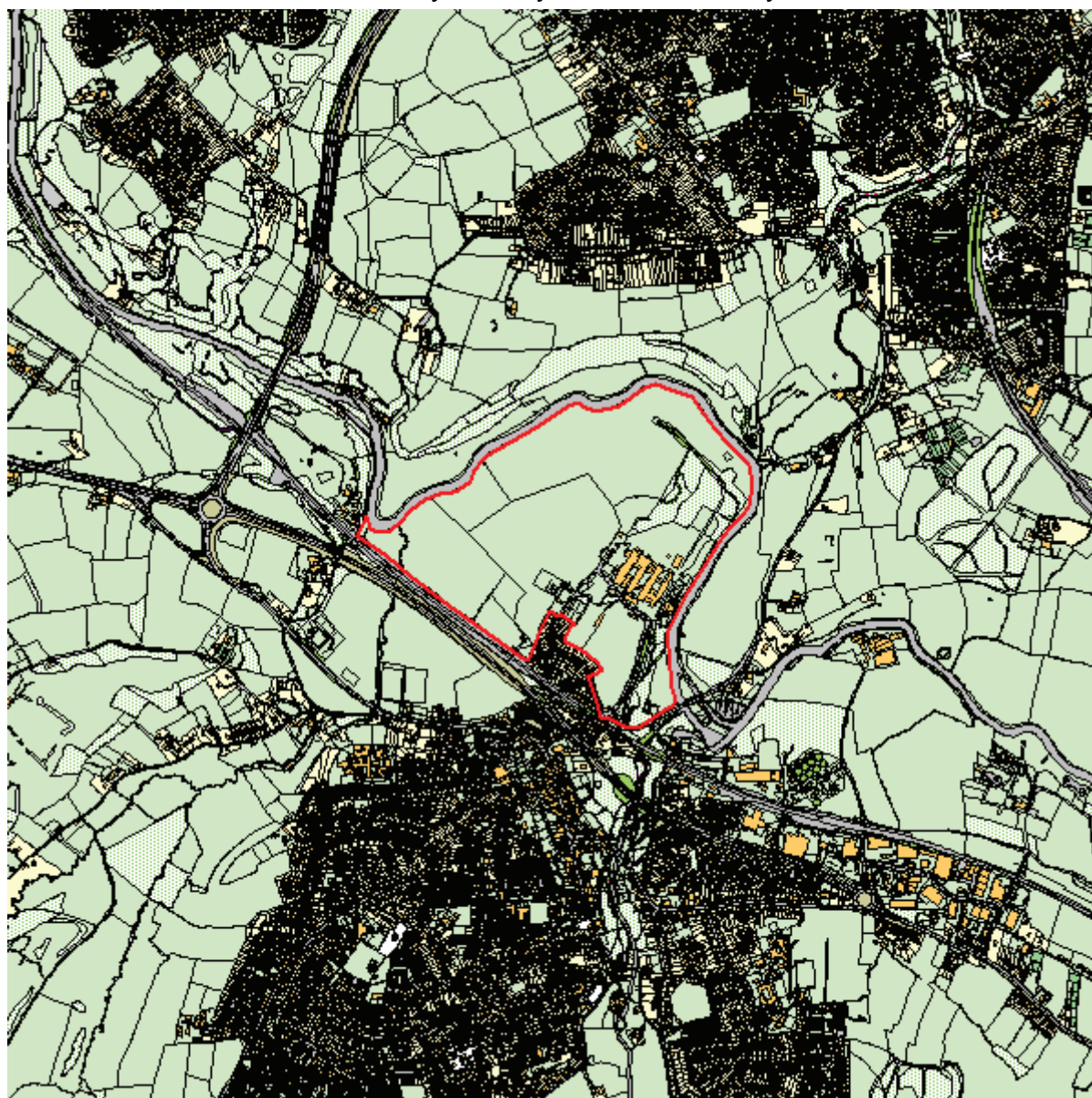
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ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	13/01780/EOUT 29 August 2013	<p>Taylor Wimpey UK Limited Former Cadbury Factory, Cross Street, Keynsham, BS31 2AU, Hybrid planning application for the mixed use development of the former Cadburys Factory site, Somerdale, Keynsham (including part demolition of existing buildings) comprising:</p> <p>a) Outline application for up to 430 dwellings, 60 bed care home (C2 use) primary school (D1 use) local centre to include creche and medical facility (D1 use) and retail (A1, A3, A4, A5 uses) cafe/restaurant (A3 use) and associated roads, infrastructure (including flood protection measures), landscaping, new wildlife areas, open space and cycle/footways. All matters except Access reserved.</p> <p>b) Detailed application for the erection of 157 dwellings, change of use of Block A for up to 113 apartments, highway works at Somerdale Road/Station Road, social and sports pavilion (new Fry Club), new sports pitches, relocation of groundsmans hut, alterations to factory buildings B and C for employment use (B1) leisure (D2 uses) and retail (A3, A4 and A5 uses) including use of existing basements for car parking and associated surface level parking, access roads, landscaping and associated infrastructure, engineering works to Chandos Road and associated landscaping, extension to station overspill car park, surface water attenuation pond and outfall to the River Avon.</p>	Keynsham North	Gwilym Jones	Delegate to PERMIT

02	13/01914/FUL 14 August 2013	E G Carter & Curo Places Ltd Elm Tree Inn Unoccupied Premises, Wells Road, Westfield, Radstock, Construction of 14 new dwellings comprising three 3-bedroom houses, seven 2-bedroom houses, two 2- bedroom apartments and two 1- bedroom apartments	Westfield	Mike Muston	Delegate to PERMIT
03	13/02097/FUL 12 July 2013	Mr And Mrs Rose 16 Southstoke Road, Combe Down, Bath, Bath And North East Somerset, BA2 5SL First floor extension over existing property resulting in two storey dwelling. Two storey rear extension and two no. single storey side extensions.	Combe Down	Tessa Hampden	PERMIT

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

Item No: 01
Application No: 13/01780/EOUT
Site Location: Former Cadbury Factory Cross Street Keynsham BS31 2AU



Ward: Keynsham North **Parish:** Keynsham Town Council **LB Grade:** N/A

Ward Members: Councillor Brian Simmons Councillor C D Gerrish

Application Type: Outline Application with an EIA attached

Proposal: Hybrid planning application for the mixed use development of the former Cadburys Factory site, Somerdale, Keynsham (including part demolition of existing buildings) comprising:

- a) Outline application for up to 430 dwellings, 60 bed care home (C2 use) primary school (D1 use) local centre to include creche and medical facility (D1 use)

and retail (A1, A3, A4, A5 uses) cafe/restaurant (A3 use) and associated roads, infrastructure (including flood protection measures), landscaping, new wildlife areas, open space and cycle/footways. All matters except Access reserved.

- b) Detailed application for the erection of 157 dwellings, change of use of Block A for up to 113 apartments, highway works at Somerdale Road/Station Road, social and sports pavilion (new Fry Club), new sports pitches, relocation of groundsmans hut, alterations to factory buildings B and C for employment use (B1) leisure (D2 uses) and retail (A3, A4 and A5 uses) including use of existing basements for car parking and associated surface level parking, access roads, landscaping and associated infrastructure, engineering works to Chandos Road and associated landscaping, extension to station overspill car park, surface water attenuation pond and outfall to the River Avon.

Constraints: Agric Land Class 1,2,3a, Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, British Waterways Major and EIA, British Waterways Minor and Householders, Coal - Standing Advice Area, Flood Zone 2, Flood Zone 3, Forest of Avon, General Development Site, Greenbelt, Housing Development Boundary, Listed Building, Regionally Important Geological Site RIG, Protected Recreational, Land of recreational value, Sites of Nature Conservation Imp (SN), Tree Preservation Order,

Applicant: Taylor Wimpey UK Limited

Expiry Date: 29th August 2013

Case Officer: Gwilym Jones

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE

The application is for a major development that has generated significant local interest and the proposals do not provide a Key Infrastructure Item (secondary road access) specified in the Schedule of Proposed Changes to the Submitted Core Strategy (March 2013).

DESCRIPTION OF SITE AND APPLICATION

This application relates to the site of the former Cadbury factory site located to the north of Keynsham. The application site is bounded to west, north and east by the River Avon and to the south by residential properties in Chandos Road which were built as part of the Cadburys factory complex and comprises all the former factory, including the playing fields and open land to the west (known as The Hams). The site includes a number of buildings, dominated by the four and five storey red brick former factory buildings with large steel framed windows. Built in the 1920's and 1930's they have been altered over the years and a number of associated buildings to the west and north have been demolished. The power house to the east of the factory is a 3 storey red brick building and chimney. The Fry Club is a two-storey building with associated sports facilities and parking. None of the factory buildings are listed however a Grade II Listed Roman well is located underground between factory blocks C and D and there are significant archaeological remains of a Roman town within The Hams.

To the south is the Bath-Bristol railway line that runs on an embankment west of Keynsham station, which is approximately 50m from the site entrance. Beyond the railway line is the Keynsham bypass (A4). Keynsham town centre is approximately 600m/10 minute walk from the centre of the site. To the north, the wooded valley sides provide the backdrop to the site with more expansive views along the river corridor to the east and west.

Vehicular access is currently from a junction with Keynsham Road/Station Road which also serves Chandos Road (linking to Summerleaze and Dryleaze) and Priory Road. The main road within the site (Somerdale Road) connects with Cross Street providing access to the former factory buildings and Fry Club.

The site is approximately 90 hectares in size of which 25 hectares comprises land occupied by former factory buildings and the Fry Club and playing fields to its east, with the remainder laid out as sports pitches and open fields/pasture on The Hams, and areas of woodland. The site is gently sloping, with the area of the former factory buildings and land to the south at a higher level than The Hams. There is a small car park located in the south east corner of the site that is used as overspill parking for the train station. A disused railway line runs parallel with Somerdale Road through the eastern part of the site.

The Hams is within Flood Zone 3 with the remainder of the site generally in Zone 1 or 2. The river corridor is designated a Site of Nature Conservation Importance (SNCI) and several trees on the site are the subject of a Tree Preservation Order including two rows of mature horse chestnut trees lining Somerdale Road.

The planning application is hybrid (part outline, part detailed) for the mixed use development of the site including the part demolition of existing buildings. The application comprises:

a) Outline application for up to 430 dwellings, up to 70 bed care home (C2 use); primary school (D1 use); local centre to include creche and medical facility (D1 use) and retail (A1, A3, A4, A5 uses); cafe/restaurant (A3 use) and associated roads, infrastructure (including flood protection measures), landscaping, new wildlife areas, open space, and cycle/footways.

b) Detailed application for the erection of 154 dwellings; change of use of Block A for up to 113 apartments; highway works at Somerdale Road / Station Road; Social and Sports pavilion (new Fry Club), new sports pitches; relocation of groundsman's hut; alterations to factory buildings B and C for employment use (B1) leisure (D2 uses) and retail (A3, A4 and A5 uses) with associated parking; access roads, landscaping and associated infrastructure; engineering works to Chandos Road and associated landscaping; extension to station overspill car park; surface water attenuation pond and outfall to the River Avon.

All vehicular access to the site will be from the existing Keynsham Road / Somerdale Road junction. The Keynsham Road / Somerdale Road junction will be altered to prevent direct access from Chandos Road and Priory Road with vehicular access to properties on these roads (and Dryleaze and Summerleaze) through the new development. Pedestrian and cycle access to these roads will be maintained, with pedestrian and cycle access also

possible via the former railway line through the site. The existing gated site access via Chandos Road will remain closed to vehicular traffic.

The application proposes the demolition of various buildings on the site including a 1960's factory building (Building D), part of the 1930's factory buildings (Buildings B and C) and associated link blocks, and various structures on the original factory building (Building A) and the adjacent Power House and chimney. The application also proposes the demolition (and re-provision) of the Fry Club building.

The application is supported by a Design and Access Statement, Statement of Community Involvement, Environmental Statement (including Environmental Statement Addendum), Transport Assessment, Travel Plans for the Fry Club and phase 1 residential, Flood Risk Assessment, Utilities Report, Affordable Housing Statement, Open Space Statement, Economic Benefits Statement, Tree Survey and Constraints Report, Lighting Assessment and Strategy, Outline and Detailed Sustainability Strategies, Landscape and Ecological Management Plan, Site Waste Management Plan, Employment Delivery Plan, Fry Club Operational Statement, Draft S106 Heads of Terms. The applicant has also submitted a confidential financial appraisal for the proposed development.

PLANNING HISTORY

There have been a number of minor applications relating to the Fry Club. None of these are considered particularly relevant to the current redevelopment proposals.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

ENVIRONMENT AGENCY - withdraw objection [in respect of the Flood Risk Assessment] in the light of further information submitted and subject to conditions and informatives being included in any planning permission granted. To date only preliminary geo-environmental assessments have been completed that have identified potential risks to human health and controlled water receptors. Furthermore it has been concluded that further site characterisation, assessments and potential remediation / mitigation works is required to mitigate the identified risks posed to controlled water receptors. It is stated that following completion of the additional site investigation, a remediation / mitigation strategy will be developed which will outline the extent and methodology of the remedial works and control measures required during the construction phase to limit mobilisation of contamination. Recommend conditions are imposed regarding site investigation and remediation.

WESSEX WATER - no objection subject to condition regarding foul and surface water drainage. Note the overall site drainage strategy and agree that separation of foul and surface water flows within the site must be achieved. Proposed points of connection with agreed flow rates will need to be submitted and approved by Wessex Water. Satisfied that the proposed increase in foul flows can be accommodated providing that surface water flows are removed, which on completion will offer improvements to service levels. Temporary flows and discharges will need further assessment to confirm appropriate arrangements. Upon redevelopment recommend that the northern area retain the existing rising main and river crossing where possible and direct flows to the Avonmouth catchment where there is available foul sewerage capacity. The proposed foul pumping station serving the northern sub-catchment will need to be designed to adoption standards with a minimum of 15 metres clearance from the site boundary to prevent nuisance from odour and noise disrupting residents' amenity. Vehicular access for maintenance will be

required and emergency storage needed in the event of breakdown. Note that the proposed location and arrangement for the pumping station does not appear to meet all necessary requirements at this stage, however acknowledge that plans are indicative and subject to detailed design. Have not assessed the impact of the additional flows upon the Keynsham catchment however will work with the developer to complete appraisal work for this option and recommend that the developer comply with and seek appropriate approvals from Wessex Water and the Environment Agency.

NATURAL ENGLAND - no objection in terms of statutory nature conservation sites. The site is in close proximity to the Cleeve Wood SSSI however satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. No objection in respect of protected species. The proposed development is likely to affect bats through disturbance of a European protected species and the damage or destruction of a breeding site or resting place however satisfied that the proposed mitigation is broadly in accordance with the requirements of the Bat mitigation guidelines and should maintain the population identified in the survey report. Recommend that a condition be imposed to secure a detailed mitigation and monitoring strategy prior to commencement of any works that may affect bats and or their habitat. Have not assessed the survey for badgers, barn owls and breeding birds, water voles, white-clawed crayfish or widespread reptiles which are protected by domestic legislation. If the proposal site is on or adjacent to a local wildlife site, e.g. Site of Nature Conservation Importance or Local Nature Reserve the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local wildlife site, and the importance of this in relation to development plan policies, before it determines the application. The authority should consider securing measures to enhance the biodiversity of the site and opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment.

AVON FIRE & RESCUE SERVICE - the proposal seems acceptable. Ask that Brislington Fire Station is contacted when the works are carried out if there are any issues that may need the attendance of an appliance to clarify.

AVON & SOMERSET POLICE - Police Traffic Management/Road Safety concerns regarding single access to such a large mixed use development with the potential to lead to significant congestion on the existing highway network at peak traffic times and throughout the day and also emergency response / ambulance access needs, the provision of residential properties and the incorporation of existing properties in the Chandos Road area within the scheme with one access/exit into the development into a pinch point at the proposed signalised junction with the potential to create congestion, standing traffic and an increase in rear end shunt collisions both on the existing highway and within the proposed development. The single access/egress point also includes access to the emergency route identified as serving the Chandos Road area and has the potential to be compromised by congestion at the junction given the high traffic volume it will service and any potential emergency issue giving rise to vulnerability in terms of emergency response to incident or routine issues. The pedestrian crossing facility adjacent to the Railway Station is sited on a bend with poor forward visibility and is sited so as to obscure the access into emergency access route into site, the proposed crossing on the Station Road/Overbridge is unregulated and pedestrian crossing facilities incorporated into the proposed single access junction has potential to further congest the

highway and compromise road safety at peak times. Pedestrian footway widths appear narrow. The inclusion of bus stop facilities at the locations identified has potential to further add to congestion. Bath and North East Somerset Council, as Highway Authority, has a duty to mitigate congestion on its highway network which appears to be compromised by elements of this planning application.

AVON AND SOMERSET POLICE CRIME PREVENTION DESIGN ADVISOR - Advise on detailed points to be considered to design out the potential for crime, anti-social behaviour and reduce the fear of crime. Recommend the use of guidance in 'Safer Places' in designing key parts of the site such as the footpath along the river at the eastern edge of the site, and the open space and sports fields. No mention of the physical protection of the dwellings in the Design and Access Statement a major concern. Phase 1 could be built to SBD standard, with a good overall layout needing basic security measures to secure the garden area. The physical security being part 2 could easily be achieved across this phase, but understand that developer only plan to go for part 2 on the affordable. Would like to see the developer commit to both the dwelling Phase 1 and the Fry's Club to ensure we are creating a safe and secure environment for all the residents and public alike. This means fitting the minimum physical security standards as covered in the Secure by Design design guides. The proposed station overflow car park is in an isolated location and vulnerable to crime and anti-social behavior and recommend it should be designed to Park Mark standards.

ENGLISH HERITAGE - the proposed development contains a number of heritage assets, the Roman Town of 'Traianus', a listed Roman well, a reconstructed Roman building, the buildings of the Fry's Factory and the stored stone remains of Keynsham Abbey. The buildings of the Fry's factory are recognised as being of significant local and regional interest. The remains of the Roman town are deemed to be of national significance. The Roman town will be protected under the reconfigured sports pitches on the Ham and will have a Management Plan put in place to protect it in the future. The rest of the development has the potential to enhance the buildings of the Fry's factory, although not nationally important they are highly significant on a regional and local level. The buildings and their setting should be enhanced to provide a good sustainable development in line with the National Planning Policy Framework.

SPORT ENGLAND - Sport England and the Football Association remain concerned over the loss of three existing grass football pitches on the site that are out of the Flood Zone. Pitches now appear to meet FA recommendations including resizing some of the existing ones however strongly encourage one of two solutions in relation to the loss of three grass football pitches (all currently located out of the Flood Zone); either Pitch F1 with sports lighting and two additional adult grass playing pitches are relocated to a part of the development site out of the flood zone, or Pitch F1 is turned into a 3G artificial grass pitch to meet the relevant performance standards for competition football to be played on it with sports lighting of suitable technical specification and reasonable restrictions on hours of use. The applicant has not provided evidence of exploring turning F1 into a 3G artificial grass pitch other than cost being an issue. If pitch F1 had lights then this is a step forward but would depend the quality of pitch and therefore carrying capacity, the technical specification of the sports lighting and restrictions of use placed upon them e.g. hours of use. English Cricket Board have concerns about cricket outfield. Concerns of Lawn Tennis Association withdrawn.

CANAL AND RIVER TRUST - no objections to the proposal however note that the proposed concept masterplan shows fishing platforms, a jetty and possible river crossing. It is not clear if this work forms part of the proposal but if so the applicant should discuss these works with the Canal & River Trust to ensure that there is no adverse impact on the river navigation and a condition should be imposed that further details are to be submitted and approved.

HIGHWAYS - Further modelling work has been undertaken and further information has recently been requested from the applicant. Subject to the satisfactory completion of this work following it is considered that the current highway objections could be withdrawn, subject to conditions and agreeing a satisfactory S106 agreement. It is considered that the modelling will demonstrate that, taking into account the highway junction improvements suggested by the applicant for both the Avon Mill Lane/Station Road junction and Avon Mill Lane/Bath Hill East junction, the development traffic can be accommodated on the local road network using the existing (remodelled) access only. These works require third party land, outside the limits of the public highway but under the ownership of the Council. Due to the importance of these works, they should be delivered in full by the development and to be subject to a 'Grampian' condition limiting the development that can take place prior to their delivery. Even with these improvements the network will be operating at theoretical capacity (i.e. greater than design capacity) with average increased delays to motorists negotiating the network of 3 minutes. As such other network capacity enhancements should be undertaken to relieve the increased congestion and mitigate the effect of committed development, including this development.

Whilst the proposed junction to serve the development is acceptable in principle, it has not been approved in detail. The applicant's proposals to remove and not replace bus stops on Station Road in the vicinity of the railway station is not acceptable and appears to require control of third party land to resolve. Work/negotiations are continuing with regards the above. Additional matters that need to be the subject of conditions or S106 Agreement, that have either been agreed or are the subject of on-going discussions, are: improved forward visibility of Station Road to meet design standards on junction approaches; provision of a cycleway link from the site across the Park to Bath Hill to enable onward, safe travel to Wellsway School; provision of a cycleway bridge across the river from the development with onward connection to Hanham to connect with facilities to be provided by South Gloucestershire Council; public transport contribution and provision of bus stops with shelters and real time information, together with the provision of bus turning facilities or circuit within the site to accommodate the above service and any other provision that may be made; provision of CCTV at the Railway Station plus real time passenger information on each platform; improved pedestrian and cycling links to the town centre (predominantly off-road) to encourage sustainable travel and help mitigate the demand to travel by private car; public realm improvements to the High Street to address safety issues, as a result of increased congestion and pedestrian demand from increased population; extension to overspill car park for railway plus high standard cycleway link from car park into development and on-site cycleway provision including links to required bridge; commuted sum to cover future maintenance liability of bridge; provision, agreement and implementation of a Travel Plan for all employment uses and Fry Club, including employment of a Travel Plan Co-ordinator, monitoring, review and reporting, together with agreed New Residents Welcome Packs, including free travel tickets for each new resident for an agreed operation of not less than a week, for each dwelling unit. In

addition the provision, implementation and operation of a Construction Management Plan including hours of operation, routing of vehicles, etc.

Regarding triggers for the works and contributions: the majority of measures to encourage sustainable travel should be in place prior to first occupation as, once established, travel patterns/habits are hard to change; the greater the level of development occupied the more difficult it will be to manage traffic to accommodate off site highway works and these works should be delivered prior to first occupation. Triggers must be based upon occupations of residential units, occupations of employment floorspace and combinations of both. All the above matters are the subject of on-going discussions and negotiation and, whilst it is possible to identify general conditions/Heads of Terms at the present time, until negotiations are completed it will not be possible to finalise whether some matters are to be covered by condition or S106. Subject to satisfactory modelling results there are no highway objections in principle and if this is to go to Committee prior to negotiations being completed and the above matters being resolved, I would recommend that we seek a decision of Delegate to Officers to Approve subject to agreement being reached re S106 etc.

HOUSING - Local Plan HG.8 requires a 35% affordable housing contribution at nil public subsidies on a 75 / 25 tenure split of social rent to intermediate housing (shared ownership). The applicant has proposed a baseline affordable housing contribution of only 30% subject to viability [15% in financial appraisal]. The application also proposes an affordable housing mix which is not consistent with the findings of the West of England Strategic Housing Market Assessment (SHMA). This is not supported. It is appreciated that a number of 2 bed affordable flats may come forward due to design constraints particular to the conversion of block A however the rest of the development has no similar design constraints, the 2 bed affordable dwellings across the rest of the development should be houses.

The plan proposes distinct areas of high & low density housing which may impact upon the integration of the affordable housing throughout the site and thus could be non-compliant with NPPF or local planning policy which aims for high quality urban design and providing a mix of dwelling types. The planning layout has failed to demonstrate how the affordable housing will be integrated amongst market housing across the whole site whilst meeting the design, layout and construction standards set out in the Council's Planning Obligations SPD e.g. 5% Lifetime Homes and 5% wheelchair accessible. The blocks of flats in Phase 1 serve only the affordable housing which distinguishes the affordable housing from market housing and thus not tenure blind. The parking provision attributed to the flatted blocks is in a manner that further distinguishes the blocks from market housing and the bulk of the affordable housing is concentrated in one sector rather than integrated in small clusters across the whole phase. This is not accepted, however there are opportunities for the scheme layout to create a socially inclusive layout and cohesive community, with a mix of dwelling types across the whole of the scheme. There is a need for a supported living scheme in the form of 6 self-contained dwellings, delivered as part of the affordable housing contribution with ground floor units being designed to full wheelchair user standards, which the applicant has failed to acknowledge this strategic housing requirement. The market housing mix is not in keeping with either NPPF or SHMA and the application has failed to demonstrate how the proposed overall mix of market housing serves the full range of the local housing market and income levels including one and two bed dwellings. B&NES strategic requirements are for complex

dementia and nursing home schemes. The application is an opportunity to deliver either one of these strategic needs with the Care Home.

TRANSPORTATION AND HIGHWAYS (DRAINAGE) - no objection subject to conditions.

DEVELOPMENT AND REGENERATION - recognise the significant benefits from the development proposal at Somerdale however employment uses should be provided towards the entrance so that it is visible and attractive. The employment space should not be spread throughout the site in order to keep its critical mass in one location. Retaining employment at the core of the site could be acceptable subject to compatibility and integration with its surrounding uses. The current designs do little to create a sense of arrival at the employment area, it appears as a residential led or dominated scheme and there is little to indicate that the site is a mixed-use site. This could be improved through amendments to incorporate employment uses within Block A (currently proposed as 100% residential) which has the advantage of coherent sight lines from arrival into the development site. Additionally, it is necessary that there is a visual prominence of the employment space to the overall site. Therefore retention of the landmark figure for employment i.e. the chimneystack at the Power House, or a reference to it within the design would be useful. Alternatively, a reference to the former Frys / Cadbury's illuminated signs would act as a visual marker, indicating the on-going presence of employment uses. It will be necessary to see further detail about the type and quality of provision and this should be secured through the section 106 agreement. RSE will also expect a marketing strategy to be submitted prior to commencement of any development, and that this is agreed between Council and the developer. Further work needed on employment and training strategy. Due to the long timescale of the proposed development, it is necessary to seek certainty as to the timing of delivery of employment floorspace. The employment should be delivered early in overall site delivery, so that it is ready for occupation prior to any residential occupation. The scheme shows one point of access whereas a secondary access to the site could assist in creating a sense of arrival at the employment space. The development must link with Keynsham Town Centre developments and the overall growth expected within Keynsham through the Core Strategy. The development should do more to deliver more renewable energy than currently planned.

HISTORIC ENVIRONMENT - object to demolition of buildings and impact of new development on their setting. The complex is of regional and local historic interest and although the buildings may be argued to be architectural modest, industrial buildings by their very nature often tend to be utilitarian and of a functional design. The Power House is clearly an important part of the complex and dates from the earliest phase of development of the site in the 1920s with block A and also serves as a landmark building, in particularly its tall chimney, in association with the main factory. The building appears also to retain its original windows and although internally some of the machinery has been taken out it still has some impressive large metal coal chutes, and dramatic internal open spaces. The brick chimney is not original however it still forms an important feature of the site. The building is by no means without some charm, and worthy of conservation and its demolition would not only substantially harm the asset in its own right but substantially detract from the complex and the setting of those sections of the main factory which are to be retained, and which it once served. Do not accept that extent of demolition will have a moderate adverse impact or that mitigation can be achieved by recording in this instance. Pleased to note that the applicant is retaining block A but the truncation of blocks B and C

are in appropriate. These works would only serve to further detract from the heritage asset. At the very least blocks A, B, C should be retained and it would also be desirable to retain their interconnecting links which form part of the historical development of the site and may also help prevent a wind tunnel effect between the blocks when retained. Notwithstanding above objections, also concerned in general with the lack of detail to help clarify works to the buildings. Would hope to see alterations include restoration works. No objection in principle to construction of a single storey roof extension to Block A, but should not compete visually with the original, and hopefully restored roof line with its projecting towers and restored cupolas. Although accepting in principle the development of the site for housing have concerns with the location of some of the areas proposed and that housing development will appear visually in congruous and substantially harm the setting of the existing buildings.

SCIENTIFIC OFFICER CONTAMINATED LAND - recommend conditions regarding site assessment, remediation and on-going monitoring.

CHILDREN SERVICES - based on estimated child yield there is a need provide 30 Early Years (age 3-4) places and a single form entry Primary school to address shortfall within the area. There is adequate provision for Early Years (0-2), Secondary and post-16. Contribution also required for Youth Services provision places. The application proposes a private children's nursery (50 early years places), an early years pre-school facility (40 early years places) as part of the primary school and a 210 place single form entry primary school. Further discussion will be needed on timing of delivery of the school with anticipated opening date of September 2017 required. From information provided it would appear that the overall floor space and site size for the school is sufficient although further detail will be needed on classroom layout, relationship of spaces, circulation, location of Early Years accommodation etc. as well as agreement of relevant costs. Issues of availability, access, security and maintenance of the playfields for the school also need to be clarified.

URBAN DESIGN - the site threshold is marked with bollards, hedges, rear fences and roofs of buildings rather than a positive, inviting entrance to new homes and businesses. Only selective cues have been taken from surrounding architecture and character - some good qualities have been ignored such as generous green front and back gardens, on street parking to reduce traffic speeds and architecture contemporary with the period of time dwellings were built. There is also an obvious location to spur a route off into the site from the adjacent residential street that has been ignored. The result is much leftover space that does not contribute positively to the layout. The principle of introducing breaks in buildings to allow views through is welcome, however it should be demonstrated which views are framed as there are landscape and architecture elements that would be appropriate to include and it is not clear that they are. The Care Home is out of scale with its surroundings, offers poor outlook, and is an island among the housing lacking proper integration. Play areas should run throughout the development and could all be based on 'natural play', the size and green opportunities in the site are abundant to facilitate this. There should be plenty of space around trees, and buildings adjacent to tall trees could have some height to provide good scale and proportions to the street.

The new building should incorporate the sustainable construction principles contained within the Council's newly adopted Sustainable Construction and Retrofitting SPD. Outlook, building typology, building design, mix, distribution and public realm for most

affordable dwellings unacceptably distinguishes them from the market housing. Stopping up of Chandos Road and the resulting poorly designed linear park is not supported. The result of this design decision is very poorly executed into an inactive alley right at the threshold of the site. River edge treatment is unacceptable e.g. footpath is very narrow and faced with rear gardens. It is a missed opportunity to have homes back on to the river instead of front on to them in terms of residential amenity also. Outline application does not include for any interpretation of the remains of the Roman Town and includes proposals to demolish the Power House, the latter offers a unique opportunity to retain a landmark and unusual building for conversion whilst retaining an element of identity of the site different from the factory. Demolition of the Power House and chimney is unacceptable as it is the loss of a good landmark on the site. This building could be reused with some creative design and would add variety and quality to a bland proposal.

The remnants of the Chocolate Factory that are proposed for retention are completely surrounded by car parking that especially when lit, will become a landmark in themselves from long distance views and within the site. This is a very poor setting for such important buildings that will become the only source of historical interpretation of the site. The culmination of the avenue of mature trees into a parking dominated street with small patches of green amongst huge areas of car parking is a very poor resolution to what is a prominent place at the heart of the neighbourhood. The massive banks of car parking continue adjacent to the sports pitch and this is not only poor quality public realm in itself but also means that a row of houses is set in massive car parks both to the front and rear. This is a very poor outlook and setting for family homes. On plot parking and car parking courts or huge car parks appear to have been favoured instead of designing in 'on street' parking - this is out of character with the neighbourhood and if designed in from the outset could serve to slow down traffic speeds and maintain a separate pedestrian and car domain outside homes in particular. There are very large parking courts that break up the continuity and enclosure of street scenes and create car-dominated environments.

Housing layouts are uninspiring and lack design qualities to increase legibility and add a high quality character to this new neighbourhood. Homes should also be designed to achieve Code for Sustainable Homes Level 4. The retained existing buildings should be retrofitted to reduce their energy consumption. Proper integration and a well-designed setting for the school should be incorporated into the layout proposals to ensure it is of the highest quality. This will be the hub of the community, bringing existing and new neighbourhoods together yet the school currently has some poorly designed boundaries adjacent to it, which if approved could preclude the quality external environment this building needs. The opportunity to create a well-designed energy efficient education building should be taken.

ARCHAEOLOGY - since the construction of the Fry (later Cadbury's) chocolate factory began in 1921 a number of significant Roman-British finds have been made across this area. These include a substantial villa or town house with associated well and burials found during the construction of the factory, and further discoveries of pottery and buildings on the Town Hams during levelling works in 1990 and archaeological evaluation in 1995 and 2001. Following the closure of the Cadbury's factory the site has been subject of extensive archaeological evaluation (2012) in advance of the current planning application for the comprehensive redevelopment of the former factory site, goods yard and recreation ground. The below-ground archaeology falls into three broad zones: 1. Town Hams (west of the Factory and Fry Club) - Evaluation has revealed startling

evidence of the what is almost certainly the 'lost' Roman town of Trajectus. Plots of the geophysical survey data show streets with numerous town houses, some with classic central courtyards and what appears to be the plan of Romano-British temple overlooking the river. The surviving remains of the Roman town are of such high quality and potential that they are certainly of national importance. 2. Fry Club, Car Park and Recreation Ground (south of factory) - the evaluation work to the south of the former factory buildings, on land identified for redevelopment, has revealed only minor evidence ploughing and a few gravel quarry pits, which are probably of medieval or later date, but may include some evidence of Roman quarrying and a possible prehistoric boundary or enclosure ditch. This area is therefore thought to be of low to moderate archaeological potential. 3. Former Factory and Goods Yard (north of factory) - Test pit and bore holes survey results suggest that the area was heavily disturbed by construction of the various factory buildings and railways goods yard to the north. The area is therefore thought to be of generally low archaeological potential.

The 'Cultural Heritage and Archaeology' section of the ES supports this broad summary, and provides a detailed assessment of the potential impacts on the various heritage assets across the site with suggested mitigation. Whilst the Roman buildings and cut features on the Town Hams are not under direct threat from the current development proposals, there are a number of associated works on the Town Ham, such as relocation/formation of sports pitches, which directly overlay the Roman town. Given that previous ground works on playing fields and golf course have caused considerable damage to the archaeology, it is essential that any future works are brought under statutory control. English Heritage have been requested to designate the remains of the Roman town as a Scheduled Ancient Monument. The outcome of English Heritage's assessment is awaited. Scheduling would not present an obstacle to the current development proposals at Somerdale, but provide clarity with the future management of the site. In addition to the ES an early draft historic environment management plan has been submitted, which begins to address the long term protection of these heritage assets but still requires further work/refinement and input from English Heritage. In light of these considerations I have no objection to the overall development, subject to conditions being attached to any planning consent.

ARBORICULTURAL OFFICER - the majority of trees which are protected by a Tree Preservation Order appear to be retained however no Arboricultural Impact Assessment can be found within the numerous submissions to illustrate that the evolving proposals on the site have been informed by arboricultural input. Conflicts include housing plots that are particularly close to TPO trees or do not take account of advice in relation to future growth, overhang and potential future pressure from neighbouring residents for unsympathetic works or removal. According to the Access and Movement Parameter Plan footpaths are to be created along the river on the eastern side. This corridor should be sufficiently wide to accommodate tree planting and future tree growth as well as the footpath and access to the river. The outline indicates that previous comments relating to the adopted Green Infrastructure Strategy have been taken into account. The loss of the wooded area to the north is accepted in view of the limited developable space available and the proposed new planting which sufficiently mitigates for their loss. An Arboricultural Impact Assessment based on the current proposal is necessary. No objection is raised to the proposed tree removals but object/concerns over the lack of space provided along the river, the future management and retention of the avenue of trees, and detailed layout of specific plots where existing trees are retained and will impact on residential amenity.

LANDSCAPE - this is a complicated hybrid application that has some positive elements and some areas of disappointment. Overall whilst the overall principle of development and wider landscape impact is acceptable, the submission itself is not acceptable in its current format. The likely landscape, visual and character impact has been assessed in detail and agree with the broad conclusions of the ES. Whilst there will be an inevitable change in local character, I do not think this would be significant or would cause detriment to the primary functions of the Cotswold AONB. It is also accepted that there will be some enhancements to the area through increased management and implementation of a significant scheme of planting. Whilst the introduction of a riverside path to the east side of the site is welcomed this needs to be wider and more meaningful to be a space that is of use and benefit to the wider community (i.e. cyclists and walkers) and not just to provide a narrow set-back for the adjacent residential properties. Question whether the westernmost corner is the best location for a possible link across the river. The actual housing layout is disappointing. The general layout of the housing is 'anywhere' in style and does not relate to the surrounding area such as Chestnut Drive and Fry's Green. It is disappointing that such a grand entrance avenue does not arrive at a meaningful space. There was a perfect opportunity to emphasise the grandness of the main entrance area with a key building or a more significant landscape treatment. The housing is set too close to the main avenue and does not allow sufficient space for such an important feature. The location and scale of the Care Home, in the middle of the residential area, also seems somewhat incongruous. The application does not appear to include for any reference to the remains of the Roman Town needs to be included at some point. Disagree with proposals to demolish the Power House, which is an important landmark feature and a key part of the history of the site. This is a wasted opportunity. The central building area beside blocks B and C is dominated by car parking and there are only two relatively small squares shown and these are planted rather than at least one significant public area, likewise with the area to the west of Block C. The detailed landscape drawings are acceptable in terms of species and numbers etc, but has sufficient space has been left for the larger tree species to actually grow properly. Doubts as to how successful the back garden tree planting will be. The street furniture itself looks acceptable but there are bigger issues of scale and layout to resolve in advance. Fencing proposals to The Ham's is generally acceptable providing the area is not divided any more or access restricted any more than it currently is. In terms of the works to the Ecological Enhancement area, this is welcomed. The provision of natural play across the site is to be welcomed and would like this delivered as real natural play i.e. mounding, boulders and opportunities for true imaginative play as opposed to simply installing timber equipment. The combined bin and cycle building looks wholly overdesigned and appear to want to be seen as a small house.

ECOLOGY - initial objection due to impact of lighting proposals. Proposals amended and clarification provided. Lighting that will not harm wildlife and will not cause light spill onto the river is committed to in the ES and must also be secured and delivered with detailed proposals for this including lux level contour plans secured by condition. No objection subject to application of conditions to secure all necessary ecological measures, update surveys and monitoring of the Landscape and Ecological Management Plan. A comprehensive ecological survey and assessment has been undertaken across the site and the proposals include a range of ecological mitigation and compensation measures including creation of reed bed and riverside habitat, replacement planting and measures to avoid harm to protected species. A Landscape and Ecological Management Plan is also

proposed and a draft has been submitted. Satisfied that the range of ecological issues that exist at the site have been identified and the proposals to address them are acceptable. Final details will need to be agreed and secured by condition. Some measures (e.g. future management of the newly created riverside habitat) will need to be secured via a s106 agreement. There may also be a need for update/additional surveys over time due to the long term and phased nature of the project. Update bat surveys are proposed if the current surveys go out of date and although surveys to date have not identified any roosts on site that are affected by the proposal, this could change and if so in future the Council and applicant will need to be mindful of the requirements of the Habitats Regulations and consider the 'three tests' of the Habitats Regulations. These and all necessary repeat or update surveys (e.g. badger, nesting birds) must be secured by condition.

ENVIRONMENTAL HEALTH - no objection subject to conditions

ENVIRONMENTAL MONITORING AND LICENSING - object as although the general methodology of the air quality assessment is fine clarification is sought regarding details of the assessment. Note that air quality assessment in the ES shows that the development will have a small increase in air pollution levels with a minor adverse effect at some locations. These levels are very optimistic as the traffic levels are based on a very sustainable development. Although mitigation has been mentioned not much detail is given and would like to see proactive measures included within the development to minimise the air quality effects. Recommend condition regarding dust management during construction.

PUBLIC RIGHTS OF WAY - no comment.

OTHER REPRESENTATIONS

COUNCILLOR HALE - this is a major development that will have a profound affect on the town and it is vital that the development leaves a positive legacy. It will not do that if the development is allowed to go ahead with a single point of egress and access. Station Road is an important route out of and into the town and to the major roads of M4/A420/A46, is the only practical route in the event of the A4174 being closed for any reason, an important alternative route to Bath in the event of the A4 being closed and an alternative route providing a diversion in the event of the High Street being closed. Despite all this the road is also a well used and very busy commuter route. Currently any traffic restrictions such as temporary traffic lights cause significant tail backs in both directions and also cause problems in Avon Mill Lane. The proposed single junction to serve this development is a preposterous nonsense. Currently the junction of Chandos Road serves a very quiet cul de sac and a redundant factory, that is vastly different to a large housing and industrial area which will produced significant traffic flow. This development must have a second access and egress road that leaves the site otherwise than at Chandos Road. This application must be rejected on highway and traffic grounds. There must also be no development that will adversely affect the Roman ruins of Trajectus.

KEYNSHAM TOWN COUNCIL - object until such time that traffic/highways issues are resolved to the satisfaction of the Town Council. Access and egress to the site by one single access will not be sufficient. Recent road works in this area have illustrated how changes to traffic flow create substantial problems in this area which in turn affect Station

Road, the High Street and Avon Mill Lane. Concerns are raised regarding the closure of the end of Priory Road with no provision of an appropriate turning circle for visitors or ambulances attending the existing nursing home. The materials fit in well with the surrounding houses and are in keeping with the surrounding landscape. There are concerns regarding where the proposed cycle path will start due to the increase in traffic and lack of parking in that area created by vehicles being used to bring their bicycles to the cycle path. One chemist and one convenience shop acceptable but not more than this due to the proximity to the town centre/high street there are concerns regarding the detrimental effect this would have on the town and the local businesses. There are concerns regarding the size of the Fry's club car park and if not adequate people will park on the residential streets. The Town Council want the car park to be at least the size of the existing Fry's Cub car park. Concerns were raised over the housing plans as in some instances these do not appear to meet the agreed distance of 20 metres between the new build homes and the boundary of existing properties. The Town Council recognises the wishes of local amateur dramatic groups for performance space that can house suitable staging required for their purposes. There are concerns regarding water run-off/flooding that occurs from surface water that runs off the back of the sport facilities car park and tennis courts affecting the properties at the bottom of Chandos Road. Any further comments on the ES Addendum will be reported at Committee.

KEYNSHAM CIVIC SOCIETY - do not consider the application for a development of this magnitude is viable without a second entrance to the site. Concerned if the area adjacent to the river continued to be used as an overflow car park for the station and if any work were to be proposed on the major archaeology site of the Roman Town Traiectus and the flood alleviation site of The Hams. The proposals should conform at least to Level 5 of the Code for Sustainable Homes and should include a feasibility study in the potential to harvest energy/heat from the adjacent River Avon.

ST AUGUSTINE'S MEDICAL PRACTICE, KEYNSHAM - concerns at lack of a robust delivery mechanism for the proposed primary healthcare facilities proposed as part of the above outline planning application. Whilst we are in principle in favour of the developer's aspiration to redevelop the Cadbury site for mixed-use development, the scheme as currently submitted makes insufficient provision to mitigate the impact of an increased population on primary healthcare facilities in the immediate area. Based on current GP capacity in the area, identify the need for a financial contribution to mitigate the impact of the development.

RESIDENTS ASSOCIATION - welcome positive response to consultation issues (location of football pitches; height, size and distance of new properties from back gardens; commitment to the environment and retention of trees; increase and improvement to the station overflow car park; gates on Chandos Road for emergency access only; new sports facilities, changing rooms and Fry club will be a great asset to Keynsham). The closure of Chandos Road at Station Road although needed to make for a safer junction has divided the residents of Somerdale therefore we can only give a neutral response to the closure. Concerns whether the signal-controlled junction will work and question if it will cause delays throughout Keynsham.

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

- single access to the site and traffic impact, particularly at peak times, including at the site junction and on Avon Mill Lane (14)
- routing Chados Road/Priory Road/Dryleaze/Summerleaze traffic via the new development and consequential delay (4)
- boundary treatment and proximity of houses (4)
- lack of floodlights to sports pitch (4)
- quality of replacement pitches (4)
- Priory Road emergency access (3)
- scope for sustainability measures (3)
- lack of security (3)
- cycle path connection to Dryleaze (2)
- station/commuter parking on residential streets (2)
- impact on wildlife (2)
- scale of development (1)
- construction impacts (1)
- loss of buildings (1)

6 letters of support on the following grounds -

- employment space on site and benefits to Keynsham and its regeneration (3)
- sympathetically planned and the use of trees, house design, provision of further amenities, etc should enhance the area (1)
- re-provision of the Fry Club and facilities (2)

POLICIES/LEGISLATION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that for the purposes of making decisions under the Town and Country Planning Acts, the decision must be made in accordance with the Development Plan for the area, unless other material considerations indicate otherwise. These comprise saved policies in the Bath and North East Somerset Local Plan (including minerals and waste policies) (Adopted October 2007)

Bath and North East Somerset Local Plan (2007)

Policies of relevance to the current application are:

- IMP.1 Planning obligations
- D.2 General design & public realm considerations
- D4 Townscape considerations
- ET.1 Employment land overview
- ET.3 Core Employment Sites
- CF.2 Provision of new or replacement community facilities
- CF.3 Contributions from new development to community facilities
- CF.5 Allocation of land for primary educational purposes
- CF.6 Residential and day care facilities
- SR.1A Protection of playing fields and recreational open space
- SR.3 Provision of recreational facilities to meet the needs of new development
- S9 Small scale local shops
- ES.2 Energy conservation and protection of environmental resources
- ES.5 Foul and surface water drainage
- ES.10 Air quality
- ES.15 Contaminated land
- HG.1 Meeting the District housing requirement

- HG.4 Residential development in the urban areas and R.1 settlements
- HG.7 Minimum residential density
- HG.8 Affordable housing on allocated and large windfall sites
- WM.4 Waste recovery and recycling in new development
- GDS1 K1 Somerdale
- GB.1 Control of development in the Green Belt
- GB.2 Visual amenities of the Green Belt
- NE.1 Landscape character
- NE.4 Trees
- NE.9 Sites of Nature Conservation Importance
- NE.10 Nationally important species and habitats
- NE.11 Locally important species & habitats
- NE.12 Natural features: retention, new provision and management
- NE.14 Flooding
- NE.15 Character, amenity and wildlife value of water courses
- BH.5 Locally Important Buildings
- BH.11 Scheduled Ancient Monuments
- BH.12 Important archaeological remains
- T.1 Overarching access policy
- T.3 Promotion of walking and use of public transport
- T.5 Cycling Strategy: improved facilities
- T.6 Cycling Strategy: cycle parking
- T.8 Bus strategy: facilities & traffic management to improve efficiency & reliability of bus operations
- T.24 General development control and access policy
- T.25 Transport assessments and travel plans
- T.26 On-site parking and servicing provision

The application site is identified as a General Development Site (Policy GDS1) Site K1: Somerdale. On the Proposals Map the site of the former factory buildings, the Fry Club and associated facilities and playing fields to the east are identified for development with a developable area of 25.3 hectares. The Local Plan identifies the following Development Requirements:

1. Retention of existing business uses and development of at least 10ha of land for business development (Use Classes B1, B2 and/or B8)
2. About 50 dwellings during the Plan period.
3. Safeguarding of residential amenities of proposed residential development from existing and/or proposed business uses including incorporation of a buffer zone, landscaping and other visual and noise mitigation measures.
4. Provision of children's playing space.
5. Replacement playing fields.
6. Preserve setting of existing main factory frontage.
7. Public access along River Avon.
8. Retention of avenue of trees in Somerdale Road.
9. Provision of major landscaping on northern, western and eastern site boundaries to satisfactorily accommodate development into Avon Valley landscape and contribute to Bristol/Avon Community Forest.
10. Loss of recreational and social facilities to be offset by satisfactory alternative provision.

11. Provision of satisfactory highway access to A4175, realignment of Station Road and closure to traffic of Somerdale Road site entrance; off-site traffic management measures in Station Road and Avon Mill Lane.
12. Traffic management measures to restrict vehicular use of Chandos Road.
13. Provision of appropriate access to public transport, including enhanced rail infrastructure at Keynsham Station and enhanced bus services.

The remainder of the site is designated as Green Belt (Policy GB.1), playing fields on the Hams (Policy SR.1A) and shown as being Indicative Flood Plain (Policy NE.14).

DRAFT CORE STRATEGY

At its meeting on 4th March 2013 the Council approved the amended Core Strategy for Development Management purposes. Whilst it is not yet part of the statutory Development Plan the Council attaches limited weight to the amended Core Strategy in the determination of planning applications in accordance with the considerations outlined in paragraph 216 of the National Planning Policy Framework. Policies of relevance to this application are:

- DW1 - District-Wide Spatial Strategy
- KE1 - Keynsham Spatial Strategy
- KE2 - Town Centre/Somerdale Strategic Policy
- CP2 - Sustainable Construction
- CP3 - Renewable Energy
- CP4 - District Heating
- CP5 - Flood Risk Management
- CP6 - Environmental Quality
- CP7 - Green Infrastructure
- CP8 - Green Belt
- CP9 - Affordable Housing
- CP10 - Housing Mix
- CP13 - Infrastructure Provision

Supplementary Planning Documents (SPDs).

The following SPDs are applicable to the proposal:

- Planning Obligations SPD (2009)

National Planning Policy Framework (NPPF) March 2012 including accompanying Technical Guidance

OFFICER ASSESSMENT

ENVIRONMENTAL IMPACT ASSESSMENT

In view of the scale and nature of the proposed development, its setting and likely significant effects the proposed development is considered to constitute Schedule 2 development under Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (the EIA Regulations). An environmental impact assessment (EIA) of the proposed development has been undertaken and the application is accompanied by an Environmental Statement (ES) that sets out the findings of that assessment, identifies the significant environmental effects as well as measures to mitigate those impacts where appropriate. By virtue of Regulation 3 of the EIA Regulations the Council cannot grant planning permission in respect of the application unless it has first taken the environmental information into consideration. The environmental information means the

ES, any further or other information received, any representations made by any consultation bodies and any representations made by any other person about the environmental effects of the proposed development. Further information was received by the Council and has been re-advertised in accordance with the EIA Regulations.

The scope of the EIA is considered by Officers to be appropriate, the relevant topics identified and the methodologies adopted robust. Cumulative effects of the development with relevant permitted schemes in Keynsham are assessed on a topic-by-topic basis and collectively. The assessment of environmental effects and proposed mitigation form an integral part of Officers' consideration of the proposed development and in the Council's determination of the application. To avoid repetition, the findings of the EIA are reported below as part of the assessment of the planning issues together with responses to consultations and other representations received.

PRINCIPAL PLANNING CONSIDERATIONS

This application raises a number of significant planning issues:

1. The principle of residential-led, mixed-use development of the site
2. The provision of employment space
3. The provision of affordable housing
4. The layout and design of the development including the impact of the proposed development upon historic assets of the site
5. The site access arrangements and impact of the scale and nature of development on the highway network
6. The impact on sport and recreational facilities on the site
7. Other planning considerations including the impact of the proposed development upon the local ecology and other features of the local environment, and flood risk

These issues are discussed below including consideration of the findings of the environmental impact assessment where appropriate.

THE PRINCIPLE OF RESIDENTIAL MIXED-USE DEVELOPMENT

The Somerdale site is identified in the adopted Local Plan as a General development Site (K1) which requires the retention of existing business uses and development of at least 10ha of land for business development (Use Classes B1, B2 and/or B8) and the provision of about 50 dwellings during the Plan period. At the time of drawing up the Local Plan the Cadburys factory was in operation, it was assumed that it would continue and that it would form a hub around which other businesses would congregate. Kraft's decision to close the factory significantly changed the context regarding the future of the site and this is reflected in Policy K2 of the Draft Core Strategy. While still seeking employment use on the site, the principal focus has now shifted in favour of the regeneration of the site through a residential-led development to deliver a 'new high quality, exemplar, mixed-use quarter at Somerdale providing significant employment floorspace, new homes, leisure and recreational uses'.

The application sets out comprehensive proposals for the development of the former Cadburys factory site including up to 11,500m² of business space plus other non-residential uses and up to 700 dwellings plus the re-provision of the Fry Club and associated sports facilities. The details of the proposals are considered in more detail below however the broad scale and mix of development proposed in the application is considered to be in general accordance with the overall district-wide spatial strategy and

the location, scope and scale of development set out in policies DW1, KE1 and KE2 of the Draft Core Strategy.

EMPLOYMENT SPACE

In the light of the announcement and closure of the Cadburys factory the Draft Core Strategy and the Council's Economic Strategy seek to reposition Keynsham as a business location, enabling it to attract new employers and more higher value added jobs to reduce the current pattern of out-commuting and allowing better opportunities to live and work in the town. The current application includes the retention of part of two former factory buildings (B and C) and their conversion to use for B1 purposes. In addition the application proposes a range of other non-residential floorspace that will provide space for a range of new employment opportunities. This includes retail space (up to 500m² of Use Class A1 A3, A4, A5 space), a proposed medical facility (up to 1,000m² of D2 space) and a Care Home (up to 4,500m² of C2 space) as well as the re-provided Fry Club (2,933m² D2) and new school. The range of uses and amount of floorspace proposed is considered to provide for a complimentary mix that will contribute to the facilities available to new and existing residents without having a detrimental impact on Keynsham town centre or other local facilities.

The ES estimates that the proposed development will provide floorspace for around 1,000 jobs. In addition the ES calculates that the development will result in 1,277 direct construction jobs over the 7-10 year build out of the scheme plus a further 457 indirect construction jobs and 763 indirect jobs (person years) across other industrial sectors, including distribution and retail, business services and hotel and catering. The provision of employment space on the site is a critical element of the proposed mixed-use development of the site. The application proposes that following demolition of part of Buildings B and C they will be made watertight but that no works of conversion will be undertaken until a confirmed tenant has been identified. It is also proposed that works to the buildings would take place in Phase 2 of the development. Whilst it is understood that full conversion and fit out the buildings on a speculative basis could involve unnecessary costs (as tenant requirements would not be known) it is considered that the buildings need to be refurbished to a higher specification, leaving the final fit out to occupiers. Subject to agreement on the specification for this work and securing it through a s.106 agreement, including the timing of the works so that one of the buildings is available for tenant fit out on completion of Phase 1 of the development, then the strategy for the provision of the B1 employment space is considered acceptable. The provision of the other employment space is identified as coming forward in the Phase 2 (Care Home), Phase 3 (retail) and Phase 4 (school, retail and space for a medical facility). Subject to a mechanism to ensure the delivery of this space as part of the mixed use development of the site and an agreement on phasing then this overall approach is considered acceptable.

Regeneration, Skills & Employment recognise the significant benefits from the development proposal at Somerdale however they consider that employment uses should be provided towards the entrance of the site so that it is visible and attractive, although they also acknowledge that in order to keep its critical mass in one location it should not be spread throughout the site. This dilemma is reinforced by the importance in townscape terms of retaining at least part of the original factory complex and its iconic red brick buildings. The sheer scale of these buildings means that the opportunity for the conversion to other uses is limited and so their retention to provide employment space is considered to offer the best solution and an acceptable balance between retaining

Buildings B and C and providing on site employment space. Building A by contrast has a smaller floor plate and lends itself more readily to conversion to residential use.

The proposed layout of the site does little to create a sense of arrival at an employment location and it is considered that some form of visual marker at the site entrance is required to indicate the on-going presence of employment space at the site. There is scope for this on the eastern side of the site entrance and has been indicated on application drawings. Regeneration Skills and Employment have also been in regular on-going dialogue with the site owners and prospective developers regarding the employment space on the site. To support and encourage the uptake of this space it is considered appropriate that a Marketing Strategy for the space is developed and agreed with the Council. Subject to agreement of the details implementation of a Marketing Strategy then the location of the range of employment space towards the centre of the site is considered acceptable.

The provision of employment space on the site, as well as construction jobs during the build out of the development, offers the potential for new employment opportunities in Keynsham and the local area. To support this it is considered appropriate that skills training and the promotion of local recruitment as well as local business contract opportunities should form part of a coherent employment and training strategy for the site and its development. Regeneration, Skills & Employment have identified the need for a financial contribution towards such a package. The applicant is proposing to support the establishment of a Training Skills and Local Employment Management Board (which the Council and Learning Partnership would be invited to join) and also to supporting the training and recruitment of new entrant trainees into the construction workforce. Following negotiations a financial contribution towards training and employment has been secured although due to the overall financial viability of the scheme this will not be at the full level sought by Regeneration, Skills & Employment. On balance the proposals are considered acceptable and will be secured through the s.106 agreement.

HOUSING

The application proposes a total of up to 700 dwellings with 154 in Phase 1 (covered by the detailed planning application for the site). This will be provided in a mix of one and two-bed flats and 2, 3, 4 and 5 bed houses. The final detailed mix of dwellings on a phase-by-phase basis will be determined through reserved matters applications however an indicative housing mix across the site as a whole comprises:

	Market	Affordable
Phase 1	%	%
1 bed flat		38%
2 bed flat		6%
2 bed house		29%
3 bed house	38%	19%
4 bed house	52%	8%
5 bed house	10%	

Future Phases (includes conversion of Building A)

	Market	Affordable
1 bed flat	3%	28%
2 bed flat	13%	17%

2 bed house	3%	27%
3 bed house	35%	24%
4 bed house	37%	4%
5 bed house	9%	

Policy CP10 of the Draft Core Strategy requires new housing to provide for a variety of accommodation to meet different household and contribute to providing housing choice, as well as homes suitable to the needs of older people and disabled people in a way that integrates all households into the community. The number of dwellings proposed is consistent with the Policy KE2 of the Draft Core Strategy and the Strategic Housing Land Availability Assessment, and the affordable housing dwelling size mix broadly reflects local housing need as set out in the Strategic Housing Market Assessment. The application also provides for a range of housing types and includes a Care Home for the elderly and accommodation for people with learning disabilities. The overall mix of housing being provided is considered acceptable.

Housing density varies across the site from a low of 25-35 dwellings per hectare (net site area excluding roads) around the perimeter rising to 45-55 dwellings per hectare towards the centre of the site. The site layout and design implications of this strategy is considered under 'Layout and Design' below, however the principle of developing at a lower density adjacent to the existing lower density Chandos Road properties to the south and west as well as along the rivers edge and adjacent to the Hams with higher density and taller buildings towards the centre of the site where the existing factory buildings are located is considered appropriate for the site and its setting.

Policy HG.8 of the Local Plan states that the Council will seek to secure the provision of 35% affordable housing (75% Social Rented and 25% Intermediate forms of ownership), with higher or lower percentages depending on individual site circumstances. The Draft Core Strategy proposes a level of 30% in Keynsham. The applicant has submitted a confidential financial appraisal with the application setting out the construction, infrastructure and other costs of the development (including the s.106 costs) and development values. The appraisal has been reviewed by Officers as well as specialist consultants appointed by the Council and it is concluded that the development is able to support affordable housing at around 28%-30%. Whilst the development does not achieve compliance with the Local Plan target outlined in policy HG.8, having regard to the need to ensure that the development is viable is considered to be important. Likewise the development is broadly compliant with the emerging Core Strategy requirement for affordable housing provision which is itself supported by viability testing means that on balance the wider benefits of the scheme are considered to compensate for the reduced level of affordable housing provision.

Policy HG.8 of the Local Plan and the Council's Adopted Planning Obligations SPD set out a number of design requirements to ensure affordable housing is integrated with general needs housing on the site. The applicant has amended the scheme to address a number of concerns raised by Officers regarding the original offer including the size of dwellings, their location and design and have included a dedicated 6 flat scheme for people with learning disabilities within Phase 1. As set out in the SPD all the affordable homes should be constructed to Code for Sustainable Homes Level 3, with 60% achieving Lifetime Homes Standard and 10% wheelchair accessible. Overall the layout and mix of Phase 1

is considered acceptable and subject to these principles being adopted for the scheme as a whole then the proposed affordable housing is considered acceptable.

The affordable housing will be built out concurrently with the market housing and the percentage of affordable housing, the tenure and size mix, design standards and delivery will be secured through the s.106 agreement.

LAYOUT AND DESIGN

The Local Plan allocation K1 identifies the whole of the existing factory site outside the Green Belt as a development site, including the existing factory buildings and the Fry Club and sports pitches to the east. This is broadly reflected in Diagram 13 in the Draft Core Strategy, which shows the former factory site and playing fields to the south as an area for mixed use development. Policies D2 and D4 of the Local Plan set out general design and detailed layout guidance for new development and Policy KE2 of the Draft Core Strategy seeks the provision of a high quality, exemplar mixed use quarter at Somerdale.

The application site is bounded on three sides by the River Avon and on its fourth by existing housing in Chandos Road and railway line. As a consequence it has a very limited frontage onto the public highway on Station Road/Keynsham where the original site entrance to the Cadburys site was located. The existing buildings on the site are located towards the centre of the site and whilst clearly visible from the west (particularly from the elevated railway line) as well as through trees along the eastern boundary from Keynsham Road and public footpaths along the river, their visibility from the site entrance is more limited. As well as the original factory buildings and the Power House chimney, a prominent feature of the site is the tree-lined access road from Station Road leading to the factory buildings and the Fry Club. The area to the north and west of the former factory complex is open fields and sports pitches (The Hams). To the south of the existing buildings are further sports pitches.

The current application utilises the development area shown as K1 on the Local Plan Proposals Map, with all built development located to the west of the existing tree-lined access road (up to a point just south of the retained factory buildings) and the tree-lined fringe along the eastern edge of the site/River Avon is also retained. The sports pitches to the south of the existing factory buildings will be developed predominately for housing plus the proposed Care Home and school. Existing trees covered by Tree Preservation Orders towards the centre of the site are retained as part of a new square in front of the relocated Fry Club. To the south of the new Fry Club building will be the new Primary School with a 30-place Early Years facility. The sports pitches on The Hams will be reconfigured to accommodate replacement pitches (including a dedicated cricket pitch) for those lost through development, plus a new football pitch on higher ground adjacent to the Fry Club which will also be floodlit. The area to the north and east of the retained factory buildings will be developed for housing with a new mixed use building provided to the west of Building C. Car parking for the employment space (and for the Fry Club) will be provided predominately as surface parking adjacent to those buildings.

A series of footpaths are provided around and through the site including an east-west green link route through the site connecting The Hams to the River Avon on the eastern side of the site. A route for pedestrians and cyclists is also proposed from Dryleaze to the location of a proposed bridge across the River Avon on the south western edge of The Hams. Public open space is provided within the site including dedicated play areas. The

Fry Club sports pitches will be fenced and the remainder of The Hams retained in agricultural use as at present. An area to the north of the new housing bordering the river will remain undeveloped and become a wildlife area with the bund of the former railway being used as a play area. A community orchard is also proposed between the new housing and The Hams. The development includes various flood mitigation measures and wetland areas as compensation for works elsewhere on the site. Sports provision, open space and ecological and flood mitigation measures are considered below under 'Other Considerations'.

Access to the site uses the existing entrance on Station Road/Keynsham Road. The application also proposes the closure of Chandos Road and Priory Road at this junction with traffic from Chandos Road/Priory Road/Dryleaze/Summerleaze being directed through the new development onto the main site access road. Objection has been raised by residents of the affected roads to this aspect of the proposal and this is considered below under 'Transport'. Pedestrian and cycle (plus Emergency Vehicle) access to Chandos and Priory Road will be maintained with this section of Chandos Road being landscaped and incorporating a turning area for vehicles on Priory Road. Pedestrian and cycle (plus Emergency Vehicle) access to the site will also be provided along the route of the former railway line that connects with Keynsham Road opposite the railway station. A footpath to the centre of the site is also proposed from an existing area of parking off Station Road. This car park will be extended to provide an enlarged overflow car park for the station as well as weekend parking for leisure use. The existing access onto Station Road will be signal controlled with a new Toucan crossing for pedestrians and cyclists crossing Keynsham Road opposite the station. Junction works are also proposed on Avon Mill Lane at its junction with Keynsham Road (to be signal controlled) and Bath Hill. The implications of the site access strategy and detailed highway proposals are considered in detail below under 'Transport'.

This application has been submitted part in outline based on a series of parameter plans (with all matters other than access for approval), and part in detail with full details of building layout and design for approval (other than the alterations to the retained factory buildings and associated car parking). The layout, design, landscaping and other details relating to the outline part of the application will be dealt with through future reserved matters applications. The detailed application for the southern part of the site proposes a mix of predominately detached and semi-detached houses around the perimeter and some short terraces and blocks of flats towards the centre of the site, with properties accessed from within the site via a series of internal roads. The general layout ensures that buildings front on to the internal streets with houses set back from the existing main tree-lined road and with gardens backing onto those of the existing houses on Chandos Road. This part of the site is generally low density, which the applicant has described as a 'garden city suburb style, with parking generally provided in garages on-plot. The houses are a mix of render and brick elevations and tile roofs incorporating a range of distinctive and more subtle 'garden city' type design features.

The Council's Urban Design and Landscape officers have expressed strong reservations about the layout and design of the site, and the Phase 1 housing in particular. This is described as disappointing, uninspiring and lacking in design qualities to increase legibility and add a high quality character to this new neighbourhood, and an 'anywhere' style and with only selective cues being taken from surrounding architecture and character. The housing is considered to be set too close to the main avenue to allow sufficient space for

such an important feature and they also consider that the site entrance and arrival at the centre of the site are disappointing and fail to emphasise the grandness of the main entrance area. The location and scale of the Care Home, in the middle of the residential area, is also highlighted as an area of concern. Proposals to demolish the Power House, which is an important landmark feature and a key part of the history of the site, rather than its retention and re-use is considered to be a wasted opportunity. The central building area beside blocks B and C is dominated by car parking and parking within the residential area is also considered to be unsatisfactory and out of character with the neighbourhood. These matters are considered below.

The general form and layout of Phase 1 of the development is intentionally suburban in character to tie in with that of existing houses on Chandos Road, rising in scale and density towards the retained factory buildings. Whilst this results in a low key entrance to the site (see further comment below), on balance it is considered an appropriate response and the range of building types, elevational treatment and materials are also considered acceptable. Parking provision for the new housing is mixed, with generally on plot parking for larger properties and on street blocks of parking where densities are higher. Given the need to accommodate parking on the site, it is considered that the proposals achieve a reasonable balance and layout. Parking round the former factory buildings (and Fry Club) does result in a large area of parking however details need to be submitted and this could be broken up with planting to reduce the overall impact.

Objection has been raised by residents of Chandos Road regarding the proximity of houses to the site boundary with some houses on the Somerdale site being within 10m of the site boundary and garage buildings approximately 5m from the boundary. The properties in Chandos Road have long gardens and so window-to-window distances between existing and new houses of at least 35m are achieved. Accordingly whilst there will be a change in aspect from the rear of the existing properties (from open playing fields to built development) the amenity and privacy of existing houses will be maintained and the layout of the Somerdale site and relationship with existing buildings off site is considered acceptable.

Further towards the centre of the site the density and height of the properties increases with a mix of short terraces, three storey 'town houses' and three storey blocks of flats. This reflects the overall development strategy for the site with lower density and height around the perimeter and rising towards the retained factory buildings. Parking in this area is a mix of on-plot and on street. Whilst there is a change in the character of the site towards the centre of the site the range of property types and their design is considered acceptable. The proposed Care Home (located adjacent to this housing but being developed within Phase 2 and part of the outline application) has been amended in height and indicative layout to better relate in scale and form to the adjacent development. The building will be up to three storeys in height and is shown as a courtyard-type layout with buildings fronting onto the adjoining streets. The location of the Care Home within the centre of the site is considered appropriate in terms being part of the local community and the revised illustrative scheme shows that it could be integrated successfully into the layout of the site. Subject to the submission of layout and design details this aspect of the development is considered to be acceptable in principle.

The buildings at the site entrance are of particular importance in giving the development some presence in this highly visible location as well as creating a positive and clear

design statement about the development as a whole. The layout and house types at the entrance have been reviewed during the course of the application and now propose the removal of the existing beech hedge that forms part of the site boundary. Whilst larger scale buildings and/or non-residential uses have been considered in this location the current layout provides a more open frontage to the development onto Station Road/Keynsham Road and is considered a generally acceptable design response. The main tree-lined route into the site is maintained and arrives at the southern end of Building A, the original factory building, which is a prominent building and reminder of the former use of the site.

The replacement Fry Club forms part of the detailed application and this is to be re-provided as an early phase of the development. The new building will be located between the existing factory buildings and The Hams and adjacent to the proposed school. The building is to be part one/part two storeys in height, providing ground floor reception, changing rooms (including for disabled), bar area and kitchens and associated storage space, and first floor function rooms and balcony overlooking the sports pitches. In addition, a 162-space car park will be provided plus 6 disabled parking spaces available close to the building's main entrance. The building has a predominately brick ground floor and white rendered first floor elevation, with a largely glazed elevation overlooking The Hams. The entrance is a white rendered finish with brise-soleil canopy and signage. It is intended that the new building will be transferred to the existing Fry Club, offering sports facilities as well as conference and function rooms as currently exist on the site. The Fry Club support the application and the re-provision of the existing facility and sports pitches as a legacy to the site's heritage and intend that the facility provides a community hub for the development and the wider area.

Also forming part of the detailed application is the change of use and external alterations to the retained factory Buildings B and C, plus the change of use, alteration and extension of Building A. Works to these buildings are proposed in Phase 2 of the development and the current application does not provide details of the external works and materials for the buildings, or the flat layout and roof extension to Building A. Indicative information is provided in the Design and Access Statement, the principles of which are acceptable. Whilst it would be normal that a detailed application includes floor plans and elevations for approval, given the submitted information and controls that the Council can impose on further details then the determination of the application in this form is considered acceptable. Subject to submission and approval of the relevant details the principle of works to Buildings A, B and C are considered acceptable.

The outline part of the application is described by a series of Parameter Plans that set the extent, scale and type of development for the remainder of the site. This includes the school, mixed-use building and the main area of new housing to the north of the retained factory buildings. The Parameter Plans define the extent of development (built, open space and principal roads) and land use (by area), and maximum building heights and residential density. The extent of built development is defined by the Green Belt boundary along its western and northern edge, and there are also defined areas of open space within the built development. This includes an east-west belt of open space linking a proposed footpath along the River Avon on the eastern side of the site (and excluded from the area of built development) with The Hams. The east-west connection and perimeter footpath is considered important in terms of allowing access to and through the site by the

general public and its minimum dimensions at its narrowest point are set out on the Parameter Plans.

The land use within the outline part of the application is predominately residential, other than the Care Home, Primary School and proposed mixed-use (medical facility/retail) building between the Fry Club and retained Building C. In addition, close to the site of the existing Power House building and adjacent to the river path is proposed a mixed-use building, potentially a café. These uses are considered important elements of the scheme and contribute to the mixed-use nature of the development as a whole. Their location towards the centre of the site, providing a mix of employment uses and 'community hub' is considered appropriate, and the scale and mix of retail provision will provide a local facility for residents in the local area without impacting on Keynsham town centre. The ES notes that Keynsham is already under-provided for in terms of doctors per head of population and that the proposed development (with a population of around 1,500) will add to this shortfall. A local doctors surgery has identified the cost of meeting the increased need (confirmed by NHS England) and are seeking a financial contribution to facilitate the provision of this space. The application includes up to 1,000m² of space for a medical centre which could accommodate a new or expanded practice. Policy CF.3 of the Local Plan states that where existing community facilities (including education and health care) are inadequate to meet the needs of future residents of new development the developer will be expected to make provision directly related in scale and kind to the need generated by the development. This can either be in the form of direct provision by the developer or where this is not possible or appropriate, in the form of a financial contribution. The applicant has undertaken to fund the provision a new school (and associated nursery) on the site at nil cost to the Council. In the case of medical facilities, NHS England has provided an assessment, based on an assumed land and building cost, of the attributable financial contribution from the development. Whilst space for a medical facility is included in the application (to be made available at a commercial rent) there is no associated contribution to meet the additional costs of provision arising from the development. In the circumstances it is considered that a contribution, in accordance with the relevant Community Infrastructure Levy Regulations, is appropriate and should be secured through the s.106 agreement.

As noted above, the scale and density of the development increases towards the centre of the site/retained factory buildings and reducing to the north and around the perimeter. Whilst building types are not specified as part of the outline application the Scale Parameter Plan shows building heights of up to four storeys immediately to the north and south of the retained factory buildings), with lower buildings (generally up to two and a half storeys) to the east of Building A and in the main area of housing to the north. The Design and Access Statement describes the type of buildings and house designs that might come forward at Reserved Matters stage and an illustrative layout shows a mix of detached and semi-detached houses, and short terraces, with blocks of flats towards the centre of the site. It is considered that the design principles shown in the Design and Access Statement and shown on the illustrative layout show a built form, massing and elevational treatment (particularly around the perimeter of the site but also within the core of the housing) which is of a high quality and will differentiate this development from other large scale housing schemes. This is considered important and it is appropriate that these principles are reflected in the Reserved Matters applications, the submission of such details will be secured through a relevant condition.

The ES assesses the landscape and visual impact of the proposed development, noting that views of the completed scheme will generally be limited to near distance viewpoints. These include from the River Avon Trail, residential properties on Chandos Road, the railway line to the south and from land to the east including Keynsham Road. The ES notes that the development will retain the area of woodland in the south-eastern corner of the site, the avenue of trees along the main site access road and vegetation along the banks of the River Avon. In addition, poor quality existing tree and scrub vegetation on the northern part of the site will be removed and replaced with new planting and a wildlife zone, an orchard, a natural play area and new recreational paths as well as extensive street tree planting within the residential development. The ES concludes that the development will give rise to minor to moderate adverse effects in near distance views, with effects on views from further away being of neutral to minor adverse significance due to the presence of intervening topography, trees and buildings. The ES describes the overall change following completion of the development as being from a 'degraded industrial character to a high quality mixed use development', with the residual permanent effects on landscape character being of minor adverse significance. In terms of landscape features the impact is assessed as being of moderate to major beneficial significance and Officers concur with this overall assessment. The Council's Landscape Officer broadly agrees with this assessment, noting that although there will be an inevitable change in local character, this would not be significant. There will also be some enhancements to the area through increased management and implementation of a significant scheme of planting.

Whilst noting some positive elements and the overall principle of development and wider landscape impact is acceptable, the Council's Landscape Officer and Arboriculturalist raises a number of concerns about the proposals. A number of these are shared by the Council's Urban Design Officer and have been considered above. The detailed landscape drawings are considered acceptable in terms of species and numbers however concern is raised as to whether sufficient space has been left for the larger tree species to actually grow properly and they also have doubts as to how successful the back garden tree planting will be. Details of the tree species has been submitted for approval however this is a matter where further discussion and refinement is feasible and the details approved via a condition. Fencing proposals to The Ham's is generally acceptable providing the area is not divided any more or access restricted any more than it currently is. Works to the Ecological Enhancement area is welcomed, as is the provision of natural play across the site although there is the opportunity for true imaginative play as opposed to simply installing timber equipment. Details of the design and equipment in these areas can be secured by condition. Whilst the introduction of a riverside path to the east side of the site is welcomed, it is considered that this needs to be wider and more meaningful to be a space that is of use and benefit to the wider community and not just to provide a narrow set-back for the adjacent residential properties. This lies within the outline part of the application and whilst the parameter plans establish the principle of this route, the detailed dimensions and design will be developed through reserved matters applications. The applicant has indicated a width of 2-3m and this should be reviewed when detailed plans are prepared.

In terms of impact on the Green Belt, the proposals will locate built development closer to the boundary than currently exists along its western edge and it is proposed that one of the new football pitches is floodlit. Uses within the Green Belt, other than the station overflow car park extension, will be for recreational and agricultural purposes that are

uses that already exist and are appropriate within the Green Belt. Residential development in the northern part of the site will be partially screened by new tree planting along the western and northern boundary of the built development. Given existing large scale buildings on the site, and existing houses in Chandos Road that fringe the Green Belt as well as floodlighting to the existing tennis courts it is considered that the impact of the development on the Green Belt will be limited and is acceptable. To protect residential amenity for occupiers of the new development it is recommended that a condition be imposed to control the hours that the new football pitch floodlights are in use.

Policy BH.5 of the Local Plan seeks to control development affecting locally important buildings and Policy K1 refers to preserving the setting of the main factory frontage. Policy K2 in the Draft Core Strategy includes Placemaking Principles to guide and shape change and refers to retaining the avenue of trees in Somerdale Road and considering the potential for converting and reusing some or all of the factory buildings at Somerdale. English Heritage in their consultation response note that the buildings although not nationally important are highly significant on a regional and local level and are a landmark when approaching Keynsham. Whilst Officers consider that the importance of the existing buildings in townscape and visual terms to be higher than that suggested in the ES they are of a significant size and it is considered that a balance needs to be struck between the objectives of retaining key elements of the buildings, securing employment space and the potential for new job opportunities on the site, and providing new homes.

The proposal to demolish all of Building D (a 1960's building) is uncontroversial and the proposed demolition of parts of Building B and C will retain their main southern elevations that are currently visible from around and within the site. Their refurbishment for alternative employment use is considered to be a practical and appropriate response that ensures their retention and continued active use. Building A, which is the oldest factory building on the site, is to be retained largely intact with a new roof extension and converted to residential use. This is considered a positive re-use of the building and with sympathetic alterations will ensure that the retained buildings provide a reminder of the site's recent history and former use.

Whilst the historic importance of the buildings includes their functional relationship with each other (and the Power House) are recognised, the Draft Core Strategy envisages a significant change in the character and predominant use of the site. The siting of new buildings to the south of the retained buildings, and to the east of Building A will clearly change their setting and will change and reduce views of the buildings. The buildings are however in a relatively elevated position and when viewed from the east Building A is visible through the tree screen along the edge of the river. Although it is proposed to build houses between Building A and the river, glimpsed views of the former factory building will be maintained and subject to controls being imposed on the form of development along this edge of the site then it is considered that the overall impact is acceptable.

In addition to the existing factory buildings the application site contains two assets of national importance, a Grade II Listed Roman well (located between Buildings B and C) and the remains of a Roman town, thought to be that of Traiectus, located within The Hams. English Heritage are currently considering a proposal to designate the site of the Roman town within The Hams as a Scheduled Ancient Monument and Policy BH.11 of the Local Plan states that development which would adversely affect scheduled ancient monuments or any other sites of national importance and their settings and does not

preserve such sites in situ will not be permitted. Archaeological test pits undertaken on The Hams have also identified evidence for prehistoric settlement activity that may have preceded the Roman town and there is also evidence for post-medieval farming practices in this area. The Roman town was more extensive than currently remains on the site with buildings, stone coffins and an altar being recovered when the original Cadbury factory buildings were constructed however other remains were destroyed within the footprint of the factory. Beyond the site boundary there are a number of designated heritage assets including the site of Keynsham Abbey (destroyed by the construction of the Keynsham bypass) and the Keynsham Conservation Area.

Given the sensitivity of the buried archaeology within The Hams no new buildings or works requiring excavation are proposed within this area. The ES concludes that the impact of the construction of the new football pitch, new cycle ways and footpaths will not be significant and subject to appropriate oversight of these works then Officers concur with this conclusion. The Roman well, which is currently under the factory buildings, will be found and restored as part of the proposed development. The creation of the new wetland area and installation of new fencing and planting of trees are assessed in the ES as having a negligible effect on the outlying deposits within The Hams although a Bronze Age ditch, Roman quarries, medieval gully and quarrying and a post medieval structure and trackway located within the existing playfields to the south of the former factory buildings will be buried under housing and landscaping resulting in a minor adverse effect. It is proposed the area will be mapped and sample excavation undertaken prior to development to establish the extent of the features and to preserve them by record. English Heritage raise no objection to the proposed development in terms of the impact on the archaeological remains on the site, noting that the Roman town will be protected under the reconfigured sports pitches on the Ham and that a Management Plan will be drawn up between the relevant parties for the Hams, the Abbey stones and the reconstructed Roman Building. English Heritage have been consulted on a draft Management Plan and it is considered that this should be secured by way of condition and progressed in consultation with the Council.

English Heritage do however consider that it would be a loss to the development, and then the town, if the buildings currently earmarked for demolition are removed and support the views of the Council's Historic Environment Team in this respect. They urge that heritage assets are given sufficient weight within the determination of the application and consider that further discussions are needed to find a way to reuse some, if not all, of those buildings in the new scheme. These issues have been considered above and, in line with the advice in the NPPF, the effect of an application on the significance of a non-designated heritage asset has been taken into account. This has had regard to the scale of any harm or loss and the significance of the heritage asset and on balance it is considered that with the extent of retention and renovation of Buildings A, B and C that is proposed as part of the current application, that the partial demolition of Buildings B and C and associated structures is acceptable.

TRANSPORT AND ACCESS

The Somerdale site is currently served by a single vehicular access onto Station Road/Keynsham Road. This junction also serves Chandos Road and Priory Road and the application proposes the closure of Chandos Road and Priory Road at this junction, with traffic from Chandos Road/Priory Road/Dryleaze/Summerleaze being directed through the new development. The closed section of Chandos Road (from Station Road/Keynsham

Road to the new connection into the Somerdale site) will be landscaped as part of the development to provide a route for cyclists and pedestrians and plus emergency vehicles as well as a vehicle turning area for residents of Priory Road. Pedestrian and cycle access to the site will also be via the route of the former railway line which served the site and a footpath from the existing station overflow car park/picnic area to the centre of the site.

The Schedule of Proposed Changes to the Submitted Core Strategy (March 2013) specifies as a 'Key Infrastructure Item' secondary road access to the Somerdale site as necessary enabling works to precede development. Although the location of this access is not specified it is assumed to be to the east/north of the Keynsham Road/Avon Mill Lane junction. A second road access to the site does not form part of the current application, which instead proposes that the site (and properties in Chandos Road/Priory Road/Dryleaze/Summerleaze) is accessed via the existing Somerdale entrance on Station Road/Keynsham Road. This issue has been the single most frequent ground of objection to the proposed development with concerns raised by local residents as well as by the Police and others. Concerns include the diversion and delay for existing residents of the Chandos Road, the traffic impact on Station Road/Keynsham Road, congestion on local roads and Keynsham generally, as well as emergency vehicle access to the site.

The application is supported by a Transport Assessment (TA) and associated modelling work. This assesses the proposals in terms of different modes of transport, and the impact of traffic from the proposed development (and other committed development in the area) on the local highway network. This compares future traffic levels and journey times with a baseline condition of activities at the Somerdale site in April 2012 i.e. when traffic to/from the site was much reduced compared to when the site was in use. Officers have reviewed the TA and further modelling work has been undertaken to establish the likely scale of impacts as well as to identify appropriate mitigation measures. Whilst Officers are satisfied that the proposed site access design is broadly acceptable, the issue of one or two access points into the site has been the subject of further modelling and assessment work. The result of this further analysis shows that whilst journey times through the network in the morning and evening peak increase, they are not materially different with one or two access points. There is therefore no clear benefit or advantage in terms of journey times for traffic through Keynsham of providing a second access to the Somerdale site. In the light of concerns from Avon and Somerset Police regarding emergency access to the site the applicant consulted Avon Fire Service who raised no objections to the proposed single access solution.

On this basis discussions have progressed on refining highway junction improvements presented in the modelling work. This includes works to the Avon Mill Lane/Station Road junction (signal control and lane flares at the approach) and Avon Mill Lane/Bath Hill East junction (lane flares at the approach). As part of the Station Road works it is also appropriate to improve forward visibility to meet design standards on junction approaches. Given the importance of these works to the satisfactory operation of the local highway network Officers recommend that should permission be granted for the development then they are delivered in full by the development and that a condition is imposed limiting the scale of development that can take place prior to their implementation. These works would be secured through a s.278 agreement whereby the developer is responsible for their funding to a design agreed with the Council. The design of the junction works has yet to be finalised and may require land outside the limits of the public highway however

the affected land is Council owned and so could be secured by agreement with the Council.

Even with these junction works, when the traffic from the Somerdale development and other committed development in the Keynsham area is taken into account journey time for motorists through the network will increase by approximately 3 minutes. Whilst some increase in journey times is inevitable given the overall scale of development coming forward across the wider area, it is appropriate that measures are taken to seek to mitigate this impact and reduce the increase in journey times. Measures would include junction improvements at Hicks Gate and the provision of an Avon Mill Lane to A4 link via Pixash Lane. These proposals are at an early stage however it is appropriate that the Somerdale development, which contributes in part to the increase in journey times, makes a financial contribution to mitigating the impacts.

On site, the development is accessed off the existing main Somerdale Road and re-positioned Cross Street and a series of secondary streets. The existing gated access from the site onto Chandos Road will remain closed for vehicular traffic. It is proposed that a new and/or extended bus service will be routed through the site providing connections to the new housing as well as business space and the applicant has undertaken to providing funding for these routes. Officers have also proposed that the existing Dial-a-Ride service is extended into the site and that a financial contribution to facilitate this is appropriate. Pedestrian routes (in addition to footpaths along the new and existing roads) will be extended through the site including a new riverside path along the eastern edge of the site and new shared footpaths across The Hams. The southerly route will connect with the position of a planned bridge across the site that will link with an extended footpath on the western bank (in South Gloucestershire). The applicant has agreed to a financial contribution towards the cost of providing the bridge and Officers will progress this project with the relevant parties.

All roads and cycle/footpaths will be public routes for use by Somerdale residents and others visiting the site and a concern has been raised by residents in Dryleaze (where the cycle/footpath serving the new bridge will connect with the public highway) that cyclists will drive to the site and park in Dryleaze to access the new link. Given the new station overflow car park, which is more accessible by car from Station Road/Keynsham Road than Dryleaze and with connections into the site and across The Hams, it is considered that the likelihood of people parking in Dryleaze to access The Hams is limited. Another local problem has been overflow parking from the station, particularly on Chandos Road, and it is considered that the provision of the extended station overflow car park (more than doubling it in size) will go some way to relieving this pressure.

As noted above the application proposes a bus loop through the site however it is considered that existing bus stops on Station Road in the vicinity of the railway station need to be retained (though they can be moved) and further work between the applicant and Council is required to agree the appropriate location and secure their provision.

The Transport Assessment includes a Framework Travel Plan and identifies a range of measures to support sustainable transport objectives and achieve mode shift. The Council has identified additional measures it considers are necessary to promote sustainable transport and safe travel including the provision of an off-road cycleway link from the site to Bath Hill (to avoid cyclists using Avon Mill Lane and facilitating safe travel

to Wellsway School), the provision of bus stops with shelters and real time information, the provision of CCTV at the railway station, and public realm improvements to the High Street to address safety issues. The Transport Assessment includes Framework Travel Plans for the Fry Club and for other uses on the site including the appointment of a Travel Plan Co-ordinator, the monitoring and review of measures and the provision of new residents' 'Welcome Packs' including free travel tickets for each new resident for an agreed period. These can be secured through the s.106 agreement.

In conclusion, whilst there will be increased journey times through Keynsham as a consequence of the combined impact of the Somerdale development with traffic from other committed development in the area Officers consider that the modelling work demonstrates that the local highway network is able to operate satisfactorily in the am and pm peaks. It is also considered that the provision of a single access point to the site is acceptable. Increased journey times can be reduced through junction and other works in the wider network and it is appropriate that the Somerdale development contributes to their further design and implementation.

SPORTS PROVISION

Policy SR.1A of the Local Plan seeks to prevent the loss of playing fields unless suitable replacement facilities of at least equivalent quality, quantity and community benefit are provided. The land to the south of the existing factory buildings is currently laid out as playing fields providing three football pitches and a cricket pitch. The application proposes that this area is developed for housing and that alternative provision is made elsewhere on the site principally on The Hams, together with re-provision of the existing Fry Club building. There are also currently tennis courts and a bowling green on the site, both of which are to be retained. The English Cricket Board are agreeable to the principle of the alternative provision (subject to clarification of certain details). The Lawn Tennis Association considers that the existing courts are in a poor condition and need renovating and this should include floodlighting.

Sport England have objected to the application on the grounds that by relocating the majority of the pitches on to The Hams which is liable to flooding (and also constrained by archaeology) and providing only one replacement pitch (of three) in an area outside the flood zone there is a loss of overall pitch quality. The Football Association objects on similar grounds. To address the issue of pitch quality and to ensure that there is satisfactory re-provision Sport England and the FA have proposed that a floodlit artificial grass (3G) pitch is provided to enable match play and training, allow for extended use including when the pitches on The Hams are flooded and also support the football club to progress through the league system.

It is considered that the impact on tennis provision is neutral (the existing tennis courts have recently been resurfaced and already have floodlighting) and that addressing concerns raised by the ECB regarding the ground conditions and the possible need for drainage are constrained by the archaeological remains under this part of the site and therefore drainage work is not appropriate. In terms of football pitches, although the new pitch outside the flood zone will not be to 3G specification it will be an improvement on the existing provision and will also have floodlighting. Officers have carefully considered the issue of the quantity and quality of re-provision including the new changing rooms and associated facilities, and also the additional cost of providing a pitch to full 3G specification. It is concluded that whilst not meeting the requirements of Local Plan Policy

SR.1A in full and not meeting Sport England's preferred specification the proposals go a significant way to providing an acceptable alternative. In the context of the overall proposals for the site it is considered that the benefits of the scheme outweigh the policy and Sport England objection.

OTHER CONSIDERATIONS

WATER RESOURCES AND FLOOD RISK - the NPPF and associated Technical Guidance states that development should be directed away from areas at highest risk of flooding, but where development is necessary making it safe without increasing flood risk elsewhere. It also advises that a Sequential Test should be adopted to steer new development to areas with the lowest probability of flooding, and development should not be allocated or permitted if there are reasonably available sites appropriate in areas with a lower probability of flooding. Residential development and educational establishments are classified as 'More Vulnerable' development, considered appropriate in Flood Zone 1 and 2. Policy CP5 of the Draft Core Strategy states that development in the district will follow a sequential approach to flood risk management, avoiding inappropriate development in areas at risk of flooding and directing development away from areas at highest risk. All development will be expected to incorporate sustainable drainage systems to reduce surface water run-off and minimize its contribution to flood risks elsewhere.

The application site is bounded on three sides by the River Avon, with The Hams considered to be functional floodplain and experiencing frequent inundation (Flood Zone 3b). The former factory site and playing fields to the south are on higher ground (Zone 2 or Zone 1). The current application is accompanied by a Flood Risk Assessment (FRA) as part of the ES and this demonstrates that post construction (including some remodeling of site levels) the development platform will be located within Flood Zone 1 and therefore not at risk of flooding for events with a return period less than 1:1,000 years. The Hams (to be used for informal and formal public use areas) and the wetland area are located in Flood Zones 2 and 3 and will be at medium to high risk of flooding however these uses are identified in the NPPF Technical Guidance as being 'water compatible development' and appropriate in this location. The Environment Agency has requested confirmation that the Sequential Test has been passed. The area of the Somerdale site located outside Flood Zone 3 is identified in the Local Plan as a development site, and more recently in the Strategic Housing Land Availability Assessment as part of the Core Strategy evidence base. The area identified for 'more vulnerable uses' (dwellings, the Care Home, nursery, primary school, creche and medical centre) will be located within Flood Zone 1 and this site is considered appropriate and preferential to other sites. The extent of remodeling of site levels to provide a level development platform (as well as address flood risk issues) varies across the site. Information has been submitted regarding existing and proposed finished site levels however it is considered that this should be reviewed to protect residential amenity, particularly in locations adjacent to existing properties in Chandos Road given the proximity (in certain locations) of new buildings to the site boundary.

The ES also notes that a new wetland area will provide flood storage capacity within the site, with a section of floodplain adjacent to the River Avon being lowered to compensate for lost floodplain storage. This will result in a loss of bankside habitat to a section of river bank within the River Avon SNCI during construction of the flood alleviation scheme however this will be reinstated and new wetland habitat created as an integral part of a flood compensation strategy. On balance and with mitigation the proposed works are considered acceptable.

Without mitigation the ES notes that the development would lead to an increase in surface water runoff rates and therefore recommends a surface water drainage strategy be implemented to achieve a 10% betterment on the existing surface water runoff rates and to ensure the development does not increase the risk to surface water flooding to adjacent locations. These will be secured by condition and Wessex Water have recommended a condition regarding foul and surface water drainage and infrastructure. Detailed measures are also identified in the ES to mitigate the impact of the development on the river environment and water quality and to increase ecological diversity.

The Environment Agency objected to the original FRA and associated mitigation works. Following discussions with the applicant the Agency have now withdrawn the objection subject to the imposition of conditions to ensure that the principles of the agreed FRA are delivered as the development comes forward. In particular they note the importance of ensuring that sufficient attenuation storage is provided for each phase of development. Each reserved matters application will need to demonstrate a suitable drainage scheme in accordance with an approved masterplan to allow the Agency to recommend approval for any detailed layout proposals. Subject to the imposition of relevant conditions it is considered that the issue of flood risk has been adequately addressed.

CONTAMINATION - Policy ES.15 of the Local Plan states that on land known to be, or strongly suspected of being contaminated development will only be permitted where it would not give rise to significant harm or significant risk of significant harm to health or the environment or cause pollution of any watercourse, water body or aquifer and that any remedial action required both safeguards users or occupiers of the site or neighbouring land and protects the environment and any buildings or services from contamination during its implementation and in the future.

The historic use of the site means that there is contamination at concentrations that unless remediated may pose a risk to human health in the context of a proposed residential use, and with the potential for interaction between the surface and potentially contaminated groundwater. The submitted desk-based Hydrogeological Assessment describes the site as being located within an area of high environmental sensitivity, particularly in relation to the water environment with the River Avon and a number of aquifers beneath the site and a groundwater abstraction well. A Construction and Environmental Management Plan (CEMP) is proposed which will include measures to manage the potential for contaminants to enter the water receptors during demolition and construction. In addition a Site Waste Management Plan is proposed that will include measures to safeguard construction workers, adjacent site users and the general public from contaminated soils, gas and vapours. A remediation strategy to clean up or cap the contaminated soils will aim to retain as much material on-site as possible and limit the requirement for off-site disposal and long term groundwater treatment. Following mitigation the ES assesses the effects as minor to moderate adverse.

The ES (and ES Addendum) has been reviewed by the Council's Scientific Officer (Contaminated Land) and the Environment Agency. They note that whilst only preliminary geo-environmental assessments have been completed these identify potential risks to human health. As a consequence further site characterisation, investigation and assessment is needed to establish chemical concentrations to inform the detailed extent and methodology of appropriate remedial works and control measures during the

construction phase to limit mobilisation of contamination and to mitigate the identified risks posed to controlled water receptors. In the light of the findings reported in the ES the Council's Scientific Officer and Environment Agency raise no in principle objection to the proposed development but recommend a series of conditions to secure the further investigations, remediation works and post completion monitoring.

ECOLOGY - as part of the ES a number of surveys and site assessments were undertaken including surveys for European and nationally protected species. The surveys show that there was no evidence of roosting bats within any of the buildings inspected although bats were present foraging along the river corridor. In addition, trees in the northern part of the site had the potential to be used as bat roosts. Therefore whilst no bat roosts have been found to be present within buildings or trees in the southern part of the site (subject of the detailed application), potential roosting opportunities are present in the northern (outline) part of the site and they could be exploited at any time in the future. Although no otter holts or breeding sites were identified within the river banks surrounding the site there is some evidence of otters in the area. A preliminary badger activity survey has been undertaken which revealed that badgers are active within both woodland areas on the site and that a main badger sett occurs within the woodland areas (north of the existing factory complex), with a subsidiary sett adjacent to the Power House (with the main set off site) and various outlying setts within both the northern and southern woodland areas. There is also evidence of foraging within associated grassland areas. Other species surveyed for but not found included water voles (along the river corridor) and great crested newts (within ditches, ephemeral water bodies and adjacent rough grassland).

The proposals include a range of ecological mitigation and compensation measures including creation of reedbed and riverside habitat, replacement planting and measures to avoid harm to protected species. A Landscape and Ecological Management Plan is also proposed, a draft of which has been submitted, and subject to securing the submission and approval of final details the overall approach is considered acceptable. The River Avon is an SNCI and 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 proposals that will impact on the river include works related to flood alleviation measures however this will involve the creation of new wetland habitats and subject to appropriate management and control of this work on balance the proposals are considered acceptable.

The Council's ecologist notes that comprehensive surveys and assessment have been undertaken across the site and that update surveys are proposed if the current surveys go out of date. They advise that the range of ecological issues that exist at the site have been identified and that the proposals to address them are acceptable however they consider that update surveys should be secured by condition. Therefore although surveys to date have not identified any bat roosts on site that are affected by the proposal, this could change and if so in future the Council and applicant will need to be mindful of the requirements of the Habitats Regulations and consider the relevant tests set out in the Habitats Regulations.

SUSTAINABILITY AND RENEWABLE ENERGY - the site is considered to be generally well located in terms of proximity to services and public transport with Keynsham town centre being approximately 600m/10 minute walk from the centre of the site, Keynsham

station within 50m of the site and bus routes along Keynsham Road/Station Road. As part of the s.106 package there will be improvements to bus services and station facilities. A significant part of the site is previously developed and its redevelopment for mixed-use purposes is considered an appropriate re-use of a brownfield site.

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 achieve Code Level 4 in 2013. The applicant is proposing that construction of the affordable homes will be to Code for Sustainable Homes (CfSH) Level 3 and the market housing in Phase 1 will include passive design and energy efficiency measures to achieve an 11% reduction in regulated CO2 emissions beyond the requirements of Building Regulations Part L (2010). New-build housing in future phases will achieve the relevant CfSH targets (or equivalent) at the time of the reserved matters application with the potential for the use of renewable technologies such as solar thermal panels or photo-voltaic panels where feasible to achieve future Building Regulation requirements. Commercial premises will achieve BREEAM 'Very Good'.

Whilst there are wider (e.g. locational) sustainability considerations relevant to the site and the s.106 package includes contributions towards sustainable transport measures, the overall approach to sustainable design and use of renewables is considered disappointing and does not represent the 'exemplar' development envisaged in the Draft Core Strategy. However this is not considered to be sufficient grounds for refusal of permission, given that full weight cannot be attached to the Draft Core Strategy and that the development complies with existing Development Plan policies. Officers will also work with the developers to achieve further reductions in CO2 emissions and the incorporation of renewables into future phases.

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. Under the Community Infrastructure Levy (CIL) Regulations 2010 there are three tests on the use of planning obligations. 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 Somerdale site is a large, former industrial site bounded on three sides by the River Avon. It has been identified as a major development site for a number of years however the announcement of and then final closure of the Cadbury's factory in 2011 has meant that the development strategy for the site has changed from an industrial to residential-led scheme. This is reflected in the Draft Core Strategy and the current application presents a

mixed use proposal that broadly conforms with the nature, scope, scale and aspirations set out in the Draft Core Strategy.

The layout of the site, overall housing density and affordable housing provision is considered acceptable and the design of the buildings in Phase 1 and as illustrated for the remainder of the site are considered to be of a high standard. The site is of a sufficient size to create its own distinctive identity and it is important that the design quality aspirations set out in illustrative material submitted with the application are implemented. 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 development will lead to an increase in traffic on the local highway network however modeling of the network demonstrates that with works to key junctions it operates satisfactorily in the peak hours. The modeling work has also demonstrated that the provision of a second site access does not have a material impact on the operation of the local highway network and that when taken cumulatively with other committed development in Keynsham travel times are for a one and two site access solution are the same.

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 affordable housing, to be constructed to Council's adopted design standards.
2. Employment Space - fit out and delivery to agreed specification and programme. Financial contribution to skills training.
3. Transport - provision (under s.278) of works to Avon Mill Lane junction with Keynsham Road and Bath Hill. Submission and implementation of Travel Plan. Financial contributions to pedestrian/cycle bridge, bus service improvements, improvements to Keynsham station, improvements to pedestrian/cycle routes, and road network capacity improvements.
4. Education - fit out and delivery to agreed specification and programme of 1-Form Entry Primary School with 30-place Early Years facility. Financial contribution toward Youth Services and Libraries.
5. Services - financial contribution to provision of additional medical services.
6. On-site open space - provision and maintenance of formal green space.
7. Public access - provision of footpaths and public access to/ through the site.
8. Sport - provision of Fry Club and relocated sports pitches.
9. Archaeology - financial contribution to monitoring of archaeological investigations
10. Administration/monitoring fee.

(B) DELEGATE TO PERMIT subject to Officers finalising the S.106 and appropriate conditions

RECOMMENDATION

Authorise the Development Manager of Planning and Transport Development to PERMIT subject to condition(s)

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 the National Planning Policy Framework. The decision has also been taken into account other material considerations including emerging local planning policy and the responses from statutory consultees and those from other interested parties including local residents.

The proposals are in general conformity with Policy KE2 in the Draft Core Strategy and the redevelopment of the site for up to 700 dwellings, up to 11,150m² of B1 space, leisure and community uses including a new school and replacement of the existing Fry Club is considered an appropriate mixed-use development of the site.

The proposal will result in an increase in peak hour traffic on the local road network and an increase in journey times 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 and will be secured by conditions and legal agreement.

The layout and design of the proposed buildings covered by the detailed planning application are considered acceptable and will not result in significant harm to neighbouring amenity. The scale, density and land use principles set out in the parameter plans for the outline application are considered appropriate for the site and controls can be imposed to secure acceptable details at reserved matters stage. The development will result in the loss of heritage assets of regional and local importance however on balance reuse of buildings to be retained is considered to be an acceptable approach. The development will safeguard historic assets of national importance.

The proposal provides a mix of housing types and sizes including affordable housing that is provided at a level commensurate with the overall viability of the development. The design and location of the affordable housing is considered acceptable and will be secured through legal agreement.

The development locates more vulnerable land uses within Flood Zone 1 and with mitigation and compensation works will not increase overall flood risk. The site's ecological resources have been surveyed and assessed and it appropriate mitigation has been identified to safeguard European and nationally protected species.

The proposal will result in the relocation and re-provision of existing sports facilities on the site. It is considered that the overall quantity and quality of provision is acceptable.

The proposed development is in general accordance with Policies IMP.1, D.2, D4, ET.1, ET.3, CF.2, CF.3, CF.5, CF.6, SR.1A, S9, ES.2, ES.5, ES.10, ES.15, HG.1, HG.4, HG.7, HG.8, WM.4, GDS.1, GB.1, GB.2, NE.1, NE.4, NE.9, NE.10, NE.11, NE.12, NE.15, BH.5, BH.11, BH.12, T.1, T.3, T.5, T.6, T.8, T.24, T.25 and T.26 of the Bath & North East Somerset Local Plan (including minerals and waste policies) 2007.

Item No: 02
Application No: 13/01914/FUL
Site Location: Elm Tree Inn Unoccupied Premises Wells Road Westfield Radstock



Ward: Westfield **Parish:** Westfield **LB Grade:** N/A
Ward Members: Councillor R Appleyard Councillor Robin Moss
Application Type: Full Application
Proposal: Construction of 14 new dwellings comprising three 3-bedroom houses, seven 2-bedroom houses, two 2-bedroom apartments and two 1-bedroom apartments
Constraints: Agric Land Class 3b,4,5, Coal - Standing Advice Area, Forest of Avon,
Applicant: E G Carter & Curo Places Ltd
Expiry Date: 14th August 2013
Case Officer: Mike Muston

REPORT

Reasons for reporting the application to Committee

The application is being reported to Committee as it is for 100% affordable housing and because of this a viability assessment has concluded that no other contributions should be sought. Members agreement is therefore sought in that in this case the provision of affordable housing would be prioritised over other contributions that would otherwise be sought.

Site and proposals

The application site is outside but immediately adjoining the defined urban area of Radstock. It has the appearance of being part of the urban area but it and the adjoining industrial estate are outside the defined urban area. The application has therefore been advertised as a departure from the Local Plan.

The application site currently comprises the vacant Elm Tree Inn, its car park and garden area. Opposite the site is Elm Terrace, comprising two terraces of late 19th or early 20th century dwellings set back a few metres from the pavement, with gabled ends. To the rear of the northern part of the site are Nos 21 and 22 Wells Road, two bungalows. Behind the southern part of the site is a recently constructed block of flats. Further south and east is an employment area, also located outside the defined urban area.

The proposal is to demolish all of the buildings on the site and erect 2 terraces of 5 houses and each and a block of 4 apartments, with the appearance of a pair of semi-detached houses. The terraced houses would have a ridge height of approximately 8.5 metres ((very similar to the houses in Elm Terrace opposite) and would have gabled ends to the terraces. One terrace would front Wells Road, whilst the other would present its side to Wells Road. The semi-detached properties to the rear of the site would have ridges about 8 metres in height and feature hipped roofs, to reflect their position closer to other existing residential properties, which may otherwise be affected. 19 parking spaces are proposed, served off one central access. The position of the access involves the relocation of the bus-stop and shelter.

Relevant Planning History

None.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Westfield Parish Council

Did not object but raised concerns about (1) overdevelopment of the site due to the fact that this is extremely dense housing and the associated traffic and parking problems this brings; (2) that it should be designed in keeping with the current street scene which at this location consists predominantly of miners' cottages which help define the character of Westfield; and (3) the resiting of the bus stop.

Highways

The proposed development is likely to result in a less intensive use of the site than the existing use, although traffic generation in the peak hours is likely to be higher. However, even so, the level of traffic generation from the proposed development would not be sufficient to result in any material implications with regards highway capacity or operation. The scale and layout of development is such that it should be served by a highway of adoptable standard. Sought assurances that the proposed highway would indeed be of adoptable standard.

The proposed development will necessitate the relocation of the existing bus stop and shelter, to a suitable location and an appropriate standard, including the provision of real time passenger information.

Required changes to the layout, particularly in relation to the parking spaces (this has now been done and amended plans submitted - any revised comments from the highway officer will be reported to the meeting).

Parks and Open Space

No objection subject to a contribution to resolve open space deficiency in the local area, which will need to be the subject of a Section 106 agreement. Comments as follows:

The Council's data shows that there is a deficit of formal green space, natural green space and allotment provision within Westfield. The applicant is therefore required to provide either on-site or off-site provision to meet the demand generated by the development, or to make a capital contribution so that the Council can provide such provision.

The quantum of development proposed would generate demand for formal green space, natural green space and allotment provision of 465m², 465m² and 93m² respectively. The submitted proposals show that there is no on-site or off-site provision proposed and it is therefore necessary for the applicant to make a capital contribution to the Council. The contributions required are set out below.

Formal green space provision:

Land purchase: £2,301.75
Construction costs: £18,321.00
Annual maintenance: £19,664.85
Enhance existing facilities: NIL

Natural green space provision:

Land purchase: £2,301.75
Construction costs: £3,361.95
Annual maintenance: £5,556.75
Enhance existing facilities: NIL

Allotment provision:

Land purchase: £460.35

Construction costs: £803.52

Annual maintenance: £928.14

Enhance existing facilities: NIL

Total contribution value: £53,700.06

Education

No objections subject to a Section 106 agreement to cover appropriate contributions to children's services in the local area, as follows:-

Early Years age 0-2 places - 0.36 places at a cost of £6,746.26

Early Years age 3-4 places - 1.14 places at a cost of £21,363.14

Total for Early Years provision £28,109.40

Primary age pupil places - 1.366 places at a cost of £17,747.64

Secondary age pupil places - 0.624 places at a cost of £0 (sufficient provision in the area projected)

Post 16 places - 0.158 places at a cost of £0 (sufficient provision in the area projected)

Total for school places £17,747.64

Youth Services provision places - 1.5 places at a cost of £2,001

Total for Youth provision £2,001.00

Therefore a total contribution sought of £47,858.04

Highways Drainage

No objections subject to a condition.

Contaminated land

No objections subject to conditions.

Arboricultural Officer

There are no significant trees within the site, however, four Limes growing to the south and outside of the site are protected by Tree Preservation Order. It is agreed that their distance and presence of a wall and the intervening access road will limit the amount of root growth towards the development site. However, the above ground issues have not been addressed such as shading and canopy spread which are likely to result in future pressure for significant pruning or removal. Due consideration should be given to their current and future growth potential and associated seasonal nuisance issues. The off site trees near the eastern boundary will also cast shade and overhang the gardens providing little useable outside space.

Representations

1 letter of objection received, making the following points:

Concern about overlooking of the adjoining bungalow

Note that the boundary between the new houses and the objector's property show that the existing boundary will be maintained, however this is insufficient given the nature of the existing boundary (the applicants responded to this comment by amending the plans to show a new fence instead).

POLICIES/LEGISLATION

LOCAL PLAN

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

D.2	General Design and public realm considerations
D.4	Townscape considerations
HG.1	Housing Requirements
HG.4	Residential Development in Urban Areas
HG.5	Affordable Housing
HG.7	Minimum Residential Density
T.24	General development control and access policy
T.26	On-site parking and servicing provision
NE.4	Trees and Woodlands
NE.12	Natural Features

CORE STRATEGY

The Council has prepared a draft Core Strategy, which has been the subject of an Examination in Public. A letter has been received from the Planning Inspectorate (PINS), indicating that the Strategy cannot be found sound in its current form. This reduces the weight that can be attached to the Strategy. However, the following policies are relevant:-

DW1	District-wide Spatial Strategy
SV1	Somer Valley Spatial Strategy
CP6	Environmental Quality
CP9	Affordable Housing
CP10	Housing Mix

NATIONAL PLANNING POLICY FRAMEWORK

The National Planning Policy Framework (the Framework) was published in March 2012 and superseded much previous Government guidance. It contains a number of paragraphs that are relevant to the application and these are summarised below:-

Presumption in favour of sustainable development

The Framework introduces a presumption in favour of sustainable development. This is defined as being made up from economic, social and environmental elements. It says that, when taking decisions on applications, this presumption means approving

development proposals that accord with the development plan without delay. Where the development plan is absent, silent or relevant policies are out of date, it means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or where specific policies in this Framework indicate development should be restricted.

Core Planning Principles

Amongst the core planning principles set out in the Framework are that planning should:-
proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs
always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings

Economic Growth

Paragraph 19 of the Framework helps explain the importance the Government places on securing economic growth. This states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

Providing Housing

The Framework places particular emphasis on the provision of an adequate quantity of housing. It says that local planning authorities should aim to boost the supply of housing and housing land. It says that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. The Council cannot currently demonstrate a five year supply of housing land. This means that limited weight can be attached to the urban area boundaries.

Good Design

The Framework continues the theme from previous Government guidance that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

It says that planning decisions should aim to ensure that developments:-
will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development
establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit
optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks

respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation
are visually attractive as a result of good architecture and appropriate landscaping

The Framework goes on to say that decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

OFFICER ASSESSMENT

It is considered that the main issues in this case are the effect of the proposal on:

the principle of development and of prioritising affordable housing
the character and appearance of the area
the living conditions of the occupiers of adjoining occupiers
highway safety

Principle of development

The site is just outside the Radstock urban area i.e. outside of the defined Housing Development Boundary. However, it is indistinguishable from the urban area, which surrounds the site. In addition, the Council cannot currently demonstrate a five year supply of housing land, such that the precise boundaries of the urban area can be given little weight. It is considered that the principle of accommodating housing on this site is acceptable.

The application has been submitted by an affordable housing provider on the basis that it is for exclusively affordable housing. As a result, the site cannot support contributions towards other infrastructure in the area, including the requested contributions towards open space and education. This has been confirmed by the submission and independent checking of a viability assessment. The Community Infrastructure Levy (CIL) regulations clarify that contributions such as these should not be sought from applications for affordable housing. However, this Council is not yet a CIL charging authority and each case has to be dealt with on its merits.

There is no doubt that there is a substantial shortfall of affordable housing in the Council's area. Given this and the content of the CIL regulations, it is considered reasonable to prioritise the provision of affordable housing over other requested contributions and to accept that this applications be allowed to proceed as 100% affordable housing without further contributions being sought.

Character and appearance

The character of the area is mixed. However, around the application site the housing is characterised by terraced houses fronting the highway with gabled roofs. One of the terraces proposed reflects this character, whilst another is similar in form but at right angles to the road. The urban form proposed is considered to be acceptable in relation to the area.

The houses on plots 6-10 and apartments on plots 11 and 12 both have mature trees located to the rear and the arboriculturalist is concerned that this relationship would lead to requests that would be difficult to resist, to severely prune the trees. The applicants' arboriculturalist has responded to these comments and explained that the orientation of the properties would allow the ingress of a reasonable amount of sunlight at some times of the day. Whilst not ideal, this is accepted and it is not considered that this relationship is such that it warrants the application being resisted.

It is concluded that the proposal would have an acceptable effect on the character and appearance of the area.

Living conditions

The position of the apartments at the rear of the site has been amended during the processing of the application, to avoid overshadowing the new flats to the south-west. All the proposed dwellings are now shown a reasonable distance from all surrounding properties, such that no unacceptable overlooking or overbearing impact should arise.

It is concluded that the proposal would not have an unacceptably adverse effect on the living conditions of adjoining occupiers.

Highway safety

Revised plans have now been submitted, which overcome the originally raised objections of the highways officer. It is understood that these revised plans are acceptable to the highways officer, but any comments received will be reported to Committee.

The proposals entail the provision of a single junction onto Wells Road, in an acceptable location (although it will entail moving the bus stop). The previous use of the site as a pub with car park would have the potential to generate large amounts of traffic. The proposal would be an improvement on that position.

It is accordingly concluded that the proposal would have no adverse effect on highway safety.

Conclusions and Recommendation

As the site is only some 0.25 hectares in size and is for only 14 dwellings, no affordable housing could ordinarily be required. However, the application is for 100% affordable housing and it has been confirmed that as a result, it cannot support any further contributions. A Section 106 agreement is therefore required to secure the provision of this 100% affordable housing. Subject to this and conditions, permission is recommended.

RECOMMENDATION

Authorise the Development Manager of Planning and Transport Development to PERMIT subject to condition(s)

CONDITIONS

A. Authorise the Planning and Environmental Law Manager to enter into a Section 106 Agreement to secure 100% affordable housing, and

B. Subject to the prior completion of the above agreement, authorise the Development Manager to PERMIT subject to the following conditions (or such conditions as she may determine):

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

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

2 The development hereby permitted shall be constructed of the external materials set out in Section 9 of the application form, unless otherwise agreed in writing by the Local Planning Authority. For the avoidance of doubt, the roof tiles described as 'Brindle' in colour shall be of Brown Brindle 44.

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

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

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

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

Reason: To protect existing trees around the site.

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

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

6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no windows, roof lights or openings, other than those shown on the plans hereby approved, shall be formed in the side elevations of the buildings on Plots 11, 12, 13 and 14 at any time unless a further planning permission has been granted.

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

7 No dwelling shall be occupied until space has been laid out within the site in accordance with the approved plans for the parking and turning of vehicles to serve that unit, and such areas shall not thereafter be used for any purpose other than the parking and turning of vehicles associated with the development, in accordance with the details of the approved drawings.

Reason: To ensure that sufficient provision is made for off-street parking and turning of vehicles in the interests of highway safety.

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

Reason: In the interests of flood risk management.

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.

10 The approved remediation scheme must be carried out in accordance with its terms, including timescales. 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 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.

11 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, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

If unexpected contamination is found and a remediation scheme prepared as a result, 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.

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 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:

Drawing 3615/003 Rev H, received 13 August 2013

Drawings 3615/006 Rev C, 009 Rev C, 017 Rev B, received 23 May 2013

Drawings 3615/021, 557/7041/1, received 15 May 2013

Drawings 3615/004 Rev B, 005 Rev B, 007 Rev B, 008 Rev B, 9588-0050 REV B, received 3 May 2013

INFORMATIVE

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

DECISION TAKING STATEMENT

In determining this application, the Local Planning Authority has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. Pre-application advice was sought and provided and amendments made to the proposals. For the reasons given, a positive view of the revised submitted proposals was taken and permission was granted subject to a legal agreement.

Item No:	03
Application No:	13/02097/FUL

Site Location: 16 Southstoke Road Combe Down Bath Bath And North East Somerset BA2 5SL



Ward: Combe Down

Parish: N/A

LB Grade: N/A

Ward Members: Councillor Cherry Beath Councillor R A Symonds

Application Type: Full Application

Proposal: First floor extension over existing property resulting in two storey dwelling. Two storey rear extension and two no. single storey side extensions.

Constraints: Agric Land Class 3b,4,5, Forest of Avon, Hotspring Protection, World Heritage Site,

Applicant: Mr And Mrs Rose

Expiry Date: 12th July 2013

Case Officer: Tessa Hampden

REPORT

Reason for referring this application to committee

Cllr Beath has requested that this application is referred to committee, due to the impact upon the character and appearance of this dwelling, the wider area, and the impact upon the neighbouring occupiers. The full comments are detailed within the representations section of this report.

Site description and proposal

The application relates to a detached single storey dwelling located off Southstoke Road within the Combe Down area of Bath. The property is located outside of the City of Bath Conservation Area but within the wider World Heritage Site.

The application seeks planning permission for a first floor extension over the existing property resulting in two storey dwelling, a two storey rear extension and two single storey side extensions. Planning permission is also sought for a garage. Revised plans have been received following discussions with the agent. These amend the internal layout of the main dwelling in order to allow for 2 of the additional windows on the rear elevation to serve a hallway area, which permits for these windows to be obscurely glazed. A hipped roof has also been introduced replacing a gable end adjacent to the neighbouring property 17 Southstoke Road.

Relevant planning history

There is no planning history directly associated with this planning application

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Conservation Officer - All aspects of the proposals have been considered and given the significance of the building as a locally important heritage on balance the application proposals should be resisted in their current form.

Cllr Beath - requests that if this application is recommended for approval, it is heard at Planning Committee. The reasons are as follows:

-the application would be harmful to the existing important and unique Arts & Crafts design of this cottage, and its coupling with the adjacent Arts & Crafts neighbouring home in a similar style / materials. These, and others in the road that reflect elements of that style, are very special features of the road. In the circumstances, and given the controversial nature of the proposal, it would be in the interest of the public for the decision to be taken in public, should officers be recommending to permit. It is out of place and unsympathetic within the existing cluster of homes, It would constitute a too dominant massing in the plot and in relation to neighbouring homes, and would have an unacceptable overlooking negative impact on neighbouring homes and amenities.

No comments on revised plans

Bath Preservation Trust - object to the development. The comments can be summarised as follows:

The Trust is very concerned at the loss of this unique dwelling which is to be altered to a form which does not enhance or conserve the local distinctiveness of the group of much admired dwellings it sits within, or the distinctiveness of the Bath World Heritage site. As it stands, 16 Southstoke Road is a delightful example of the Arts and Crafts style comprising of a Cotswold Stone tiled roof as well as a Dutch gable end roof to the oldest part of the dwelling, both these features are rare in Bath. By virtue of the massing and height proposed, is deemed to be an overdevelopment of a small site and is likely to negatively impact on the setting of the group of similar small neighbouring dwellings as well as being detrimental to the visual amenity of the street scene and visually intrusive and harmful to the long views out to, and in from the green belt. Before any permission is granted, the history and provenance of this building should be thoroughly investigated as this building and its site are considered to be locally important.

28 objection comments (it is noted that additional comments above this number have been received from the same household). These can be summarised as follows:

- Loss of single storey character
- Impact upon World Heritage Site
- Inappropriate design, size, scale of extensions
- Impact upon character of neighbouring dwellings including overlooking/sense of overlooking, loss of light, overbearing impact
- Inaccurate description of development - replacement rather than extension
- Impact upon neighbouring occupiers
- Impact upon ground conditions around the site/general stability issues
- Overdevelopment of the site
- Loss of small dwelling, demands for this type of accommodation
- lack of consultation prior to application
- Good example of arts and crafts house, which would be lost as part of this proposal
- It would not be possible to source matching materials
- Conditions to obscurely glaze windows would not meet necessary tests
- Use of private access road

5 supporting comments have been received. These can be summarised as follows:

- Carefully considered application
- Additional family home
- Enhance the character of the building
- More useable internal space
- Compliments surrounding development

POLICIES/LEGISLATION

Bath and North East Somerset Local Plan (including minerals and wastes) adopted October 2007

BH1 World Heritage Site and its setting
D.2: General design and public realm considerations
D.4: Townscape considerations
NE5 Forest of Avon
ES14 Unstable land

T.24 - General development control and access policy

T.26 - On-site parking and servicing provision

At its meeting on 4th March 2013 the Council approved the amended Core Strategy for Development Management purposes. Whilst it is not yet part of the statutory Development Plan the Council attaches limited weight to the amended Core Strategy in the determination of planning applications in accordance with the considerations outlined in paragraph 216 of the National

Planning Policy Framework.

National Planning Policy Framework (March 2012) - The NPPF was published on 27 March 2012 and has been considered in relation to this application. The NPPF guidance in respect of the issues which this particular application raises is in accordance with the Local Plan policies set out above.

OFFICER ASSESSMENT

Character and appearance

The building originated as a small office comprising two rooms, located at the access to the original former quarry. The submission cites that the use of the building changed to a dwelling, with an extension constructed in 1932. There are some disagreements within third party comments and the submission with regards to the date that this building was erected/extended. The LPA understand however that no buildings are shown on this plot on the 1901-05 OS maps, but buildings are shown on the 1920-33 OS map. Therefore it would appear that the building was constructed in the interwar years.

It is recognised that the application property is a good example of the Arts and Crafts style and movement. The Conservation Officer considers that the building is not suitable to be included on the statutory list it is of local historic and architectural interest but can be regarded as a heritage asset. It is considered by this officer that as the Arts and Crafts architectural style and period is not well represented in Bath, this increases the building's local significance. It is also evident that it has group value with adjacent buildings of the same or similar period and style and the use of local materials contributes to the sense of place and its importance within the street scene.

However, it is the Case Officers view that the building has been substantially altered in the past, by virtue of the extensions and the alterations to the fenestration. To the rear of the building, the dwelling has lost its original fenestration which has been replaced by modern units and there are a series of new wide openings with modern double doors. This has had a negative impact on the building's architectural interest. It is also recognised that the roof of the building is in a very poor condition.

As the building is not listed, and the site is not within the Conservation Area, consent would not be required if the applicant wished to demolish the building. Whilst a prior notification application would be required, the Local Planning Authority would only be able to assess the method of demolition. The agent cites that it is not the applicants intention to demolish the building but highlights that it would seem illogical to refuse an extension to the property citing the effect on the buildings character if the whole building can lawfully be removed.

Whilst this dwelling can be seen to form part of a group, its extension need not necessarily result in a dwelling that is contrary to the prevailing character of this set of buildings. Within this group of buildings, two are two storey in height and therefore the additional two storey form would not conflict with the existing character. Furthermore, South Stoke Road predominately comprises two storey dwellings, and as such the erection of a first storey to the host building would not, in principle result in a property that was out of keeping with the prevailing character of the area.

The materials on the existing building and the neighbouring dwellings contribute positively to their character, and identify them as part of a group. The application proposes to construct the extensions from coursed rubble stone with stone quoins and window dressings. The existing stone tiles are to be reused on the development with the addition of reclaimed tiles to match. This is considered to be an appropriate approach respecting the vernacular and fenestration detail of the existing dwelling. This will ensure that this building remains recognisable as part of this group. Third parties have raised concerns that the applicant will not be able to source matching materials. However, the use of matching materials can be secured through the inclusion of a condition on any planning permission.

The revised plans introduced a hipped roof replacing the south gable end roof, and marginally reduced the ridge height of the main roof to sit below that of the projection. This aids in reducing the visual bulk of the roof form. The dwelling is set back within its plot, behind the building line of the neighbouring dwellings which reduces the prominence of the resultant dwelling in the main street scene. It is recognised that the extension and the garage will significantly increase the amount of built form within the site. However, this is not considered to result in the overdevelopment of the site. The scale of the built form is proportionate to the size of the plot.

Overall therefore, it is not considered that the proposed development would significantly harm the character and appearance of this property, the visual amenities of the area, or the setting of the wider World Heritage Site. The comments of the third party and consultees are noted, but this is not considered to outweigh the conclusions reached above.

Residential amenity

Concerns were initially raised by the Case Officer with regards to the impact of the development upon the residential amenity of the neighbouring occupiers. Revised plans were however submitted to overcome the concerns raised relating to this issue.

The internal layout has been amended which results in the upper landing/hallway rather than bedrooms now being served by two of the rear windows. This allows for the windows to be obscurely glazed. This is considered to remove the issue previously raised which related to the overlooking and loss of privacy for the neighbouring occupiers, in particular for the occupiers of Denmede. It is noted that one non-obscurely glazed window will remain on the rear. However, given the siting of this in relation to the neighbouring properties and private amenity areas, it is not considered that this would result in any significant loss of privacy or overlooking. The agent has cited that the obscure glazed windows will be only opened with a restrictor for ventilation. All four separate windows will

be hinged on the right (looking from the inside). It is considered that this would be acceptable subject to the level of opening being restricted to a degree that would ensure that there was no overlooking. Details have not been provided on these opening but this could be secured through a condition on any planning permission.

Within a third party comment it is stated that a condition to ensure the windows remained obscurely glazed is not appropriate. However, this is a commonly used condition that is considered to meet the tests as laid out in paragraph 206 of the National Planning Policy Framework. Whilst it is accepted that the applicant could apply to vary this condition, this would not be granted if harm was identified. The representation also states that this condition is not enforceable as this would relate to windows on the rear. However, if a complaint was received that this condition was not being complied with, the LPA would be able to take any necessary enforcement action if it was considered expedient to do so.

The roof adjoining No. 17 Southstoke Road has been hipped and this is considered to reduce the impact upon the amenity of the residents of this property. The extensions will adjoin the boundary of this property which has a recently constructed conservatory which provides light to the main living area. Further a roof light provides light to the kitchen. Whilst it is accepted that the development may result in a degree of harm, any loss of light or overbearing impact would not be at a level to warrant a refusal. The proposed development is therefore not considered to result in a significant loss of light or overbearing impact to the other adjacent neighbouring properties.

The revised plans are considered to satisfactorily address the concerns raised by the Case Officer, and it is considered that on balance, overall the proposed development is not considered to result in any significant harm to the residential amenity of the neighbouring occupiers. The development is not considered to result in a significant level of overlooking, loss of light or have an overbearing impact upon the neighbouring occupiers.

Land stability

The pre-ambles to policy ES14 of the Local Plan states that the onus is on the developers to carry out investigative work to assess whether the proposed development would be affected by land stability and to carry out any land stabilisation measures.

A trial pit survey has been undertaken on behalf of the applicant, in order to ascertain the ground conditions of the application site. This concludes that the ground conditions from this trial hole would indicate that the construction of a first floor extension and or single storey extension on this site would be acceptable.

This application has been discussed with Building Control who have confirmed that this matter would be fully considered at building control stage. There is nothing to suggest that the development would not be possible in this location. Given the ground conditions, particular types of foundations may be required, but this would be a matter for consideration at the Building Control stage.

It is noted that the third parties have requested that a further survey is undertaken by the applicant. Whilst it is recognised that this site falls within a former mining/quarry area, this

constraint covers a large portion of the district and these surveys are not generally requested as part of the planning application unless there is a specific known risk. In this instance, the survey submitted is considered to be acceptable. The report relating the collapse of an old Wessex Water pumping station is also noted, but the conclusion of this report does not alter the conclusion reached above.

Highway safety

The development is not considered to result in any adverse harm to highway safety. Whilst the comments of the third party have been noted with regards to the use of the private access road, this is a civil matter. It would not be considered reasonable to restrict the use of this access through a planning condition. It has been highlighted that the applicant only has certain rights with regards this access road and may not be able to use this for the construction process. However, this is a civil matter and not one that would prevent planning permission being granted. If this is the case, the construction of the development could take place from the front of the site. This is not considered to cause any significant issues with regards to highway safety.

Other issues

Whilst the comments of the third parties are noted, no other significant issues have arisen as a result of this planning application. Given the significant alterations that have previously taken place to the building, the fact that this building could be demolished, coupled with the fact that the development is considered to be acceptable in terms of the scale, siting and design, there is no objection to this proposal. The application is therefore recommended for approval.

RECOMMENDATION

PERMIT with condition(s)

CONDITIONS

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

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

2 The garage(s) hereby approved shall be retained for the purpose of parking a motor vehicle(s) associated with the dwelling.

Reason: To retain adequate off-street parking provision.

3 All external walling and roofing materials to be used shall match those of the existing building in respect of type, size, colour, pointing, coursing, jointing, profile and texture.

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

4 The proposed windows on the rear elevation illustrated as serving a hallway shall be glazed with obscure glass and permanently retained as such. Details relating to their opening, and how this will be restricted, shall be submitted to and approved in writing prior to the commencement of the development hereby approved. The development shall thereafter to be completed in accordance with these approved details and permanently retained as such.

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

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

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

PLANS LIST:

Plans: 001, 002, 003, 004 date stamped 17th May 2013 and 005 REV. A, 006 REV. A, 007 REV. A, 008 REV. A , 009, 010 REV. A date stamped 26th July 2013

Decision Taking Statement

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

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Bath & North East Somerset Council	
MEETING:	Development Control Committee
MEETING DATE:	25th September 2013
RESPONSIBLE OFFICER:	Lisa Bartlett, Development Control Manager, Planning and Transport Development (Telephone: 01225 477281)
	AGENDA ITEM NUMBER
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: 12/04384/FUL
Location: Development Site Between 32 And Glenthorn Bath Old Road Radstock
Proposal: Erection of a three bedroom detached dwelling (on land adjacent to 30 and 32 Bath Old Road).
Decision: REFUSE
Decision Date: 4 February 2013
Decision Level: Delegated
Appeal Lodged: 8 August 2013

App. Ref: 13/01309/FUL
Location: The Byre House Knowle Hill Chew Magna Bristol
Proposal: Reinstatement and repairs to existing barn (Retrospective).
Decision: REFUSE
Decision Date: 20 June 2013
Decision Level: Delegated
Appeal Lodged: 13 August 2013

App. Ref: 12/05632/FUL
Location: 12 Dowding Road Larkhall Bath BA1 6QJ
Proposal: Erection of bungalow (Resubmission)
Decision: REFUSE
Decision Date: 18 February 2013
Decision Level: Delegated
Appeal Lodged: 19 August 2013

App. Ref: 13/01481/FUL
Location: The Chalet 52 Charlton Road Midsomer Norton BA3 4AH
Proposal: Erection of 2no. single storey dwellings, associated single storey detached garage, and formation of new vehicular access.
Decision: REFUSE
Decision Date: 4 June 2013
Decision Level: Delegated
Appeal Lodged: 21 August 2013

App. Ref: 13/02083/FUL
Location: The Bungalow Stitchings Lane Inglesbatch
Proposal: Change of use and extension of garage to form granny annexe.
Decision: REFUSE
Decision Date: 11 July 2013
Decision Level: Delegated
Appeal Lodged: 27 August 2013

APPEAL DECISIONS

App. Ref: 12/03780/LBA
Location: 14/15 Argyle Street, Bath, BA2 4BQ
Proposal: Provision of an external menu board and retractable door blind to restaurant entrance (retrospective application)
Decision: Refuse
Decision Date: 12 November 2012
Decision Level: Delegated
Appeal Decision: Appeal B (application for listed building consent) : Allowed in part and dismissed in part

Summary:

The Inspector considered that the main issue is the effect on the setting of the grade II* listed building, and on the character and appearance of Bath Conservation Area and World Heritage Site. He issued a split decision as follows.

He concluded that the retractable door blind's modern mechanical nature and appearance sits ill with the traditional detailing of the shopfronts to either side and introduces an unnecessary and unsympathetic element of clutter to the street elevation. He found no wider public benefit capable of outweighing the harm to the heritage assets and refused consent for the blind.

He did not find that the internally illuminated menu box caused any harm to the significance of the listed building and considered that it preserves the character of the conservation area. Accordingly he granted consent for the menu box..

App. Ref: 12/03779/AR
Location: 14/15 Argyle Street, Bath, BA2 4BQ
Proposal: Provision of an external menu board and retractable door blind to

restaurant entrance (retrospective application)
Decision: Refuse
Decision Date: 13 September 2012
Decision Level: Delegated
Appeal Decision: Appeal C (advertisement): Allowed in part and dismissed in part

Summary:

The Inspector considered that the main considerations relevant to the determination of applications for advertisement consent are amenity and safety. And the decisive issue is the effect on the setting of the grade II* listed building, and on the character and appearance of Bath Conservation Area and World Heritage Site. He issued a split decision as follows.

He concluded that the retractable door blind's modern mechanical nature and appearance sits ill with the traditional detailing of the shopfronts to either side and introduces an unnecessary and unsympathetic element of clutter to the street elevation. He found it harmful to amenity, and advertisement consent was refused for the roller blind.

He did not find that the internally illuminated menu box caused any harm to the significance of the listed building and considered that it preserves the character of the conservation area. Accordingly he granted consent for the menu box.

FORTHCOMING PUBLIC INQUIRIES

App. Ref: 13/00058/RF
Location: Fields North of Orchard Park, Staunton Lane, Whitchurch
Proposal: Residential development (up to 295 dwellings) including infrastructure, ancillary facilities, open space, allotments and landscaping. Construction of two new vehicular accesses from Stockwood Lane (Resubmission)
Date of Inquiry: 22nd October – 29th October
Venue: Bath City Football Club

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Bath and North East Somerset Council			
MEETING: Development Control Committee		AGENDA	
MEETING DATE: 25 September 2013		ITEM NO:	
REPORT OF David Trigwell, Divisional Director of Planning and Transport Development			
Maggie Horrill, Planning and Environmental Law Manager			
(Contact Ext. No. 5174)			
REPORT ORIGINATOR: Ms Lisa Bartlett, Development Manager (Tel. Contact No. 7281)			
DATE PREPARED: 17 September 2013			
AN OPEN PUBLIC ITEM			
BACKGROUND PAPERS			
<ul style="list-style-type: none"> (i) Development Control Committee Report 5 January 2012 (ii) Development Control Committee Report 30 March 2012 (iii) Development Control Committee Report 9 May 2012 (iv) Inspector's report dated 13 February 2003 and Secretary of State's Decision dated 1 August 2003 (v) Ashfords Letter dated 18 January 2013 addressed to the Planning Inspectorate (PINS), with the Appellants Joint Legal Opinion dated 7 January 2013 (vi) Inspector's Note in response to Ashfords dated 20 January 2013 (vii) The Council's letter addressed to PINS in response to the Inspector's note dated 22 January 2013 (viii) Pre-Action Protocol letter from Ashfords dated 21 January 2013 (ix) Inspector's Further Note in response to the Council's letter dated 23 January 2013 (x) The Council's Joint Legal Opinion dated 23 January 2013 (xi) The Council's letter addressed to PINS dated 24 January 2013 (xii) The Council's response to Ashfords Pre-action Protocol letter dated 25 February 2013 (xiii) Inspector's Note 3: Matters arising at the adjournment dated 31 January 2013. (xiv) Development Control Committee Report 13 February 2013 (xv) Second Bite Enforcement Notice dated 21 February 2013 (xvi) CLEU Application (xvii) Council's representations to the High Court (Acknowledgement of Service) dated 27 March 2013 			

List of attachments to this Report

Annex A - Copy of Order by His Honour Judge Jarmen QC stamped 20 August 2013 – granting permission on grounds 1 and 2 but refused on ground 3.

Annex B - .Statement of 31 July 2013 from Bath Preservation Trust

Annex C – Statement of 31 July 2013 from Clerk to Combe Hay Parish Council

TITLE: UPDATE – LAND AT FORMER FULLERS EARTH WORKS,
FOSSEWAY, COMBE HAY, BATH

WARD : Bathavon West

1. BACKGROUND

1.1. The last written report on this matter went to Committee on 13 February 2013. At that Meeting the Committee:

RESOLVED to authorise the Divisional Director for Planning and Transport Development, in consultation with the Planning and Environmental Law Manager, to exercise the powers and duties (as applicable) under Part VII of the Town and Country Planning Act 1990 (including any amendments to or re-enactments of the Act) to issue an enforcement notice or enforcement notices under Section 171B (4) (b) within 4 years of the purported enforcement action (the 2009 enforcement notices). The Committee further resolved that the “second bite” notice or notices should therefore be issued by the Council on or before 24th February 2013.

1.2. As Members will be aware from verbal updates, the Second Bite Enforcement was issued by the Council on 21 February 2013.

1.3. The Committee were given verbal updates at the Meetings in March, April, May and July but requested a written update for this Meeting.

2. UPDATE

High Court Challenge against the Secretary of State

2.1. The Council is an Interested Party in this proceedings and this Committee therefore at its Meeting on 13 March 2013

RESOLVED that delegated authority be granted to the Divisional Director of Planning and Transport Development, in consultation with the lead Members of the political groups on the Committee, to take any necessary action that he

considers necessary in order to protect the Council as local planning authority in respect of the claim made under Section 289 of the Town and Country Planning Act 1990 and/or for a Judicial Review of the Planning Inspector's Ruling dated 31st January 2013 in respect of the former Fuller's Earthworks, Fosseway, Combe Hay, Bath.

2.2. Representations on behalf of the Council were served on the Claimant, other Interested Parties and filed at the High Court on 27 March.

2.3. A copy of the Order dated 20 August 2013 of His Honour Judge Jarman QC sitting as a Judge of the High Court is attached at Annex A and from which the Committee will note that permission has been granted on ground 1 and 2, but refused on ground 3.

CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE ("CLEU")

3.1 The Committee will be aware from verbal updates that the Council had received an application for a CLEU. A copy of which can be viewed on the Council's website using the following link

<http://isharemaps.bathnes.gov.uk/projects/bathnes/developmentcontrol/default.aspx?requesttype=parsetemplate&template=DevelopmentControlApplication.tmplt&basepage=default.aspx&Filter=^REFVAL^='13/02141/CLEU'&SearchLayer=DCApplications&SearchField=REFVAL&SearchValue=13/02141/CLEU>

3.2. The application was submitted on 20 May 2013 and validated on 7 June 2013. The target date for a decision was 2 August 2013. Revised plans relating to the following were submitted on 5 August 2013 and further evidence was subsequently submitted.

3.3. Further consultation was undertaken as a result of the revised plans and addition information. The Consultation period expired on 27 August 2013.

3.4. The CLEU has yet to be determined.

PRE-APPLICATION DISCUSSIONS ON RESIDUAL WASTE FACILITY

4.1 As the Committee will be aware from verbal updates pre-application discussions on the Residual Waste Facility have been reactivated

4.2 A pre-application meeting on the proposed residual waste facility at this site was held on the 17th July 2013, where the agent outlined the changes that were being proposed to the scheme previously considered by the Council in 2012. The agent also sought clarification from the Council on the principle of both residual and non residual waste management facilities being located on the site. The notes of the meeting confirmed that the proposed changes discussed would be held in abeyance pending clarification of the Council's position on the co-location issue.

4.3 This clarification was provided in the Council's letter of 27 August 2013. The Council's position is simply that any such proposal must comply with the requirements of Green Belt policy, in particular the impact on openness as this is one the key development requirements for this site in the Joint Waste Core Strategy.

4.4. As of the 17th September there has been no confirmation from the agent as to whether the Council's letter of the 27th August provides them with the clarification they were seeking.

APPEALS

5.1 As the Committee will be aware from verbal updates:

- (a) the Appellants withdraw their appeal against the 2012 Notices on 8 April 2013.
- (b) The Council withdrew Enforcement Notice 01 of 2012 on 10 April 2013.

APPEALS AGAINST THE SECOND BITE NOTICE

5.2. As the Committee will also be aware from the verbal updates, appeals against the issue of the Second Bite Notice have been lodged with the Planning Inspectorate. The Council have yet to receive directions from the Planning Inspectorate with a date for the appeal or as to how this is to proceed

QUESTIONS FROM THIRD PARTIES

Bath Preservation Trust

6.1 The following reply to the specific questions, Annex B, to the Committee was provided to Bath Preservation Trust on 23 August 2013:

1. An update report will be brought to the 25 September meeting of the Development Control Committee.
2. Mr Kendrick, the agent acting on behalf of the site owner did inform the Council that they would cease all discussions in relation to the pre application proposal in order to concentrate on dealing with the Enforcement Notices. He recently contacted us to advise that they would like to re-activate the pre application discussions. Officers will provide informal advice in relation to the pre-application proposals in the normal way and it will be for the applicant along with his agent to decide how to proceed. I cannot comment on any remarks made by Mr Kendrick in relation to his clients' timetable relating to submission of an application.
3. The location of the proposed waste facility is being discussed through the pre-application process having regard to the JWCS and other development plan policies. Again it will be the applicant to decide how to proceed.

4. As in 3 above.
5. Point noted.
6. The application for a CLEU was duly made and the LPA must determine it on the basis of probability having regard to the available evidence

COMBE HAY PARISH COUNCIL

6.2 The following is in response to the questions raised by Combe Hay Parish Council's Statement attached at Annex C:

1. No, revised plans were submitted on 5 August. The re consultation period ended on 27 August and the application remains to be determined. The application will be determined at Officer level because it is a determination based upon the evidence submitted by the applicant and any other evidence available for example from third parties and the Council's own records. Officers need to determine the application based upon the balance of probability that the application site has been used for the majority of the last 10 years for the purposes set out in the application, namely "General Industrial (B2) Use for the whole application site with the exception of one building which has a lawful use for Storage and Distribution (B8). (Certificate of Lawfulness for an Existing Use)". As such, there is no planning judgement to be made having regard to the consideration of the development plan or other materials considerations as would be the case for a planning application.

2. No, this is not relevant it is for the applicant to decide what evidence they submit in support of their application.

3. The pre-application case is discussed within the main body the update report. Officers cannot comment on the timetable submitted in relation to the submission of a planning application but do remain hopeful that the applicant will adhere to this timetable. Officers are aware of the policies in the Joint waste Core Strategy.

4. The Council has protected its position in relation to the on-going enforcement case by serving the "second bite " enforcement notice dated 9 April 2013. This notice, which is the subject of an appeal, has the effect of "stopping the clock" in relation to the Council's contention that "Without planning permission, the change of use of the Land from agriculture, residential use (of the dwellings and land at 1 & 2 The Firs) and general industrial use (B2) to the mixed use of the Land" for various uses has taken place.

CONCLUSION

7.1. The Committee is asked to note the contents of this Report.

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**In the High Court of Justice
Queen's Bench Division
Administrative Court**

CO Ref: 2741
CO/5305/2013

In the matter of an application for Judicial Review

The Queen on the application of

GAZZELLE PROPERTIES LIMITED

**versus SECRETARY OF STATE FOR COMMUNITIES AND LOCAL
GOVERNMENT and 13 INTERESTED PARTIES**



NOTIFICATION of the Judge's decision (CPR Part 54.11, 54.12)

Following consideration of the documents lodged by the Claimant and the acknowledgment of service filed by the defendant and some of the interested parties

Order by His Honour Judge Jarman QC sitting as a judge of the High Court

Permission is hereby granted on grounds 1 and 2 but refused on ground 3

Observations:

Grounds 1 and 2 raise matters of law and the threshold of arguability is not a high one. As to predetermination of weight, the claimant accepts that the inspector was apparently keeping his mind open. It is plain that his preliminary indication was intended to assist the parties in submitting further evidence and submissions and was expressly subject thereto. Ground 3 is not therefore arguable.

Case management directions

- The defendant and any other person served with the claim form who wishes to contest the claim or support it on additional grounds must file and serve detailed grounds for contesting the claim or supporting it on additional grounds and any written evidence, within 35 days of service of this order.
- Any reply and any application by the claimant to lodge further evidence must be lodged within 21 days of the service of detailed grounds for contesting the claim.
- The claimant must file and serve a trial bundle not less than 4 weeks before the date of the hearing of the judicial review.
- The claimant must file and serve a skeleton argument not less than 21 days before the date of the hearing of the judicial review.
- The defendant and any interested party must file and serve a skeleton argument not less than 14 days before the date of the hearing of the judicial review.
- The claimant must file an agreed bundle of authorities, not less than 3 days before the date of the hearing of the judicial review.

Listing Directions

The application is to be listed for 2 days; the parties to provide a written time estimate within 7 days of service of this order if they disagree with this direction.

Directions as to venue, if applicable:

Any future hearings in this claim may be heard at Bristol if practicable, or if not, at Cardiff.

Signed



For completion by the Administrative Court Office

Sent / Handed to the claimant, defendant and any interested party / the claimant's, defendants, and any interested party's solicitors on (date):

Solicitors: Clarke Willmott LLP
Ref No.

Notes for the Claimant

- To continue the proceedings a further fee of £215.00, or a certified Application for Fee Remission if appropriate, must be lodged within 7 days of the service on you of this order,. Failure to pay the fee or lodge a certificate within that period may result in the claim being struck out.
- You are reminded of your obligation to reconsider the merits of your claim on receipt of the defendant's evidence.

Statement to DCC on Fullers Earth

[My name is Emma Lawrence and I am Conservation Officer at Bath Preservation Trust.]

Having had sight of Mr Kendrick's circular to members, Bath Preservation Trust wanted to make the following points:

- 1) In the absence of a formal written update paper from your officers, backed with Counsel's legal advice and available to third parties, it is difficult to see that this is an appropriate time to make any decisions about the enforcement processes currently awaiting their next stage.
- 2) This time last year you were threatened by Mr Kendrick that if enforcement proceedings took place, Gazelle would cease to develop plans for a Residual Waste facility as it would be focusing on the enforcement. Yet the statement he has sent to you says that consultations have carried on and that plans are well enough developed to consider a planning application in October. Which statement was true? Should not this committee be receiving updates on such consultations and reassurance that they do not affect the enforcement proceedings?
- 3) He refers to the proposed waste facility being placed on area E, yet surely the appropriate place for it is through a redevelopment of the buildings and hardstanding in Area A, where there is no dispute as to the land use. We will certainly be arguing so in any planning application that comes forward.
- 4) In any case, The **Joint Waste Core Strategy** although allocating the former Fullers Earth works site as a potential location for Residual Waste Treatment makes clear that the inclusion of a site does not prejudice the determination of proposals by the local planning authority (para 6.8.14) and specifically refers to the fact that permission will not be granted for waste proposals which harm Green Belt, AONBs or World Heritage Sites and their setting in Policy 11. A development on Area E would clearly do this.
- 5) Mr Kendrick is very complacent that planning permission will be **granted** for a facility on Area E. Let us be clear that you are the LPA and are able to accept or reject such an application dependent on its compliance with policy.
- 6) Finally, reference is made to the recent Certificate of Lawful Existing Use (CLEU) application for what is described as Area A, for B2 use. We would question the appropriateness of determining this while active enforcement proceedings are underway. We think it would have been useful for a CLEU to be submitted for the area which constituted buildings and hardstanding in 2002 – about which there is no dispute – but the area for which this B2 use is submitted is greater than this and therefore we have objected to it. We would withdraw this objection if the CLEU area were confined to the buildings and hard standing area of 2002.

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From: The Clerk to COMBE HAY PARISH COUNCIL
To: Development Control Committee
Reference: G3xxx
Date: 31 July 2013.

THE FORMER FULLERS EARTH WORKS SITE, COMBE HAY.

I am Peter Duppa-Miller – I am speaking today as the Clerk to Combe Hay Parish Council.

I wish to pose a number of questions regarding the many matters concerning the Former Fullers Earth Works – which I request are answered in the next report made to this Committee

- 1. Is it true that the Local Planning Authority’s intention is to determine application 13/02141/CLEU by the end of August 2013? Is the Local Planning Authority fully aware that the area depicted in that application is larger than “the buildings and the existing hard-standing” identified by the Inspector during his site visit in October 2002? Will this highly controversial application be determined by the Development Control Committee or by officers?**
- 2. Is it significant that Mr Barry Williams, who is a party to the two appeals against the Second Bite Enforcement Notice, is not mentioned in Mr Kendrick’s paper?**
- 3. What pre-application discussions have taken place between the Local Planning Authority and the potential applicant for a Residual Waste Treatment Facility on the FFEW site? What is the degree of confidence that an application will be submitted “no later than October 2013”? Is the Local Planning Authority fully aware that the Joint Waste Core Strategy Inspector ruled that if the site were to be so used no other activity might take place on the site?**
- 4. Exactly how is the Council’s position protected “for the next four years”?**

I remind the Committee that Combe Hay Parish Council has consistently advocated, since the June 2004 meeting of this Committee’s predecessor, that appropriate Planning Enforcement action should not only be authorised but also actively pursued.

I remind the Committee of the Local Government Ombudsman’s recommendation in March 2008 that B&NES Council “determine the remaining Planning Enforcement issues without further delay”.

So, I most strongly urge the Committee to insist on progressing the Planning Enforcement process which it resolved to pursue at its meeting on 9 May 2012 - in order to remedy, as soon as possible, the numerous long-term breaches of planning control on this site.

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