

**Democratic Services**

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Date: 21 January 2014

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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

**Permanent Substitutes:- Councillors:** David Martin, Rob Appleyard, John Bull, Sarah Bevan, Sally Davis, Dave Laming, Jeremy Sparks and Vic Pritchard

Chief Executive and other appropriate officers  
Press and Public

Dear Member

**Development Control Committee: Wednesday, 29th January, 2014**

You are invited to attend a meeting of the **Development Control Committee**, to be held on **Wednesday, 29th January, 2014 at 2.00pm** in the **Radstock Methodist Church, The Street, Radstock Town Centre BA3 3PL**

The Chair's Briefing Meeting will be held at 10.00am on Tuesday 28<sup>th</sup> January in the Brunswick Room, Guildhall, Bath.

The rooms in the Guildhall will be available for the meetings of political groups. Coffee etc. will be provided in the Meeting Room at Radstock Methodist Church before the Committee 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, 29th January, 2014  
at 2.00pm in the Radstock Methodist Church, The Street, Radstock Town Centre BA3 3PL**

**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

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. PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR  
DETERMINATION BY THE COMMITTEE (PAGES 9 - 94)

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](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 19<sup>th</sup> July 2012 to which full reference should be made as appropriate).

### **1 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. Shaine Lewis, Principal Solicitor  
Tel. No. 01225 39 5279
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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<b>Bath &amp; North East Somerset Council</b>	
MEETING:	<b>Development Control Committee</b>
MEETING DATE:	<b>29th January 2014</b>
RESPONSIBLE OFFICER:	Lisa Bartlett, Development Manager, Planning & Transport Development (Telephone: 01225 477281)
TITLE:	<b>APPLICATIONS FOR PLANNING PERMISSION</b>
WARDS:	ALL
BACKGROUND PAPERS:	
<b>AN OPEN PUBLIC ITEM</b>	

## **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.

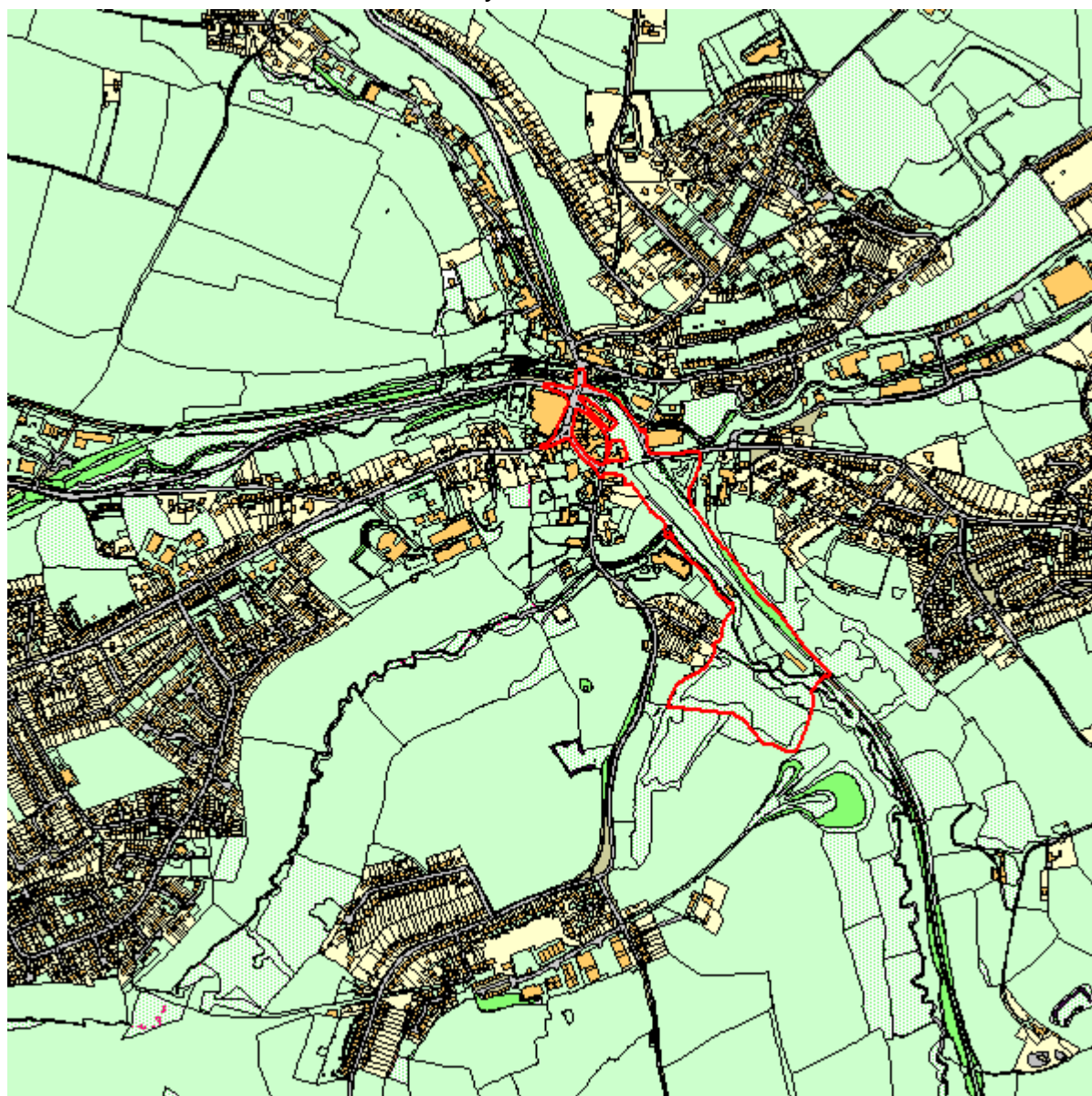
## INDEX

ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	13/02436/EOUT 11 October 2013	Norton Radstock Regeneration Company Ltd Former Gwr Railway Line, Frome Road, Radstock, , Demolition and redevelopment of former railway lands to provide mixed use development including up to 210 residential units of varying sizes, up to 695 sq m of retail business floor space (use classes A1-A5 and B1); up to 325 sq m of use class B1 floor space or for community uses (use class D1), conversion of the Brunel rail shed for use class B1 or D1; car parking and new bus stops; works to various existing roads within the town and establishment of new roads to service the development including new bridge structures; new public realm works, ground remediation, alterations to ground levels, works to trees and existing habitat areas; upgrading of below ground utilities; establishment of a new Sustrans route and diversion of existing public right of way	Radstock	Sarah James	Delegate to PERMIT
02	13/02534/CA 20 August 2013	Norton Radstock Regeneration Company Ltd Former Gwr Railway Line, Frome Road, Radstock, , Demolition of bridges/underpass, former forge/wagon works, railway platforms and wall in connection with the development of the former Gwr railway land.	Radstock	Sarah James	Delegate to CONSENT

03	13/03786/EFUL 7 January 2014	Linden Homes Western Former Gwr Railway Line, Frome Road, Radstock, , Demolition of existing structures and redevelopment of former railway land to provide mixed use development including up to 70 residential units, up to 282 sqm of retail floor space (use classes A1-A5); up to 84 sqm of community uses (use class D1), public car park, associated highways works, ground remediation, alterations to ground levels, works to trees and existing habitat areas; upgrading of below ground utilities.	Radstock	Sarah James	Delegate to PERMIT
04	13/03787/CA 12 November 2013	Linden Homes Western Former Gwr Railway Line, Frome Road, Radstock, , Demolition of existing structures	Radstock	Sarah James	Delegate to CONSENT

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

**Item No:** 01  
**Application No:** 13/02436/EOUT  
**Site Location:** Former Gwr Railway Line Frome Road Radstock



<b>Ward:</b> Radstock	<b>Parish:</b> Radstock	<b>LB Grade:</b> N/A
<b>Ward Members:</b>	Councillor E Jackson	Councillor S Allen
<b>Application Type:</b>	Outline Application with an EIA attached	
<b>Proposal:</b>	Demolition and redevelopment of former railway lands to provide mixed use development including up to 210 residential units of varying sizes, up to 695 sq m of retail business floor space (use classes A1-A5 and B1); up to 325 sq m of use class B1 floor space or for community uses (use class D1), conversion of the Brunel rail shed	

	for use class B1 or D1; car parking and new bus stops; works to various existing roads within the town and establishment of new roads to service the development including new bridge structures; new public realm works, ground remediation, alterations to ground levels, works to trees and existing habitat areas; upgrading of below ground utilities; establishment of a new Sustrans route and diversion of existing public right of way
<b>Constraints:</b>	Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, City/Town Centre Shopping Areas, Coal - Standing Advice Area, Conservation Area, Flood Zone 2, Flood Zone 3, Forest of Avon, General Development Site, Housing Development Boundary, Prime Shop Front, Public Right of Way, Land of recreational value, Sites of Nature Conservation Imp (SN), Sustainable Transport,
<b>Applicant:</b>	Norton Radstock Regeneration Company Ltd
<b>Expiry Date:</b>	11th October 2013
<b>Case Officer:</b>	Sarah James

## REPORT

The application site extends south-eastwards from Radstock town centre, and has a total area of 8.87 hectares. The site stretches along the line of the former railway, from the double roundabout junction of the A362 and A367 for a distance of approximately 700 metres along the valley of the Kilmersdon Brook. The greater part of the site comprises a corridor of former railway land, but because of the significant dimensions of the site (especially in its south eastern-section) it would be misleading to describe it as a linear site. The topography of the site remains level along the valley floor, with rising ground surrounding the southern end.

The northern end of the site comprises a narrow tongue of land between Frome Road [A362] and the commercial properties on the east side of Fortescue Road, which was the location of Radstock railway station. The station platform and associated subway are still in existence. The central part of the site includes the existing public car park at the eastern end of Victoria Square and a triangular area of land to the south of Frome Road formerly occupied by Council offices, together with a narrow section of former track-bed which also includes an historic railway building (known as the Brunel Railway Shed) and other significant remains of the former railway use. The site broadens out at its south-eastern end to include both the site of the former Marcroft wagon works (now demolished apart from one semi-derelict building) and an area of open hillside meadow to the south at Fox Hills.

The Kilmersdon Brook crosses the south-eastern part of the site and then follows the south-western site boundary, before joining Snails Brook which passes under the former railway in a culvert and then follows the eastern boundary towards the Wellow Brook. The relationship of the site with these water courses is a key element in its character, but the most significant element is the distinctive character of the former railway land. Whilst there are substantial sections of track still in situ, for the most part it is the flat nature of the railway land which is striking, as it is in complete contrast to the steeply-sloping railway cutting which forms a strip of land within the northern site boundary, and the natural hillsides which rise above the railway land to the north and south. Even with relatively few

significant railway structures remaining, the character of the site is very clearly the product of its former railway use.

The application site also includes a substantial area of public highway, including the double roundabout junction and sections of Wells Road, The Street, Fortescue Road, Frome Road and Victoria Square, in order to facilitate highway works and works to the public realm within Radstock town centre.

## DESCRIPTION OF THE PROPOSED DEVELOPMENT

### CONTENT OF PLANNING APPLICATION:

The Planning application seeks outline planning permission for:

Up to 210 residential units (now revised to 190 units in line with the viability assesment as discussed in the report) including some separate garaging [Use Class C3];

Up to 695 square metres of retail or business floorspace [Use Classes A1 to A5 and B1] within the town centre;

Up to 325 square metres of business floorspace [Use Class B1] or community uses [Use Class D1]

The conversion of the Brunel Railway Shed for [Use Class B1 or D1].

### Infrastructure, Engineering and Highways

There will be revisions to the existing road network and circulation patterns, including the formation of two new roundabouts, the retention of the existing double roundabout, provision of a new 'link road' between Frome Road and The Street in the town centre and the formation of new residential access roads.

The development will also include

The provision of new lighting and signage;

The provision of a permanent Sustrans route through the Site and the extinguishment of the existing temporary route;

The diversion of an existing Public Right of Way, from a subway to an 'at grade' pavement and road;

Alterations to on street parking;

New bus stop provision on the new 'link road' and alteration to circulation patterns; and

A new vehicular bridge crossing over Kilmersdon Brook and two new pedestrian bridges.

The public realm and open space strategy is stated within the submission to include:

The conservation of some areas of existing grassland;

The retention and management of the open space at Fox Hills which lies within the Site

The provision of equipped play areas within the Site.

New tree planting;

New woodland planting associated with the management of the stream corridor tree cover;

Garden boundaries including hedging, fencing and walling;

Re-creation of ecologically important habitats including re-use of existing material; and  
Management of existing tree cover and clearance of Site vegetation.

The parking strategy will be based upon Local Plan standards. For residential use, the proposals will aim to provide 1 space per apartment and 2 spaces per house as well as the required visitor parking. For commercial space a maximum of 1 space per 30sqm and for retail a maximum of 1 space per 35sqm will be provided.

The aims of the development are set out in the design and access statement. The rationale is to focus the town on the area between Waterloo Road and the museum and The Street to encompass Waterloo Road, Memorial Gardens, Wellow Brook and new and existing shopping areas.

#### SCOPE OF PLANNING APPLICATION:

The Planning application seeks Outline planning permission, but with means of access to be determined at this stage, and design, siting, external appearance and landscaping to be reserved for subsequent approval.

The application comprises the following drawings:

- Application Site Plan
- Parameters plans :- covering open space, building heights, land use, access and movement
- Landscape Plan
- Public Rights of Way Plan
- Highway works general arrangement and swept path
- Tree Survey and Constraints Plan
- Topographic Survey

There is also an Illustrative Masterplan submitted (but this is not for approval as part of the outline application)

Also submitted are the following background documents:

- Archaeology Assessment
- Biodiversity Study
- Design Codes
- Flood Risk Assessment
- Waste Management Plan
- Travel Plan
- Remediation Strategy
- Ground Investigation Report
- Statement of Community Involvement
- Design and Access Statement
- Sustainable Construction Checklist
- Transport Assessment Report
- Planning Statement

- Utilities and Services Report
- Ecological Compensation mitigation report
- Lighting strategy
- viability assessment

The application is accompanied by an Environmental Statement which covers the following topics:-

- 1) Ecology and Nature Conservation;
- 2) Transport;
- 3) Ground Conditions;
- 4) Hydrology and Drainage;
- 5) Noise
- 6) Air Quality;
- 7) Conservation Area and Landscape Setting; and
- 8) Socio-economics.

## SCOPE OF CONSERVATION AREA CONSENT APPLICATION

The Applicants have made a separate application for Conservation Area consent (this is subject to a separate report on this agenda). This is directly linked to the Planning application, and seeks consent for the demolition of the following structures:

- Concrete and brick platform at the northern end of the site.
- Stone boundary wall facing onto Fortescue Road.
- Underpass with walls constructed in natural stone and steel box girder bridges carrying the former railway line over it. The underpass at present links Victoria Square to Frome Road.
- Railway tracks and sleepers and a complex of railway features relating to the former goods shed
- Railway platform north of the railway turntable which in part is constructed in brick.
- Three modern bridges over Kilmersdon Brook at the southern end of the site.
- The forge

These features are shown on drawing 001 submitted with the application.

The former engine shed (Brunel Railway Shed) and turntable also shown on drawing 001 are to be retained.

## FORM OF DEVELOPMENT

The application site is divided into three character areas:

Area 1: North of Victoria Square and including much of the town centre

Lies to the northern end of the Application Site extending from Wells Road (High Street) to the north and the intended new 'high street' to the south. The proposed development is urban in character with a similar scale and grain to the core original area of the town between The Street and Fortescue Road.



It is proposed to redevelop the former railway land between Fortescue Road and Frome Road with a mixture of houses, flats, shops and other commercial uses. Buildings would be arranged as perimeter blocks with mews parking behind, and would be of two- and three-storey height. A new pedestrian route is proposed between old Frome Road and Fortescue Road.

The development would include significant changes to the existing highway network in the town centre: The principal highway elements comprise of:- Two way traffic on Frome Road to remain. A new link road would be constructed providing a two way route for through traffic. This would run west from the right angled bend in Frome Road where there would be a mini-to connect with The Street. The existing double mini-roundabout at A367/Frome Road would be retained and there would be a new mini roundabout at the A367/ The Street junction, The Street would become two way. Traffic on Fortescue Road would be reversed to become Northbound only. There would be new pedestrian crossing points and the subway under the former railway would be removed. There would be provision of a long term Sustrans route through the site and the existing temporary route would be extinguished. On street parking facilities would be altered.

Area 2: Central part of site between Victoria Square and Snails Brook

This area extends between the new 'high street' and the former stream alignment forming the edge of the town core (the stream alignment is now culverted).

This area would be developed for a mix of houses, flats and retail uses, and would include a new town car park. The principal elevations of the buildings would face the new High Street and the new access road running through this section to serve Area 3.

Buildings would be of two- and three-storey height. A new pedestrian route is proposed linking St Nicholas School with the new development.

Area 3: South-east of Snails Brook, including the Brunel Railway Shed, the former Marcroft wagon works and Fox Hills

This area extends from the edge of the town core to the southern edge of the Application Site. The area is shaped by the existing former GWR structures and associated ecology, which has influenced the form of the development including the former rail line and stream corridor that extends through the middle of the Application Site and the track bed and grassland habitats. The area includes a rail turntable and Brunel Rail shed which are both proposed to be retained. This area would be primarily residential with the retained Brunel Shed proposed for community/commercial use.

A new vehicular and pedestrian access will extend south-eastwards past the Brunel Railway Shed to serve the housing development at the southern end of the site.

#### Density and Scale

The National Planning Policy Framework sets out that appropriate development densities should be set out by the Local Planning Authority to reflect the local circumstances. The development proposes a density range of 55-65dph in the northern, urban parts of the site. Built structure in the southern area will be within the density range of 30-40dph,

reflecting the more rural character of the setting. Higher buildings will be located in the main spaces that mark the principal route through the town. Where development borders the open countryside the height will be stepped down to two stories. A building heights parameters plan is submitted for approval as part of this application.

## THE DEVELOPMENT PLAN

The Development Plan currently comprises saved policies from the B&NES Local Plan and the Joint Waste Core Strategy.

A large part of the site [4.8 hectares] is allocated as Site NR2 Radstock Railway Land under Policy GDS1 of the Local Plan. Following the Local Plan Inquiry, the Inspector made significant comments regarding this allocation, and as a result, Paragraph B7.30 of the Written Statement was revised to state as follows:

the development of the Radstock railway land site for mixed use development is integral to the development of Radstock and will contribute at least 50 dwellings during the plan period but substantially more provided a robust mixed use scheme is achieved, ecological interests are taken into account, the character of the town is maintained or enhanced and the transport corridor is retained in accordance with Policy GDS1/ NR2.

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

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

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

1. 2.3 hectares of land at Fox Hills, at the southern end of the site is allocated for informal recreation under Policy SR2. Policy SR.2 states: 'Land is allocated for formal and informal sport and recreational use on the following sites as defined on the Proposals Map: Slopes above Fox Hills, Radstock: 2.3 ha for informal recreation.'
2. The Kilmersdon Brook and Snails Brook corridors, the railway cutting along the eastern boundary and the slope of Fox Hills at the southern end of the site are designated as Sites of Nature Conservation Interest.
3. Part of the western edge of the site, adjacent to the Kilmersdon Brook and Snails Brook, are indicated as a floodplain.

4. The northern part of the site, to the north of Victoria Square, is within the Town Centre Shopping Area and frontages to Fortescue Road, Wells Road and The Street are indicated as Primary Shopping Frontage.
5. The former railway line is identified as a Sustainable Transport Route.

In addition, the entire site is located within the designated Radstock Conservation Area, where the LPA is required to have regard to the extent to which proposals for development preserve or enhance the character or appearance of the designated area.

## History

Outline planning permission was granted in 1995 [reference WN 10554/C] by the former Wansdyke District Council for the redevelopment of the former railway land and wagon works for housing, tourist and leisure facilities, shops and offices and a new access road. No applications for approval of details were submitted and the permission therefore lapsed, but following a successful bid for Single Regeneration Budget funds and a programme of public consultation, the development of the railway land was identified as a priority for the community and eventually a new scheme was put forward for the redevelopment of the site.

An application was submitted in 1999 by Norton Radstock Regeneration (NRR) [reference 99/02789/OUT]; this sought outline planning permission for a mixed use development comprising residential (up to 88 units), a community enterprise centre, retail, studio/workshops, hotel, railway, public open space and arts/ community uses.

The application was reported to the Development Control Committee on 1st December 1999 and the Committee resolved in principle to permit the application, subject to the submission of detailed ecological mitigation measures, further negotiations in respect of a Section 106 Agreement and a schedule of conditions which were to be the subject of a further report to the Committee. These negotiations were not concluded and consequently the application was never finally determined.

NRR purchased the site in 2001 and, jointly with SWERDA, commissioned a masterplan. An application was submitted by NRR and its development partner Bellway Homes, in order to deliver the development of the site in accordance with its masterplan and vision framework for the town. (reference 06/02880/EOUT) This application which comprised of the redevelopment of former railway lands to provide mixed use development including 210 residential units of varying sizes, up to 695 sq m of retail business floor space (A1-A5 and B1); up to 325sq m of B1 floor space or for community uses (D1) and conversion of the Brunel rail shed for D1 uses; car parking and new bus stops; partial diversion of Frome Road (A362) through the site, works to various existing roads within the town and establishment of new roads to service the development including new bridge structures; new public realm works, ground remediation, alterations to ground levels, works to trees and existing habitat areas; upgrading of below ground utilities; new children's play areas; establishment of a new Sustrans route and diversion of existing public right of way was permitted subject to a section 106 in March 2008 but this was not implemented. An application to renew was made in 2011 but was not determined (reference 11/02329/REN).

In 2008 a reserved matters application was made (reference 08/02332/RES) comprising of Residential development of 83 dwellings and commercial floor space for D1 use with

retail and commercial floor space for A1-A5 and B1 use (Reserved matters for outline application 06/02880/EOUT on 31 March 2008). This was permitted in August 2009 but not implemented.

In 2010 a reserved matters application (reference 10/00777/RES) comprising of Mixed use development of 56 residential dwellings and commercial floor space for retail/commercial A1-A5 and B1 use (Approval of reserved matters regarding outline application 06/02880/EOUT). This was permitted in August 2010 but not implemented.

In association with the above proposals have been applications for conservation Area consent (covering demolitions) and applications to discharge planning conditions.

### **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

HIGHWAY DEVELOPMENT OFFICER: comments made 16th July 2013 - Whilst there is unlikely to be an highway objections in principle, additional information has been requested from the Transport Consultants, Mott MacDonald, regarding the modelling work. Once a response has been received, we anticipate able to respond more fully.

Further comments made 13th August 2013 For clarity, the additional information required is for consistency, in order that the modelling information submitted with this application complies with that which we would seek from similar development. However, it is considered that the required information will not result in any need to make alterations to the proposed scheme. Bearing the above in mind, the requested information need not delay the determination of this application/granting of planning permission.

The highway response, therefore, is one of NO OBJECTION, subject to the highway conditions and notes pertaining to application 11/02329/REN.

HIGHWAYS DRAINAGE OFFICER : comments made 5th and 17th July 2013 - The proposed development is located in Flood Zones 2 and 3 and is over 1ha in size. Therefore the planning application should be supported by a Flood Risk Assessment and Drainage Strategy and the Environment Agency should be consulted. Details of what should be included within the drainage strategy are provided.

Additional comments made 14th January 2014 confirm that the Jubb Culvert report is accepted but that identifies a need for works to the culvert and these are the developers responsibility.

HOUSING DEVELOPMENT OFFICER : comments made 13th August 2013 - The affordable housing obligation generated by this application is required to be Policy HG.8 compliant (35%). The applicant has prepared a viability appraisal which considers the commercial implications of the proposed scheme in order to justify lower levels of provision. Until such time as the Planning Authority has tested the scheme viability and the need for flexibility or gap funding is confirmed the 35% provision is required.

Further affordable housing detail is required before Strategic Housing Services are able support this application.

The application has not indicated the locations of the affordable housing dwellings nor identified their tenure, size and parking provisions. The Council is unable to appraise the

affordable housing contribution until such time as the applicant provides a 'master housing schedule' along with a corresponding site layout plan detailing the proposed market and affordable housing mix in each phase of the development.

There are many opportunities for the scheme layout to create a socially inclusive & cohesive community, with a mix of dwelling types across the whole of the scheme. The proposal currently proposes affordable housing provision across areas one and two only with no affordable housing provision proposed for area three. This is not supported and will only be reviewed if the Planning Authority Viability assessment finds justification.'

ECOLOGICAL OFFICER: comments made 5th August 2013 - Register an objection to the principle of development on this site at this scale and in this form, due to the recognised high ecological value of the site and the site's accepted status as qualifying as a Site of Nature Conservation Interest (SNCI). The proposal should ensure minimisation of harm to ecology and compensatory provision of at least equivalent ecological value.

Further comments made 20th December 2013 - All necessary information relating to ecological survey, assessment, mitigation and compensation has now been submitted. My objection in principle to the proposal remains, due to the recognised high ecological value of the site and the site's accepted status as qualifying as a Site of Nature Conservation Interest (SNCI). Notwithstanding aspects of the submission are accepted. Bats have been thoroughly considered and consideration has been made of the three tests of the Habitats Regulations. Appropriate mitigation is proposed and I am confident that the third test, of maintaining favourable conservation status of the affected species, would be met. I am confident that this proposal will not cause risk of a likely significant effect on bats of the SACs. A test of likely significant effect has been documented and is attached.

Further comments made 17th January 2014 - My objection in principle to the proposal remains, due to the recognised high ecological value of the site and the site's accepted status as qualifying as a Site of Nature Conservation Interest (SNCI). Additionally to this requirement the proposal should ensure minimisation of harm to ecology. This proposal does not demonstrate that harm to ecology has been minimised. Solutions that would potentially be less ecologically damaging could be achieved, for example through a different layout to that on the indicative plans, and/or through a smaller development footprint and fewer units, and/or through different access arrangements. Notwithstanding the ecological information submitted is comprehensive and accepted. In this regard the submitted Ecological Mitigation, Compensation and Management Plan is thorough, addressing the wider ecological and non-bat mitigation and compensation requirements as a whole.

WESSEX WATER: comments made 26th July 2013 - The site will be served by separate systems of drainage constructed to current adoptable standards. A condition to require drainage details is requested.

ENVIRONMENTAL HEALTH OFFICER: comments made 12th July suggest conditions in relation to the control of noise from demolition and construction activities

ENVIRONMENTAL MONITORING OFFICER : comments made 22nd July 2013 - I have considered the air quality assessment with this application. All the predicted levels are

below the objective so I have no objection. However as some of the predicted increases are large, with a slightly adverse effect I would like to have seen a robust mitigation strategy to minimise these effects.

SCIENTIFIC OFFICER [CONTAMINATED LAND]: comments made 12th July 2013 - Taking account of the reports submitted, their conclusions and recommendations, I recommend conditions be applied to any planning permission if granted.

Comments made 3rd December 2013 - Following my email of 11/07/13 (below) in relation to the above referenced application, I have received the following report: Report on Ground Investigation at Norton Radstock Regeneration Area, Radstock, Somerset. By Structural Soils Limited. Dated September 2005. Report No. 50625. I have also received clarification from the developer's consultant (Jubb Consulting Ltd) that they commissioned and managed the 2005 work (Structural Soils Investigation) on behalf of Bellway Homes. Jubb have confirmed that their assessment (Ground Investigation of May 2013) and draft remediation strategy (May 2013) supplied with the above referenced application does not rely on any additional information not already submitted.

I am satisfied that the information provided is sufficient to consider the application and that conditions will be required for further work. The conditions will be for further investigation, submission and approval of a detailed remedial strategy along with its implementation and verification. As part of the condition for site characterisation, I will require the consultant to provide further comments and explanation with regard to a number of queries posed previously along with the submission of the analysis certificates for the historical investigation.

ARCHAEOLOGICAL OFFICER: comments made 8th August 2013 - I am satisfied there is a relatively low potential for significant pre-industrial archaeology within the development area. I recommend that a condition is attached to any planning consent:

ENGLISH HERITAGE comment 16th January 2014 that it is not necessary for English Heritage to comment on the application.

ARBORICULTURAL OFFICER : comments made 23rd July 2013 - An arboricultural impact assessment or tree retention and removal plan has not been identified in the submissions that would demonstrate that the Illustrative Layout ( drawing 3484\_0003\_DSP\_1.3 ) and in particular the access was informed by arboricultural input. The principle of development here has been previously established so an outright objection at this stage is inappropriate. However, the detail of any submissions is critical in determining whether trees and other green infrastructure assets can or can not be protected and retained.

LANDSCAPE OFFICER : comments made 26th October 2013 Whilst I have no in principle objection the proposals as shown in drawing 3484\_0003\_DSP\_1.3 (illustrative layout). are unacceptable. However the scheme is in outline and landscape detail is not a consideration at this stage. Landscape issues could be resolved at the next level of detail (i.e through the submission of reserved matters applications).

PARKS OFFICER : comments made 1st August 2013 - The application proposes the erection of 210no. dwellings. The application has been submitted in outline form with all matters reserved except access; and as such the layout is indicative only at this stage. For the purposes of this assessment it has been assumed that the entirety of the residential accommodation will be 3 or 4 bedroom dwellings. This quantum of development will result in a projected occupancy of 630 persons who will create demand for formal green space, natural green space and allotment provision equal to 9450m<sup>2</sup>, 9450m<sup>2</sup> and 1890m<sup>2</sup> respectively.

The application also proposes other land uses that will create demand for green spaces; these being the 325m<sup>2</sup> B1 office space / D1 community space and 695m<sup>2</sup> A1 retail floorspace. The submitted application form confirms that 68 employees will be employed on a full time basis. In accordance with the Council's adopted Supplementary Planning Document 'Planning Obligations', the demand arising from these employees is based upon 10% of the number of full time employees. Therefore, in this instance the net occupancy creating demand would be 6.8 persons.

Taking account of the above, the total net occupancy across the site would be 636.8 persons, who would create demand for formal green space, natural green space and allotment provision equal to 9552m<sup>2</sup>, 9552m<sup>2</sup> and 1910.4m<sup>2</sup> respectively.

Total contribution value: £872,613.41

NATURAL ENGLAND : comments made 23rd July 2013 An Ecological Mitigation, Compensation and Management Plan has not been submitted and without this it will not be possible to properly assess the impact on 2 bat SACs and therefore it is not possible to assess the application as is required by the Habitat Regulations.

Further comments made 15th October 2013 It will be necessary to consider a lighting strategy along with the revised Ecological Mitigation Compensation and Management Plan (EMCMP).

Further comments made 21st November 2013 The lighting scheme now submitted takes account of the primary bat commuting routes identified by the plans (around the edges of the site) and achieves the very low lighting levels required in these areas. Lighting levels at the crossing points need to be clarified before firm conclusions can be drawn about the likelihood of significant impacts on the SACs from the proposed development.

There remains the possibility that the Greater Horseshoe bats which have been found to be using the site are bats from the two Bat SACs (Mells Valley and Bath and Bradford on Avon). Therefore, at this stage, it is Natural England's advice that, as the proposal is not necessary for European site management, your authority should determine whether the proposal is likely to have a significant effect on either of these European sites. If your authority is not able to rule out the likelihood of significant effects, there are uncertainties, or information to clarify areas of concern cannot be easily requested by your authority to form part of the formal proposal, you should undertake an Appropriate Assessment, in accordance with Regulation 61 of the Habitats Regulations, including consultation with Natural England.

Further comments made 27th November 2013 - The issue of lighting on the designated vegetated crossing points for bats across the site is being discussed. Currently, the crossing points have not been factored into the lighting specification.

Further comments made 3rd December 2013 - Design revisions have been made to the lighting design for the bat crossing point in Area 2. This design relates specifically to Area 2 and the Full Application but I require the principles from the lighting strategy for Area 2 to be reflected in the detailed lighting design for Area 3 and the Outline Application. This is understood by the applicant, and is reflected in correspondence. On this basis, I have no further outstanding points on the detailed or outline applications and therefore wait to hear from the Councils ecologist with the Test of Likely Significant Effect (TOLSE).

Formal comments are awaited but Natural England have confirmed that they have reviewed the ecologists amended TOLSE and support all of the recommendations.

URBAN DESIGN : comments made 22nd November 2013. The Design Codes and Design Considerations contained within the Design & Access Statement (DAS) should be applied to any future detailed application relating to areas 1, 2 or 3. There is concern about the large scale highways interventions proposed to manage traffic in the town these will take up much space in the public realm and embody the identity of the town. Para 13.5.21 in the EIA also highlights problems with this approach: 'the hostile environment created by vehicle traffic deters pedestrians and cyclists which in turn reduces the opportunities for informal meetings and conviviality' All homes are required to be Code for Sustainable Homes Level 4 according to the Council's core policy CP2 and existing buildings should be retrofitted for energy efficiency as guided by policy CP1 and the Sustainable Construction & Retrofitting SPD. Cues for the design and layouts could be better taken from positive elements of Radstock's character such as use of natural materials and terraced cottages proposals appear to be generic with buildings not clearly 'of Radstock'. Ref Policies CP1, CP2, CP6, D2, D4, By Design and Secure By Design.

HERITAGE AND ENVIRONMENT GROUP: comments made 8th August 2013 - This application site lies within the Radstock Conservation Area and its development will impact on the wider setting of listed buildings and undesignated heritage assets. This site has a complex history but this new outline application appears for the most part the same as that previously submitted and approved for the development of this site. The area in which the present application appears to differ from that previously approved is in relation to the new road/highway works, in particular to the North of Area 2, which have arisen it is understood because of highway requirements. The visual impact of highway works may therefore be argued to have been increased over the previous approved scheme. I am concerned in general with the impact of the new road into the historic core of Radstock, and its impact on the setting of historic buildings such as Victoria Hall which is an undesignated heritage asset. However, I appreciate my concerns must also be balanced with the need for improvements in the highway network, other related enhancements such as the proposals for the Brunel engine shed, and the regeneration of Radstock.

An important aspect of the regeneration scheme should be to help secure the future use, restoration, repair, and enhancement of the building described in the Design and Access Statement as the Brunel Engine Shed. Proposals for this building together with associated works to the railway lines, which link the building to the former turntable, which I



understand is also to be retained, are referred to in the documentation but the illustrative layout leaves room for doubt as to what is exactly proposed, see DWG NO 3484\_0003\_DSP\_1.3. It will be important to clarify and agree the precise extent of works in this area as the layout is only illustrative. The Brunel Shed may be regarded as an undesignated heritage asset, as perhaps also should the turntable.

In respect of works proposed to the Engine Shed, noted in the Design and Access Statement, I suggest natural slate would have probably been the original covering and we should be looking for this higher standard of roof. Any detailed proposals for works to the building needs to be informed by a historic building report, which hopefully will include archive photographs, on its history and past alterations. I suggest we should enter a Section 106 Agreement with the developer to include an agreed timed programme of works relating to the repair and enhancement works to the above railway structures, which is then linked to the development proposed elsewhere on the site of the former railway line. To ensure the heritage benefits associated with the above works are secured/delivered. If approval is granted appropriate conditions should also be attached to cover such aspects as the detailed appearance of the scheme and the materials to be used. This should also include appropriate sample panels of materials.

ENGLISH HERITAGE : comments made 5th August 2013 - support the regeneration scheme and consider the scope of the development remains unchanged from former applications in respect of the impact on heritage assets.

REGENERATION OFFICER : comments made 2nd December 2013 - Support the application and considers the regeneration benefits significant

ENVIRONMENT AGENCY: comments made 16th July 2013 - Providing the Local Planning Authority (LPA) is satisfied the requirements of the Sequential Test under the National Planning Policy Framework (NPPF) are met, the Environment Agency would have no objection, in principle, to the proposed development, subject to the inclusion of conditions.

PUBLIC RIGHT OF WAY OFFICER : comments made 28th June 2013 - There is one recorded public right of way in the development site, Victoria Street CL24/112. The line and width of the footpath must not be affected during or after works.

COAL AUTHORITY : comments made 26th June 2013 - The application site is located within the defined Development Low Risk Area. This means that there is no requirement for a Coal Mining Risk Assessment to be submitted. A standing advice informative is requested on the decision.

EDUCATION OFFICER : comments made 16th August 2013 Should this development of 210 no. dwellings go ahead, we estimate that the children generated by the development will create the following need and we would be seeking a Developer Contribution as follows:

Early Years age 0-2 places 8.4 places at a cost of £157,412.64

Early Years age 3-4 places 23.1 places at a cost of £432,884.76

Primary age pupil places 65.10 places at a cost of £845,806.54 in line with the B&NES Planning Obligations SPD.

We will need to carry out a full assessment of the existing St. Nicholas' Primary school site to assess its ability to be expanded in order to accommodate the pupils generated. We would like to have an additional area of land made available from the development site in order to enlarge the school site. How much land and the location of the land to be discussed.

Youth Services provision places 21 places at a cost of £28,014.00

New facilities may be opening in the area and if that is the case some of the contributions sought may decrease.

Therefore a total contribution is sought of £1,464,117.94 or £,031,233.18.

## OTHER REPRESENTATIONS

RADSTOCK TOWN COUNCIL: - approves of the application subject to various criteria including

- a) Ecological mitigation and safeguards
- b) Provision for a standard gauge track, rolling stock and a passing loop.
- c) Refit of the Brunel shed
- d) A youth services contribution
- e) Bus stop improvements
- f) Replacement public toilets
- g) Radstock residents have priority for their affordable housing

WESTFIELD PARISH COUNCIL - The Committee raised serious objections to the following applications due to (1) at the proposed roundabout at the bottom of Wells Hill there will be constant traffic from the right, creating long tail backs regularly up Wells Hill; (2) new housing developments in Westfield mean that traffic from Westfield down Wells Hill is increasing and will continue to do so over the next years. This should be considered fully when determining the road layout now; (3) experience has shown that if a fully loaded HGV tries to turn right at the bottom of Wells Hill then due to the camber and space restrictions of the road it will either get stuck or be in serious danger of falling.

MENDIP DISTRICT COUNCIL: response 28th June 2013 confirms MDC have no comment.

CAM VALLEY WILDLIFE GROUP: Object to the development and comment that a development with such a large footprint largely on UK BAP Priority Habitat, Post-industrial Mosaic on post-industrial land, cannot be fully mitigated or compensated with equal nature conservation value and so should be refused

BUGLIFE: The Invertebrate Conservation Trust objects to planning permission being granted for the above application, in its current form, as the former GWR railway line is potentially of national importance for invertebrates. It is one of the best wildlife sites in B&NES supporting an estimated 6000 species including many that are nationally rare and endangered.

SOMER VALLEY FRIENDS OF THE EARTH: Object to the development on the basis that the Local Plan allocation is outdated, the proposal does not accord with the NPPF, the development would be inappropriate with inadequate ecological mitigation.

GUIDE DOGS FOR THE BLIND : request that consideration is given to the needs of the visually impaired

ROYAL SOCIETY FOR THE PROTECTION OF BIRDS (RSPB) Support the information already provided in respect of birds and ecology but request additional provision to be made for birds within the scheme.

## LOCAL RESIDENTS

Third Party transport advice (from a highway consultant ) commissioned by third parties challenges the overall economic analysis of Radstock and requests to see the underlying modelling that has informed the highway officers position.

1 resident has indicated in principle support for the regeneration provided that a safe guard is put into place for a corridor of land be retained for future rail use and a further resident is in general support.

5 other residents have supported the proposal.

2 resident's interest groups Friends of Radstock Railway and Radstock Action Group object to the proposals.

Radstock Action Group object on the basis that the scheme would bring more traffic to the town , the revised road layout is unacceptable and parking is inadequate. Some aspects of the traffic proposals and parking need further clarification. The traffic will create increased noise and air pollution. Contamination has been inadequately addressed using incorrect methodology. Flood risk will be increased. Affordable housing is important as part of a regeneration scheme but the proposals as submitted are unacceptable by virtue of its location and inadequate parking and infrastructure and is over concentrated in a single location. Materials and design are poor quality. The scheme has little within it that is considered to be regeneration. Habitat would be harmed and green opportunities lost. Community and heritage benefits would be lost. Community consultation has been poor and there has been a lack of transparency in the process.

Friends of Radstock Railway object on the grounds that :-

- the road scheme does not appear to be the best option in traffic terms the proposed mix does not maximise the regeneration potential for Radstock
- the proposed scheme does not deliver the social, economic and environmental benefits that the Policy seeks.
- the proposed scheme does not accord with the policies of the National Planning Policy Framework
- because of the age of GDS1 NR2 and the ongoing consideration of housing matters
  - in the Core Strategy Inquiry, the validity of delivery of 210 dwellings is open to considerable doubt
- the information provided by the applicants is not sufficiently robust
- other possibilities and key actual or potential impacts or losses are not adequately considered
- a decision to permit with conditions ahead of information and rigorous analysis

that shows how those conditions can and will be met in all three phases of development is in danger of creating another stalemate in which development is not progressed (eg 1999 outline permission, 2008 outline permission, 2009 full permission, 2011 REN applications), effectively allowing planning blight to adversely affect Radstock

50 letters of objection have also been received which raise the following issues :-

- Restoration of the railway link would be more appropriate as regeneration
- Loss of trees and greenery
- Increased traffic congestion
- Access at the end of meadow view is inadequate for the proposals
- The town will be less pedestrian friendly
- The town will become more segregated and fragmented
- The scheme does not achieve its own stated goals
- Industrial Heritage will be harmed
- Inadequate infrastructure for the housing proposed
- Proliferation of additional traffic controls, junctions, roundabouts
- Traders will be adversely affected
- The road would cause danger to children and other pedestrians and cyclists
- The scheme is unsatisfactory in the conservation area
- Ecology/habitat will be lost and harmed
- The materials are inadequate
- The proposal is not sustainable development
- Poor public transport provision
- Contamination is very significant and inadequately addressed
- Inadequate jobs locally will lead to more out commuting

## **POLICIES/LEGISLATION**

The following policies of the Local Plan are of principal relevance to this application:

D2: General Design and Public Realm considerations

D4: Townscape considerations

ET3 and ET4: Employment development

CF2 Provision of community facilities

CF3: Contributions from new development to community facilities

SR2: Allocation of land for recreational use

SR3: Children's playing space and new development

S1 and S2: Retail development

ES2 Sustainable design

ES10: Air quality

ES12: Noise

ES15: Contaminated land

HG1: Housing mix

HG4: Housing development

HG7: Residential density

HG8: Affordable housing

NE1: Landscape character

NE3: Important hillsides

NE4: Trees and woodland

NE9: Locally important wildlife sites

NE10: Nationally important species and habitats  
 NE11: Locally important species and habitats  
 NE12: Natural Features  
 NE14: Flood risk  
 NE15: River corridors  
 BH2: Listed buildings and their settings  
 BH6, BH7 and BH8: development within Conservation Areas  
 BH12: Archaeology  
 T3: Pedestrian safety  
 T5, T6 and T7: Provision for cyclists  
 T8: Bus strategy  
 T9: Sustainable transport routes  
 T12: Public transport interchange  
 T24: General development control and access policy  
 T25: Transport assessments  
 T26: On-site parking and servicing

With reference to Policy BH7, it is to be noted that the Radstock Conservation Area Assessment was produced in 1999, and was subject to public consultation before being approved by Members. The Conservation Area Assessment has not, however, been adopted as Supplementary Planning Guidance and therefore appropriate care needs to be given in assessing its material weight when reaching planning decisions.

#### NATIONAL PLANNING POLICY FRAMEWORK :

The Government's planning policies for England are set out in the NPPF which was published in March 2012. The guidance in the NPPF is an important material consideration. The Local Plan was adopted in accordance with the Town and Country Planning Act 1990 and not the Planning and Compulsory Purchase Act 2004. For this reason, and because 12 months have now elapsed since the publication of the National Planning Policy Framework (NPPF), in accordance with Paragraph 215 of the NPPF if there is inconsistency between the Local Plan and the policies in the NPPF due weight should be given to the 'saved' policies according to their degree of consistency with the NPPF.

#### B&NES CORE STRATEGY

The Councils Draft Core Strategy is under examination and its policies are a consideration. The Council approved the amended Core Strategy for Development Management purposes. At this time only limited weight can be attached to those policies where there are unresolved objections. Significant weight can be attached to those policies where there are no unresolved objections

Key relevant Policies are

DW1 District Wide Spatial strategy -The regeneration of Radstock is identified as a key objective.

SV3 Radstock Town Centre strategic policy.

The Councils' Supplementary Planning Documents (SPDs) and Supplementary Planning Guidance (SPG) are also material considerations.

Other material Local and National Guidance

Ministerial Statement Measures to reduce bureaucratic barriers to growth and infrastructure (Growth and Infrastructure Bill) April 2013

## **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 Radstock and environs have been taken into account. 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 have been considered as part of the assessment of the planning issues together with responses to consultations and other representations received.

### Policy Background

The proposal is for a town centre redevelopment of previously developed brownfield land allocated in the Bath and North East Somerset Local Plan (adopted 2007) for residential and mixed use purposes. While changes have been made to the layout of the proposed development, broad development principles of the previous scheme that gained approval in 2008 are reflected in this application with the principal change comprising a revised junction design at the Frome Road and new link road and in the design of the northern area of the site. This application is accompanied by an illustrative Masterplan however access is the only detailed consideration for this application. The key policy change since that earlier approval has been the publication of the NPPF. The NPPF promotes sustainable development that is a balance of providing economic, social and environmental gains and it sets out core planning principles. It is considered that the development of the site as proposed would deliver all 3 elements of sustainable development provided the details submitted at reserved matters stage are of a high standard. It is recognised that the site has high environmental value and paragraph 111 of

the NPPF has been considered and in this case has been weighed up against regeneration benefits of the scheme. The Outline scheme is considered to be in accordance with both the Development plan and is consistent with the NPPF. The regeneration of Radstock is also in emerging policy within the Core Strategy (however relevant policies are at this stage afforded limited weight). The development is as a principle consistent with the planning policy aims for the area.

## Conservation and Heritage

Additional specific comments and considerations in respect of the application for Conservation Area consent are set out in a separate report on this agenda. The proposals seek permission for the demolition of the various buildings noted earlier in this report. None of the buildings on the site are statutory listed buildings.

The whole of the development site lies within the Radstock Conservation Area. The railway heritage of Radstock is important to the cultural heritage of Radstock and the character of the Conservation Area. The former platforms, the underpass with bridges above and wagon works contribute to the character of the Conservation Area. Any proposals for demolition must be balanced against other factors such as past alterations to the structures of interest, an acceptable scheme for development of the above site and the economic regeneration of Radstock.

The Applicants seek to retain the Brunel Railway Shed for community and heritage use, and identify the closely related turntable as a site for a play area (however the no play area is specifically being provided for by the applicant as discussed later in this report). The potential the new development provides for the retention/restoration/interpretation of the Brunel Railway Shed, turntable and railway lines are a clear benefit of the scheme. Within the Outline submission the illustrative layout is unclear with regard to what is proposed. The applicant has identified the intent to provide a set financial sum for the works they are committing to and it is unclear what such works may achieve at this stage. Further clarification and agreement in respect of the precise extent of works in this area will be necessary. These are key elements in establishing the heritage credentials of the regeneration proposals. A specification of works will be a requirement of a legal agreement to add this clarity.

Any detailed proposals for works to the Brunel Railway Shed building needs to be informed by a structural assessment of the building to be clear as to the works that can be carried out and the cost of those works. A Section 106 to include an agreed timed programme of works relating to the repair and enhancement works to the above railway structures to ensure the heritage benefits associated with the above works are secured/delivered is appropriate.

If approval is granted appropriate conditions to address the detailed appearance of the scheme and the materials to be used will be necessary. However given that design is a reserved matter in this case it is considered that subject to an appropriate package of heritage-related proposals being secured, the proposed development will on balance preserve the character of this part of the designated Conservation Area.

## Design and materials

A masterplan referred to in this document is for illustrative purposes only and planning permission is not sought for the illustrative masterplan as part of this Outline planning application. This plan demonstrates how the parameter plans could be interpreted through reserved matters applications to provide a development scheme. The parameter plans set some very broad design parameters relating to building heights, land use and open space and access and movement and these principles are accepted as an appropriate basis upon which the site could be developed. More detailed design matters such as the appearance, form and materials are also covered in the background information within the design and access statements and design codes. Whilst aspects of these submissions are capable of forming the basis for the detailed scheme they are not at this stage fully supported. However these are not matters that need to be addressed at outline stage and can be fully explored and addressed by Reserved matters submissions.

The highway proposals that are being brought forward at Outline stage are a key consideration. As noted by the Conservation Officer these will have a detrimental visual impact that is considered of increased effect over the previous approved scheme. The impact of the highway into the historic core of Radstock is on balance adverse however this must be weighed against other benefits secured through the scheme overall. The differences between the highway scheme approved in 2008 and the current proposal are not so great so as to warrant a different conclusion to be reached than the previous support given and that is a significant factor to be given weight in the decision along with the benefits provided by the development overall.

## Landscape and trees

The landscape within the site has established in response to local conditions. Vegetation and land cover within the site are dominated by scrub grassland, much of which has established on rail ballast. Existing trees are an important factor within the site.

The landscape strategy identifies a need to respond to the existing environmental and ecological constraints of the site. This will include specifying species favoured by certain animals known to the site, siting trees away from sensitive grassland areas so as not to shade these sunny banks and reinforcing the existing vegetation. Trees of value will be retained. Land to the south west, known as Fox Hill, will be designated as public open space and will be substantially retained as part of the proposals. The steeply inclined open grassland provides an attractive backdrop to the site and will be subject to prescribed management under the ecological proposals. The Kilmersdon Brook is locally designated for its nature conservation value and its associated tree cover will be retained and managed.

In the context of this Outline application, which reserves details of landscaping, there is insufficient detail within the submission or illustrative Masterplan to be clear as to the impact on existing trees or to properly assess the planting strategy in detail for the entire site. However in the context of this Outline submission the overarching approach and landscape design principles as described within the submission are acceptable. The landscape impact for the Outline scheme is clear and agreed acceptable and landscape details for the various phases of the development can be acceptably considered at Reserved Matters applications stages.



## Highways

Radstock is situated at the confluence of two major routes: Bath-Wells (A367) and Bristol-Frome (A362). These routes dissect the town and at peak times traffic dominates the town centre.

The proposed movement framework includes introduction of new highways through the site and a number of changes to the existing highways in the town centre. Approval is sought for these as part of this application. The most significant changes proposed are

- The establishment of a link road between the Frome Road (A362) and The Street. This is intended to provide to establish a main through road. A new access roundabout replaces the bend in the alignment of Frome Road.
- Traffic movement on Fortescue Road will be reversed accessing from the south. On street parking will be retained although altered;
- A new three arm roundabout will be positioned at the junction of The Street and Wells Road replacing the priority junction. Pavements along the southern side of Wells Road (High Street) will be widened.
- Traffic flows on The Street will be altered to establish a 2 way road. Some on street parking will be retained and servicing access permitted.
- Bus stops on Fortescue Road will be removed and relocated along the new link road. Bus stops are provided in lay-bys on the northern and southern sides of the new link road near Victoria Hall and there is a proposed Zebra Beacon Crossing.
- Two lanes northbound and one lane southbound on the A367 Bath New Road between Somervale Road and The Street.
- Reconfiguration of the Fortescue Road/The Street/Church Street/New Link Road crossroad junction. Church Street will take left-turn movements as well as right-turn movements from The Street. The right-turn movement will be facilitated by the provision of a central right-turn lane on both the new link road and The Street.
- A 20mph Zone is proposed within Radstock Town Centre.
- New zebra crossings will be installed along The Street either side of its crossroads junction with Church Street and New Link Road.
- There will be various pedestrian and cycling revisions including the extinguishment of the existing Sustran cycle route currently connecting the cycleway to the town via a route which travels through a residential street (Meadow View) and past St Nicholas school. The new route would run more directly through the site across Area 3, area 2 and into the town centre.

The scheme would also retain the double mini-roundabout at the Somervale Road/Bath New Road/Frome Road Junction with pedestrian facilities on Somervale Road and Frome Road west/east of the double mini roundabout respectively. The Frome Road remains two way and open to all traffic.

The highway proposals have been modelled by the highways team and the highway officers advise that in transportation terms they represent an improved situation that will ease the movement of vehicles through Radstock.

The scheme includes altered parking provision. The existing car park close to Victoria Hall which is an informal arrangement would be removed. There would however be a town

centre car park of 14 spaces which will be available for general use. These spaces would be enclosed by the Area 2 development with pedestrian access through to the Victoria Hall frontage. On street parking would also be altered/removed, but some provision is retained. This includes the retention of on street parking on Fortescue Road and access for servicing. In principle the parking strategy for the outline scheme including parking within the public area and highway is acceptable in accordance with the highway officers advice. Details of parking within the 3 areas of the site will be provided within each Reserved matters application and can be considered further at that stage.

## Ecology

The Site has remained disused and largely unmanaged for in excess of 15 years. Despite being previously developed, processes of natural colonisation and succession have resulted in parts of the Site having significant ecological value.

Key natural features of the site include:

- the open, mixed unimproved grassland, scrub and bare ground habitats characterising much of the remaining trackbed habitats (present in much of Area 2 and the south of Area 3)
- the re-colonising secondary woodland growing over the former rail line in the north of Area 3;
- the 'Fox Hills' grassland situated on a north-facing slope to the south west of the former railway sidings;
- the steep south-facing scrub and grassland escarpment on the eastern edge of the former rail line;
- the wooded corridors of the Wellow Brook and its tributary, the Kilmersdon Brook, that flows through and alongside the site.

The Proposed Development will entail the loss of areas of habitat, particularly for the invertebrate and reptile assembled and habitats used by bats for commuting across the landscape and, to a lesser extent, foraging. In addition, the majority of the extent of a proposed Site of Nature Conservation Interest (SNCI) will be cleared and some longer-term adverse impacts are confirmed by the applicant to be unavoidable.

During the consideration of the application an Ecological Mitigation, Compensation and Management Plan mitigation and lighting strategy were sought from the applicant to properly consider the ecological impact of the development.

Mitigation will include the following

- The implementation of a detailed, site-wide lighting strategy which is ecologically driven and demonstrates the reduction of light levels within primary bat commuting routes which provides dark corridors sufficiently to avoid harm to bat commuting activity and to enable continued transition by bats from one side of the Site to the other.
- The combined on-Site recreation of at least 2000m<sup>2</sup> of track bed habitat, retention and enhancement of as much existing track bed habitat and the re-establishment and maintenance of track bed habitat across 2.5km of adjacent former railway lands.
- The implementation of a detailed landscaping scheme to include reinforcement/screening planting and/or fencing along linear woodlands and primary bat commuting corridors, including 'crossing points' at appropriate locations.

The ecological mitigation strategy will be delivered through a 20 year management plan which will be secured as part of the Section 106 Agreement. The ecological losses and the mitigation have been considered in detail by the Councils ecologist and Natural England and are accepted as mitigation that represents an improved package beyond that previously secured in 2008. An in principle ecology objection none the less remains on the basis of the loss of the SNCI. This ecology objection has been carefully weighed in the balance of the overall planning merits of the scheme.

As part of the consideration it was necessary to consider the effect of the development on European sites including 2 bat SACs and a test of likely significant effect has been carried out by the councils ecologist which confirms that the bat SACs will not be affected.

As the application requires works to be carried out to the Brunel Shed European Protection Species licences will be required from Natural England prior to those works being undertaken. However Natural England advise that they can see no reason why these licences would not be granted.

### Contamination

Ground conditions issues are detailed in Chapter 9 of the Environmental Statement. The site is subject to very significant levels of contamination. The scientific officer has considered the reports provided to assess contamination are satisfactory and has during the course of the application sought additional information. It is (on the basis of what has been provided) agreed satisfactory to address the contamination thorough conditions.

### Flood Risk

The site is shown on Environment Agency mapping as partly lying within the indicative 1-in-100 year event flood plain (Zone 3a). The extent of high risk zone follows the watercourses along their length. There is a small strip of flood plain shown in the south of the site which follows a small un-named watercourse along the boundary of the site and the adjacent housing. The applicant has submitted a flood risk assessment and confirms that all the proposals are located away from the high risk flood zone. Residential use is classed as a more vulnerable use (in accordance with the technical guidance to the NPPF). Due to partial location of the site within Flood Zone 3(a) area - High Flood Risk a 'Sequential Test' has been carried out in accordance with the NPPF. The site was sequentially assessed prior to its Local plan allocation and is considered to be sequentially acceptable. The proposals for development confirm that the detailed scheme when it is submitted will locate all more vulnerable development outside the high risk flood zone consequently not triggering the exceptions test. This will be demonstrated within the submissions made for each area.

The main source of flooding to the site is from overland flow and surface water runoff. The proposed development site will incorporate sustainable drainage systems which will promote infiltration to ground as a first option of the disposals of surface water. Positive connections (restricted overflows) will be routed directly to the adjacent watercourses at restricted rates (greenfield). Excess surface water produced by the site will be managed by a combination of infiltration and attenuation. Subject to conditions it is considered that the development would be acceptable in terms of any flood risk.

## Regeneration

The site is an important regeneration area. A viability appraisal has been prepared which considers the commercial implications of the proposed scheme.

The applicant identifies the following as being key regeneration benefits delivered by the scheme.

- Development of 210 residential units (however this figure will be restricted to a maximum of 190 dwellings to reflect the content of the viability assessment)..
- Early delivery of affordable housing units.
- Provision of Commercial and/or community resource space providing a greater offering facilities and services for new and existing businesses and/or the local community.
- Public realm works for the benefit of new and existing residents;
- Improved transport infrastructure including alterations to existing road network, provision of new High Street which will address the transport and accessibility issues in Radstock.
- Maximised use of previously developed land for sustainable development including decontamination and site remediation.
- Provision and enhancement of wildlife corridors and retained habitat.
- Delivery of the key link of the National Cycle Network (Colliers Way) through the site and off site improvements.

Of these some are considered to be partially mitigation or requirements of the development and are considered accordingly. However there are clear regeneration benefits. The provision of housing including affordable housing is high amongst these and this provision is clearly supported in current policy and is given significant weight here. Other employment and community provision is also a benefit. The redevelopment of a brownfield site, remediation and heritage restorations, and an improved Sustrans link are also regeneration benefits that weigh in favour of the proposals.

The applicant has sought a reduced package of Section 106 provision than would be required in accordance with the Councils Supplementary Planning Document and has supported that reduction on grounds of marginal viability by the submission of a viability assessment. The viability assessment has been independently assessed and the costings that were applied to the scheme within that assessment are not disputed. It is of relevance that the viability assessment submitted was for the provision of 190 dwellings and not up to 210 dwellings that the application had applied for. The independent assessment of the viability assessment has considered that lower figure and it has been explored with the applicant who has clarified that 190 dwellings are to be provided within the overall site as a maximum to reflect market circumstances. Whilst there is no in principle planning objection to the lower 190 dwelling figure the application needs to be brought in line with the viability assessment. The applicant has proposed to restrict the dwelling numbers to 190 units by virtue of a clause within the legal agreement and the 190 amendment will also be reflected in the decision made. There are no planning objections to the matter being addressed in that way and it is acceptable to proceed on that basis as no party would be prejudiced by the lower figure.

As a consequence of the marginal viability of the scheme (as has been demonstrated in the viability assessment), notwithstanding that the application indicates in its supporting

documentation that measures such as new play equipment, open space provision, management and maintenance, and tree planting would form a part of the open space and public realm strategy the scheme does not make any provision for these within the Heads of Terms proposed. The viability assessment has in that regard concluded upon the basis of the profits within the scheme that these and other Section 106 contributions which officers have calculated as being required in accordance with the Councils adopted Obligations SPD would not in this case render the scheme viable. Aside from the public realm and play area provisions this applies to the financial sums sought for education and open space provision as set out within the education and parks officers response. This is discussed further below.

## Education

To meet the educational needs of the development a total contribution is sought of between £1,464,117.94 - £1,031,233.18 and potentially land as well. This is calculated in line with the Councils adopted supplementary planning document. The viability appraisal submitted and assessed confirms that the development could not support any education contribution. As the statutory provider for education the requirements of the development in terms of any educational need would become the responsibility of the Local Authority if the scheme proceeds.

It is of note that a part of the viability exercise carried out by the applicants included a fixed sum for the provision of a footbridge to Saint Nicholas School. The sum allowed for this footbridge provision may not be fully required and officers are of the view that any residual amount following the provision of the bridge should be re-diverted to pay toward the education shortfall. In this specific case where viability is held as the reason for not making an education contribution and whereby a fixed financial sum has already been allowed for within the viability assessment this is considered an acceptable proposition that meets with the planning tests for obligations. However this has not been agreed with the developer as this is currently being discussed in connection with the section 106 legal agreement and officers will update members on this point.

## Open Space

To meet the formal and natural green space (including allotments) needs of the development a total contribution of £872,613.41 would be sought in line with the Councils adopted supplementary planning document. The viability appraisal submitted and assessed confirms that the development could not support any open space contribution.

## Affordable Housing

Whilst the scheme proposes 25% affordable housing that is below policy compliance in the context of the marginal viability of the scheme this is none the less to be considered as a benefit. Based on the viability assessment submitted the scheme could not withstand a higher level of contribution. There are some difficulties with the provision in that it relies upon HCA grant funding which is time restricted in terms of availability and this leads to pressure to deliver this element of the scheme in advance of the wider development i.e. these units would have to be constructed by March 2015 to receive the grant funding available. This has implications for distribution of the affordable units and this will be looked at in more detailed proposals to achieve the optimum solution.

## Sustainability

The principle of mixed-use development on previously developed land that runs into the town centre is sustainable. The application confirms that the scheme will be policy compliant (based on current standards) in terms of its Code for sustainable homes and Bream ratings. The development would be constructed using SUDS (sustainable urban drainage systems).

## Section 106 Heads of Terms

The following is proposed to be secured through a legal agreement.

1) Affordable Housing

25% on site affordable housing provision based on a 70:30 social rent/shared equity mix

2) Footbridge to St Nicholas's Primary School

Provision of a financial sum to provide a pedestrian footbridge from the application site to St Nicholas Primary School

3) Ecology:

A suite of on and off site mitigation measures and associated management, as set out through enhanced and maintained through Ecological Mitigation, Compensation and Management Plan (EMCMP) and associated lighting strategy.

4) Restoration of Brunel Shed

Submission and implementation of detailed scheme for the restoration of the Brunel Shed (to bring it into a safe and useable condition).

5) Transport:

Works to local highway network, sustainable transport measures including new and improved pedestrian and cycle links in line with the approved detailed plans submitted.

6) New Town Centre Car Park

Delivery of new car park for general use

In addition a restriction will be applied within the section 106

7) The scheme will be restricted to an overall provision of 190 dwellings to accord with the viability assessment submitted.

and a clause will be sought in the section 106 to re-divert any remaining financial sum following provision of the footbridge (including its associated maintenance and other works) toward education provision to meet the needs of the children generated by the development.

## Conclusion

Taking into account the viability appraisal submitted with the application, the scope of the proposed development with the package of measures it secures can reasonably be viewed as the best which is likely to be achieved on this difficult site. The previous approval here for a very similar form of development is considered a significant factor in this decision. The allocation of the site within the adopted Local Plan and its support within emerging policy is also a key consideration. The change in policy terms of the local plan status and the arrival of the NPPF has been considered along with the material differences in the previous approval and the current proposal. However these factors do

not in my view materially affect the consideration of the application so as to warrant an alternative decision to be reached. Taking that into account the recommendation in this case is to permit the Outline proposal.

## **RECOMMENDATION**

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

- 1) Affordable Housing
- 2) Footbridge to St Nicholas's Primary School
- 3) Ecology: as set out through enhanced and maintained through Ecological Mitigation, Compensation and Management Plan (EMCMP) and associated lighting strategy.
- 4) Restoration of Brunel Shed
- 5) Transport:
- 6) New Town Centre Car Park
- 7) The scheme will be restricted to an overall provision of 190 dwellings
- 8) any remaining financial sum following provision of the footbridge (including its associated maintenance and other works) will be redirected toward education provision to meet the needs of the children generated by the development.

B. Upon completion of the Agreement authorise the Development Manager to PERMIT the application subject to the following conditions:-

1 The development hereby approved shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the latest.

Reason: As required by Section 92 of the Town and Country Planning Act (as amended), and to avoid the accumulation of unimplemented planning permissions.

2 The reserved matters applications shall be in broad accordance with the following approved plans and documents unless otherwise agreed in writing by the Local Planning Authority:

Landscape Plan dwg no. 3484LO\_0004\_DSP\_1.3

Parameter Plan Landscape and Open Space dwg no. 3484\_1001\_ES\_1.7

Parameter Plan Building Heights dwg no. 3484\_1002\_ES\_1.7

Parameter Plan Land Use dwg no. 3484\_1003\_ES\_1.7

Parameter Plan Access and Movement dwg no. 3484\_1004\_ES\_1.7

Reason: To accord with Section 92 of the Town and Country Planning Act 1990 as the application is in outline.

3 Prior to the commencement of works (excluding highway works set out in dwg: TC8308/H139B) on site in each development phase, or part thereof (as agreed in writing by the Local Planning Authority) in connection with the development hereby permitted details of the layout, scale, appearance and landscaping (hereinafter called 'the reserved matters') for that development phase or part thereof shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To accord with Section 92 of the Town and Country Planning Act 1990 as the application is in outline.

4 The applications for the approval of the reserved matters for any development phase or part thereof (as agreed in writing with the Local Planning Authority and excluding highway works set out in dwg: TC8308/H139B )shall be submitted to the Local Planning Authority within 3 years from the date of this permission.

The development to which those reserved matters relate shall be begun not later than:

- (i) the expiration of five years from the date of the grant of outline planning permission;
- or
- (ii) if later, the expiration of two years from the final approval of the reserved matters.

Reason: As required by Section 92 of the Town and Country Planning Act 1990 and to avoid the accumulation of unimplemented planning permissions.

5 No development (excluding highway works set out in dwg: TC8308/H139B) for any development phase or part thereof (as agreed in writing with the Local Planning Authority) 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: To ensure the satisfactory appearance of the development in the interests of the character and appearance of the Radstock Conservation Area.

6 Within each application for reserved matters approval, details of the planting scheme for that part of the development, which shall generally be in accordance with Parameter Plan Landscape and Open Space dwg no. 3484\_1001\_ES\_1.7, shall be submitted to and approved in writing by the Local Planning Authority. Each submission shall include the following:

- (i) A written statement relating the proposals to the principles set out in the Parameter Plan Landscape and Open Space dwg no. 3484\_1001\_ES\_1.7
- (ii) Plans and specifications showing new planting giving location, number, density and size of plants, mulching, protection/ guards and irrigation methods where appropriate and the location of grass turfing or seeding.
- (iii) Plans showing the relationship of the new planting to existing and proposed buildings, roads, footpaths and drains and other underground services.



(iv) A programme for implementation of the landscaping works.

(v) The arrangements for management, including maintenance schedules and arrangements for the replacement of trees that are removed, uprooted, destroyed, die or become seriously damaged or diseased within five years of planting.

Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the provision of an appropriate landscape setting for the development in the interests of the character and appearance of the Radstock Conservation Area.

7 Within each application for approval of reserved matters, details of paving, hard surfacing and street furniture, shall be submitted to and approved by the Local Planning Authority. Details of street furniture shall include inter alia street lighting, seating, bollards, bins, signage, railings and cycle stands.

Reason: To ensure a satisfactory form of development in the interests of the character and appearance of the Radstock Conservation Area.

8 Applications for approval of reserved matters pursuant to condition 2 shall include inter alia details of all boundary treatments, screen walls and fences for that Area of the development. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure a satisfactory form of development in the interests of the character and appearance of the Radstock Conservation Area.

9 As part of any reserved matters application details of the proposed finished floor levels shall be submitted to and approved in writing by the Local Planning Authority. Each submission shall show the proposed buildings in comparison to the existing and proposed ground levels as shown on drawing no G301 rev A.

The finished floor level of any residential, commercial, or other building on the site shall be set at least 300mm higher than the corresponding 1 in 100 year flood level (with the 20% climate change flows) quoted in the May 2013 Jubb Consulting Engineers Ltd and Flood Risk Assessment (FRA) Report No: P9567/G200/A. The scheme shall be completed in accordance with the approved plans unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is subject to minimum risk of flooding.

10 No development hereby permitted (excluding highway works set out in dwg: TC8308/H139B) shall be brought into use until a foul drainage system has been provided in accordance with a detailed design scheme that shall be first submitted to and approved in writing by the Local Planning Authority. The submission shall including a programme for the phased implementation of the drainage system to accommodate phased development proposals if applicable. The system shall incorporate a connection to and all necessary improvements to the public main sewers as outlined in the Utility and Services Report May 2013 and the associated drainage Plans SK005 Rev E and SK006 Rev C.

Reason: To ensure the satisfactory provision of adequate foul drainage and avoid pollution.

11 No development (excluding highway works in the area as set out in dwg: TC8308/H139B) approved by this permission shall be commenced until a detailed surface water drainage scheme including sustainable drainage systems has been submitted and approved in writing by the Local Planning Authority. The submission shall include a programme for the phased implementation of the drainage system to accommodate phased development proposals if applicable. This system shall incorporate sustainable surface water drainage proposals as outlined in the Flood Risk Assessment Jubb Report May 2013, the Utility and Services Jubb Report May 2013.

Reason: To ensure satisfactory disposal of surface water from the development and to prevent the increased risk of flooding.

12 There shall be no new buildings or raised ground levels within:

- a) 5.0 metres of the bank top of any watercourse; and/or
  - b) 5.0 metres of any side of an existing culverted watercourse, inside or along the boundary of the site,
- unless agreed otherwise in writing, or agreed as part of a Reserved Matters application, by the Local Planning Authority.

Reason: To maintain access to the watercourse for maintenance or improvements and provide for any overland flood flows.

13 No construction activity shall take place over, under, or within 5.0 metres either side of the culvert conveying the Snails/Kilmersdon Brooks under the site, excluding limited temporary access over the culvert for the restricted use by construction vehicles to the development compound for vehicles to a maximum weight limit of 40 tonnes, shall be carried out until such time as any remedial work identified by the study has been completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The remedial works as identified within the study shall be carried out within 12 months of development commencing and the future ownership and maintenance liability for the culvert shall be agreed in writing with the Local planning Authority within 12 months of the commencement of development.

Reason: To ensure the safety of occupiers and users of the site against failure of the structure.

14 Prior to the commencement of works,(excluding highway works set out in the area shown within dwg: TC8308/H139B) on site in each development phase, or part thereof (as agreed in writing by the Local Planning Authority) in connection with development hereby permitted will take place until details of any new or modified bridge/culvert crossing of any watercourse through or adjoining the site has been submitted to and approved in writing by the Local Planning Authority. The bridge schemes shall be completed in accordance with the approved plans and within a period to have been approved in writing by the Local Planning Authority prior to the commencement of the development.

Reason: To ensure that flood risk is not increased by inappropriate new structures placed across the watercourses and to ensure the provision of the bridges in accordance with the development proposals.

15 Within each Reserved Matters application for each development phase (or part phase (as agreed in writing with the Local Planning Authority) , details of an area to be set aside for the collection of materials suitable for recycling shall be identified and implemented in accordance with the approved plan.

Reason: In the interests of sustainable development.

16 Details of the provision of bus stops and passenger shelters, as shown on dwg ref. TC8308/H139B shall be implemented in accordance with the approved plan TC8308/H139B prior to occupation of that phase of the development

Reason: To ensure the provision of satisfactory facilities for public transport within the development.

17 Each reserved matters application shall include details of all necessary infrastructure. The approved details shall be completed in accordance with a programme submitted to and approved in writing by the Local Planning Authority prior to occupation of any part of the approved development.

Reason: To ensure that the roads are laid out in a proper manner and that the development is served by an adequate means of access.

18 No dwellings or other uses approved by any Reserved Matters approval shall be occupied until road, cycle and pedestrian access and car parking to serve each dwelling or use, including details of the location and surfacing of driveways/pathways, parking areas and associated turning spaces, have been constructed and are fully available for use in accordance with plans to be submitted and approved in writing by the Local Planning Authority

Reason: in the interests of road safety and residential amenity.

19 No dwellings fronting or adjacent to the A362 Frome Road as retained or realigned shall be constructed until a scheme for protecting the occupants of those dwellings from traffic noise has been submitted to and approved in writing by the Local Planning Authority. Noise levels will need to be consistent with the information included in the Noise Chapter of the Environmental Impact Assessment submitted with the application and the agreed noise protection measures shall be completed in relation to each building before that building is occupied.

Reason: In the interests of residential amenity.

20 The employment/commercial development hereby permitted shall not be occupied until full provision has been made for associated loading and unloading goods and parking and turning facilities in accordance with the approved plans.

Reason: In the interests of highway safety.

21 No commercial premises shall be occupied until the public car parking has been constructed and laid out in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure adequate provision for off-street car parking in the interests of highway safety.

22 No work shall commence in each development phase, or part thereof until details of the number, type and location of cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development and to ensure the satisfactory location of cycle parking.

23 All private driveways shall be constructed of a properly consolidated and surfaced bound material (not loose stone or gravel) and provision shall be made within private hard-surfaced areas for the disposal of surface water so as to prevent its discharge onto the highway in accordance with details to be submitted to and approved in writing by the Local Planning Authority, or submitted and approved with a reserved matters application.

Reason: In the interests of highway safety.

24 On occupation of each dwelling Residential Travel Packs shall be provided for all residents in accordance with the framework Travel Plan (Jubb May 2013), details of the content of which shall be submitted to and approved in writing by the Local Planning Authority.

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

25 Any highways works(excluding highway works set out in the area shown within dwg: TC8308/H139B shall be the subject of an independent Safety Audit, to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

26 The development hereby permitted on site in each development phase, or part thereof (as agreed in writing by the Local Planning Authority) shall not be occupied until the visibility splays shown on Highways Works General Arrangement Plan dwg. no TC8308/H139B have been provided with no obstruction to visibility at or above a height of 1.05 metres above the nearside carriageway level. The visibility splays shall thereafter be maintained free of obstruction at all times.

Reason: In the interests of highway safety.

27 As part of any reserved matters application on site in each development phase, or part thereof (as agreed in writing by the Local Planning Authority)details of the number and location of bin stores shall be submitted to and approved in writing by the Local Planning Authority. The bin stores shall be provided in accordance with the approved details prior to

occupation of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory provision of bin stores in appropriate locations on the site.

28 There shall be no means of access to or from the proposed development from or to Meadow View other than for pedestrians, cyclists and emergency vehicles.

Reason: In the interests of highway safety and residential amenity.

29 A Construction Environmental Management Plan (CEMP) will be submitted to the Local Planning Authority prior to commencement of The CEMP will include but will not be restricted to:

- A description of the sensitive features or receptors associated with the Application Site and surrounding area, and the rationale for protection of these features (known as the Environmental Impacts / Aspects register);

- An overall programme for demolition and construction activities, together with method statements and risk assessments relating to certain activities;

- The control measures and monitoring requirements to be implemented during each stage of the demolition and construction works to minimise resource use, protect the environment or minimise disturbance of sensitive receptors;

- Names of the nominated person(s) responsible for implementing these measures and undertaking the required monitoring, and the person(s) responsible for checking that these measures have been implemented and monitoring completed;

- Reporting procedures and documentation requirements in relation to implementation of the control measures and monitoring; and

- Actions to be taken in the event of an emergency or unexpected event.

- Measures to control dust from demolition and construction

The CEMP should include the requirements as identified within the Council's Code of Practice to Control noise from construction sites.

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

30 Prior to the commencement of works (excluding works set out in dwg: TC8308/H139B on site in each development plot, phase or part thereof (as agreed in writing with the Local Planning Authority a detailed investigation and risk assessment of contamination, in addition to any assessment provided with the outline planning application, must be completed to assess the nature and extent of any contamination development plot, phase or part thereof e, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

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

- (ii) an assessment of the potential risks to:
  - human health,

property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,  
adjoining land,  
groundwaters and surface waters,  
ecological systems,  
archaeological sites and ancient monuments;  
(iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

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

31 Prior to the commencement of works (excluding works set out in dwg: TC8308/H139B on site in each development phase or part thereof (as agreed in writing with the Local Planning Authority) 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.

32 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development (excluding works set out in dwg: TC8308/H139B) on site in each development phase or part thereof (as agreed in writing with the Local Planning Authority) other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report 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.

33 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 36 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 37, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 37.

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.

34 No topsoil shall be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development. A suitable methodology for testing this material shall be submitted to and approved by the Local Planning Authority prior to the soils being imported onto the site. The methodology shall include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed and source material information. The analysis shall then be carried out and validity evidence submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from soil contamination to the future occupants of the development and neighbouring occupiers are minimised, together with risks to controlled waters and ecological systems, and to ensure that site workers are not exposed to unacceptable risks from contamination during construction.

35 Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses shall be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment.

36 There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.

Reason: To prevent pollution of the water environment.

37 No development(excluding works set out in dwg: TC8308/H139B) shall take place within archaeological zones C, D and E as defined in the Environmental Statement until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and

approved in writing by the Local Planning Authority. The programme of archaeological work shall provide a controlled watching brief during ground works on the site, with provision for excavation of any significant deposits or features encountered.

Reason: The site is within an area of significant archaeological interest and the Local Planning Authority wishes to examine and record items of interest discovered.

38 No development or demolition shall take place within the site (excluding works set out in the area defined in dwg: TC8308/H139 B until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a record of those parts of the historic buildings, structures and related features, which are to be demolished, disturbed or concealed by the proposed development.

Reason The historic buildings, structures and related features are of historical/archaeological interest and the Council will wish to examine and record features of architectural interest.

39 Prior to the occupation or use of the existing Brunel engine Shed provision shall be made for car parking and servicing in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure satisfactory parking and servicing provision for the engine shed in the interests of highway safety and the character and appearance of the Conservation Area.

40 No development shall commence until provision has been made in accordance with details to be submitted to and approved by the Local Planning Authority for a temporary car park within the site to accommodate operatives and construction vehicles during the development of the site. The temporary car park shall be removed and the land reinstated within three months of the cessation of construction works in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To avoid obstruction of the adjoining highway and in the interests of road safety.

41 The development hereby approved shall take place fully in accordance with the approved Ecological Mitigation, Compensation and Management Plan (October 2013) and lighting strategy 29th October 2013 or any amendment to the Plans or reports as approved in writing by the Local Planning Authority.

Reason : In the interests of the protection of wildlife

42 No development on site in each development phase, or part thereof (as agreed in writing by the Local Planning Authority) shall take place until a Detailed Arboricultural Method Statement with Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority and details within that implemented as appropriate. The final method statement shall incorporate



(i) existing trees, shrubs and hedges, giving their location, size and condition and indicating those to be retained and those to be removed.

(ii) Measures proposed for the protection of existing trees and hedgerows during construction including protective fencing in accordance with British Standard 5837:2005

(iii) an Arboricultural Method Statement in accordance with (in accordance with the current BSI 5837) (and any revisions thereto) in relation to development within the root protection areas as identified within the arboricultural report submitted pursuant to (ii) to include no dig construction for access roads and car parking spaces.

(iv)a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and certificates of completion.

(v) The control of potentially harmful operations such as the storage, handling and mixing of materials on site, burning, location of site office, service run locations and movement of people and machinery.

Reason: To ensure that trees to be retained on and adjacent to the site are not adversely affected by the development proposals

43 No site works or clearance shall commence until the protective fences required by condition (42) have been erected in the positions indicated on the approved plans. Until the development of the relevant Area has been completed, these fences shall not be removed and the protected areas shall 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, landscape or ecological works.

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

Reason: To ensure that adequate protection is afforded to the retained trees on the site.

44 No development or other operations on site in each development phase, or part thereof (as agreed in writing by the Local Planning Authority) shall take place except in complete accordance with the approved Arboricultural Method Statement unless agreed in writing by the local planning authority. A signed certificate of compliance shall be provided by the appointed Arboriculturalist to the local planning authority on completion.

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

45 Notwithstanding the application made the development hereby approved shall include up to 190 dwellings maximum.

Reason : To bring the application in line with the viability assessment submitted in the interests of the development and surrounding area.

46 No development shall commence until full details of a Bat Activity and Roost Monitoring Scheme have been submitted and approved in writing by the Local Planning Authority. These details shall include:

- (i) proposals for long term monitoring of bat activity across the site and of the off-site culvert roost, to begin one year after implementation of operational light level monitoring in each area of the site, and be implemented thereafter every three years for the duration of the Ecological Mitigation, Compensation and Management Plan
- (ii) provision of all monitoring reports conclusions and data to the Local Planning Authority
- (iii) details of proposed remedial measures as applicable

The Bat Activity and Roost Monitoring Scheme shall be implemented in accordance with approved details, unless otherwise approved in writing by the local planning authority.

Reason: to monitor the use of the site by bats once occupied and where possible use this to assess effectiveness of mitigation measures for bats and review measures as necessary to maximise effectiveness

47 No development affecting the Brunel Shed shall commence until all outstanding details of a Bat Roost Mitigation Scheme addressing details of retention of the bat roosts in the Brunel Shed or provision of replacement bat roosts within the building, for the range of bats affected by the proposal, and the maintenance of the bats' existing accesses or the provision of alternative new accesses, and the proposed timing of all works affecting the bat roosts, and details of a monitoring scheme, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved Scheme or any amendment to the Scheme as approved in writing by the Local Planning Authority.

Reason: to protect bats and their roosts

48 No development shall take place until all outstanding details of Wildlife Protection and Mitigation Scheme have been submitted to and approved in writing by the local planning authority. These details shall include

- (i) reports and findings of update surveys together with detailed proposals of any necessary further mitigation as required, to include update surveys of badger activity at the site;
- (ii) reports and outcomes of species translocations;
- (iii) details of protective fencing and exclusion zones demonstrating appropriate fencing or other necessary measures are in place including photographic evidence where appropriate
- (iv) details of all other mitigation measures for which details are outstanding

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 : In the interests of protection of wildlife.

49 Prior to the commencement of development within each Area or phase of development (excluding works set out in the area defined in dwg: TC8308/H139) a scheme for permanent bird nesting opportunities shall be submitted to and approved in

writing by the Local planning Authority. Development shall take place in accordance with the approved scheme.

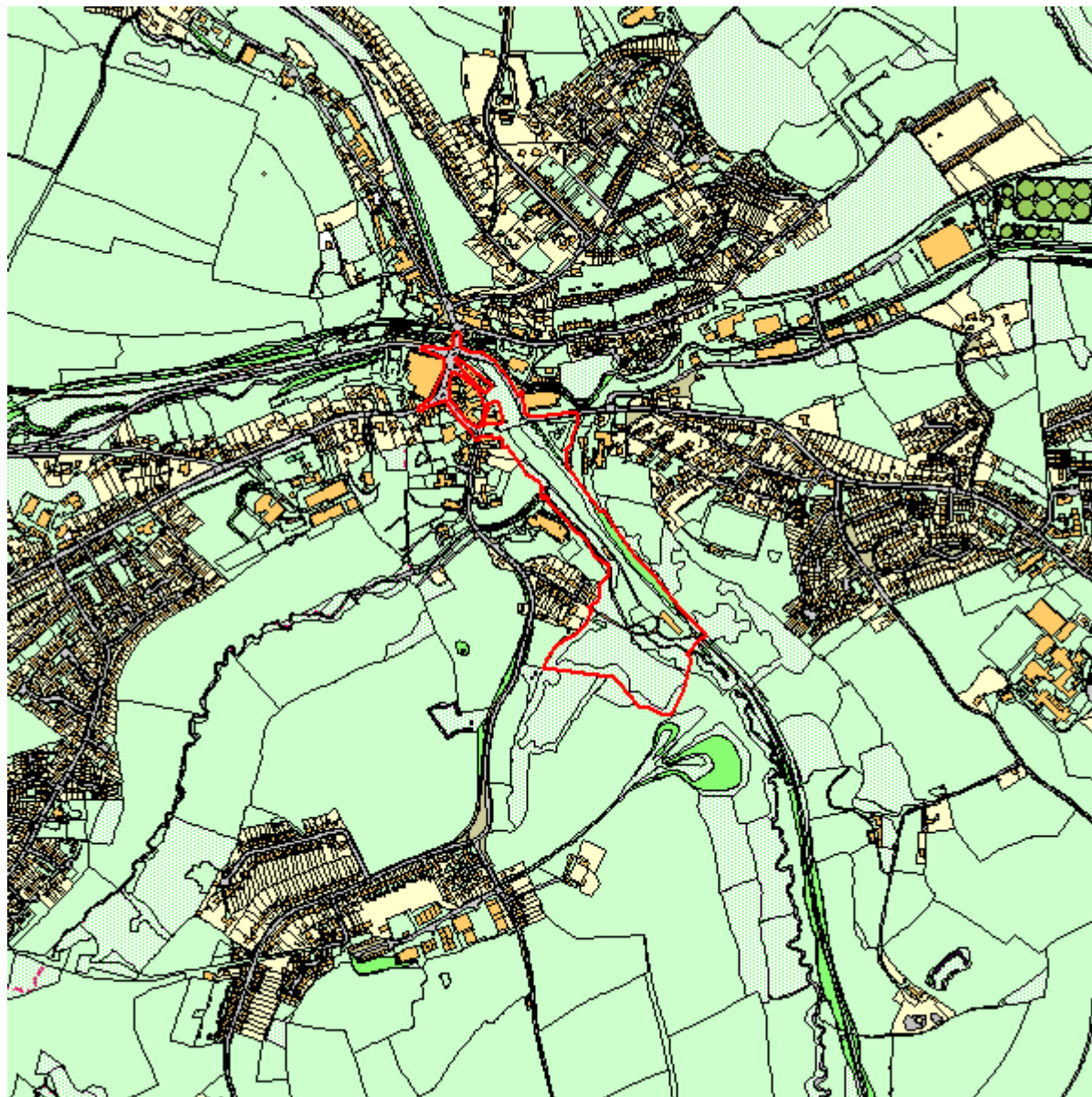
Reason : In the interest of wildlife.

**PLANS LIST:**

1 This decision relates to drawing nos - Application Site Plan, 3484\_1001\_ES\_1.7, 3484\_1002\_ES\_1.7, 3484\_1003\_ES\_1.7, 3484\_1004\_ES\_1.7, 3484LO\_0004\_DSP\_1.3, Public Rights of Way Plan, TC8308-H139 REV B, 3457-D, G301 REV A

2 In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Policy Framework. The application has undergone extensive consultation and consideration has been given to all the submissions from consultees, local residents and other representations. Furthermore due consideration has been given to all material considerations and as a result the development has been found to be, on the whole acceptable, and where concerns do remain it has been found that these do not outweigh the overall benefits of the scheme and are not so significant as to justify the refusal of planning permission.

**Item No:** 02  
**Application No:** 13/02534/CA  
**Site Location:** Former Gwr Railway Line Frome Road Radstock



<b>Ward:</b> Radstock	<b>Parish:</b> Radstock	<b>LB Grade:</b> N/A
<b>Ward Members:</b>	Councillor E Jackson	Councillor S Allen
<b>Application Type:</b>	Conservation Area Consent	
<b>Proposal:</b>	Demolition of bridges/underpass, former forge/wagon works, railway platforms and wall in connection with the development of the former Gwr railway land.	
<b>Constraints:</b>	Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, City/Town Centre Shopping Areas, Coal - Standing Advice Area, Conservation Area, Flood Zone 2, Flood Zone 3, Forest of Avon, General Development Site, Housing Development Boundary, Prime Shop Front, Public Right	

	of Way, Land of recreational value, Sites of Nature Conservation Imp (SN), Sustainable Transport,
<b>Applicant:</b>	Norton Radstock Regeneration Company Ltd
<b>Expiry Date:</b>	20th August 2013
<b>Case Officer:</b>	Sarah James

## REPORT

The application site extends south-eastwards from Radstock town centre, and has a total area of 8.87 hectares. The site stretches along the line of the former railway, from the double roundabout junction of the A362 and A367 for a distance of approximately 700 metres along the valley of the Kilmersdon Brook. The greater part of the site comprises a corridor of former railway land, but because of the significant dimensions of the site (especially in its south eastern-section) it would be misleading to describe it as a linear site. The topography of the site remains level along the valley floor, with rising ground surrounding the southern end.

The northern end of the site comprises a narrow tongue of land between Frome Road [A362] and the commercial properties on the east side of Fortescue Road, which was the location of Radstock railway station. The station platform and associated subway are still in existence. The central part of the site includes the existing public car park at the eastern end of Victoria Square and a triangular area of land to the south of Frome Road formerly occupied by Council offices, together with a narrow section of former track-bed which also includes an historic railway building (known as the Brunel Railway Shed) and other significant remains of the former railway use. The site broadens out at its south-eastern end to include both the site of the former Marcroft wagon works (now demolished apart from one semi-derelict building) and an area of open hillside meadow to the south at Fox Hills.

The Kilmersdon Brook crosses the south-eastern part of the site and then follows the south-western site boundary, before joining Snails Brook which passes under the former railway in a culvert and then follows the eastern boundary towards the Wellow Brook. The relationship of the site with these water courses is a key element in its character, but the most significant element is the distinctive character of the former railway land. Whilst there are substantial sections of track still in situ, for the most part it is the flat nature of the railway land which is striking, as it is in complete contrast to the steeply-sloping railway cutting which forms a strip of land within the northern site boundary, and the natural hillsides which rise above the railway land to the north and south. Even with relatively few significant railway structures remaining, the character of the site is very clearly the product of its former railway use.

The application site also includes a substantial area of public highway, including the double roundabout junction and sections of Wells Road, The Street, Fortescue Road, Frome Road and Victoria Square, in order to facilitate highway works and works to the public realm within Radstock town centre.

## DESCRIPTION OF THE PROPOSED DEVELOPMENT

This application is for conservation are consent to demolish structures comprising bridges/underpass, former forge/wagon works, railway platforms and wall, within the

application site. This report should be read in conjunction with Outline planning application 13/02436/EOUT also on this agenda.

#### CONTENT OF PLANNING APPLICATION:

The Planning application reference 13/02436/EOUT seeks outline planning permission for:

- Up to 210 residential units including some separate garaging [Use Class C3];
- Up to 695 square metres of retail or business floorspace [Use Classes A1 to A5 and B1] within the town centre;
- Up to 325 square metres of business floorspace [Use Class B1] or community uses [Use Class D1]
- The conversion of the Brunel Railway Shed for [Use Class B1 or D1].

#### SCOPE OF CONSERVATION AREA CONSENT APPLICATION:

The application comprises the following drawings:

- Application Site Plan including location of structures affected by the planning application

There is also other supporting documentation submitted which will be considered as part of the planning application. However included within, and relevant to, the conservation area consent application are documents covering

- Cultural heritage
- Archaeology
- Landscape
- Townscape
- Arboricultural report
- Photographic recording
- Conservation area
- Railway structures recording

The structures that the Conservation Area consent application relate to comprise of:-

- Concrete and brick platform at the northern end of the site.
- Stone boundary wall facing onto Fortescue Road.
- Underpass with walls constructed in natural stone and steel box girder bridges carrying the former railway line over it. The underpass at present links Victoria Square to Frome Road.
- Railway tracks and sleepers and of a complex of railway features relating to former goods shed
- Railway platform north of the railway turntable which in part is constructed in brick.
- Three modern bridges over Kilmersdon Brook at the southern end of the site.
- The forge

These features are shown on drawing 001 submitted with the application.

The former engine shed (Brunel Railway Shed) and turntable also shown on drawing 001 are to be retained.

## RELEVANT PLANNING HISTORY

Outline planning permission was granted in 1995 [reference WN 10554/C] by the former Wansdyke District Council for the redevelopment of the former railway land and wagon works for housing, tourist and leisure facilities, shops and offices and a new access road. No applications for approval of details were submitted and the permission therefore lapsed, but following a successful bid for Single Regeneration Budget funds and a programme of public consultation, the development of the railway land was identified as a priority for the community and eventually a new scheme was put forward for the redevelopment of the site.

The application was submitted in 1999 by Norton Radstock Regeneration (NRR) [reference 99/02789/OUT]; this sought outline planning permission for a mixed use development comprising residential (up to 88 units), a community enterprise centre, retail, studio/workshops, hotel, railway, public open space and arts/ community uses.

The application was reported to the Development Control Committee on 1st December 1999 and the Committee resolved in principle to permit the application, subject to the submission of detailed ecological mitigation measures, further negotiations in respect of a Section 106 Agreement and a schedule of conditions which were to be the subject of a further report to the Committee. These negotiations were not concluded and the consequently the application was never finally determined.

NRR purchased the site in 2001 and, jointly with SWERDA, commissioned a masterplan. An application was submitted by NRR and its development partner Bellway Homes, in order to deliver the development of the site in accordance with its masterplan and vision framework for the town. (reference 06/02880/EOUT) This application which comprised of the redevelopment of former railway lands to provide mixed use development including 210 residential units of varying sizes, up to 695 sq m of retail business floor space (A1-A5 and B1); up to 325sq m of B1 floor space or for community uses (D1) and conversion of the Brunel rail shed for D1 uses; car parking and new bus stops; partial diversion of Frome Road (A362) through the site, works to various existing roads within the town and establishment of new roads to service the development including new bridge structures; new public realm works, ground remediation, alterations to ground levels, works to trees and existing habitat areas; upgrading of below ground utilities; new children's play areas; establishment of a new Sustrans route and diversion of existing public right of way was permitted subject to a section 106 in March 2008 but this was not implemented. An application to renew was made in 2011 but was not determined (reference 11/02329/REN).

In 2008 a reserved matters application was made (reference 08/02332/RES) comprising of Residential development of 83 dwellings and commercial floor space for D1 use with retail and commercial floor space for A1-A5 and B1 use (Reserved matters for outline application 06/02880/EOUT on 31 March 2008). This was permitted in August 2009 but not implemented.

In 2010 a reserved matters application (reference 10/00777/RES) comprising of Mixed use development of 56 residential dwellings and commercial floor space for retail/commercial A1-A5 and B1 use (Approval of reserved matters regarding outline application 06/02880/EOUT). This was permitted in August 2010 but not implemented.

In association with the above proposals have been applications for Conservation Area consent (covering demolitions) and applications to discharge planning conditions.

### **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

**ARCHAEOLOGICAL OFFICER:** comments made 8th August 2013 - Having reviewed the cultural heritage section of the environmental impact assessment and the Additional Archaeological Matters Report (Oxford Archaeology, January 2007), I am satisfied there is a relatively low potential for significant pre-industrial archaeology within the development area. I recommend that conditions are attached to any planning consent:

**LANDSCAPE OFFICER :** comments made 6th August 2013 - The principle of development appears to have been largely established through previous permissions. The track and its associated features are a very important and distinctive part of Radstock's railway heritage and make a positive contribution to the setting, character and appearance of the Conservation Area. Whilst some parts of it have already been removed, significant amounts still remain and I do not think that the design properly includes enough reference to this heritage.

**NATURAL ENGLAND :** Comments made 5th August 2013 - I note that this is the application for Conservation Area Consent in relation to the main Radstock application reference 13/02436/EOUT. I will make a full response on the main application when the draft Ecological Mitigation, Compensation and Management Plan is received and there is therefore no need for Natural England to respond on this application.

**HERITAGE AND ENVIRONMENT GROUP:** comments made 30th September 2013 - I understand that this is a resubmission of 06/03753/CA and the associated planning permission. In my view there has been no significant change in circumstances since then and I would therefore recommend that CA Consent is granted.

**ECOLOGIST :** comments made 17th January 2014 - I have no particular ecological concerns as these proposals involve works that will not affect bats or structures with known bat potential; notwithstanding my comments on the concurrent planning applications 13/02436/EOUT and 13/03786/EFUL which apply in any case to the site and development proposals at large.

### **OTHER REPRESENTATIONS**

**RADSTOCK TOWN COUNCIL:** - No objection

**WESTFIELD PARISH COUNCIL** - The Committee raised serious objections to the following applications due to (1) at the proposed roundabout at the bottom of Wells Hill there will be constant traffic from the right, creating long tail backs regularly up Wells Hill; (2) new housing developments in Westfield mean that traffic from Westfield down Wells Hill is increasing and will continue to do so over the next years. This should be considered fully when determining the road layout now; (3) experience has shown that if a fully loaded



HGV tries to turn right at the bottom of Wells Hill then due to the camber and space restrictions of the road it will either get stuck or be in serious danger of falling.

South West Transport Network support the principle of new housing but consider that the railway should form part of the proposals.

Radstock Action Group oppose the application on the basis that Significant parts of the town's built heritage and history will be affected and is not properly considered. The significance of the railway is not recognised and the railway has the potential to secure regeneration and contribute to town centre vitality. The genuine value and potential of those structures, should be recognised and are not. The application lacks CAC as lacks clarity. If accepted the proposals would signify a lack of commitment to the sustainable regeneration and development of the historic town of Radstock.

The scale of the development, and add further additional comments of objection in respect of the road layout. Comments are also made about the inadequate clarity of the proposals.

## LOCAL RESIDENTS

30 residents have written to object to the proposals. Key concerns relate to the harmful effect of diverting the road through Radstock, loss of Heritage assets of importance to the conservation area, the proposals would not preserve or enhance the conservation area, railway land and infrastructure should be retained and may in future become a viable option, loss of industrial heritage, the effect of turning Radstock into a large roundabout will be affect businesses and be dangerous for pedestrians, wildlife and biodiversity will be harmed, contamination concerns, there are no clear regeneration benefits, the application does not support a sustainable community, there is no evidence that the benefits claimed are delivered, parking will be inadequate.

4 residents have written to support the proposals and consider that regeneration is overdue.

## **POLICIES/LEGISLATION**

### THE DEVELOPMENT PLAN

The Development Plan currently comprises saved policies from the B&NES Local Plan and the Joint Waste Core Strategy.

A large part of the site [4.8 hectares] is allocated as Site NR2 Radstock Railway Land under Policy GDS1 of the Local Plan. Following the Local Plan Inquiry, the Inspector made significant comments regarding this allocation, and as a result, Paragraph B7.30 of the Written Statement was revised to state as follows:

the development of the Radstock railway land site for mixed use development is integral to the development of Radstock and will contribute at least 50 dwellings during the plan period but substantially more provided a robust mixed use scheme is achieved, ecological interests are taken into account, the character of the town is maintained or enhanced and the transport corridor is retained in accordance with Policy GDS1/ NR2.

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

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

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

1. 2.3 hectares of land at Fox Hills, at the southern end of the site is allocated for informal recreation under Policy SR2. Policy SR.2 states: 'Land is allocated for formal and informal sport and recreational use on the following sites as defined on the Proposals Map: Slopes above Fox Hills, Radstock: 2.3 ha for informal recreation.'
2. The Kilmersdon Brook and Snails Brook corridors, the railway cutting along the eastern boundary and the slope of Fox Hills at the southern end of the site are designated as Sites of Nature Conservation Interest.
3. Part of the western edge of the site, adjacent to the Kilmersdon Brook and Snails Brook, are indicated as a floodplain.
4. The northern part of the site, to the north of Victoria Square, is within the Town Centre Shopping Area and frontages to Fortescue Road, Wells Road and The Street are indicated as Primary Shopping Frontage.
5. The former railway line is identified as a Sustainable Transport Route.

In addition, the entire site is located within the designated Radstock Conservation Area, where the LPA is required to have regard to the extent to which proposals for development preserve or enhance the character or appearance of the designated area.

The following policies of the Local Plan are of principal relevance to this application:

- D2: General Design and Public Realm considerations
- D4: Townscape considerations
- ES15: Contaminated land
- NE1: Landscape character
- NE3: Important hillsides
- NE4: Trees and woodland
- NE9: Locally important wildlife sites
- NE10: Nationally important species and habitats
- NE11: Locally important species and habitats
- NE12: Natural Features
- NE14: Flood risk
- NE15: River corridors
- BH2: Listed buildings and their settings

BH5 Locally Important buildings  
BH6, BH7 and BH8: development within Conservation Areas  
BH11 Development affecting a Scheduled Ancient Monument  
BH12: Archaeology  
T5, T6 and T7: Provision for cyclists  
T9: Sustainable transport routes  
T24: General development control and access policy

With reference to Policy BH7, it is to be noted that the Radstock Conservation Area Assessment was produced in 1999, and was subject to public consultation before being approved by Members. The Conservation Area Assessment has not, however, been adopted as Supplementary Planning Guidance and therefore appropriate care needs to be given in assessing its material weight when reaching planning decisions.

#### NATIONAL PLANNING POLICY FRAMEWORK :

The Government's planning policies for England are set out in the NPPF which was published in March 2012. The guidance in the NPPF is an important material consideration. The Local Plan was adopted in accordance with the Town and Country Planning Act 1990 and not the Planning and Compulsory Purchase Act 2004. For this reason, and because 12 months have now elapsed since the publication of the National Planning Policy Framework (NPPF), in accordance with Paragraph 215 of the NPPF if there is inconsistency between the Local Plan and the policies in the NPPF due weight should be given to the 'saved' policies according to their degree of consistency with the NPPF.

#### B&NES CORE STRATEGY

The Councils Draft Core Strategy is under examination and its policies are a consideration. The Council approved the amended Core Strategy for Development Management purposes. At this time only limited weight can be attached to those policies where there are unresolved objections. Significant weight can be attached to those policies where there are no unresolved objections

Key relevant Policies are  
DW1 District Wide Spatial strategy  
SV3 Radstock Town Centre strategic policy.

The Councils' Supplementary Planning Documents (SPDs) and Supplementary Planning Guidance (SPG) are also material considerations.

Other material Local and National Guidance

Ministerial Statement "Measures to reduce bureaucratic barriers to growth and infrastructure (Growth and Infrastructure Bill) April 2013

#### OFFICER ASSESSMENT

Conservation area consent was granted for the demolition of the structures as proposed in 2008 and taking into account the changes in the status of the local plan, the introduction of the NPPF and all other material factors there have been no changes in circumstances that

would warrant an alternative decision this time in planning principle terms. The decision to grant consent would be conditional upon appropriate proposals for development of the site. Subject to the following conditions the application is acceptable.

## **RECOMMENDATION**

Delegate to consent subject to the following conditions.

## **CONDITIONS**

1 The development and works hereby approved shall be begun before the expiration of three years from the date of this consent.

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2 No demolition shall take place until a contract has been let for the redevelopment of the site in accordance with a valid planning permission.

Reason : To safeguard the character and appearance of the Conservation Area.

3 No development shall take place within archaeological zones C, D and E (as defined in the submitted EIA) until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a controlled watching brief during ground works on the site, with provision for excavation of any significant deposits or features encountered.

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

4 No development or demolition shall take place within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a record of those parts of the historic buildings, structures and related features, which are to be demolished, disturbed or concealed by the proposed development.

Reason : The historic buildings, structures and related features are of historical/archaeological interest and the Council will wish to examine and record features of architectural interest.

5 This consent refers only to the structures to be removed on the drawing 001.

Reason : To clarify the extent of the consent granted For the avoidance of doubt .

## **PLANS LIST:**

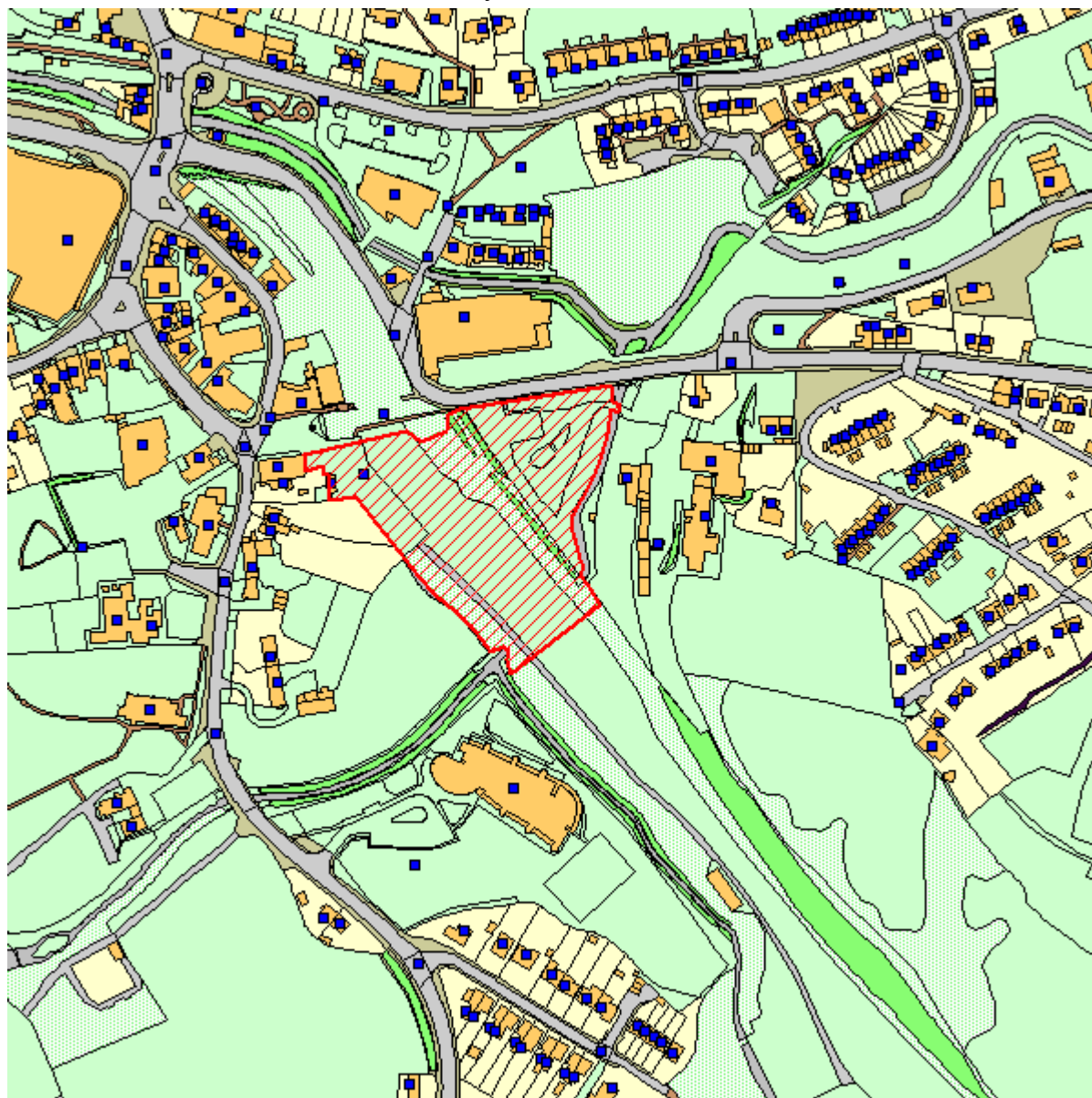
1 This decision relates to drawing numbers 001, 3457-D, 3484\_1004\_ES\_1.6, 3484\_0003\_DSP\_1.3, 3484\_1001\_ES\_1.6, 3484\_1002\_ES\_1.6, 3484\_1003\_ES\_1.7, 3484\_1004\_ES\_1.7, 3484LO\_0004\_DSP\_1.1. 3484\_FIGURE 1.2.

#### Footnote

You are advised that this consent does not override any interest that third parties may have regarding civil matters such as ownership, covenants or private rights of way. If works are to be carried out which effects land outside your ownership you should ensure the necessary consents have been obtained from all persons having an interest on the land.

2 In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Policy Framework. The application has undergone extensive consultation and consideration has been given to all the submissions from consultees, local residents and other representations. Furthermore due consideration has been given to all material considerations and as a result the development has been found to be, on the whole acceptable, and where concerns do remain it has been found that these do not outweigh the overall benefits of the scheme and are not so significant as to justify the refusal of planning permission.

**Item No:** 03  
**Application No:** 13/03786/EFUL  
**Site Location:** Former Gwr Railway Line Frome Road Radstock



**Ward:** Radstock      **Parish:** Radstock      **LB Grade:** N/A

**Ward Members:** Councillor E Jackson      Councillor S Allen

**Application Type:** Full Application with an EIA attached

**Proposal:** Demolition of existing structures and redevelopment of former railway land to provide mixed use development including up to 70 residential units, up to 282 sqm of retail floor space (use classes A1-A5); up to 84 sqm of community uses (use class D1), public car park, associated highways works, ground remediation, alterations to ground levels, works to trees and existing habitat areas; upgrading of below ground utilities.

<b>Constraints:</b>	Agric Land Class 3b,4,5, Coal - Standing Advice Area, Coal - Standing Advice Area, Conservation Area, Flood Zone 2, Flood Zone 3, Forest of Avon, General Development Site, Housing Development Boundary, Sites of Nature Conservation Imp (SN),
<b>Applicant:</b>	Linden Homes Western
<b>Expiry Date:</b>	7th January 2014
<b>Case Officer:</b>	Sarah James

## REPORT

### DESCRIPTION OF THE PROPOSED DEVELOPMENT

This application is a fully detailed proposal for 70 residential dwellings, 4 commercial/retail units and associated highways and landscaping works on land known as Area 2 at the Former GWR railway line, Frome Road, Radstock. The application runs concurrently to a live outline application planning reference 13/02436/EOUT. The outline application is referred to within this submission and has been taken account of so as to avoid any conflict between the two live applications however this Full application is totally separate and is to be considered on its own merits.

The site, known as Area 2, forms part of an area that has for many years been subject to regeneration proposals (within planning applications) covering the site itself and a wider portion of land on the former rail line and wagon works at Radstock. Area 2 is triangular in shape and covers approximately 1.3 hectares.

The site includes informal parking adjacent to the recently refurbished Victoria Hall, a section of former railway land and a triangular area of land adjacent to Frome Road formerly occupied by Council offices. The site extends from Frome Road and the line of the pedestrian subway (which connects Victoria Square and Frome Road) southwards as far as the Snails Brook and the culvert underneath the former railway line. A Sustrans cycle route which formerly ran through the site is temporarily diverted outside of the site boundary.

The site is adjoined to the north-west by the Victoria Hall and Victoria Square, on the opposite side of which is the Post Office. To the west is open land to the rear of properties fronting onto Church Street and to the south the railway land continues beyond the culvert. To the south-east, the Ryman Engineering premises are on the opposite side of the Snails Brook and, to the north-east, the Charltons Timber premises are on the opposite side of Frome Road. There is a belt of mature trees along the Frome Road frontage of the site and along the bank of the Snails Brook. The site otherwise comprises open land which is primarily overgrown grassland scrub and self-sown trees, former railway trackbed and the public car park. Existing access is from Victoria Square onto the area currently used as informal car parking (which is part of the Area 2 site).

### CONTENT OF PLANNING APPLICATION:

This application is confirmed to be a submission that is independent of the current Outline application planning reference 13/02436/EOUT which relates to both this site and a wider site area. The full application does however state that "it has been prepared to deliver the key principles of the outline application". It is relevant that the outline scheme and the full

application are compatible within each other. It is also relevant that the Full application does rely on the delivery of the new link road element of the Outline scheme road proposals as it would access onto that link road.

The Planning application seeks outline planning permission for:

- o 70 residential units [Use Class C3];
- o Up to 282 square metres of retail floorspace [Use Classes A1 to A5]
- o 84 square metres of community uses [Use Class D1]
- o A Public Car Park

And associated works including ground remediation, highway and environmental works

#### SCOPE OF PLANNING APPLICATION:

The Planning application seeks detailed planning approval for the development as set out within the description

The application provides detailed drawings of the site and development including its layout, floor plans, elevations and hard and soft landscape details.

Also submitted are the following background documents:

- Flood Risk Assessment
- Waste Management Plan
- Travel Plan
- Ground Contamination Assessment
- Statement of Community Involvement
- Design and Access Statement
- Sustainable Construction Checklist
- Transport Assessment Report
- Planning Statement
- Utilities Report
- Tree/Arboricultural Survey
- Statement of Community involvement
- Viability Assessment

The application is accompanied by an Environmental Statement which covers the following topics:-

- 1) Ecology and Nature Conservation;
- 2) Transport;
- 3) Ground Conditions;
- 4) Hydrology and Drainage;
- 5) Noise;
- 6) Air Quality;
- 7) Conservation Area and Landscape Setting; and
- 8) Socio Economics
- 9) Mitigation Measures
- 10) Cumulative Assessment



## SCOPE OF CONSERVATION AREA CONSENT APPLICATION

The Applicants have made a separate application for Conservation Area consent planning reference 13/03787/CA. This is directly linked to the Planning application, and seeks consent for the demolition of the following structures:

- Railway tracks and sleepers and of a complex of railway features relating to former goods shed

There is separate report in respect of this application.

## FORM OF DEVELOPMENT

This application site relates solely to Area 2 of the wider Outline application site. This is the central part of site between Victoria Square and Snails Brook This area extends between the new link road and the former stream alignment forming the edge of the town core (the stream alignment is now culverted). This area would be developed for a mix of houses, flats and retail uses, and would include a new town car park privately managed but unrestricted in terms of its use The Site in totality falls within the Radstock Conservation Area. The northern section forms part of Radstock town centre, within which there are several historic buildings, some of which are listed.

The immediate built context for area 2 is the town centre and within the conservation area, where the architectural character is predominantly Victorian and is defined by a simple consistent palette of materials - principally the use of white Lias limestone, both coursed random rubble and dressed pieces, slate and pantile roofs. The architecture of the development follows the principles of the local vernacular.

Public and commercial buildings within the tight knit core present a strong built frontage, ranging from 2-3 storey with increased scale marking key junctions and corners. Roofs are varied in pitch with parapeted or deeply overhung gables and a richness of architectural detailing including decorative stonework. Key buildings include the Victoria Hall which forms the north western boundary to area 2, the old post office to the North of what is currently Victoria square and Radstock Methodist church. The market place, now the town museum, also forms an important part of the townscape, but is separated from the historic core of the town centre by the Frome Road and the railway land. The surrounding Victorian housing is simple in character, principally 2 storey with compact plan forms, varying roof pitches across the area but consistent within streets and terraces. Principally the core of the centre is coursed rubble stone white lias however there are also elements of render and brick.

The built form and urban grain of Area 2 is established through a series of perimeter development blocks. Mixed use elements including community and retails units sit closest to the existing centre. The principal elevations of the buildings would face the new Link Road and the new access road running through this section to serve Area 3 as well as facing onto the Frome Road. Buildings would be of two- and three-storey height. A new pedestrian route is proposed linking St Nicholas School with the new development.

Since the initial proposals the materials have been revised. Blocks 2.1 and 2.3 would have natural stone white lias from first floor up for front elevations. The ground floor of these buildings would be ashlar colour render with struck joints. All other elevations would primarily be random rubble reconstituted stone and through coloured render. The two apartment blocks number 2.1 and 2.3 and plots 64-69 would have natural slate roofs whilst the rest are proposed as reconstituted slate.

## RELEVANT PLANNING HISTORY

Outline planning permission was granted in 1995 [reference WN 10554/C] by the former Wansdyke District Council for the redevelopment of the former railway land and wagon works for housing, tourist and leisure facilities, shops and offices and a new access road. No applications for approval of details were submitted and the permission therefore lapsed, but following a successful bid for Single Regeneration Budget funds and a programme of public consultation, the development of the railway land was identified as a priority for the community and eventually a new scheme was put forward for the redevelopment of the site.

The application was submitted in 1999 by Norton Radstock Regeneration (NRR) [reference 99/02789/OUT]; this sought outline planning permission for a mixed use development comprising residential (up to 88 units), a community enterprise centre, retail, studio/workshops, hotel, railway, public open space and arts/ community uses.

The application was reported to the Development Control Committee on 1st December 1999 and the Committee resolved in principle that it was "minded to approve the application subject to resolution of a number of outstanding points, including design quality, ecology, transport and planning obligations through Section 106 heads of terms and a schedule of conditions which were to be the subject of a further report to the Committee. These negotiations were not concluded and the consequently the application was never finally determined.

NRR purchased the site in 2001 and, jointly with SWERDA, commissioned a masterplan. An application was submitted by NRR and its development partner Bellway Homes, in order to deliver the development of the site in accordance with its masterplan and vision framework for the town. (reference 06/02880/EOUT) This application which comprised of the redevelopment of former railway lands to provide mixed use development including 210 residential units of varying sizes, up to 695 sq m of retail business floor space (A1-A5 and B1); up to 325sq m of B1 floor space or for community uses (D1) and conversion of the Brunel rail shed for D1 uses; car parking and new bus stops; partial diversion of Frome Road (A362) through the site, works to various existing roads within the town and establishment of new roads to service the development including new bridge structures; new public realm works, ground remediation, alterations to ground levels, works to trees and existing habitat areas; upgrading of below ground utilities; new children's play areas; establishment of a new Sustrans route and diversion of existing public right of way was permitted subject to a section 106 in March 2008 but this was not implemented. An application to renew was made in 2011 but was not determined (reference 11/02329/REN).

In 2008 a reserved matters application was made (reference 08/02332/RES) comprising of Residential development of 83 dwellings and commercial floor space for D1 use with

retail and commercial floor space for A1-A5 and B1 use (Reserved matters for outline application 06/02880/EOUT on 31 March 2008). This was permitted in August 2009 but not implemented. That application related to Area 2 of the overall site.

In 2010 a reserved matters application (reference 10/00777/RES) comprising of Mixed use development of 56 residential dwellings and commercial floor space for retail/commercial A1-A5 and B1 use (Approval of reserved matters regarding outline application 06/02880/EOUT). This was permitted in August 2010 but not implemented. That application related to Area 1 of the overall site.

In association with the above proposals have been applications for conservation Area consent (covering demolitions) and applications to discharge planning conditions.

In early 2012, B&NES secured consent for Traffic Regulation Orders and confirmed associated funding to deliver the highway works considered necessary to reduce traffic congestion in Radstock. These works include the revisions to the highway network and the creation of a new link road. These works are reflected in the outline planning application and the link road which would be the main access point onto this application site.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

HIGHWAY DEVELOPMENT OFFICER: comments made 1st October 2013 - there are a number of issues which require clarification and/or further justification before I can finalise a highways recommendation.

Additional comments made 1st November 2013- I refer to the submission of information relating to lighting for this development, in areas proposed as both public and private space. This element of a development is not normally considered by the highway authority at this stage of a development, as it would form part of the technical approval of a Section 38 agreement.

Further comments made 19th December. The layout is unacceptable as emergency and refuse vehicles would over-run the footway in order to access the development.

Pedestrian Bridge - The proposed footbridge to the local primary school is supported as a means of promoting a safe walking route to the school.

Riverside Footway- The reasons for not providing a riverside footway identified in earlier proposals is accepted.

### **Public parking**

The proposed development provides a net gain in public parking spaces of 14 compared to the informal 44 parking spaces currently provided on NRR land. The applicants have indicated that adequate spare capacity exists in Waterloo Road car park but no supporting car park survey work has been submitted. It is proposed that the car park will be managed by the following measures:

- Allocation bays for staff, visitors and disabled users
- Demarcation to show spaces are associated with the retail/employment uses
- Signs will be erected stating the spaces are short term only, for users of the retail/employment uses.

However the loss of car parking spaces is a concern as the informal spaces currently provided on NRR land next to Victoria Hall are well used and without adequate parking

controls, parking may be displaced onto the adjacent access road both within the development and elsewhere. A car park management plan will need to be submitted to the LPA for approval to ensure the proposed management regime is implemented effectively. Residential parking is adequate. Spaces should be allocated to specific properties.

HIGHWAYS DRAINAGE OFFICER : comments made 1st October 2013 - The proposed development is larger than 1ha and is situated adjacent to an existing main river watercourse and also above a main river culvert, therefore the Environment Agency must be consulted on this application and a Flood Defence consent should be sought from the Environment Agency. To note that the maintenance liability of the existing culvert must be defined as part of this development. Bath and North East Somerset Council will be reviewing the structural survey of the culvert and will make recommendations in due course.

Further comments made advise of the need for a flood risk assessment to accompany the application and seek provision and approval of a drainage scheme.

HOUSING DEVELOPMENT OFFICER : comments made 7th October 2013- The applicant has proposed a baseline affordable housing contribution of only 25% in response to the GVA Viability Report of August 2013 for the full development site covered in the outline application 13/02436/EOUT.

This application is for Area 2 of 3. It is acknowledged that this application comes forward after lengthy detailed discussion and negotiations with B&NES Council officers and members and forms part of wider regeneration proposals for Norton Radstock. This application provides for a high % of the overall affordable housing provision arising from the Norton Radstock Regeneration, based on the numbers identified in the concurrent outline application. It is expected that the balance of 25% of the total number of homes being developed will be provided on Areas 1 and, to a lesser extent, Area 3.

Linden Homes have been awarded £955,000 grant from the HCA for the delivery of these homes, funding which must be claimed on completion of the development no later than 31st March 2015. It has come to light that the viability evidence supporting this application is being reviewed and resubmitted. Until this evidence is available, has been scrutinised and approved, it is impossible to make an accurate assessment of the affordable housing elements of the application, particularly in relation to departures from the Council's policy position. To this end, Housing Services are unable to provide detailed comments on the application, pending further information.

Further comments made 13th January 2014 - A significant level of liaison has taken place between the developer, B&NES and Curo to bring forward a development that meets the constraints of the site, significant viability issues and a desire from B&NES for a scheme of predominantly family homes. This application is NOT policy requirement, but evidence has been submitted which supports the Applicant's view that this cannot be forthcoming on this site.

To this end, and assuming the outcome of viability testing of the Outline application supports these assertions of the Developer and if the application is amended to reflect a 90/10 % split between ART and Shared Ownership homes, this application is supported by Housing Services.

This application is for one phase of 3 at Norton Radstock and the requirement for 25% affordable housing is based on the total number of homes being delivered over all 3 phases. It is expected that as each of these next phases come forward for determination, the overall number of homes are considered and any balance of affordable homes, up to 25%, secured.

Should the application be permitted Housing Services require the associated legal document (Section 106) to be strictly worded to ensure the affordable housing delivery meets the full range of B&NES Planning Policy & SPD requirements. It is the applicant's responsibility to ensure their application can physically accommodate the affordable housing to full policy requirements.

ECOLOGICAL OFFICER: Comments made 17th January 2014 - I object in principle to the proposal due to the recognised high ecological value of the site and the site's accepted status as qualifying as a Site of Nature Conservation Interest (SNCI). Additionally to this requirement the proposal should ensure minimisation of harm to ecology. This proposal does not demonstrate that harm to ecology has been minimised. Solutions that would potentially be less ecologically damaging could be achieved, for example through a different layout to that on the indicative plans, and/or through a smaller development footprint and fewer units, and/or through different access arrangements. Notwithstanding the ecological information submitted is comprehensive and accepted. In this regard the submitted Ecological Mitigation, Compensation and Management Plan is thorough, addressing the wider ecological and bat mitigation and compensation requirements as a whole.

PARKS comment made 30th October 2013 - This standalone application has been assessed independent of the outline submission for this area for which separate comments have been provided. The quantum of development proposed will result in a projected occupancy of 148.2 persons who will create demand for formal green space, natural green space and allotment provision equal to 2223m<sup>2</sup>, 2223m<sup>2</sup> and 444.6m<sup>2</sup> respectively. Total contribution value: £203,079.94

Further comments made 5th November 2013 -

WESSEX WATER: comments made 8th October 2013 - The site will be served by separate systems of drainage constructed to current adoptable standards. Some of the details of the provision shown will need to be revised to comply with WW requirements.

ENVIRONMENTAL HEALTH OFFICER: comments made 10th October 2013 - comments made 12th July suggest conditions in relation to the control of noise from demolition and construction activities

ENVIRONMENTAL MONITORING OFFICER : comments made 15th October 2013 - All the predicted air quality levels are below the objective so I have no objection. The report recommends mitigation for construction dust. I would therefore recommend Conditions be applied.

SCIENTIFIC OFFICER [CONTAMINATED LAND]: comments made 1st October 2013 - I accept the conclusions and recommendations of the summary report in relation to Area 2 that further

investigation and monitoring and risk assessment is required prior to finalising the remedial design.

The further investigation is required (as detailed in the section above reviewing the Ground Investigation report) to provide an updated of the general levels of contamination and provide a greater side coverage, provide more detailed speciation of TPH and chromium, provide additional groundwater monitoring to ensure sufficient number of monitoring and sampling events across the site to allow a controlled waters risk assessment and consideration and review of the adequacy of the asbestos sampling.

Taking account of the reports submitted, their conclusions and recommendations, I recommend that the conditions as detailed below, be applied to any planning permission if granted. I also recommend that the Environment Agency are consulted regarding risks to Controlled Waters.

Comments made 3rd December 2013 - Following my email of 11/07/13 (below) in relation to the above referenced application, I have received the following report: Report on Ground Investigation at Norton Radstock Regeneration Area, Radstock, Somerset. By Structural Soils Limited. Dated September 2005. Report No. 50625. I have also received clarification from the developer's consultant (Jubb Consulting Ltd) that they commissioned and managed the 2005 work (Structural Soils Investigation) on behalf of Bellway Homes. Jubb have confirmed that their assessment (Ground Investigation of May 2013) and draft remediation strategy (May 2013) supplied with the above referenced application does not rely on any additional information not already submitted.

Taking account of my earlier comments as provided below, the clarification by the consultant regarding their involvement in the earlier work and the submission of the historical report, I confirm that I am satisfied that the information provided is sufficient to consider the application and that conditions will be required for further work. The conditions will be for further investigation, submission and approval of a detailed remedial strategy along with its implementation and verification. As part of the condition for site characterisation, I will require the consultant to provide further comments and explanation with regard to a number of queries posed previously along with the submission of the analysis certificates for the historical investigation.

ARCHAEOLOGICAL OFFICER: comments made 20th september 2013 - I am satisfied there is a relatively low potential for significant pre-industrial archaeology within the development area. I recommend that a condition is attached to any planning consent:

ARBORICULTURAL OFFICER : comments made 21st October 2013 - The arborocultural assessment is incomplete and there is a lack of clarity with regard to aspects of the development and doubt as to whether the landscaping buffer can be adequately retained given the proximity of planting to houses.

Further comments made 6th December 2013 - I would recommend that the appointed arboricultural consultants review the submitted Arboricultural Impact Assessment with regards to:

1. Drainage Strategy

2. Soil remediation Strategy (please see consultation comments relating to contaminated land)
3. Existing and proposed levels
4. Location of services to be upgraded
5. General layout revisions in response to comments provided
6. The extent of tree surgery works will be required as a result of the layout.

Further comments made 18th December 2013 - The removal of 6 Pines by Frome Road has been accepted under 13/02436/EOUT subject to replacement planting. The Arboricultural Impact Assessment incorporates appropriate details in response to the 6 points which were identified in my comments dated 6th December 2013. The conditioning of an arboricultural method statement and tree protection is requested.

LANDSCAPE OFFICER : comments made 15th October 2013 - The conclusions in Section 7.0.Chapter 8 (Conservation Area and Landscape Setting) are generally agreed with. Some detailed elements of the planting scheme should be revised but can be conditioned.

NATURAL ENGLAND : comments made 15th August 2013 - I do not think that the Ecological Mitigation Compensation and Management Plan (EMCMP) has been submitted with this application. This document is critical to achieving acceptable mitigation for the protected species which will be affected by the proposed development and must therefore form part of the application. I am unable to provide a formal response until this document has been submitted, together with a Lighting Plan, as was agreed in our meeting on 17 September 2013.

Further comments made 27th November 2013 - The issue of lighting on the designated "vegetated crossing points" for bats across the site is being discussed by Linden's ecologist and lighting engineer. This issue does need to be resolved before I can prepare my consultation response and it carries across both the detailed and outline application. There is no point identifying the crossing points for bats if they are then lit to unacceptable levels. There must be provision for bats to get across the site. Currently, the crossing points have not been factored into the lighting specification.

Further comments made 3rd September 2013 - Design revisions have been made to the lighting design for the bat crossing point in Area 2. This design relates, of course, specifically to Area 2 and the Full Application but I require the principles from the lighting strategy for Area 2, and particularly what has been achieved with respect to bat crossing points, to be reflected in the detailed lighting design for Area 3 and the Outline Application. This is understood by Linden, and is reflected in correspondence. On this basis, I have no further outstanding points on the detailed or outline applications and therefore wait to hear from Lucy with the Test of Likely Significant Effect.

Formal comments are awaited but Natural England have confirmed that they have reviewed the ecologist amended TOLSC and support all of the recommendations.

URBAN DESIGN : comments made 22nd November - the scheme requires further design development. The particular issues relate to the highways and parking dominated layout, poor public realm (both hard and soft landscaping, Poor overlooking of public realm and parking areas, generic house types, poor materials specified.

Further comments made 18th December 2013 -Though the development is in a sustainable location, the scheme presented is still considered unsustainable due to the

layout. Concerns in particular relate to the highways dominated environment. Amended drawings have made some improvements to landscaping, and materials to primary elevations and these changes are supported.

**HERITAGE AND ENVIRONMENT GROUP:** comments made 25th November 2013 - General observations: The design must be seen to enhance and improve the appearance and character of the conservation area. It should therefore be 'conservation-led' in its approach, strengthening

local character and identity and visually responding to the higher quality aspects of the local

historic built environment to create improvement. The design should build on and embrace the existing local heritage assets within and in close proximity to the site, and enhance their settings. A series of concerns are identified. In conclusion the design of Area 2 fails to satisfactorily respond to or take advantage of the local historic environment and identity and would fail to improve or enhance the character and appearance of the conservation area. It is therefore advised that the design should be negotiated.

Additional comments 23rd December 2013 - changes made are token. In particular we remain concerned with regard to the public realm outside of the Victoria Hall, the projecting gabled elements of the landmark buildings facing onto the roundabouts should as a minimum be dressed in stone full height to emphasise their visual and physical importance. Large scale details of shop fronts should be conditioned.

Additional comments made 15th January 2014 - It is difficult to support the scheme as submitted from the historic environment aspect as it fails to improve or enhance the character of the conservation area or the settings of the local heritage assets in my view. My previous objections remain.

**ENGLISH HERITAGE :** comments made 18th December advise that English Heritage have no specific comments to make.

**ENVIRONMENT AGENCY:** comments made 10th October 2013 - **OBJECTS** to the proposed development, as submitted, on the following grounds: The proposed highway drainage outlined in the submitted drainage strategy report provides online attenuation for the 1 in 30 year return period event with a climate change allowance of 20%. Our objection will remain until the drainage strategy outlines how the highway drainage system operates for all return periods up to and including the 1 in 100 year storm plus an allowance for climate change.

Further comments made 6th November 2013 - Following the submission of a revised drainage strategy we now formally wish to **WITHDRAW** our objection, subject to the following conditions and informatives being included on the Decision Notice.

**PUBLIC RIGHT OF WAY OFFICER :** comments made 1st October 2013 - Public footpath CL24/113 runs through the application site and the alignment and elevation of the public footpath must not be altered during or after construction.

**COAL AUTHORITY :** comments made 24th September 2013 - The application site is located instead within the defined Development Low Risk Area. This means that there is no requirement for a Coal Mining Risk Assessment to be submitted. A standing advice informative is requested on the decision.



EDUCATION OFFICER : comments made 3rd October 2013 - The whole development is expected to contain a total of 210 dwellings. If the specified dwelling mix in this application for 70 dwellings (a third of the total) was representative of the total dwelling mix, the total contributions due for all 210 dwellings could be as follows:

Early Years 0-2 £76,097.76

Primary £203,796.51

Youth £19,809.90

Total £299,704.17

If the remaining 140 dwellings were to contain a greater number of houses rather than flats and a greater number of larger houses with more bedrooms, the contribution could be higher than this. It would be helpful to have an indication of the dwelling mix for the remaining 140 dwellings that are to be built.

Further comments made 11th November 2013 - confirm the position as unchanged from comments made in October.

ECONOMIC DEVELOPMENT OFFICER : comments made 3rd December 2013 support the application and identify the site as important for regeneration of the town.

AVON WILDLIFE TRUST comments made 23rd December 2013 - the Trust supports the comments from B&NES Ecologist and therefore objects to the scheme on principle as it is development on an SNCI equivalent quality site.

#### OTHER REPRESENTATIONS

RADSTOCK TOWN COUNCIL: - comments made 1st November 2013 - accept the principle of the development subject to a number of criteria being met.

WESTFIELD PARISH COUNCIL - Raise serious objections due to (1) at the proposed roundabout at the bottom of Wells Hill there will be constant traffic from the right, creating long tail backs regularly up Wells Hill; (2) new housing developments in Westfield mean that traffic from Westfield down Wells Hill is increasing and will continue to do so over the next years. This should be considered fully when determining the road layout now; (3) experience has shown that if a fully loaded HGV tries to turn right at the bottom of Wells Hill then due to the camber and space restrictions of the road it will either get stuck or be in serious danger of falling.

RADSTOCK ACTION GROUP (RAG) object on grounds of

1. Road, Traffic and Transport
2. Health and Safety
3. Housing and Built Environment
4. Natural Environment
5. Heritage and Cultural Assets
6. Consultation and Community Involvement

FRIENDS OF RADSTOCK RAILWAY object on various grounds and will submit a summary of its points

#### LOCAL RESIDENTS

34 Residents have written to object to the scheme on the grounds of :-

Loss of greenspace

Inadequate parking

Increased traffic

Height of buildings next to Victoria Hall

Loss of railway opportunities

Harm to ecology

Harm to the Heritage Industrial Landscape

Create highway danger to pedestrians and cyclists

Pollution

Inadequate medical facilities for the increased population

Impact on traders due to inadequate parking

Concerns over the handling of contamination with particular refs to the school proximity

Housing wont be affordable to many

Inadequate local employment and increased out commuting

development on high value brownfield sites is against national policy (NPPF 111)

Materials on main elevations should be natural white lias

3 residents have written to support the scheme on the basis that :-

the town needs to develop and regeneration will be a benefit

2 residents have commented that :-

They do not oppose the development but think it would be important to retain the railway opportunity and reflect the towns mining heritage, and there are concerns raised that traffic will not be improved by the proposals.

## **POLICIES/LEGISLATION**

### **THE DEVELOPMENT PLAN**

The Development Plan currently comprises saved policies from the B&NES Local Plan and the Joint Waste Core Strategy.

The site is part of site allocation within the local plan. It is allocated as Site NR2 Radstock Railway Land under Policy GDS1 of the Local Plan. Following the Local Plan Inquiry, the Inspector made significant comments regarding this allocation, and as a result, Paragraph B7.30 of the Written Statement was revised to state as follows: the development of the Radstock railway land site for mixed use development is integral to the development of Radstock and will contribute at least 50 dwellings during the plan period but substantially more provided a robust mixed use scheme is achieved, ecological interests are taken into account, the character of the town is maintained or enhanced and the transport corridor is retained in accordance with Policy GDS1/ NR2.

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

1. Residential development with retail and office uses within or adjacent to the Town Centre, with a community facility and a local nature reserve.
2. About 50 dwellings in the period to 2011 or more if the other site requirements are met.
3. Provision for safe movement of public transport vehicles within the site.

4. Safeguarding the former railway corridor as a sustainable transport corridor under Policy T9 incorporating the National Cycle Network where this is compatible with the safeguarding of the trackbed which is of significant nature conservation value.
5. Identification of areas of significant nature conservation interest to be retained, with a scheme for their management and the mitigation of any effects of development; together with a programme for compensation where the loss of areas of ecological importance cannot be avoided.
6. Relocation or retention of Victoria Square public toilets.
7. Retention [with relocation if necessary] within the site of engine shed and nearby turntable.

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

1. 2.3 hectares of land at Fox Hills, at the southern end of the site is allocated for informal recreation under Policy SR2.
2. The Kilmersdon Brook and Snails Brook corridors, the railway cutting along the eastern boundary and the slope of Fox Hills at the southern end of the site are designated as Sites of Nature Conservation Interest.
3. Part of the western edge of the site, adjacent to the Kilmersdon Brook and Snails Brook, are indicated as a floodplain.
4. The northern part of the site, to the north of Victoria Square, is within the Town Centre Shopping Area and frontages to Fortescue Road, Wells Road and The Street are indicated as Primary Shopping Frontage.
5. The former railway line is identified as a Sustainable Transport Route.

In addition, the entire site is located within the designated Radstock Conservation Area, where the LPA is required to have regard to the extent to which proposals for development preserve or enhance the character or appearance of the designated area.

The other site specific policy is Policy SR.2 which allocates Fox Hills for informal recreation. Policy SR.2 states: 'Land is allocated for formal and informal sport and recreational use on the following sites as defined on the Proposals Map: Slopes above Fox Hills, Radstock: 2.3 ha for informal recreation.'

The following policies of the Local Plan are of principal relevance to this application:

D2: General Design and Public Realm considerations  
D4: Townscape considerations  
ET3 and ET4: Employment development  
CF2 Provision of community facilities  
CF3: Contributions from new development to community facilities  
SR2: Allocation of land for recreational use  
SR3: Children's playing space and new development  
S1 and S2: Retail development  
ES2 Sustainable design  
ES10: Air quality  
ES12: Noise  
ES15: Contaminated land  
HG1: Housing mix  
HG4: Housing development

HG7: Residential density  
 HG8: Affordable housing  
 NE1: Landscape character  
 NE3: Important hillsides  
 NE4: Trees and woodland  
 NE9: Locally important wildlife sites  
 NE10: Nationally important species and habitats  
 NE11: Locally important species and habitats  
 NE12: Natural Features  
 NE14: Flood risk  
 NE15: River corridors  
 BH2: Listed buildings and their settings  
 BH6, BH7 and BH8: development within Conservation Areas  
 BH12: Archaeology  
 T3: Pedestrian safety  
 T5, T6 and T7: Provision for cyclists  
 T8: Bus strategy  
 T9: Sustainable transport routes  
 T12: Public transport interchange  
 T24: General development control and access policy  
 T25: Transport assessments  
 T26: On-site parking and servicing

With reference to Policy BH7, it is to be noted that the Radstock Conservation Area Assessment was produced in 1999, and was subject to public consultation before being approved by Members. The Conservation Area Assessment has not, however, been adopted as Supplementary Planning Guidance and therefore appropriate care needs to be given in assessing its material weight when reaching planning decisions.

#### NATIONAL PLANNING POLICY FRAMEWORK :

The Government's planning policies for England are set out in the NPPF which was published in March 2012. The guidance in the NPPF is an important material consideration. The Local Plan was adopted in accordance with the Town and Country Planning Act 1990 and not the Planning and Compulsory Purchase Act 2004. For this reason, and because 12 months have now elapsed since the publication of the National Planning Policy Framework (NPPF), in accordance with Paragraph 215 of the NPPF if there is inconsistency between the Local Plan and the policies in the NPPF due weight should be given to the 'saved' policies according to their degree of consistency with the NPPF. At the heart of the NPPF is a presumption in favour of sustainable development.

#### B&NES CORE STRATEGY

The Councils Draft Core Strategy is under examination and its policies are a consideration. The Council approved the amended Core Strategy for Development Management purposes. At this time only limited weight can be attached to those policies where there are unresolved objections. Significant weight can be attached to those policies where there are no unresolved objections

Key relevant Policies are

DW1 District Wide Spatial strategy

SV3 Radstock Town Centre strategic policy.

The Councils' Supplementary Planning Documents (SPDs) and Supplementary Planning Guidance (SPG) are also material considerations.

Other material Local and National Guidance

Ministerial Statement - Measures to reduce bureaucratic barriers to growth and infrastructure (Growth and Infrastructure Bill) April 2013

B&NES Council's Biodiversity Action Plan

## **OFFICER ASSESSMENT**

Policy Background

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 Radstock and environs have been taken into account. 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 have been considered as part of the assessment of the planning issues together with responses to consultations and other representations received.

Principle of Development and Land Use

Paragraph 2 of the NPPF requires that applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise. Proposed development which accords with an up-to-date Local Plan should be approved.

The proposal is for redevelopment of previously developed brownfield land which is part of a parcel of land allocated in the Bath and North East Somerset Local Plan (adopted 2007) for residential and mixed use purposes. Consideration of the policies relevant to

development of that wider site area are set out within the Outline planning report on this agenda. That report provides some useful background context for this site.

Policy GDS1 NR2 of the adopted Local plan is a relevant consideration. The full application is in principle terms compatible and not in conflict with the outline scheme delivering part of its requirements. GDS1 NR2 however seeks to deliver comprehensive development which this site isolation does not achieve. It also seeks to deliver a range of regeneration benefits not secured by this application. To be in line with policy GDS1 NR2 the application would need to tie fully into the wider comprehensive proposals. The initial Heads of Terms (HoTs) proposed by the applicant did not deliver the full range of regeneration benefits covering the wider Policy area. However to bring the Full application in line with the Councils Policy for the comprehensive site the applicant has now extended the Hots that are proposed. Subject to agreeing suitably worded legal agreement to deliver these in full this application would be in general conformity to the Councils policies for the development of the area.

## Highways

This application is dependent upon the delivery of the Outline proposal highway revisions which the Full application has assumed will be brought forward. Consideration of that site and the road is made on this agenda. The site accesses onto the road in its revised form and has been proposed and considered on that basis. Whilst the two applications are not directly linked it is considered acceptable to place a Grampian condition on this application is approved to prevent any occupation of the development prior to completion of the highway works and changes upon which it relies.

The site includes land currently in use as an informal car park of approx. 50 spaces, which will be lost however as that is not public parking its loss is outside of the control of the council and the scope of this application. It is none the less recognised that this informal parking will be displaced and may need to be accommodated in other parking area. 14 new parking spaces are proposed onsite that will be privately managed but they are confirmed to be unrestricted so as to be available for public use. To discourage commuter parking such provision will be for a limited duration only.

Cycle parking storage will be provided onsite in the form of secured and sheltered cycle stands, internal storage with residential properties, and public spaces as appropriate to the development form.

The concept of "Home Zone" design will be adopted to reduce vehicle speeds within the site. The design of the internal road system will maximise the site accessibility and permeability by all modes of transport. In particular it will provide part of the link through to the temporarily diverted cycle path. That link would be provided as a regeneration benefit to be secured through the Section 106 legal agreement.

Provision will be made for servicing and emergency vehicles. Some minor revisions to the layout have been made to ensure that large vehicles do not over run footways and these revisions are acceptable.

The Full application provides an acceptable highway solution with adequate residential and commercial parking in line with the Councils standards.

## Conservation and Heritage

Additional specific comments and considerations in respect of the application for Conservation Area consent are set out in a separate report on this agenda. The proposals seek permission for the demolition of the various buildings noted earlier in this report. It is to be noted that none of the buildings on the site are statutory listed buildings.

The whole of the development site lies within the Radstock Conservation Area. The Railway heritage of Radstock is important to the cultural heritage of Radstock and the character of the Conservation Area. The former platforms, the underpass with bridges above and wagon works contribute to the character of the Conservation Area. Any proposals for demolition must be balanced against other factors such as past alterations to the structures of interest, an acceptable scheme for development of the above site and the economic regeneration of Radstock. The development will form a significant and extensive new build element within the Conservation Area.

The application would access onto the new link road ( consideration of this road is made in detail within the outline application report). The impact of the new road is unfortunate however the enclosure and extension of new buildings fronting onto that road would be a visual improvement over the current situation. The design and materials of new development is an important consideration and this is discussed in greater detail below.

## Design and materials

The proposals for Area 2 have been developed in line with the principles set out within the Outline Planning Application currently being considered. The built form and urban grain of Area 2 is established through a series of perimeter development blocks. Mixed use elements including community and retails units are located closest to the existing High Street. There would be three storey mixed use blocks fronting Frome Road and The Street. These would contain affordable apartments and community use and retail units at ground floor. Three storey blocks of affordable apartments wrap around corners fronting the new access road. Within the site the area is tightly developed. However in this central core a higher density development is considered in keeping with the location and surrounds. It has to be acknowledged that the development has some design issues and these are raised in consultation responses of the design officers. However the scheme has constraints that are identified in justification for these and the design and materials are stated to arise from the difficulties in delivering a financially viable scheme. The scheme has been improved through negotiations to what is considered as the optimum solution for the site and the development reflecting the particular circumstances. The scheme therefore delivers an acceptable number of units with appropriate levels of parking.

In the conservation area natural materials are sought wherever possible. Some concessions in this case have been required to reflect the viability appraisal. Some key elevations (i.e. those along the link road and turning the corner into the area 2 site) have been improved from initial submissions. There is now natural white lias stone from above ground floor level on the buildings closest to the Victoria Hall. As per the conservation officers advice it would have been preferable to see this natural material extended to ground floor as well however this is also raised as an issue for the viability of the scheme.

The compromised materials which deliver natural stone elevations constructed in the local stone which is White Lias from above ground floor and which include natural slate roofs are on balance acceptable but should not be taken as a precedent for future development in the Conservation area as it is only the specific circumstances of this case which on balance make them acceptable when seen in the context of the overall regeneration of the site and its deliverability.

Overall the concerns of the design officers are concurred with in terms of the design of the development and the materials that are proposed as well as the visual impact of the road. However the overall balance of the impact of the new development in this case has to be seen in context as well to take into account some of the improvements for example the removal of the informal parking area will be beneficial to the conservation area as will improved access through to the Brunel shed and cycleway. Taking the scheme into account on its widest sense it is considered that the development would preserve the character and appearance of the conservation area.

### Landscape and trees

The landscape within the site has established in response to local conditions. Vegetation and land cover within the site are dominated by scrub grassland, much of which has established on rail ballast. Existing trees are an important factor within the site.

The soft landscape opportunities are restricted within the development however the plans have been amended to remove small left over spaces and other awkward areas that would be unlikely to be properly maintained and they are now more acceptably integrated in the hard landscaping of the scheme. With regard to existing trees a detailed Arboricultural Impact assessment has been provided and its contents are agreed with regard to the retention removal and management of trees within the site. Existing vegetation has been considered in conjunction with its ecological benefits as well as with regard to its visual benefits and this is discussed further below. Retention and reinforcement of vegetation at the sites edges (along the south east 3-5 m) and south east 5-8 metre) boundaries and in corridors through the wider site act as ecological corridors but also provide visual enhancement and improve the setting of the development in relation to the surrounds.

### Ecology

The Site has remained disused and largely unmanaged for in excess of 15 years. Despite being previously developed, processes of natural colonisation and succession have resulted in parts of the Site (and its immediate surrounds) as having significant ecological value.

Key natural features of the site (and immediate environs) include:

- the open, mixed unimproved grassland, scrub and bare ground habitats characterising much of the remaining trackbed habitats (present in much of Area 2 and the south of Area 3)
- the re-colonising secondary woodland growing over the former rail line in the north of Area 3;
- the 'Fox Hills' grassland situated on a north-facing slope to the south west of the former railway sidings;



- the steep south-facing scrub and grassland escarpment on the eastern edge of the former rail line;
- the wooded corridors of the Wellow Brook and its tributary, the Kilmersdon Brook, that flows through and alongside the site.

The Proposed Development will entail the loss of areas of habitat, particularly for the invertebrate and reptile assembled and habitats used by bats for commuting across the landscape and, to a lesser extent, foraging. In addition, the majority of the extent of a proposed Site of Nature Conservation Interest (SNCI) will be cleared and some longer-term adverse impacts are confirmed by the applicant to be unavoidable.

During the consideration of the application an Ecological Mitigation, Compensation and Management Plan mitigation and lighting strategy were sought from the applicant to properly consider the ecological impact of the development.

Mitigation will include the following

- The implementation of a detailed, site-wide lighting strategy which is ecologically driven and demonstrates the reduction of light levels within primary bat commuting routes which provides dark corridors sufficiently to avoid harm to bat commuting activity and to enable continued transition by bats from one side of the Site to the other.
- The combined on-Site recreation of at least 2000m<sup>2</sup> of track bed habitat, retention and enhancement of as much existing track bed habitat and the re-establishment and maintenance of track bed habitat across 2.5km of adjacent former railway lands.
- The implementation of a detailed landscaping scheme to include reinforcement/screening planting and/or fencing along linear woodlands and primary bat commuting corridors, including 'crossing points' at appropriate locations.

The ecological mitigation strategy will be delivered through a 20 year management plan which will be secured as part of the Section 106 Agreement. The ecological losses and the mitigation have been considered in detail by the Councils ecologist and Natural England and are accepted as mitigation that represents an improved package beyond that previously secured in 2008. An in principle ecology objection none the less remains on the basis of the loss of the SNCI. This ecology objection has been carefully weighed in the balance of the overall planning merits of the scheme.

As part of the consideration it was necessary to consider the effect of the development on European sites including 2 bat SAs and an appropriate test of likely significant effect has been carried out by the councils ecologist which confirm s that the bat sacs will not be affected.

As the application requires works to be carried out to the Brunel Shed European Protection Species licences will be required from Natural England prior to those works being undertaken. However Natural England advise that they can see no reason why these licences would not be granted.

## Housing

The proposed development would deliver 70 dwellings in total. These would comprise of 23 open market Housing broken down as providing 12 x 2 bed flats, 4 x 2 bed and 6 x 3

bed houses and 47 Affordable Houses comprising 16 x 1 bed flats, 8 x 2 bed flats , 16 x 2 bed houses, 7 x 3 bed houses. The 70 houses provided are to be considered as an overall benefit that will contribute toward housing stock. They will be located on a site that is identified for redevelopment in the local plan (including within the emerging plan) and are within a sustainable location with good access to services and facilities as well to public transport.

### Affordable Housing

The affordable housing units proposed will be constructed to meet Code for Sustainable Homes Level 3. The site will deliver 67% affordable housing however if this is agreed this would in terms of the outline application (also on this agenda) be the entire delivery for that Outline scheme equating to 25% of that overall. As with market housing provision of any affordable housing is a benefit and it is an area of particular shortfall with B&NES. It is not usually regarded as preferable to locate 67% of an affordable scheme in one location and pepper potting units throughout the overall scheme would be preferable. However the delivery timetable is such that the current HCA funding must result in the affordable element being constructed by March 2015. It would not be possible to achieve that aim unless the units were located within Area 2 as indicated. With regard to the amount of affordable units the Council would in other circumstances and in line with its policies seek a higher percentage of affordable units overall. However in this case and as the policy provides for where viability demonstrates that the full percentage should be reduced this is acceptable. In this case the applicants have submitted a viability assessment. That has been independently checked and the applicant's inputs into that have been agreed and as such it is demonstrated that on this specific site due to its specific costs of development a scheme that delivers 25% affordable units is acceptable.

### Education

The development of the site for 70 dwellings would bring forward a requirement for an education contribution in the region of £99,901.39. This would be made up of Early Years provision £25,365.92, school places £67,932.17, Youth provision £6,603.30. However and as the submitted viability assessment demonstrates these contributions can not be supported by the development and no education contribution will be secured. As the statutory provider for education the requirements of the development in terms of any educational need would become the responsibility of the Local Authority if the scheme proceeds.

It is of note that a part of the viability exercise carried out by the applicants included a fixed sum for the provision of a footbridge to Saint Nicholas School. The sum allowed for this footbridge provision may not be fully required and officers are of the view that any residual amount following the provision of the bridge should be redirected to pay toward the education shortfall. In this specific case where viability is held as the reason for not making an education contribution and whereby a fixed financial sum has already been allowed for within the viability assessment this is considered an acceptable proposition that meets with the planning tests for obligations. However this has not been agreed with the developer as this is currently being discussed in connection with the section 106 legal agreement and officers will update members on this point.

### Contamination

Ground conditions issues are detailed in Chapter 9 of the Environmental Statement and within further information submitted during and as part of the application. The scientific officer has considered that the reports are satisfactory and conditions can be applied to any development permitted. In order to deliver the regeneration benefits of the development (and this includes those within the wider comprehensive site as identified by the policy de-contamination works both within and beyond the site boundary are required and these will need to be secured within the legal agreement.

#### Flood Risk

The site is currently a derelict site in an area deemed by the Environment Agency as at high risk of flooding and is classed as lying within a Flood Zone 3(a) to reflect this. Whilst the applicant challenges this designation based on their own hydraulic modelling it is on the basis of the EAs advice that this application must be assessed. The main source of flooding to the site is from overland flow and surface water runoff. The proposals for the site lie solely in Flood Zone 1. The Environment Agency confirm there is no objection to the scheme and suggest conditions.

#### Regeneration

The derelict brown field site is an important regeneration opportunity. The applicant identifies the following as being key regeneration benefits delivered by the scheme.

- Development of the first phase of development, of 70 residential units
- Early delivery affordable housing units.
- Provision of retail and community floor space providing a greater offering facilities and services for new and existing businesses and/or the local community.
- Public realm works for the benefit of new and existing residents;
- Maximised use of previously developed land for sustainable development including decontamination and site remediation.
- Provision and enhancement of wildlife corridors and retained habitat.

Of these some are considered to be partially mitigation or requirements of the development and are considered accordingly.

Notwithstanding this site is only part of the site that the Local Plan Policy refers to, in order to ensure its compliance with Policy the applicant has committed to delivering the regeneration benefits that fall outside of the site but which bring it in line with the outline scheme. In that regard the Heads of Terms have been extended to include de-contamination works as may be required to deliver the Brunel shed to a useable condition and the Sustrans route. These will be included within a suitably worded section 106 agreement. To be agreed with the Council.

There are significant calls to protect the potential restoration of the railway route which currently runs through the site and which would be no longer possible if the development were to proceed. Investigations into the feasibility of re-instating the railway have been undertaken but these did not demonstrate that such a proposal would be viable and there would therefore be little prospect of this happening. In this regard the current applications must therefore be determined on their own merits. It is relevant that the situation regarding the railway was accepted in connection with the outline scheme permitted in 2008 and no

significant change in circumstances since that time would warrant an alternative conclusion here.

## Sustainability

The principle of mixed-use development on previously developed land that runs into the town centre is sustainable. The development would be constructed using SUDS (sustainable urban drainage systems). The site will also assist in achieving social, economic and environmental benefits through the provision of new homes including affordable homes, providing new employment opportunities during construction and after in new business space removal of on site contamination and ecological enhancements.

## Section 106 heads of terms

The following was initially proposed by the applicant to be secured through a legal agreement

Affordable Housing: up to 67% affordable housing through Affordable Rent tenure.

Ecology: On and off site mitigation measures and an associated management plan to ensure the long term ecological habitat post regeneration is enhanced and maintained.

However in addition the applicant has now added to the Heads of Terms measures to

Restore the Brunel Shed to the extent that it would be made safe and watertight to a specification agreed with the Local Planning Authority and to in addition carry out feasibility studies for its re-use and promote that use.

Implement the agreed Ecological Mitigation, Compensation and Management Plan (EMCMP)

Delivery of 14 town centre car parks to be available for public use.

Provide a Footbridge to St Nicholas's Primary School in accordance with an agreed spec and maximum cost of £174,000

Delivery of a Permanent Sustrans Route through the application site.

Site wide de-contamination works will also be required and this should be included within the Heads of Terms and that is still under discussion and a clause will be sought in the section 106 to re-divert any remaining financial sum following provision of the footbridge (including its associated maintenance and other works) toward education provision to meet the needs of the children generated by the development.

## Conclusion

This is a complex set of proposals which seek to insert a multi-faceted, mixed use development into a sensitive site within and on the edge of Radstock. In this case there are some clearly less acceptable elements as well as some strong regeneration benefits and in this case it is necessary to weigh quite different issues against one another. The allocation of this site in the Bath and North East Somerset Local Plan must be the starting point for this exercise. Another key factor is the previous approvals for development of the wider site as well as detailed proposals for this part of that site. This is a material consideration. It is considered that this proposal can reasonably be considered as

achieving the best outcome that the viability constraints allow and is overall and on balance supported due to the regeneration benefits that the development would deliver.

Officers will provide an update report to include conditions.

## **RECOMMENDATION**

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

Affordable Housing: up to 67%

Ecological works as set out within the approved Ecological Mitigation, Compensation and Management Plan (EMCMP)

Restoration of the Brunel Shed to the extent that it would be made safe, watertight and in a useable condition to a specification agreed with the Local Planning Authority and to in addition carry out feasibility studies for its re-use and promote that use.

Delivery of 14 town centre car parks to be available for public use.

Provide a Footbridge to St Nicholas's Primary School in accordance with an agreed spec and up to a limit of £174,000

Delivery of a Permanent Sustrans Route through the application site.

Site wide de-contamination works

Any remaining financial sum following provision of the footbridge (including its associated maintenance and other works) will be diverted toward education provision to meet the needs of the children generated by the development.

and subject to conditions that are currently under discussion

B. Upon completion of the Agreement authorise the Development Manager to PERMIT the application subject to conditions to be confirmed.

## **PLANS LIST:**

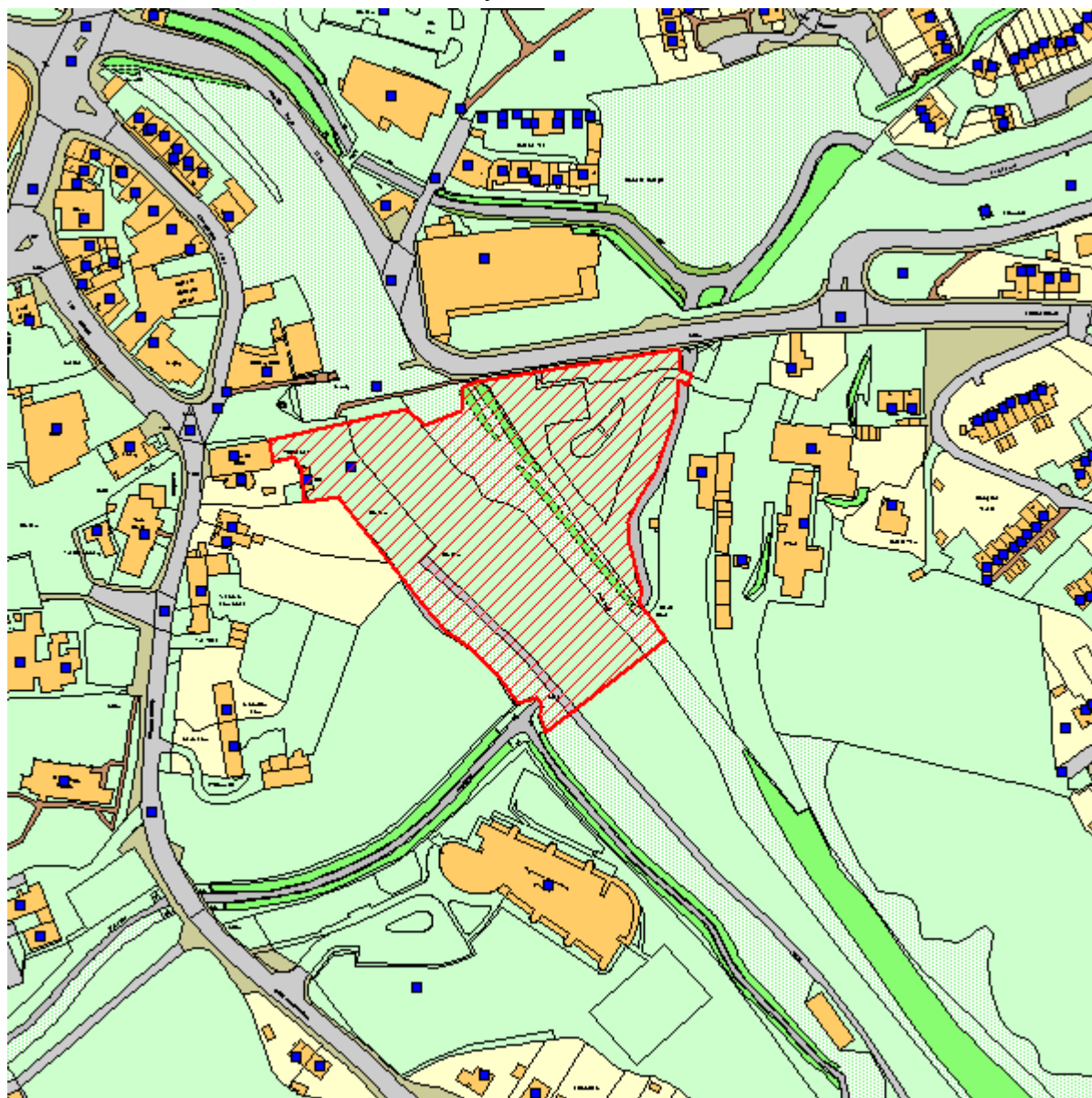
1 This decisions relates to drawing numbers G2846 (05) 001 REV T, 004 REV A , 005, 006, 007 REV A, 008 REV A, 010 REV B, 100 REV B, 102 REV A, 103, 104 REV B, 105 REV B, 106 REV A, 120 REV B, 123, 124 REV B, 130, 131, 132, 134, 135 REV A, 136, 137, 138, 139 REV A, 141, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 3636LO\_300 REV D, 3636LO\_500\_B, 3636LO\_200 Rev D, SK01 REV A, REV D, SK01 REV A, G2846(SK)100 REV A.

2 Decision Making Statement:

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Policy Framework. The

application has undergone extensive consultation and consideration has been given to all the submissions from consultees, local residents and other representations. Furthermore due consideration has been given to all material considerations and as a result the development has been found to be, on the whole acceptable, and where concerns do remain it has been found that these do not outweigh the overall benefits of the scheme and are not so significant as to justify the refusal of planning permission.

**Item No:** 04  
**Application No:** 13/03787/CA  
**Site Location:** Former Gwr Railway Line Frome Road Radstock



**Ward:** Radstock      **Parish:** Radstock      **LB Grade:** N/A  
**Ward Members:** Councillor E Jackson      Councillor S Allen  
**Application Type:** Conservation Area Consent  
**Proposal:** Demolition of existing structures  
**Constraints:** Agric Land Class 3b,4,5, Coal - Standing Advice Area, Coal - Standing Advice Area, Conservation Area, Flood Zone 2, Flood Zone 3, Forest of Avon, General Development Site, Housing Development Boundary, Sites of Nature Conservation Imp (SN),  
**Applicant:** Linden Homes Western  
**Expiry Date:** 12th November 2013  
**Case Officer:** Sarah James

## REPORT

The site, known as Area 2, forms part of an area that has for many years been subject to regeneration proposals (within planning applications) covering the site itself and a wider portion of land on the former rail line and wagon works at Radstock. Area 2 is triangular in shape and covers approximately 1.3 hectares. It is part of the site that is subject to an outline application and Conservation Area application that are also being considered on this agenda.

The site includes informal parking adjacent to the recently refurbished Victoria Hall, a section of former railway land and a triangular area of land adjacent to Frome Road formerly occupied by Council offices. The site extends from Frome Road and the line of the pedestrian subway (which connects Victoria Square and Frome Road) southwards as far as the Snails Brook and the culvert underneath the former railway line. A Sustrans cycle route which formerly ran through the site is temporarily diverted outside of the site boundary.

The site is adjoined to the north-west by the Victoria Hall and Victoria Square, on the opposite side of which is the Post Office. To the west is open land to the rear of properties fronting onto Church Street and to the south the railway land continues beyond the culvert. To the south-east, the Ryman Engineering premises are on the opposite side of the Snails Brook and, to the north-east, the Charltons Timber premises are on the opposite side of Frome Road. There is a belt of mature trees along the Frome Road frontage of the site and along the bank of the Snails Brook. The site otherwise comprises open land which is primarily overgrown grassland scrub and self-sown trees, former railway trackbed and the public car park. Existing access is from Victoria Square onto the area currently used as informal car parking (which is part of the Area 2 site).

There is a current planning application for the area 2 site (13/03786/EFUL) being considered on this agenda and this application should be read in conjunction with that.

## DESCRIPTION OF THE PROPOSED DEVELOPMENT

The Planning application seeks outline planning permission for:

- 70 residential units [Use Class C3];
- Up to 282 square metres of retail floorspace [Use Classes A1 to A5]
- 84 square metres of community uses [Use Class D1]
- A Public Car Park

And associated works including ground remediation, highway and environmental works

## SCOPE OF CONSERVATION AREA CONSENT APPLICATION

The Applicants have made a separate application for Conservation Area consent. This is directly linked to the Planning application, and seeks consent for the demolition of the following structures:



- Railway tracks and sleepers and of a complex of railway features relating to former goods shed

These features are shown on drawing 001 submitted with the application.

## RELEVANT PLANNING HISTORY

Outline planning permission was granted in 1995 [reference WN 10554/C] by the former Wansdyke District Council for the redevelopment of the former railway land and wagon works for housing, tourist and leisure facilities, shops and offices and a new access road. No applications for approval of details were submitted and the permission therefore lapsed, but following a successful bid for Single Regeneration Budget funds and a programme of public consultation, the development of the railway land was identified as a priority for the community and eventually a new scheme was put forward for the redevelopment of the site.

The application was submitted in 1999 by Norton Radstock Regeneration (NRR) [reference 99/02789/OUT]; this sought outline planning permission for a mixed use development comprising residential (up to 88 units), a community enterprise centre, retail, studio/workshops, hotel, railway, public open space and arts/ community uses.

The application was reported to the Development Control Committee on 1st December 1999 and the Committee resolved in principle to permit the application, subject to the submission of detailed ecological mitigation measures, further negotiations in respect of a Section 106 Agreement and a schedule of conditions which were to be the subject of a further report to the Committee. These negotiations were not concluded and the consequently the application was never finally determined.

NRR purchased the site in 2001 and, jointly with SWERDA, commissioned a masterplan. An application was submitted by NRR and its development partner Bellway Homes, in order to deliver the development of the site in accordance with its masterplan and vision framework for the town. (reference 06/02880/EOUT) This application which comprised of the redevelopment of former railway lands to provide mixed use development including 210 residential units of varying sizes, up to 695 sq m of retail business floor space (A1-A5 and B1); up to 325sq m of B1 floor space or for community uses (D1) and conversion of the Brunel rail shed for D1 uses; car parking and new bus stops; partial diversion of Frome Road (A362) through the site, works to various existing roads within the town and establishment of new roads to service the development including new bridge structures; new public realm works, ground remediation, alterations to ground levels, works to trees and existing habitat areas; upgrading of below ground utilities; new children's play areas; establishment of a new Sustrans route and diversion of existing public right of way was permitted subject to a section 106 in March 2008 but this was not implemented. An application to renew was made in 2011 but was not determined (reference 11/02329/REN).

In 2008 a reserved matters application was made (reference 08/02332/RES) comprising of Residential development of 83 dwellings and commercial floor space for D1 use with retail and commercial floor space for A1-A5 and B1 use (Reserved matters for outline application 06/02880/EOUT on 31 March 2008). This was permitted in August 2009 but not implemented.

In 2010 a reserved matters application (reference 10/00777/RES) comprising of Mixed use development of 56 residential dwellings and commercial floor space for retail/commercial A1-A5 and B1 use (Approval of reserved matters regarding outline application 06/02880/EOUT). This was permitted in August 2010 but not implemented.

In association with the above proposals have been applications for Conservation Area consent (covering demolitions) and applications to discharge planning conditions.

### **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

ARCHAEOLOGICAL OFFICER: comments made 20th September 2013 - Having reviewed the cultural heritage section of the environmental impact assessment and the Additional Archaeological Matters Report (Oxford Archaeology, January 2007), I am satisfied there is a relatively low potential for significant pre-industrial archaeology within the development area. I recommend that conditions are attached to any planning consent:

HERITAGE AND ENVIRONMENT GROUP: comments made 30th September 2013 - I understand that this is a resubmission of 06/03753/CA and the associated planning permission. In my view there has been no significant change in circumstances since then and I would therefore recommend that CA Consent is granted.

ECOLOGIST : comments made 17th January 2014 - I have no particular ecological concerns as these proposals involve works that will not affect bats or structures with known bat potential; notwithstanding my comments on the concurrent planning applications 13/02436/EOUT and 13/03786/EFUL which apply in any case to the site and development proposals at large.

### **OTHER REPRESENTATIONS**

RADSTOCK TOWN COUNCIL: - No objection

Radstock Action Group have objected to the proposals on the basis of the scale of the development, the loss of heritage and railway potential on the site and add further additional comments of objection in respect of the road layout. Comments are also made about the inadequate clarity of the proposals.

### **LOCAL RESIDENTS**

23 residents have written to object to the proposals. Key concerns relate to the harmful effect of diverting the road through Radstock, loss of Heritage assets of importance to the conservation area, the proposals would not preserve or enhance the conservation area, railway land and infrastructure should be retained and may in future become a viable option, loss of industrial heritage, the effect of turning Radstock into a large roundabout will be affect businesses and be dangerous for pedestrians, wildlife and biodiversity will be harmed, contamination concerns, there are no clear regeneration benefits, the application does not support a sustainable community, there is no evidence that the benefits claimed are delivered, parking will be inadequate.

3 residents have written to support the proposals and consider that regeneration is overdue.

## **POLICIES/LEGISLATION**

### **THE DEVELOPMENT PLAN**

The Development Plan currently comprises saved policies from the B&NES Local Plan and the Joint Waste Core Strategy.

The site is part of the site allocated as Site NR2 Radstock Railway Land under Policy GDS1 of the Local Plan. Following the Local Plan Inquiry, the Inspector made significant comments regarding this allocation, and as a result, Paragraph B7.30 of the Written Statement was revised to state as follows:

the development of the Radstock railway land site for mixed use development is integral to the development of Radstock and will contribute at least 50 dwellings during the plan period but substantially more provided a robust mixed use scheme is achieved, ecological interests are taken into account, the character of the town is maintained or enhanced and the transport corridor is retained in accordance with Policy GDS1/ NR2.

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

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

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

1. 2.3 hectares of land at Fox Hills, at the southern end of the site is allocated for informal recreation under Policy SR2. Policy SR.2 states: 'Land is allocated for formal and informal sport and recreational use on the following sites as defined on the Proposals Map: Slopes above Fox Hills, Radstock: 2.3 ha for informal recreation.'
2. The Kilmersdon Brook and Snails Brook corridors, the railway cutting along the eastern boundary and the slope of Fox Hills at the southern end of the site are designated as Sites of Nature Conservation Interest.
3. Part of the western edge of the site, adjacent to the Kilmersdon Brook and Snails Brook, are indicated as a floodplain.
4. The northern part of the site, to the north of Victoria Square, is within the Town Centre Shopping Area and frontages to Fortescue Road, Wells Road and The Street are indicated as Primary Shopping Frontage.
5. The former railway line is identified as a Sustainable Transport Route.

In addition, the entire site is located within the designated Radstock Conservation Area, where the LPA is required to have regard to the extent to which proposals for development preserve or enhance the character or appearance of the designated area.

The following policies of the Local Plan are of principal relevance to this application:

D2: General Design and Public Realm considerations  
D4: Townscape considerations  
ES15: Contaminated land  
NE1: Landscape character  
NE3: Important hillsides  
NE4: Trees and woodland  
NE9: Locally important wildlife sites  
NE10: Nationally important species and habitats  
NE11: Locally important species and habitats  
NE12: Natural Features  
NE14: Flood risk  
NE15: River corridors  
BH2: Listed buildings and their settings  
BH5 Locally Important buildings  
BH6, BH7 and BH8: development within Conservation Areas  
BH11 Development affecting a Scheduled Ancient Monument  
BH12: Archaeology  
T5, T6 and T7: Provision for cyclists  
T9: Sustainable transport routes  
T24: General development control and access policy

With reference to Policy BH7, it is to be noted that the Radstock Conservation Area Assessment was produced in 1999, and was subject to public consultation before being approved by Members. The Conservation Area Assessment has not, however, been adopted as Supplementary Planning Guidance and therefore appropriate care needs to be given in assessing its material weight when reaching planning decisions.

#### NATIONAL PLANNING POLICY FRAMEWORK :

The Government's planning policies for England are set out in the NPPF which was published in March 2012. The guidance in the NPPF is an important material consideration. The Local Plan was adopted in accordance with the Town and Country Planning Act 1990 and not the Planning and Compulsory Purchase Act 2004. For this reason, and because 12 months have now elapsed since the publication of the National Planning Policy Framework (NPPF), in accordance with Paragraph 215 of the NPPF if there is inconsistency between the Local Plan and the policies in the NPPF due weight should be given to the 'saved' policies according to their degree of consistency with the NPPF.

#### B&NES CORE STRATEGY

The Councils Draft Core Strategy is under examination and its policies are a consideration. The Council approved the amended Core Strategy for Development Management purposes. At this time only limited weight can be attached to those policies

where there are unresolved objections. Significant weight can be attached to those policies where there are no unresolved objections

Key relevant Policies are  
DW1 District Wide Spatial strategy  
SV3 Radstock Town Centre strategic policy.

The Councils' Supplementary Planning Documents (SPDs) and Supplementary Planning Guidance (SPG) are also material considerations.

Other material Local and National Guidance

Ministerial Statement "Measures to reduce bureaucratic barriers to growth and infrastructure (Growth and Infrastructure Bill) April 2013

### **OFFICER ASSESSMENT**

Conservation area consent was granted for the demolition of the structures as proposed in 2008 and taking into account the changes in the status of the local plan the introduction of the NPPF and all other material factors there have been no changes in circumstances that would warrant an alternative decision this time in planning principle terms. The decision to grant consent would be conditional upon appropriate proposals for development of the site. Subject to the following conditions the application is acceptable.

### **RECOMMENDATION**

Delegate to consent subject to the following conditions.

### **CONDITIONS**

1 The development and works hereby approved shall be begun before the expiration of three years from the date of this consent.

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990

2 No demolition shall take place until a contract has been let for the redevelopment of the site in accordance with a valid planning permission.

Reason : To safeguard the character and appearance of the Conservation Area.

3 No development shall take place within archaeological zones C, D and E (as defined in the submitted EIA) until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a controlled watching brief during ground works on the site, with provision for excavation of any significant deposits or features encountered.

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

4 No development or demolition shall take place within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a record of those parts of the historic buildings, structures and related features, which are to be demolished, disturbed or concealed by the proposed development.

Reason : The historic buildings, structures and related features are of historical/archaeological interest and the Council will wish to examine and record features of architectural interest.

5 This consent refers only to the structures to be removed on the drawing 001. Conservation Area Consent is not required for the removal of railway sleeper/rails.

Reason : To clarify the extent of the consent granted For the avoidance of doubt .

#### **PLANS LIST:**

1 This decision relates to drawing numbers G2845 (05) 004 REV A, 001

2 In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Policy Framework. The application has undergone extensive consultation and consideration has been given to all the submissions from consultees, local residents and other representations. Furthermore due consideration has been given to all material considerations and as a result the development has been found to be, on the whole acceptable, and where concerns do remain it has been found that these do not outweigh the overall benefits of the scheme and are not so significant as to justify the refusal of planning permission.