

Bath & North East Somerset Council

MEETING: **Development Control Committee**

MEETING DATE: **24th October 2012**

AGENDA
ITEM
NUMBER

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RESPONSIBLE OFFICER: Lisa Bartlett, Development Manager, Planning & Transport Development (Telephone: 01225 477281)

TITLE: **APPLICATIONS FOR PLANNING PERMISSION**

WARDS: ALL

BACKGROUND PAPERS:

AN OPEN PUBLIC ITEM

BACKGROUND PAPERS

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

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

The following notes are for information only:-

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

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

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

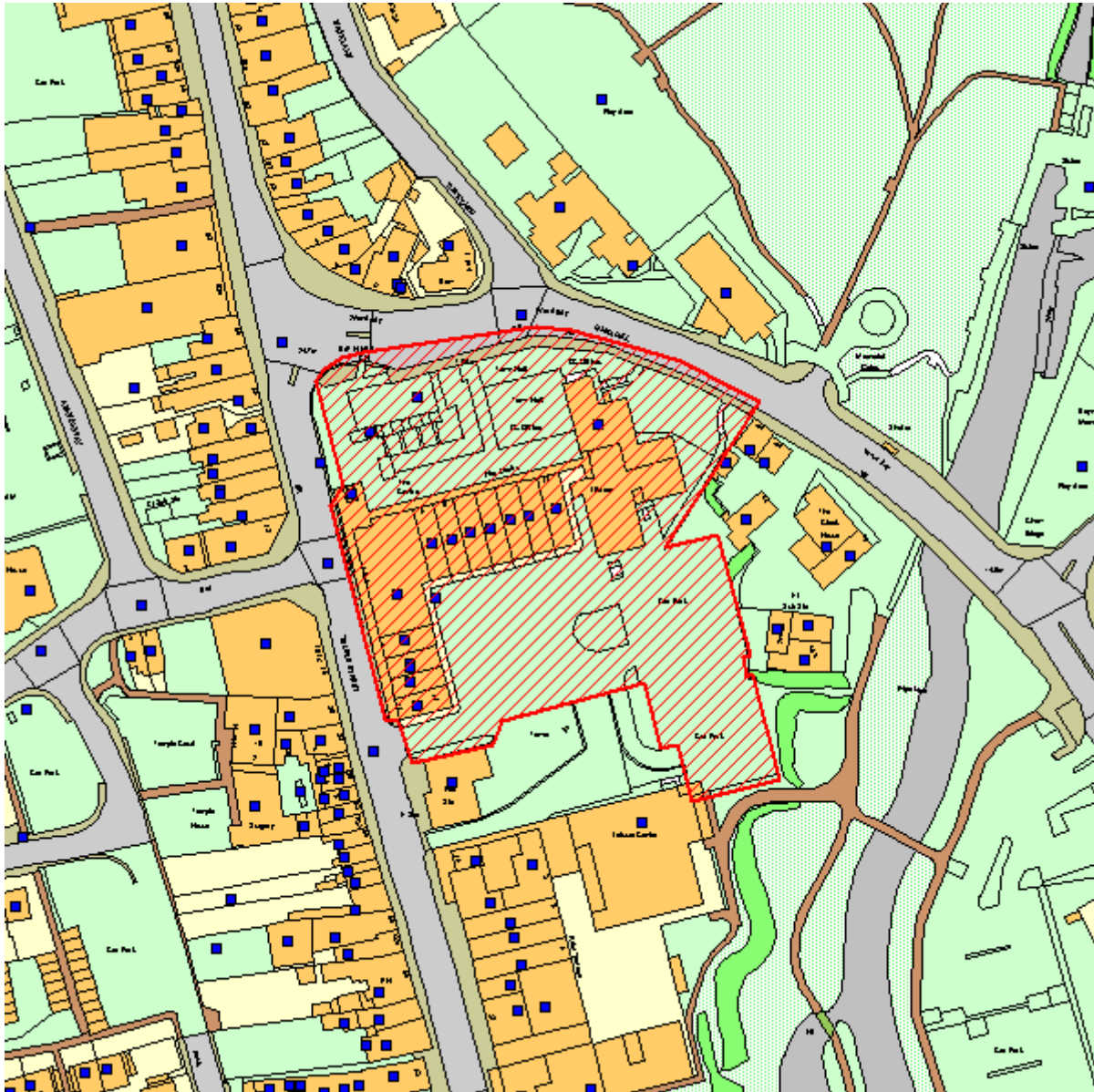
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ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	12/00972/REG04 7 June 2012	Bath & North East Somerset Council Town Hall, The Centre, Keynsham, Bristol, Bath And North East Somerset Erection of new buildings to provide offices, library, one stop shop, retail with associated highway works; new public realm works and landscaping following the demolition of all the buildings currently on site (excluding the multi storey car park, which will be extended)	Keynsham South	Mike Muston	PERMIT
02	12/02848/FUL 28 August 2012	Bathweston One Limited & Bathweston Two Limited 12 High Street, Upper Weston, Bath, Bath And North East Somerset, BA1 4BX Erection of rear ground floor extension (totalling approximately 206 sq metres) to create an enlarged retail unit together with rear first and second floor extensions to create 6no 2-bed apartments and alterations to existing shop fronts at 12-20 High Street, Weston	Weston	Alice Barnes	Delegate to PERMIT
03	12/03082/AR 10 September 2012	Roman Candles Of Bath Ltd Roman Candles, 5 Terrace Walk, City Centre, Bath, BA1 1LN Display of external fascia and hanging signs (regularisation) and removal of existing light fittings and associated works.	Abbey	Richard Stott	REFUSE
04	12/03095/LBA 10 September 2012	Roman Candles Of Bath Ltd Roman Candles, 5 Terrace Walk, City Centre, Bath, BA1 1LN External alterations for the display of external fascia and hanging signs (regularisation) and removal of existing light fittings and associated works.	Abbey	Richard Stott	REFUSE

05	12/03731/FUL 23 November 2012	Mr Richard Curry Parcel 1100, Compton Martin Road, West Harptree, Bristol, BS40 6EQ Change of use of land from agricultural (Sui Generis) to the keeping of horses (Sui Generis) and erection of stables and formation of replacement access and track (resubmission).	Mendip	Tessa Hampden	PERMIT
06	11/01772/FUL 16 August 2011	Linden Homes Western Ltd Site Of Alcan Factory, Nightingale Way, Midsomer Norton, BA3 4AA, Residential-led mixed use redevelopment comprising of the erection of 169no. dwellings, community facilities, offices, town centre link, formal green space and associated works.	Westfield	Gwilym Jones	PERMIT

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

Item No: 01
Application No: 12/00972/REG04
Site Location: Town Hall, The Centre, Keynsham, Bristol



Ward: Keynsham South **Parish:** Keynsham Town Council **LB Grade:** N/A
Ward Members: Councillor Alan Hale Councillor Kate Simmons
Application Type: Regulation 4 Application
Proposal: Erection of new buildings to provide offices, library, one stop shop, retail with associated highway works; new public realm works and landscaping following the demolition of all the buildings currently on site (excluding the multi storey car park, which will be extended)

Constraints:	Agric Land Class 3b,4,5, City/Town Centre Shopping Areas, Conservation Area, Flood Zone 2, Flood Zone 3, Forest of Avon, Housing Development Boundary,
Applicant:	Bath & North East Somerset Council
Expiry Date:	7th June 2012
Case Officer:	Mike Muston

REPORT

Update

The application was deferred from the 29 August 2012 meeting, with Committee resolving that significant changes be made to the scheme, in consultation with the Keynsham Community Focus Group, to:-

Roof design of the main building
Roof design of the library/one stop shop building
External materials on both buildings

A series of meetings with the Focus Group have taken place, with various options for each of the three areas considered. The Focus Group agreed a revised roof design, featuring a split roof, for the main building. A number of alternative roof designs were considered by the Focus Group for the library/one stop shop building. However, the Group felt strongly that the original flat roof design for this building worked far better than any other option. Materials were also considered, with the Focus Group agreeing that the brass/gold cladding material should be retained, but in smaller quantities. The Group also asked if banding could be introduced into the stone wall fronting Bath Hill, similar to that in St John's church. This has been done.

The changes that have taken place since the application was last reported to the Committee can be summarised as:-

Split roof introduced to the three roofs of the main buildings, reducing the height of the building at eaves level facing Bath Hill by 4 metres, and introducing more variety into the east and west end elevations
Roof pitches on the three main roofs increased to 15 (main roof) and 25 (smaller area of split roof) degrees
Library/one stop shop building reduced in height by 0.5 metre
Area of brass cladding facing Bath Hill reduced by 45%, with contrasting panels added
Area of gold cladding on smaller building facing Temple Street significantly reduced, with contrasting panel added
Gold detailing on Bath Hill elevation of main building removed
Bath Hill Blue Lias stone wall to incorporate stone banding to echo the design of St Johns Church
Bath Hill retail units set further back from Bath Hill resulting in wider footpath
Balcony overhangs reduced

Consultations have been sent in relation to these revisions, and any responses will be reported to Committee in the update report or at Committee for any later responses. It is considered that the Committee's resolution from the August meeting has been fulfilled and

that the design of the scheme has improved as a result. The recommendation for permission to be granted remains as before, and the report to the August Committee is reproduced below.

The Site

The application site lies at the southern end of Keynsham's High Street and is bounded by Bath Hill to the north and Temple Street to the west. To the south is the fire station site and beyond that the Council's Riverside offices. To the east the land falls away to the River Chew and the surrounding park.

The site is within the defined town centre and the Keynsham (High Street) Conservation Area.

The Proposal

The application proposes the complete redevelopment of the site. All the existing buildings on site would be demolished, with the exception of the multi-storey car park, which would be extended. The proposal would provide the following new floorspace on the site:-

Offices (Use Class B1)	6,300 sq m
Library/One Stop Shop (Use Class D1)	1,180 sq m
Town centre uses (Use Classes A1, A2, A3, A4, A5)	1,940 sq m

The proposal would provide new Council offices, a free-standing library/one stop shop and units available for appropriate town centre uses. These would include a food store that would act as an anchor store at this end of Keynsham town centre. New areas of public realm would be created, including a central market square, a new street between the office and retail buildings and the library/one stop shop (leading towards the fire station and Riverside sites) and a new street leading through the development and down the hill to Bath Hill. The existing multi-storey car park on site would be retained and extended to provide car-parking to serve the scheme.

The main office/retail buildings are proposed to be three blocks of four storey buildings (3 floors of offices over a ground floor of town centre uses), with mono-pitched roofs facing south (accommodating arrays of photo-voltaic panels), linked by lighter weight narrower sections with flat roofs. The free-standing library/one stop shop would be a two storey flat-roofed building. The main materials proposed would be a combination of blue lias stone, brass cladding and copper aluminium cladding. Two additional floors would be added to the top of the existing multi-storey car-park. The car park itself would be refurbished and provided with new timber infill cladding between floors.

RELEVANT HISTORY

None relevant to the current proposal, other than to note that the site was completely redeveloped with the existing buildings on site in the 1960s.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Keynsham Town Council - in response to the latest revised plans, commented as follows:-

The Planning and Development Committee support the amended plans (revision of the building line resulting in a wider footpath going up Bath Hill) pursuant to the current application.

Previously made the following comments:-

Are very much in support of the redevelopment of this site but do have some concerns. These are primarily as follows:

Design - feel that the proposed building does not reflect the character of the old market town. It is too boxy and square.

Deliveries - consider that delivery drivers may damage the proposed trees whilst making deliveries and would like to see restrictions on the timing of deliveries (Note - a condition is proposed to agree a Delivery Management Plan, which would restrict the timings of deliveries).

Play area - the TC do not wish to see a play area and feel it could lead to problems (Note - the "play area" is now intended to be an informal landscaped area).

Parking - concerned that the post Tesco parking survey may not be comprehensive and would like to see later data on parking in Keynsham.

Highways - the TC would like to be involved in discussions regarding all highway issues.

Environment Agency - No objections and recommend conditions

Wessex Water - No objections and recommend a condition

English Heritage - Understands that the proposal is part of a wider site aimed at regenerating the town centre and accepts that given the development proposed on site, it is not surprising that the outcome is challenging. Accepts that much will depend on the scale of the public benefits that flow from the proposal. In relation to the scheme, comments as follows:

The applicant accepts that the scheme will cause harm to the conservation area but maintains that this is less-than-substantial rather than substantial. In replicating some of the defining characteristics of the existing development on the site the impacts of the existing scheme will also be replicated. In that the original scheme involved a substantial change in historic character so will the proposed, and while substantial change does not automatically equate to substantial harm there is such harm in this case by the very nature of the proposals relative to the historic character and appearance of the conservation area. It is fair to observe that the site was included in the conservation area when it was designated in 1997 and that it forms part of the area's character. The absence of a character appraisal at that time makes it difficult to speculate about the reasoning behind its inclusion but there is agreement that its contribution is negative and again this must therefore be seen as substantially negative. Perpetuation of harm through physical change, even without causing greater harm, still falls short of enhancement and compliance with policy 137 of the NPPF.

Concludes by maintaining the view that the proposals will cause substantial harm to the character and appearance of the conservation area.

Police Crime Prevention Adviser - No objections

Environmental Protection - No objections and recommend a condition

Contaminated Land - No objections and recommend conditions

Environmental Services - Objected to the originally submitted Air Quality assessment as incomplete - no comments received at the time of drafting this report on the subsequently submitted complete version.

Highways - were initially concerned about some of the proposals for altering the highway network in Keynsham. In response to the revised proposals, which no longer include changes to the wider network, comment as follows:-

Traffic Impact - notes that discussions have been on-going with the applicants' agents to agree transport modelling. Points out that the modelling shows the likely impact of traffic generated on the local and wider network, and is a mechanism by which a professional judgement can be made of the effect of these increased movements. It is important to bear in mind that these assessments consider the future movement of all traffic around the highway network (with appropriate growth factors added) not just that resulting from development. Notes that the modelling gives the following results:-

2014, with Riverside remaining as offices – queues and delays will result during the morning peak hours on Bath Road, Ashton Way and High Street. During the afternoon peak delays also appear on Avon Mill Lane, Bristol Road and Station Road

2014, with Riverside developed as residential – in the morning nominal queues form on Bath Road and High Street, which dissipate fairly quickly, with a similar impact during the afternoon peak hour.

All assessments of the 2022 scenario showed the highway network being significantly adversely affected, although the residential option less so.

Concludes on traffic impact that in terms of the impact on the highway network there would be no objection to the proposals if the Riverside building residential development could be guaranteed, which it cannot be. There is greater risk of congestion and delay with this building remaining in its current use as offices. Depending on the future of the Riverside building, immediate mitigation for the development may not therefore be considered necessary, but in any scenario it will be required in the medium/long term, especially when other significant development in the area is considered. The applicant has therefore committed a sum of up to £700,000 towards future town centre traffic management, public realm and sustainable transport infrastructure. Mitigation in the form of a contribution will allow a more holistic approach to improvements the town centre and beyond, as the on-going impact of the development is monitored possibly in the form of a wider master plan and in the context of other committed and future significant development in the town.

Travel Plan - The Travel Plan submitted has been worked-up in liaison with Transportation Planning colleagues and is considered by them to be acceptable and compliments the Bath and North East Somerset Council Corporate Travel Plan currently being developed.

A condition is recommended to ensure the development operates in accordance with the approved Travel Plan.

Parking - Consideration of this issue is once again greatly influenced by the future use of the Riverside building. If it remains as offices, the T.A. shows that there is likely to be insufficient appropriate capacity i.e. while overall parking capacity in Keynsham is shown to be available, this does include short-stay parking which will not be suitable for people working in Keynsham. Should Riverside be developed as residential accommodation however, with integral parking, sufficient public parking is available.

The Local Plan recognises that the availability of off-street parking can encourage use of alternative transport, and together with an effective Travel Plan and improved travel infrastructure being considered both locally and regionally, it is possible to minimise the demand for parking, and the issue of capacity is addressed to some degree. There is also the intention to create additional parking at the existing Civic Centre car park as part of this application, by the introduction of a new deck which will increase its capacity to 189 spaces. This will obviously assist in addressing the increased demand.

Recommends that on-going monitoring and review is undertaken (surveys etc.) post development, to allow any subsequent amendments to on-street parking Traffic Regulation Orders to be considered, all to be funded by the applicant. Notes that the Local Plan states that developers will not be required to provide any more off-street parking than they themselves wish, unless there are implications for on-street parking. This review will ensure any resulting on-street parking implications are addressed.

Layout of car park - No objections.

Site layout - The internal layout of the public space has been designed to allow maximum permeability around and through the development to areas beyond. Ramping has been designed to be DDA compliant. It would appear there are elements of the existing 'public highway' which may become redundant as a result of the development, as well as areas which will require to be adopted as new highway. The exact extent and status of these areas have not yet been fully decided however this is an issue which can be discussed in detail following any consent granted, and appropriate provision made for stopping-up, adoption etc.. A condition has been recommended to ensure the appropriate design and approval processes are entered into, and the appropriate access rights and future maintenance provision ensured. There are no existing Public Rights of Way permanently affected by this development. Temporary provision may be required to a PROW to the south of the site during the construction period. Servicing and deliveries for the development as a whole will be taken from the car-park access, off Temple Street to the south of the site. It has been demonstrated that vehicles can manoeuvre adequately and is therefore considered acceptable. Notwithstanding this recommends a Delivery Management Plan be conditioned with any consent granted to allow detailed consideration of the timing and control of deliveries.

Safety audit - A stage 1 Safety Audit has been undertaken to assess the implications of the marginal changes to the local road layout, and the access changes to the Civic Centre car park (which include all servicing traffic for the development). The designer's response to this is considered appropriate.

Highways Drainage - Raise no objections.

Conclusions - In conclusion, the two fundamental issues affecting a highways recommendation in this instance (highways impact and parking capacity) are dependent on the future of the Riverside building (i.e. offices or residential). Should a residential development take place, there is reasonable certainty that the impact will not be significant. There is less certainty of this should the use of this building remain as offices, however as detailed above, the mitigation presented by the applicant in this regard will have a positive impact. The guidance of the National Planning Policy Framework must be borne in mind in this regard where it states "development should only be prevented or refused on transport grounds where the residual cumulative impacts are severe". Should the Development Control Committee be minded to grant consent, conditions are recommended, as well as the securing of the £700,000 contribution detailed above.

Highways Drainage - Raise no objections

Urban Design Officer - Principle issues have been resolved in relation to massing and broad use. Outstanding issues remain relating to connectivity to wider regeneration objectives, building design details and, public realm design.

Considers that the scheme enhances opportunities for regeneration of Riverside, but lacks clear commitments and connectivity to The High Street, that the building proposals enhance the character of the conservation area but are compromised by unfortunate detailing and that the public realm design is largely well structured but overly complex in specification and badly related to the conservation area. Conditions should be placed on the submission of all façade and paving materials.

Conservation Officer - In the words of the National Planning Policy Framework great weight needs to be given to the objective of conserving designated heritage assets. As the Conservation Area is a designated asset any harm to it would require clear and convincing justification. The NPPF also requires decision-makers to look for opportunities to enhance or better reveal the significance of assets. Conservation of assets is one of the core principles of the NPPF and only development that demonstrates that it achieves this objective can be said to comply with the presumption in favour of sustainable development.

Considers that the supporting papers included in the submission go a good way towards analysing the historic context of the site but that it is not entirely clear how the context has been carried forward into the development proposals. Feels something of a divergence seems to have developed in the place-making process between the historic context of the site and the proposed development. It is acknowledged that the height of the buildings has reduced since master plan stage and that a nod to the past has been given by splitting the three main office blocks into three component parts. However, fears there is a risk that the large scale blocks will fail to truly reflect the finer grain that characterises the essence of Keynsham as a market town. Unclear as to why tall buildings on high ground can be said to preserve or enhance the character of Keynsham as a market town. The proposed wide span, mono-pitched roofs in particular do not fit neatly with the established vernacular of the conservation area. The proposed library building also seems to represent something of a lost opportunity. It neither matches the finesse demonstrated by many of the existing buildings in the town centre, nor does it have the architectural presence of a traditional civic building which might control the proposed new market place. Thinks the proposals may represent a lost opportunity to stitch back the grain, rhythm, and

historic streetscape of the town that was severely weakened by the last round of comprehensive redevelopment.

Ecological Officer - An ecological survey has been submitted. The main ecological interest is the presence of a Lesser Horseshoe Bat roost in the sub-floor void of the multi-storey car park. The ecological assessment is based on this area being retained and unaffected by the proposals. However it is not clear from the submitted plans that this will be the case. This must be clarified before any decision to permit. (Note: such clarification has now been received).

Economic Development Officer - Supports the application for the following main reasons:

The redevelopment of the site should act as a catalyst for refurbishment on neighbouring sites such as the Riverside and the Fire Station as it is in line with the ambitions of the Core Strategy and the Keynsham ERDP. The proposal creates the opportunity for new retail units that are larger than that provided currently on the High Street. This will create an anchor for the Southern end of the High Street to counter balance the supermarket at Charlton Road. Activity will increase through Temple Street and promote footfall which is positive for businesses located in the area. The proposal will modernise the public services in Keynsham which include the Library and a new One Stop Shop.

The proposal will create modern, quality, efficient office space that starts to put Keynsham on the map as an employment destination. The proposed scheme will provide a gross increase of 6,500sq.m of offices, 1,940sq.m of retail and 1,200sq.m of civic centre uses. This aligns with the Core Strategy and will promote Keynsham as a commercial location. The displacement of council workers from Bath creates greater business for the High Street as there will be a larger influx of people in Keynsham on a day to day basis. As a result this will increase employment opportunities elsewhere in the town centre through greater demand for goods and services.

The retail aspect of the proposal as the various sized retail units will attract national and regional retailers as well as providing existing retailers an opportunity to expand. This will increase the popularity of Keynsham as a shopping destination, preventing leakage of expenditure to areas such as Longwell Green and Brislington. The proposal will support the wider retail on the High Street and provide better retail circuits and movement through the town centre.

The improvements to the public realm as Keynsham's public realm is poor. This proposal begins to address this by creating a market square that provides a flexible space and an area for events. This would encourage more activity in the town centre potentially for start-ups and market stalls which will draw more people in to the town centre.

Landscape Officer - Raises no objections subject to conditions. However, is concerned that some of the details are over complicated and may not work in practice.

Arboricultural Officer - all existing trees will be removed to accommodate the proposal and this is made clear in the drawing showing trees lost and retained. Has no objection subject to meaningful replacement planting but does not believe that the landscape master plan achieves this or provides any enhancement.

Planning Policy Officer - Broadly supports the scheme but raises a few concerns:-
Still concerned about the stretch of Bath Hill running between the retail units and the junction at the top of Bath Hill with High Street/Temple Street. This stretch of frontage is still very much blank and questions why the proposed tree planting that was shown at pre-application stage has not made it into the final planning application (trees were originally proposed along the whole of Bath Hill) - Note - the trees could not be planted in this location because of the proximity of underground service runs.
Despite repeated requests for the applicant to supply a BREEAM pre-assessment alongside the planning application, supporting the Council's submitted Core Strategy, this has not been completed. Instead, great efforts have been made to produce a bespoke sustainable construction assessment, which the applicant is confident is equivalent to a BREEAM assessment in terms of process and targets. Acknowledges the case that has been made in terms of producing an equivalent assessment, but still believes that the focus for the development is rather narrow and focused on energy efficiency, and not on other sustainability principles as would be evidenced by BREEAM.
Pleased that previous comments have been taken on board and that the development has been redesigned to be connected to a district heating network in the future (which should be incorporated into the Riverside redevelopment as a priority).
Suggests the applicant considers the inclusion of a green (sedum) roof on the currently blank terrace.
Seek clarification that a clock is included in the development - Note - a clock is proposed, as requested by Planning Policy, but not a clock tower, as some representations would like to see.

Archaeological Officer - Notes that a desk-based archaeological assessment was submitted as part of the current application. It provided a good assessment of the below ground archaeological resource, indicating the substantial survival of intact medieval and post-medieval deposits and structures across the site, including standing walls in the basement of the town hall. On the basis of this assessment and in response to advice from the Council's Archaeological Officer the applicants commissioned an archaeological field evaluation of the site (Avon Archaeology, June 2012), which has now been submitted as part of the current application. Agrees with the overall conclusions of the archaeological evaluation. Whilst no deposits of national importance have been identified on the site, those that do survive are nevertheless of regional and local importance and as such should be preserved by record (archaeologically excavated and published) in advance of any development of the site. Whilst objecting to the proposed development's impact on the wider historic environment (conservation area and listed buildings), if permission were granted would recommend that archaeological conditions are attached.

On the wider impact, shares English Heritage's concerns. Considers it essential that a full understanding of the historic environment character and context informs the redevelopment of this important site at the heart of the historic market town. Feels that redevelopment of this area represents an opportunity to draw inspiration from the historic town plan, its medieval burgage plots and lanes, in regenerating this lost part of Keynsham. Also notes that the Design and Access Statement (DAS) submitted at pre-application stage contained a section on the historic environment, which provided a good baseline assessment of the built environment, conservation area and below ground archaeology. This included a useful analysis of the historic town plan, statements on the significance of the historic grain of town, local vernacular architecture, building materials, and the need to enhance the character of the conservation area. The submitted DAS

omits much of this and instead appears to be driven by the client brief rather than drawing inspiration from the historic grain of the town, or from local vernacular styles to enhance of the character of the conservation area. (Note - the HHES was submitted to replace some of the analysis in the pre-app stage DAS on the historic environment, whilst the below ground archaeology is dealt with in the submitted desk-based archaeological statement. It is though true that some of the content of the pre-app stage DAS no longer features).

24 letters of objection and 15 of comment received raising the following main points:

The design of the proposed buildings is totally out of keeping with Keynsham as a historic market town.

The blocks are just as drab and soulless as the buildings they are meant to replace.

Keynsham deserves better than this - if Bath's shopping centre can be redeveloped sensitively why can't Keynsham's.

This scheme largely involves facilities which Keynsham will never use fully.

There is insufficient parking, too many retail outlets which are already covered elsewhere in the town and too little regard for the character of Keynsham.

The design of the proposed new buildings is horrible, a throwback to the 1970s.

The road infrastructure or parking facilities will not cope with the proposals put forward and will only create confusion to both pedestrian and motorist, especially at the Bath Hill/Temple Street junction.

Will cause increasingly poor air quality.

The proposal for parking facilities for the office workers, accessed from Temple Street, is complete madness as this would bring additional unnecessary traffic through the shopping area.

Lost opportunity in not providing a large hall suitable for local groups to use

Would like to see another free-standing town clock

Distressed by the apparently arbitrary design of the outdoor space, which seems counter intuitive and almost deliberately confusing.

The proposed buildings will not weather well and will look an eyesore in a few years' time.

The car park recladding would be in unsuitable materials.

The proposed landscaping is too formal.

Would like to see more trees and greenery included.

Would like to see trials before any changes to the highway network put in place.

In addition, a petition has been submitted by the Keynsham Civic Society, gathered at the Farmers' Market of 14 July 2012. 335 people have put their names to a statement "we the undersigned object to the design of the new Keynsham Town Centre buildings". 5 people have put their names to a statement "we the undersigned support the design of the new Keynsham Town Centre buildings".

POLICIES/LEGISLATION

LOCAL PLAN

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

- | | |
|------|--|
| D.2 | General Design and public realm considerations |
| D.4 | Townscape considerations |
| ET.2 | Office development |

CF.2	New community facilities
ES.1	Renewable energy
ES.2	Energy conservation
S.1	Shopping centres
S.2	Retail development in town centres
T.3	Promotion of walking and use of public transport
T.24	General development control and access policy
T.26	On-site parking and servicing provision
NE.5	Forest of Avon
NE.9	Adjoins Nature Conservation site
NE.12	Natural Features
BH.2	Listed buildings and their settings
BH.6	Development within or affecting Conservation Areas
BH.12	Archaeology

CORE STRATEGY

The Council has prepared a draft Core Strategy, which has been the subject of an Examination in Public. A letter has been received from the planning inspectorate (PINS), indicating that the Strategy cannot be found sound in its current form. This reduces the weight that can be attached to the Strategy. However, two area and site specific policies are particularly relevant to this application and neither is the subject of the above concern from PINS. They therefore attract some weight in the decision-making process. These policies are:-

KE1	Spatial Strategy for Keynsham
KE2	Town centre/Somerdale Strategic Policy

Policy KE1 includes the following relevant elements:-

Plan for about 1,500 net additional jobs between 2006 and 2026

Make provision for an increase in office floorspace: from about 20,000m² in 2006 to about 30,000m² in 2026

Enable development which supports the town to continue to function as an independent market town. The scale and mix of development will increase self-containment and help develop the town as a more significant business location

Provide larger retail units in the town centre to attract a more varied mix of retailers

Provide for improvements to public transport and enhance connectivity between walking, cycling and public transport routes

Implement a reviewed Parking Strategy

Enable renewable energy generation opportunities including a new district heating network within Keynsham, potentially anchored by the Centre/Town Hall redevelopment

Policy KE2 includes the following relevant elements:-

Key Opportunities include to establish an integrated and sustainable town centre. There are major development opportunities on the High Street and on the edge of the town centre which can attract new jobs, shops and more visitors. These include The Centre/Town Hall and Riverside.

Scope and Scale of Change includes to make provision for (amongst other things) new office development at the Centre/Town Hall site including a new library, retail units at street level, leisure facilities and residential dwellings, some larger retail units to provide space for high quality, national retailers which complement the existing successful independent retailers. diversification of the employment base in order to offer greater opportunities for the resident population, a District Heating Network, with potential identified at Somerdale and the town centre.

Placemaking Principles include to reinforce and enhance the historic character and qualities of the Conservation Area ensuring local character is strengthened by change. The linear pattern and fine grain of the High Street should be maintained and enhanced, improve the quality of the public realm including provision of a new civic space, enhance the town centre to make it a more vibrant and attractive area, enabling all members of the community to enjoy it over a longer period of the day, retain and enhance the leisure, open space, sport and recreation function of the town centre and Somerdale, enhance the rivers, park and green spaces and link them together to form an improved green infrastructure network (linking the town internally and to its environs), provide new employment opportunities that help establish Keynsham as a more significant business location, diversifying the economy, and providing jobs, especially in the Higher Value Added sectors, improve the management of traffic through the town centre and enhance public transport provision, create / enhance links from Keynsham to the surrounding national and regional cycle networks, improve air quality in the town centre as part of the Air Quality Management Area.

NATIONAL PLANNING POLICY FRAMEWORK

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

Presumption in favour of sustainable development

The Framework introduces a presumption in favour of sustainable development. This is defined as being made up from economic, social and environmental elements. It says that, when taking decisions on applications, this presumption means approving development proposals that accord with the development plan without delay. Where the development plan is absent, silent or relevant policies are out of date, it means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or where specific policies in this Framework indicate development should be restricted.

Core Planning Principles

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

take account of the different roles and character of different areas, promoting the vitality of our main urban areas

support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy)

encourage the effective use of land by reusing land that has been previously developed
promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas

conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations

actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable

Economic Growth

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

Town Centres

The Framework also says that local planning authorities should, in relation to town centres:-

recognise town centres as the heart of their communities and pursue policies to support their viability and vitality allocate a range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development needed in town centres. It is important that needs for retail, leisure, office and other main town centre uses are met in full and are not compromised by limited site availability where town centres are in decline, local planning authorities should plan positively for their future to encourage economic activity

Good Design

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

It says that planning decisions should aim to ensure that developments:-

will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development

establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit

optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks

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

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

It also says that local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design (unless the concern relates to a designated heritage asset and the impact would cause material harm to the asset or its setting which is not outweighed by the proposal's economic, social and environmental benefits).

The Historic Environment

The Framework says that, in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.

It says that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, it says that local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm. It goes on to say that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Paragraph 137 of the Framework (referred to by English Heritage in their response) says that local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

The Framework also points out that not all elements of a Conservation Area will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area should be treated either as substantial harm or less than substantial harm, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area as a whole.

OFFICER ASSESSMENT

MAIN ISSUES

The main issues in this case are considered to be:-

- The principle of the development
- The regeneration of the town centre
- The impact on the historic environment
- Highway issues
- Design issues
- Energy efficiency and carbon footprint
- Other benefits of the proposal

PRINCIPLE OF DEVELOPMENT

As set out in the Policy section above, a development along the lines of the one envisaged here was specifically supported in the draft Core Strategy (policies KE1 and KE2). Policy KE2 is seeking new office development at the Centre/Town Hall site including a new library, retail units at street level, leisure facilities and residential dwellings, and some larger retail units. The new office development, library and retail units, including some larger retail units, would all be provided by the application scheme. Residential development is not proposed as part of this application, but could come forward as part of the wider regeneration proposals centred on this part of Keynsham, which would be possible as and when the Council's Riverside offices are vacated.

The proposal is in accordance with Policy ET.2 of the Local Plan, in that it proposes a net gain in office floorspace within the central area of Keynsham. It will be in accordance with Policy S.2, which supports retail development in Keynsham town centre, provided it is of a scale and type consistent with the existing retail function of the centre and will be well integrated into the existing pattern of the centre. It is considered that both of these criteria are met. The proposal complies with Policy CF.2, in that it will include the development of community facilities within a main settlement.

The proposal therefore has support in principle both from the development plan (in the form of relevant Local Plan policies) and from an emerging plan (the draft Core Strategy). The principle of the proposal also has support from paragraph 19 of the Framework, which urges that significant weight should be placed on the need to support economic growth through the planning system.

It is concluded that the principle of the proposed development is acceptable.

REGENERATION

The proposal contains a number of elements that should aid the regeneration of Keynsham. These are considered below.

It would enable a large number of Council staff to be retained in and to move to Keynsham. This increase in workers in the town should have a very positive effect on the day-time economy of the town, by providing a large number of potential additional customers for existing and new businesses.

As noted by the Economic Development Officer in his comments, the redevelopment of the site should act as a catalyst for refurbishment on neighbouring sites such as the Riverside and the Fire Station, as well as creating the opportunity for new retail units that are larger than that provided currently on the High Street. This will create an anchor for the southern end of the High Street to counter balance the supermarket at Charlton Road. Activity should therefore increase through Temple Street and promote footfall, which is positive for businesses located in the area.

The new retail and other town centre units should attract national and regional retailers, as well as providing opportunities for existing retailers in the town to expand. All of this should help to reduce leakage of trade into other nearby centres such as Longwell Green and Brislington.

The proposal will provide new modern civic facilities in the centre of Keynsham, supported by new civic and public spaces. As noted by the Economic Development Officer, this would encourage more activity in the town centre and provide opportunities for business start-ups and market stalls, which will hopefully draw more people into the town centre.

Taken together, it is considered that the proposal would have a very beneficial impact on the regeneration of both the town centre and Keynsham as a whole. As urged by the Framework, it is considered that substantial weight should be afforded to this significant effect of the scheme.

HISTORIC ENVIRONMENT

The site is located within the Keynsham (High Street) Conservation Area, which dates from 1997. Documents from that time show that the boundary of the Conservation Area originally excluded the site, along with the southern half of High Street. A report to the then Planning, Transportation and Environment Committee of 17 July 1997 provides some limited analysis of the character and appearance of the Conservation Area at that time and the rationale behind its designation. The positive elements listed in this analysis do not include any in the area around the application site. The report concludes that the Civic Centre is included (in the Conservation Area) as it "identifies the end of the High Street and is a prominent site". This strongly suggests that, at the time of its designation, the application site was not seen as, in the words of the Framework, making a positive contribution to the significance of the Conservation Area.

Regardless of the reasons for designating a site within a Conservation Area, the Council has a statutory duty to have special regard to the desirability of preserving or enhancing the character or appearance of the Conservation Area, when considering applications within it. The submitted Heritage and Historic Environment Statement (HHES) concludes that the existing development on the application site makes a negative contribution to the Conservation Area. English Heritage, in its consultation response, agrees and suggests that the contribution made by the existing buildings on site should be seen as substantially negative.

The submitted HHES concludes that, cumulatively, the impact of the application proposal on the High Street Conservation Area and its setting is assessed as being a slight negative effect on the historic environment, due to the new development's increased scale

and massing and the harm it will cause to the historic street pattern, outweighing still important positive impacts.

English Heritage has reached a different conclusion, arguing that, although the original (existing) scheme involved a substantial change in historic character, so would the proposed, and while substantial change does not automatically equate to substantial harm there is such harm in this case by the very nature of the proposals relative to the historic character and appearance of the conservation area. It concludes by arguing that the proposals would cause substantial harm to the character and appearance of the conservation area.

It has of course to be accepted that the Conservation Area was declared with the existing buildings already on site. Any assessment of the impact of the current proposal must therefore compare the impact of what is now proposed with the impact of the existing development on site. English Heritage accepts that the existing development has a substantially negative impact on the Conservation Area. It is accepted that the proposed development cannot be seen to comprise, as stated in paragraph 137 of the Framework, development that preserves those elements of the setting that make a positive contribution to (which it is argued this site does not) or better reveals the significance of the asset (the Conservation Area, which it is accepted that this site does not). However, the lack of a positive contribution does not necessarily result in substantial harm to the Conservation Area, even if the proposal is one, such as this one, where substantial change is proposed.

It is necessary at this point to consider why the site is within the Conservation Area. As stated above, this appears to be because it identifies the end of the High Street and is a prominent site. The proposal would provide a more effective end to the High Street than the existing 1960s development and would be more prominent. On that basis, it would still fulfil the function identified when the Conservation Area was declared. The increased massing of the new buildings compared to those on site now would make the development more imposing within the Conservation Area than the existing buildings. However, on balance, it is considered that the application proposal would cause less than substantial harm to the Conservation Area, as concluded within the submitted HHES, rather than substantial harm, as concluded by English Heritage.

Having said this, it is important to be aware that both forms of harm are unacceptable, unless they are outweighed by public benefits. They both mean that the development neither preserves nor enhances the character and appearance of the Conservation Area. The main difference is that, if the harm is considered to be substantial, as argued by English Heritage, the public benefits require to outweigh this harm must themselves be substantial. The matter of whether the public benefits outweigh any harm caused by the proposal is considered further later in this report.

The submitted HHES identifies four Grade II listed buildings, the settings of which will be affected by the proposal. These are the Temple County primary school to the north of the site, 64/66 High Street and 2 Temple Street, both to the north-west of the site, and the Trout Tavern, to the south-west of the site. The report concludes that the setting of 2 Temple Street would be enhanced, whilst the proposal would have a neutral impact on the setting of the Trout Tavern.

The report concludes that the proposal would have a negative impact on the settings of 64/66 High Street and the Temple County primary school. In the case of the Temple County this effect would be moderate, whilst the negative impact on the setting of 64/66 High Street would be slight.

The analysis in the HHES on the impact on the settings of the listed buildings appears robust and its conclusions are accepted. The result is that a negative impact on the setting of two Grade II listed buildings must be weighed in the balance, as well as the harm to the Conservation Area identified above.

HIGHWAYS

When the application was first submitted, it was accompanied by plans to change the way traffic moved through Keynsham town centre. Whilst not part of the application, the proposals were based on those changes going ahead. However, the Council's highways officers expressed reservations about many elements of those proposed highways changes. As a result, the proposals have been amended so as to no longer include changes to the wider highway network around Keynsham. The impacts on highways have now been calculated assuming no major changes in the highway network.

The conclusion from the Council's highways officers is that the two fundamental issues affecting a highways recommendation in this instance (highways impact and parking capacity) are dependent on the future of the Riverside building (i.e. offices or residential). Should a residential development take place, there is reasonable certainty that the impact will not be significant. There is less certainty of this should the use of this building remain as offices.

The current lawful use of the Riverside offices is of course as offices. However, should the application proposals go ahead, the Council's staff that use Riverside would be relocated into the new Council offices included as part of this proposal. This would leave the Riverside offices empty. The applicants have submitted two independently commissioned reports that show that the demand for such office floorspace as Riverside provides in Keynsham is low and that the likelihood of anyone succeeding in letting Riverside as offices, even if they are refurbished, is very remote. In addition, in May 2012, Cabinet considered a report relating to the importance of the Riverside site to the regeneration of Keynsham and recommending that authority be given to use Compulsory Purchase powers, if necessary, to ensure the site came forward to be redeveloped and aid that regeneration. This recommendation was agreed.

It is not possible, as noted in the highways comments, to guarantee that Riverside will not be retained as offices, as that is its lawful use. Nor can a condition reasonably be attached to secure this. However, on the basis of all of the facts set out in the paragraph above, it is considered that the likelihood of Riverside being reoccupied as offices once the Council has vacated the building is remote. In the circumstances, it is accordingly considered that little weight need be attached to the highway issues that might arise were the application scheme to be fully occupied and Riverside were to be used again as offices.

The Council's intention is of course not to leave the Riverside site vacant but to redevelop it as part of the wider regeneration proposals, with the predominant use being residential.

This scenario has been considered in the submitted Transport Assessment and by highway officers in making their comments. Their conclusion is that on that basis, no harmful highway impacts would arise, subject to the contribution to off-site works of up to £700,000 and to suitable conditions. A letter has been received from the applicants' agent stating as follows:-

"I write to formally confirm that as part of the project budgets a figure of £700,000 has been put aside for off-site (outside red line) improvement works in terms of highway improvements, public access / public realm improvements in terms of a range of works covering: paving, crossovers, DDA ramps to Bath Hill East Car park, kerb readjustment, cycle links, signage etc. which is justified in planning terms to subsume the proposed development into the surrounding network to ensure continued highway safety for all users."

As this is a Council application, it is not possible to secure this by means of a Section 106 agreement (the Council cannot enter into a legal agreement with itself). However, it is considered that the contribution offered would meet the tests set out in relation to planning obligations and is both justified and necessary. Therefore, subject to this sum of money being made available as stated and to appropriate conditions, the proposal is acceptable in highways terms.

DESIGN ISSUES

By far the most frequently repeated criticism in letters of representation has been in relation to the proposed design of the new buildings. There is no doubt that they are proposed to be overtly modern and this has provoked considerable reaction, much of it negative. However, it must be borne in mind that the scheme is aiming to fit a large quantum of floorspace on this site, and to include uses including new Council offices, a library/one stop shop building and a number of retail and other town centre units. At the same time, the design has been heavily influenced by a desire to produce a building with as low a carbon footprint as possible. The result is that the proposal features buildings of some scale and some presence, with a design that is of now, rather than looking to the past for inspiration.

The design has been the subject of change since the proposals were first prepared, prior to the submission of the application, in response to comments from the Council's officers and members of the public. As a result, the Council's urban design officer has concluded that previous issues in relation to massing and broad uses have now been resolved. However, in response to comments made by the urban design officer and landscape officer, it is acknowledged that elements of the design, particularly the details of materials and hard landscaping, may still need some clarification and amendment. This can be controlled to some extent by way of conditions.

The new buildings will be very prominent additions to the townscape of Keynsham. Despite suggestions in the representations, it is not accepted that they are similar to the 1960s buildings they replace. The shape of the buildings, with corners often not at right angles, their mono-pitched roofs, and their use of materials all serve to differentiate them strongly from the buildings they would replace. These features do however also mark them out as being very much modern buildings. However, much of their impact on the character and appearance of the area derives from their scale, which itself derives from

the quantity of development sought on the site to aid the regeneration of the town centre. It is not considered that the proposed design is in itself objectionable.

ENERGY EFFICIENCY AND CARBON FOOTPRINT

The applicant states in the submitted Design and Access Statement that it has high sustainability aspirations for the development, particularly with regard to energy use and regeneration and are very keen that these flagship buildings should use state of the art design and methods to deliver the lowest possible carbon footprint in use. They state that the focus of the sustainability performance of the development will be on achieving exemplar levels of low energy and carbon emissions at design stage and during actual operation. Rather than following a prescribed accreditation procedure such as the BREEAM scheme, the design team have set sustainability targets specific to the needs of the scheme. The most challenging target for the office development is an A rated Display Energy Certificate (DEC) which requires more focus on the running of the building than an A rated Energy Performance Certificate (EPC).

The Council has a corporate target to reduce its operational carbon emissions by 30% (from a 2007/08 base) by 2014. Emissions from energy use in Council buildings make up a substantial part of the Council's operational carbon footprint. As a result, the focus on delivering a low carbon new town hall and civic centre in Keynsham, with a DEC rating of A, would play a significant role in helping to deliver the Council's challenging target.

The Planning Policy Officer has, as stated in their response, constantly sought a BREEAM assessment, which is set out as preferred within the draft Core Strategy. However, it is considered that the assessment undertaken by the applicant team does adequately demonstrate the sustainability credentials of the proposal. Indeed, it is considered that the fact that the design of the buildings enables this level of energy efficiency and low carbon footprint is a significant benefit of the scheme, and would act as an example to other developers in the future.

OTHER BENEFITS

The applicant's agents have set out a list of benefits, which they believe the proposal would bring. These are set out below, along with comments as to how much weight could be attached in the balance that leads to a decision on the merits of the application.

1. Significant regeneration of the town centre and catalyst for wider regeneration as a whole. The regeneration of the town hall site will safeguard approximately 815 jobs, which is vitally important to support the projected housing growth of 1500 new homes and 1500 new jobs (700 homes is the target for Somerdale and the town centre) in Keynsham.

This is a significant benefit of the scheme, as highlighted in the comments made by the Economic Development Officer, and can be given considerable weight.

2. Delivery of the Core Strategy objectives to deliver Office floor space increases and large retail units (of 1,940 sq m) along with a scale and mix of development to increase self-containment of the town.

Compliance with the draft Core Strategy has been dealt with above and can be given weight.

3. The Retail Strategy 2008 sets out proposals to create 'conditions for success'. The development site does just that by providing a dumb-bell effect to the Tesco, which is essential for the footfall between the two anchor stores.

The provision of a counter-attraction at the southern end of High Street is seen as important in the development of retail floorspace in the town.

4. Deliver the Core Strategy objectives to develop major development opportunities in the town centre which can attract new jobs, shops and more visitors, specifically new office development at the Centre/Town Hall site including a new library, retail units, leisure and residential.

Compliance with the draft Core Strategy has been dealt with above and can be given weight.

5. The creation of improved opportunities to regenerate the adjoining Riverside and Fire Station Site, within the town centre in due course.

The part this site has to play in enabling the wider regeneration of this part of Keynsham, in particular the adjoining sites to the south, is an important factor. As well as being a benefit to which weight can be attached, it also provides a chance for development on the adjoining site to significantly enhance the character and appearance of the area as whole, which helps counter-balance any harm done at this stage to the Conservation Area.

6. Specifically improve the links between shopping, employment uses within the Town Centre and legibility for walking and parking.

A benefit of the scheme to which weight can be attached.

7. Reinforcement and enhancement of the character of the urban setting by reconstructing damaged parts of the town by using more sensitive materials (blue lias stone) and including improvements to the retained car park.

Taken into account in the conclusions reached above in relation to harm to the Conservation Area.

8. New public spaces that will be accessible to all, comfortable to use, sheltered from the main impact of traffic noise and provide a focus for civic and public realm.

A benefit of the scheme to which weight can be attached.

9. Additional usable external space (due to removal of existing surface car park)

A benefit of the scheme to which weight can be attached.

10. Increased tree planting;

Needs to be balanced against the loss of existing trees and greenery on site, such that it cannot be regarded as a benefit of the scheme.

11. Increased permeability with the new Market Street linking with High Street and the heart of the new development and leisure centre beyond.

A benefit of the scheme to which weight can be attached.

12. A new pedestrian route which will provide a shallower wheelchair and buggy accessible route linking Temple Street to the river valley and park entrance.

A benefit of the scheme to which weight can be attached.

13. The formation of a new town centre Market square which is bordered by the Library / One Stop Shop.

A benefit of the scheme to which weight can be attached.

14. Creation of a modern stand-alone building a desire of the local community that will not only provide a Library / One Stop Shop, but will also deliver a flexible large multipurpose meeting / performance space for community use.

A significant benefit of the scheme considered above under regeneration.

15. Space within the development for serviced external market spaces and public realm improvements.

A benefit of the scheme considered above under regeneration.

16. Display cases within the Civic Centre for the exhibition of local historic artefacts.

A minor benefit to which some weight can be attached.

17. Display of significant Roman mosaic which is currently stored in the basement of the town hall.

A minor benefit to which some weight can be attached.

18. Significant improvements to highways strategy, including the reduction in traffic congestion and improving pedestrian links between the town and the park / conservation area.

The improvements to the highway strategy are no longer tied in with the application, so cannot be given weight. The improved pedestrian links remain and can be given weight.

19. Increased parking serving the Town Centre as a whole.

A benefit to which weight can be attached.

20. Delivering new energy efficient modern sustainable development (targeting DEC A) within Keynsham helping to reduce carbon emissions.

A significant benefit of the proposal, which has been a leading driver in determining the design of the building. Given the Government and the Council's commitment to this subject, considerable weight can be given to this benefit.

CONCLUSIONS

The main benefits of this proposal are related to the regeneration of Keynsham and its town centre and have been discussed above under Regeneration. In addition, the new buildings would be very energy efficient and would have a low carbon footprint. The section immediately above has set out other benefits that the scheme would bring and assessed what weight these could be given. Against this, the proposal would have a negative impact on the historic environment (although the scale of this is not agreed) and many representations express a dislike of the design proposed.

It is considered that the proposal does bring substantial public benefits, which have the potential to outweigh the harm caused to the character and appearance of the Conservation Area (even if that harm is considered to be substantial harm) and to the setting of Grade II listed buildings. However, it needs to be considered whether a different scheme, more respectful of the historic environment, and of a different design, could bring the same benefits.

The applicant's agents were asked to consider this point and replied that, in order to provide the equivalent building area which is required to meet the regeneration and employment requirements, the buildings would have to fill the site, which would then not deliver the following significant public benefits that has been achieved with the application proposal:

- a. Enhanced and expanded public realm which would not be provided if the historic street pattern were fully reinstated
- b. A stand-alone civic building which is accessible to all and instils civic pride by providing a local resource and local history centre, including the display of significant historic artefacts could not be delivered. It should not be underestimated the importance of a separate public building to the Council offices. This is a symbolic move which reflects the council's commitment to the regeneration of Keynsham and was heavily supported at public consultation.
- c. Significant retail area improvements including increased frontage offered by creating additional pedestrian only streets.
- d. A range of retail floor plates which encourage smaller independent shops. If frontage was limited to just Temple Street and Bath Hill, and the Civic Centre takes up a significant amount, then in order to provide an equivalent area of retail it would be of a deeper floor plate only suitable to large stores.
- e. Wheelchair and buggy accessibility to all parts of the site
- f. New tree planting (it is not possible to plant the existing footpaths due to the location of services, whereas by creating public spaces within the development boundary we are able to provide trees and improve ecology)

- g. Increased parking on site which can only realistically be located where we have proposed (underground parking is prohibitively expensive) and this will have an impact on the conservation area regardless of the scheme proposed for the rest of the site
- h. The pedestrian connection through to the Riverside (known as Market Street) improves connection to the Leisure Centre and park, and encourages long term regeneration options for the Riverside complex which will benefit the vitality and retail environment of the southern part of the town

It is considered that these responses demonstrate that, were an alternative building form to be proposed, more sympathetic to the historic environment, some of the public benefits would not be achieved. It is therefore considered that the harm caused by the scheme to the historic environment, even if considered substantial, is outweighed by substantial public benefits, as required in the Framework.

Many of the public representations have expressed a dislike of the design and it is acknowledged that it is not as immediately seen as fitting into its environment as, for example, the Southgate development in Bath, which many representations cite as a preferable alternative. It is accepted that design, particularly modern design, is always perceived subjectively, with some people loving and some hating the same buildings. Whilst the design does not obviously echo its setting, it is understood that a different form of building would not deliver some of the public benefits. On balance, the design in itself (as opposed to the effect on the historic environment) is not seen to weigh significantly either in favour or against the development.

The proposal is otherwise in line with development plan policies and is strongly supported by policies in the draft Core Strategy, which is a material consideration that should be given weight. In addition, the Framework places considerable emphasis on economic growth, the vitality and viability of town centres, and creating a low carbon development. All of these lend significant support to the application proposal. The proposal would bring considerable economic and social benefits, whilst being negative overall when assessed against environmental factors (energy efficiency and carbon footprint being positive, effect on the historic environment being negative). Overall, it is considered that the proposal amounts to sustainable development, taking all three elements into consideration. Accordingly, in line with the recent expression of Government policy in the Framework, the application should be approved, subject to conditions.

RECOMMENDATION

PERMIT subject to £700,000 being put aside for off-site improvement works in terms of highway improvements, public access / public realm improvements, and the following conditions:

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

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

2 No development shall commence apart from demolition, until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and

approved in writing by the local planning authority. The scheme shall include details of how the drainage shall be maintained and managed after completion. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

REASON: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

3 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

all previous uses

potential contaminants associated with those uses

a conceptual model of the site indicating sources, pathways and receptors

potentially unacceptable risks arising from contamination at the site.

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

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

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority.

The scheme shall be implemented as approved.

REASON: To prevent pollution of controlled waters.

4 The development shall not be commenced until

1) a scheme of works for the diversion of foul and surface water sewers is submitted and approved in writing by the local Planning Authority

2) a drainage scheme shall include appropriate arrangements for any temporary works needed to accommodate live flows and works to seal off any redundant connections

3) the drainage scheme shall be completed in accordance with the approved details and to a timetable agreed with the local planning authority.

Reason: To ensure that the development does not increase the risk of sewer flooding to property and reduce the impact of maintenance access upon residents amenity.

5 Prior to the opening of the premises an operational statement prepared by a competent person shall be submitted to and approved in writing by the Local Planning Authority in relation to the kitchen extract system. This statement should make reference to Guidance on the control of Odour and Noise from Commercial Kitchen Exhaust Systems produced by DEFRA and in particular Annex B; Information required to support planning application

for commercial kitchen. In this regard, the statement should include information on the following points:

1. Plans and drawings showing the dimensions/location of the ventilating system including the
2. location of all filters and fan(s).
3. Details of pre-filters to include manufacture's product data sheet.
4. Details of carbon filters or electrostatic precipitators as appropriate.
5. Details of cooker hood and system operation including air flow rates.
6. Details of flue design bearing in mind the discharge of air should be at a minimum of 1m above
7. the roof ridge.
8. Maintenance schedule to include details of washing/replacement of filters; frequency of inspection
9. servicing; provision of record keeping.

Reason: To protect residential amenity.

6 Ground gas monitoring shall be completed in accordance with CIRIA C665 and as outlined in the Hydrock Ground Investigation report to include a minimum of 6 gas monitoring visits over a minimum period of 2 months with at least two sets of readings at low or falling atmospheric pressure (known as worst case conditions). A gas risk assessment shall be completed to determine the gas characteristic situation and make recommendations where appropriate. The gas monitoring and risk assessment shall be subject to the approval in writing of the Local Planning Authority. Should remedial measures be required, details shall be provided to the Local Planning Authority for review and validation of any such remedial works shall be provided to the Local Planning Authority for their review and approval.

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

7 In the event that contamination is found at any time when carrying out the further investigation works to further assess geotechnical ground conditions on site or during the approved development, work must be ceased and it must be reported immediately to the Local Planning Authority. The Local Planning Authority shall be consulted to provide advice regarding any further works required. Contamination may be indicated by soils that have unusual characteristics such as: unusual colour, odour, texture or containing unexpected foreign material.

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

8 No development shall commence until a schedule of materials and finishes, sample panels, and samples of the materials to be used in the construction of the external surfaces, including walls, facades and paving materials, shall be submitted to and approved in writing by the Local Planning Authority before the relevant parts of the works

are commenced. The development shall thereafter be carried out only in accordance with the details so approved.

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

9 Notwithstanding the submitted information, no development shall be commenced apart from demolition (unless another date or stage in development has first been agreed in writing with the Local Planning Authority) until a hard and soft landscape scheme has been first submitted to and approved in writing by the Local Planning Authority, such a scheme shall include details of all walls, fences, trees, hedgerows and other planting which are to be retained; details of all new walls, fences and other boundary treatment and finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs; details of the surface treatment of the open parts of the site; and a programme of implementation.

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

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

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

11 No building shall be occupied or otherwise used for any purpose until the highways works on Bath Hill and Temple Street are complete to the satisfaction of the local planning authority, unless otherwise agreed in writing with the local planning authority.

Reason: In the interests of highway safety.

12 No building shall be occupied or otherwise used for any purpose until the extended Civic Centre car park extension is complete and fully open to the public, unless otherwise agreed in writing with the local planning authority.

Reason: In the interests of amenity and highway safety.

13 No building shall be occupied or otherwise used for any purpose until provision has been made within the site for the loading and unloading of goods vehicles in relation to that building, in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of amenity and highway safety.

14 The development shall be operated in accordance with the submitted and approved Travel Plan.

Reason: In the interests of sustainable development.

15 Details of cycle parking area(s) shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle parking area(s) shall be installed before the buildings to which they relate are first occupied and shall not be used other than for the parking of cycles in connection with the development hereby permitted.

Reason: In the interests of sustainable development.

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

Reason: To ensure the safe operation of the highway.

17 Prior to the occupation of any part of the development, a Delivery Management Plan relating to that part shall be submitted to and approved in writing by the Local Planning Authority and shall include details of deliveries, restricted delivery periods, supervision and traffic management. Deliveries shall then only take place in accordance with the approved Delivery Management Plan.

Reason: To ensure the safe operation of the highway.

18 On occupation of the development, and in accordance with a programme to be agreed by the local planning authority, a programme of review of on and off-street parking shall be identified together with any measures considered appropriate to address issues arising, to be funded by the developer.

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

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

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

20 No development shall take place within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which shall have been submitted to and approved in writing by the Local Planning Authority. The programme of

archaeological work should provide a controlled excavation of all significant deposits and features, which are to be disturbed by the proposed development, and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation. Thereafter the building works shall incorporate any building techniques and measures necessary to mitigate the loss or destruction of any further archaeological remains.

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

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

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

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

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

23 Prior to the commencement of development, details of a dust management plan (which shall comply with the guidance contained in the BRE Code of Practice on the control of dust from construction and demolition activities) shall be submitted to and approved in writing by the Local Planning Authority. Development shall then only take place in full compliance with the approved dust management plan.

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

24 At least 420 square metres gross of the floor space set aside for town centre uses on the ground floor of the northern-most fronting Bath Hill shall be first occupied as Class A1 retail, as set out in the Town and Country Planning(Use Classes) order 1987 (as amended)

Reason: In the interests of the vitality and viability of the town centre

PLANS LIST:

Drawings received 28/09/12 - 100/P03, NT_625_C_D_107, P-020/B, P-021/B, P-022/B, P-030/B, P-031/B, P-032/B, P-033/B, P-034/A, P-035/B, P-050/B, P-051/A.

Drawings received 27/06/12 - 101/P01, 102/P01, 105/P01, 107/P01, 200/P01, 300/P01, A(10)001/B, 11004-C001/E.

Drawing received 22/06/12 - P-023/A

Drawing received 25/04/12 - EKV0015

Drawings received 28/02/12 - 106/P00, 201/P00, 210/P00, 301/P00, 302/P00, 303/P00, 304/P00, 307/P00, 308/P00, C1104-G003, P-001, P-002, P-010, P-011, P-012, P-015, P-016, P-017, P-023.

REASONS FOR GRANTING APPROVAL:

1. The decision to grant approval has taken account of the Development Plan, relevant emerging Development Plan Documents and approved Supplementary Planning Guidance and Documents. This is in accordance with the Policies set out below at A.
2. The proposed development is not fully in accordance with the Policies set out below at B, but the planning merits of the proposed development outweigh the conflict with these Policies.
3. It is considered that the proposal would result in substantial benefits, primarily in relation to the regeneration of Keynsham. The principle of the development is as set out in Policies KE1 and KE2 of the Council's draft Core Strategy. The proposal would not give rise to any unacceptable highway impacts. On the other hand, it is considered that the proposal would have an adverse impact on the character and appearance of the Conservation Area and the setting of listed buildings. It is considered that the substantial benefits that would arise from the proposal outweigh the harm that has been identified.

A

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

D.2	General Design and public realm considerations
D.4	Townscape considerations
ET.2	Office development
CF.2	New community facilities
ES.1	Renewable energy
ES.2	Energy conservation
S.1	Shopping centres
S.2	Retail development in town centres
T.3	Promotion of walking and use of public transport
T.24	General development control and access policy
T.26	On-site parking and servicing provision
NE.5	Forest of Avon
NE.9	Adjoins Nature Conservation site
NE.12	Natural Features
BH.12	Archaeology

B

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

BH.2	Listed buildings and their settings
BH.6	Development within or affecting Conservation Areas

2 ADVICE NOTES:

- 1) There is a need for separate approvals and licences under the provisions of the Highways Act 1980 to undertake works within, or immediately adjacent to, the public highway.
- 2) Public Right of Way BA27/20 runs in close proximity to the proposals. All rights shall be safeguarded, in that their line and width must not be affected by the development or during its installation.

Item No: 02
Application No: 12/02848/FUL
Site Location: 12 High Street, Upper Weston, Bath, Bath And North East Somerset



Ward: Weston **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor C V Barrett Councillor M J H Lees

Application Type: Full Application

Proposal: Erection of rear ground floor extension (totalling approximately 206 sq metres) to create an enlarged retail unit together with rear first and second floor extensions to create 6no 2-bed apartments and alterations to existing shop fronts at 12-20 High Street, Weston

Constraints: Agric Land Class 3b,4,5, Article 4, Conservation Area, Flood Zone 2, Flood Zone 3, Forest of Avon, Hotspring Protection, Local Shops, World Heritage Site,

Applicant: Bathweston One Limited & Bathweston Two Limited

Expiry Date:	28th August 2012
Case Officer:	Alice Barnes

REPORT

REASONS FOR REPORTING APPLICATION TO COMMITTEE

The application is being reported to committee at the request of Councillor Colin Barrett and Councillor Malcolm Lees for the following reasons;

Weston village already experiences parking problems and the development will reduce parking spaces. The impact of a larger store may put at risk the viability of the smaller traders as well as destroying the character of the village. There is a lot of resident interest. The application has been referred to the chairman of the development control committee who has agreed that the application should be considered by the committee.

DESCRIPTION OF SITE AND APPLICATION

The existing property is a large retail unit located within the local shopping area of Weston. It is part of the Conservation Area and the World Heritage Site. The application relates to the erection of an extension to the ground floor retail area and the erection of a two storey extension to the rear to accommodate six flats. This would include an alteration to the access to the existing flats above the retail units on the High Street, where all the flats would be accessed from a single entrance on Crown Road.

Weston High Street is a busy local shopping area. The existing shop fronts onto Weston High Street with ancillary retail space to rear fronting onto Crown Road. The proposed flats would be accessed from Crown Road. To the south of the site is the store car park which is accessed from both the High Street and Crown Road. Crown Road is located at a higher level to the High Street and the existing car park slopes downwards towards the High Street. Currently the rear elevation of the site does little to enhance the appearance of Crown Road appearing as the back land of the shopping area.

Permission has been considered lawful under a certificate of proposed use for the existing retail unit to expand into the neighbouring shops of the carpet shop and takeaway.

RELEVANT HISTORY

DC - 11/04022/CLPU - LAWFUL - 8 November 2011 - Change of use of 12-20 High Street (ground floor and first floor to rear only) for use as a single A1 (Shops) unit (Certificate of Lawfulness for a Proposed Use)

DC - 09/00617/FUL - PERMIT - 21 April 2009 - Installation of replacement plant comprising of 1 no. condenser unit and 3 no. air conditioning units and provision of security door to replace existing security door

DC - 09/00619/FUL - PERMIT - 21 April 2009 - Installation of ATM

DC - 09/00621/AR - CON - 21 April 2009 - Display of 1no. externally illuminated fascia sign, 1no. externally illuminated projected sign and non-illuminated frosted manifestations.

DC - 09/00623/FUL - PERMIT - 21 April 2009 - Installation of replacement shop front and the undertaking of minor external alterations

DC - 09/01734/AR - CON - 31 July 2009 - Display of 1no. non-illuminated fascia and 2no. non-illuminated welcome/goodbye signs.

DC - 96/00273/FUL - APP - 1 November 1996 - Alterations to existing shop front to provide new automatic entrance doors, roof mounted condenser, and compressor in car park at rear.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Urban Design: The massing, form and broad landscape approach to the proposal is considered acceptable subject to amenity issues. Materials and landscape will be important factors in resolving a successful scheme, which will be a significant intervention into the townscape.

The use of manmade tiles and fibre cement boarding gives cause for concern. The roofs cape of the proposal will make a significant intervention into the townscape from elevated views. Natural materials within this conservation area context should be employed. The use of fibre cement panels may be acceptable. However this must be subject to condition.

The use of natural Bath stone rough cut plinth and boundary walling is welcomed. The bonding pattern of this wall will significantly influence its integration into the townscape and should also be conditioned.

Environmental Protection: The assessment demonstrates that the impact of noise could be significant and I would suggest the mitigation measures laid out in Section 7 of the report need to be carried out to ensure an adequate protection from noise. A condition should be attached requiring a further assessment to be submitted on completion of the works to show that the development has been constructed to provide sound attenuation against external noise.

Environment Agency: No comment

Highways: The Transport Statement assesses the likely traffic generation resulting from the development. While an extension will inevitably lead to some increased use, my own experience suggests this will not pro-rata compared to the increase in floor area. I would therefore not disagree with the conclusion of the transport statement. that there will not be a significant increase in traffic resulting from this development.

The main issue to be considered therefore is that of parking and servicing of the site. The current arrangement provides 20 marked parking spaces, and there is a 20 minute limit for parking. The observations of the applicant's Transport Consultant (Entran Ltd.) is that this arrangement is not enforced.

The transport statement provides survey information obtained during the traditionally busiest periods for shopping (Friday PM and Saturday mid-day), and this shows that a significant number of spaces are occupied permanently, but that there was generally limited parking available, and only one very short period when the car park was completely full.

My own observations, on a number of occasions, confirm this as being the case and there appears to be some long stay parking at present which reduces parking availability for shoppers.

The application proposes parking provision of 15 spaces, with a similar 20 minute time limit. The justification for the lower parking ratio is based on the observation that there is sufficient parking if the time restriction is enforced. The figures quoted in the T.S. would confirm this as being the case i.e. the current 20 space car-park is reduced to 12 spaces due to permanent occupations. It is worth noting that similar sized food stores operate in both with fewer parking spaces.

The implications of insufficient parking is the potential for increased demand on-street, however this would be no different than as present if the current restrictions were enforced properly. In addition, the loss of the existing two retail units (particularly the takeaway at the evenings and weekends) will result in the loss of a degree of on-street parking demand.

The 15 spaces provided are therefore considered to be appropriate if they are rigorously enforced. I would suggest this can be secured through a parking management plan conditioned to any consent granted.

Space for deliveries through the car park is limited (as it is currently), however as the car park benefits from a through-route, there is less space required for manoeuvring. Notwithstanding this, and to ensure deliveries do not arrive during peak shopping periods, I would recommend the management of deliveries be included within the parking management plan. Vehicle tracking information submitted shows that access by delivery vehicles is possible but needs to be managed. Currently three separate units operate deliveries from this site with differing demands for delivery.

Currently the shop operates without shopping trolleys. The original plans indicated no provision for trolley 'parking' which raised concerns in respect of them being generally 'abandoned' in the local vicinity, or around the car park which may cause parking spaces to be obstructed. The recently submitted revised plan indicates a trolley parking area which is sufficient for small store such as this, and does not result in any loss of parking.

While I understand the view that dwellings without parking might result in increased on-street parking in the area, I am minded that an Inspector's decision on a residential development close to this site established the principle that Weston village was a sustainable location and his view that residential development here was "likely to attract occupiers who do not drive or own a car". An objection on these grounds could therefore not be defended.

'Strategic' contributions are required to be secured as per the Planning Obligations SPD contribution of £18,000 toward local public transport infrastructure, which will promote the use of sustainable travel and therefore mitigate for the reduced level of parking in accordance with para D12.6 of the Local Plan, and the 'Planning Obligations' SPD.

The works to the lower ground floor may be likely to affect a wall which retains the highway. The applicant must therefore be advised of the need to submit plans, section

and specifications of the proposed retaining wall for the approval of the Highway Authority in accordance with section 167 of the Highways Act 1980. The applicant should be made aware that this process can take in the region of 6 weeks to conclude. It may be that access for future maintenance of the wall (if considered to be a highway structure) will be required through the building itself.

Highways Drainage: The applicants proposal is located within flood zones 2 and 3.

Building Control: No comment

Councillor Colin Barrett:

Weston village already experiences parking problems.

The building of apartments will further reduce the available parking spaces.

There is already a problem with large delivery vehicles delivering goods in the early morning disturbing the sleep of nearby residents.

There is no provision within the new store for the parking of shopping trolleys.

The impact of a larger store may put at risk the viability of the smaller traders as well as destroying the character of the village.

Representations: Ten representations have been received objecting to the application for the following reasons;

The development will result in a reduction of car parking for shoppers and it will be difficult for deliveries as the high street is already congested.

There are already insufficient car parking spaces.

Deliveries to the High Street are already a problem.

The position of the bike shed will be a problem for nearby dwellings as it may be vandalised.

The new dwellings will reduce the amount of natural light to nearby properties on the High Street and will overlook nearby properties resulting in a loss of privacy.

The stairs to the existing flats should be removed as they attract anti-social behaviour.

There is will be an increase of rubbish in the streets.

If delivery vehicles are parked on the highway they will disrupt the traffic.

Twenty minutes parking is not good enough for a store of this size and would not allow for support of other local stores.

Parking would be displaced onto surrounding streets or result in dangerous parking.

Building flats with no parking will lead to further problems.

The proposals will result in an expansion in the existing supermarket which currently only functions as a local convenience store.

The increase in the size of the store will result in an increase of trips to the site in particular by private car.

The transport statement and highway officer has underestimated the number of shopping trips.

There is currently a low level of trade generated by the existing shops.

The transport statement has only undertaken a limited survey of the existing car park.

The local community centre also increase demand for on street parking.

It is not possible to prevent occupiers of the flats from owning cars.

The proposed development will impact on the parking provision of surrounding residential properties.

The application is contrary to transport policies in the local plan as they do not provide an appropriate level of off street parking and will result in an increase in on -street parking.

People do not shop in the High Street due to a lack of parking.

If the store increases in size there will be more customers who will spend longer in the store increasing the demand for parking.

There is no information regarding staff numbers which will increase. This will be more than the staff employed at the existing carpet shop and takeaway.

There is no staff parking.

The expanded Tesco will have a detrimental impact on other retail uses within the local centre.

An expanded store could improve trade on the High Street if adequate parking was provided.

The time limit of 20 minutes on the car park will mean customers only have time to shop in Tesco and not the rest of the High Street.

The development will ruin the fragile status of Weston as a village. The village needs more small shops not one large one and less cars.

There are never enough parking spaces.

Six flats should not be built without parking.

In addition a petition objecting to the application has been received stating these plans would prove detrimental to the smaller independent traders in the village and will further add to parking problems. The petition includes 476 signatures.

It has also been drawn to my attention that a petition has been collected with 609 signatures to require the retention of the existing takeaway use (use class A5). A change of use from takeaway (use class A5) to retail (use class A1) can occur without planning permission therefore this is not a material consideration of the planning application but the comments are noted.

Two representations have been received in support of the application for the following reasons;

The new store will enable customers to do their weekly shop in walking distance from their homes and this would be of benefit to the community.

It would be an asset

POLICIES/LEGISLATION

D.2: General design and public realm considerations

D.4: Townscape considerations

Bh.1: Impact of development on World Heritage Site of Bath or its setting.

Bh.6: Development within or affecting Conservation Areas

S.2: Retail development proposals within centres defined under policy S.1

S.8: Retention of shops in district, local and village centres

T.24: General development control and access policy

T.26: On-site parking and servicing provision

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

SUBMISSION CORE STRATEGY, MAY 2011

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

B4 - The World Heritage Site and its Setting
CP6 - Environmental Quality
CP12- Centres and retailing

National Policy

The National Planning Policy Framework adopted March 2012

OFFICER ASSESSMENT

The application site is located within the centre of Western village local shopping area. The existing shop fronts onto Weston High Street. The car park is accessed from the High Street and Crown Road to the rear. The proposed flats would be located at the rear of the site and would be accessed from Crown Road. It includes creating a new access and entrance to the existing flats above the shop on the high street. The proposed flats will be accessed from Crown Road. The development will result in a private open area on the first floor which provides access to both the proposed and existing flats.

Planning History

Permission has been considered lawful under a certificate of proposed use for the expansion of the existing retail unit into the neighbouring carpet shop and takeaway. The carpet shop is already A1 and the takeaway can revert to A1 under permitted development. Therefore there was no requirement for planning permission to be obtained for the initial expansion of the existing retail unit. Current planning policy encourages the retention of retail uses within local shopping areas. Any alterations to the existing shop front and signage would be the subject of a separate application.

Principle

The site is located within the city of Bath therefore the principle of residential development is accepted. Policy CP.12 of the core strategy also states that retail centres will also be the focus for high density forms of residential development provided the centre is suitable for such development and has a high level of accessibility by public transport, cycling and walking. Part 23 of the National Planning Policy Framework also states that residential development can play an important role in ensuring vitality of centres.

The existing retail unit is located within the local shopping centre therefore the principle of retail development is accepted. Policy S.2 allows for retail development within existing centres provided it is of a scale consistent with the existing retail function of the centre. The floor space of the retail unit will increase by approximately 26%, when just the shop floor space is measured this reduces to 13%. The floor space of the retail unit will not substantially increase as a result of this development and therefore the proposed development will comply with policy S.2.

Design

The proposed flats will be accessed from Crown Road. The development will result in a private open area at first floor level which provides access to both the proposed and existing flats.

Currently the existing site does little to enhance the appearance of Crown Road appearing as a gap in the development at the rear of the shopping area. The provision of development at this frontage will improve the appearance of the street scene drawing attention away from the rear of the shopping area.

The proposed flats will result in the provision of a two storey building at Crown Road dropping to three stories at the High Street due to the topography of the site. The proposed development will enlarge the existing building to the rear of the site and includes the provision of a new stone boundary wall. The site has a dual aspect with frontages to both Crown Road and the High Street.

The massing, form and landscape approach to the proposal is considered to be acceptable. The proposed building to the rear will fit well within the street scene and the windows on the front elevation increases the verticality and rhythm of the façade. The Urban Designer has raised concern over the proposed materials such as the use of fibre cement boarding. This can be controlled by condition with the submission of material samples.

The provision of a Bath stone plinth and boundary wall will enhance the appearance of the street scene along Crown Road. The provision of the stone boundary will reduce the dominating appearance of the existing car park. The applicant also proposes to re pave the car park to improve the general appearance of the public realm as pedestrians move through the car park.

With regards to long range view the proposed building will be clearly visible from Crown Road and as stated above will make a positive contribution to the street scene. The applicant has also submitted a view study within the design and access statement. This shows that whilst the building will be visible from views such as from nearby Church Road and it will contribute positively to the views.

Overall the development will improve the appearance of the site therefore enhancing the Conservation Area. The new building together with the alterations to the boundary treatment will improve the appearance of the public realm and the surrounding area of Crown Road.

Highways

The applicant has submitted a transport statement in support of the application. This has been referred to the highways officer who has raised no objection to the application.

The transport statement submitted assess the likely traffic generation from the development. Whilst an enlargement of the retail space will lead to increased use this will not be pro-rata compared to the increase in floor space. It is not considered that there will be a significant increase in transport movements.

The current parking arrangements provides 20 parking spaces with a 20 minute time limit. This arrangement is not currently considered to be enforced. On visiting the site the highways officer observed a significant level of long stay parking. The applicant is proposing 15 parking spaces with a similar 20 minute time limit. This is justified by the observation at that the 20 minute time limit would be enforced. The implications of insufficient parking is the potential for increased demand on-street, however this would be no different than as present if the current restrictions were enforced properly. The highways officer has conducted a number of site visits to confirm this. The available spaces would apply to all vehicles related to the development, including those belonging to staff.

In addition, the loss of the existing two retail units (particularly the takeaway at the evenings and weekends) will result in the loss of a degree of on-street parking demand. The 15 spaces provided are therefore considered to be appropriate if they are rigorously enforced. A condition should be attached to any permission requiring a parking management plan to be submitted and approved. This would include details of how the parking area will be enforced. It is worth noting that similar sized food-stores in bath operate with fewer parking spaces than are provided at this location.

Vehicle tracking information submitted shows that access by delivery vehicles is possible but needs to be managed. Currently three separate units operate deliveries from this site with differing demands for delivery. Space for deliveries through the car park is limited (as it is currently), however as the car park benefits from a through-route, there is less space required for manoeuvring. Notwithstanding this, and to ensure deliveries do not arrive during peak shopping periods, the management of deliveries should be included within the parking management plan identified above.

Currently the shop operates without shopping trolleys. The original plans indicated no provision for trolley 'parking' which raised concerns in respect of them being generally 'abandoned' in the local vicinity, or around the car park which may cause parking spaces to be obstructed. The recently submitted revised plan indicates a trolley parking area which is sufficient for small store such as this, and does not result in any loss of parking.

Overall it is worth noting that the site currently services three independent retail units and therefore it can be argued that the development will result in fewer deliveries to the site.

With regards to the proposed flats, the flats have been located on an area with local services and good public transport links into Bath. The highways officer has requested that conditions are attached to any permission requiring the submission of a staff travel plan and residents welcome packs to give staff and residents information on sustainable transport options. Secure cycle parking has also been provided within the new development for residents.

Concern has been raised that the residential flats do not include off street parking. Past appeal decisions have stated that the village is considered to be sustainable with its own shops and services. It is well connected to the city centre via a bus route. Therefore a residential development is considered to be likely to attract occupiers who do not own a car. Previous appeal decisions on a residential development close to the site have stated that Weston village is a sustainable location.

In terms of current planning policy the local plan states that developers will not be required to provide more off-street parking than they themselves wish unless the likely increase in on-street parking would have irresolvable implication for road safety. It is not considered that any parking on-street would have such an impact given the area is well protected against obstructive and dangerous parking by parking restrictions. The same document recognises that the availability of secure off-street parking can encourage residents to leave the car at home and use public transport.

The national planning policy statement states that development should only be refused on transportation grounds where the impacts are "severe". It is not considered that the parking impact of development, if any, would be severe.

'Strategic' contributions are required to be secured as per the Planning Obligations SPD contribution of £18,000 toward local public transport infrastructure, which will promote the use of sustainable travel and therefore mitigate for the reduced level of parking in accordance with para D12.6 of the Local Plan, and the 'Planning Obligations' SPD.

The works to the lower ground floor may be likely to affect a wall which retains the highway. The applicant must therefore be advised of the need to submit plans, section and specifications of the proposed retaining wall for the approval of the Highway Authority in accordance with section 167 of the Highways Act 1980. The applicant should be made aware that this process can take in the region of 6 weeks to conclude. It may be that access for future maintenance of the wall (if considered to be a highway structure) will be required through the building itself. This can be added to any condition as an informative.

Noise

The proposed and existing flats will be located close to the plant room and a busy main road. The applicant has submitted a noise assessment which has been referred to the environmental health officer. The environmental health officer has raised no objection to the application but has stated that the assessment demonstrates that the impact of noise could be significant. The mitigation measures laid out in Section 7 of the report need to be carried out to ensure an adequate protection from noise. A condition should be attached to any permission requiring a further assessment to be submitted on completion of the works to show that the development has been constructed to provide sound attenuation against external noise.

Amenity

The new flats are located approximately 15m away from the existing flats on the high street. Therefore the proposed new flats are not considered to harm the amenity of nearby occupiers from overlooking. Concern has been raised within representations that the proposed new building will cause a loss of light to nearby dwellings on the High Street. As stated above the proposed development would be located approximately 15m from the properties on the High Street.

As stated above the highways officer has requested a parking management plan that would include the control of deliveries. This would also mitigate against deliveries happening at anti-social hours. This would be of benefit to the local area which currently

does not benefit from such controls. Furthermore an operational statement will be required by condition to establish the opening hours of the store and its proposed staff numbers.

Other Matters

The representations received raise a number of issues the bulk of which have been covered in the report. The issue of amenity can be controlled by condition whereby deliveries to the site can be made outside anti-social hours and the opening time of the store can be controlled.

Concern was raised over the existing external staircase which provides access to the existing flats being a problem for anti-social behaviour. The new design shows that the external staircase will be removed. The flats existing and proposed will all be accessed from one accessed on Crown Road. Then the flats can be accessed internally.

CONCLUSION

The principle of residential development is accepted and the development is considered to comply with the policies set out within the development plan and national planning policy framework.

The proposed development will result in a building which will enhance the appearance of the surrounding Conservation Area. The proposed development is not considered to cause harm to highway safety. Appropriate conditions will be added to ensure that the amenity of future occupiers will not be harmed. The proposed development will not harm the amenity of residents surrounding the site.

The committee is therefore recommended to delegate to officer to permit the application with a legal agreement to secure highways contributions.

RECOMMENDATION

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

CONDITIONS

A. Authorise the Planning and Environmental Law Manager to enter a Section 106 Agreement to cover the following;-

1) £18,000 for the improvement of local public transport infrastructure.

B. Subject to the prior completion of the above agreement, authorise the Divisional Director for Planning and Transport Development to PERMIT subject to the following conditions

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

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

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

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

3 No development shall commence until a sample panel of the permitted boundary wall shall be erected on site, approved in writing by the Local Planning Authority, and kept on site for reference until the development is completed.

Reason: In the interest of the appearance of the surrounding Conservation Area.

4 Prior to the occupation of the development, an operation statement for the retail unit shall be submitted to and approved in writing by the Local Planning Authority and shall include details of opening hours and deliveries. The development shall thereafter be occupied in accordance with the approved operational statement.

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

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

Reason: In the interests of amenity and highway safety.

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

Reason: In the interests of amenity and highway safety.

7 Prior to the commencement of the development, a Parking and Service Management Plan shall be submitted to and approved in writing by the Local Planning Authority and shall include details of parking enforcement, delivery management (including restricted times as appropriate).

Reason: To ensure the safe operation of the car park and highway.

8 Within two months of occupation of the development the Staff Travel Plan shall have been instigated. The development shall thereafter be operated in accordance with the Travel Plan in liaison with Bath and North East Somerset Council's Transportation Planning Team.

Reason: In the interests of sustainable development.

9 Before the dwellings are first occupied, new resident's welcome packs shall be issued to purchasers which should include information of bus and train timetable information,

information giving examples of fares/ticket options, information on cycle routes, a copy of the Travel Smarter publication, car share, car club information etc., together with complimentary bus tickets for each household to encourage residents to try public transport. The content of such packs shall have been approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development.

10 On completion of the works but prior to any occupation of the approved development, the applicant shall submit to and have approved in writing by the Local Planning Authority, an assessment from a competent person to demonstrate that the development has been constructed to provide sound attenuation against external noise in accordance with BS8233:1999. The following levels shall be achieved: Maximum internal noise levels of 30dB_LA_{eq,T} for living rooms and bedrooms. For bedrooms at night individual noise events (measured with F time-weighting) shall not (normally) exceed 45dB_LA_{max}.

Reason: To minimise the impact of noise to existing and future occupiers of the property and the amenity of neighbouring occupiers to the site.

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

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

PLANS LIST:

1 Location plan P_050
Existing site plan P_051
Proposed site plan P_052
Topographical Survey 915/6262/1
Streetscapes 2
Ground floor plan 4
First floor plan 5
Lower ground floor (High Street) P_053
Upper ground floor (Crown Road) P_054
First floor plan P_055
Roof plan P_056
North-East Elevation P_057
SE Elevation P_058
North-West Elevation P_059
Section B P_060

Informative

The applicant is advised of the need to submit plans, sections and specifications of the proposed retaining wall for the approval of the Highway Authority in accordance with Section 167 of the Highways Act 1980. This process can take in the region of 6 weeks to conclude. It may be that access for future maintenance of the wall (if considered to be a highway structure) will be required through the building itself.

REASONS FOR GRANTING APPROVAL

1. The proposed development would not have an adverse impact upon the street scene or the amenity of the surrounding and future residential occupiers. Due to the use of appropriate materials and design the proposed development will enhance the character of the surrounding Conservation Area. The proposed development will not cause harm to highway safety.

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

A.

D2, D4, Bh.1, Bh.6, S.2 and S.8 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007

Item No: 03
Application No: 12/03082/AR
Site Location: Roman Candles, 5 Terrace Walk, City Centre, Bath



Ward: Abbey **Parish:** N/A **LB Grade:**
Ward Members: Councillor B J Webber Councillor Manda Rigby
Application Type: Advertisement Consent
Proposal: Display of external fascia and hanging signs (regularisation) and removal of existing light fittings and associated works.
Constraints: Agric Land Class 3b,4,5, Article 4, Bath Core Office Area, City/Town Centre Shopping Areas, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, World Heritage Site,
Applicant: Roman Candles Of Bath Ltd
Expiry Date: 10th September 2012
Case Officer: Richard Stott

REPORT

REASON FOR PRESENTING TO COMMITTEE

Cllr Rigby has requested that this application be presented to Committee in the event that the case officer is minded to refuse and the Chair of Committee has agreed to this request.

DETAILS OF THE LOCATION

5 Terrace Walk is Grade II listed and noted in the statutory list as, Nos 3-5 Terrace Walk (Group Value) , shops with accommodation over, constructed in 1730 and altered in the late 18th and 19th centuries. There are a large number of listed buildings in the immediate vicinity including, to the north west of the site, Bath Abbey which is listed Grade I.

DETAILS OF THE PROPOSAL

Retrospective advertisement consent is sought to regularise external alterations to this shop including the display of an external fascia and hanging sign and the removal of the existing light fittings

RELEVANT HISTORY

12/03095/LBA - External alterations for the display of external fascia and hanging signs (regularisation) and removal of existing light fittings and associated works - This application is also to be considered by Committee.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

CONSULTATION:

HISTORIC ENVIRONMENT TEAM: Object

- o The approach taken by the applicant is not appropriate or consistent with conservation best practice.
- o The applied, standard metal fascia signage is regarded as inappropriate, incongruous and discordant with the character of both the protected building and also in terms of its setting within a traditional and high quality historic environment as recognised by the World Heritage Site inscription status and being within a designated conservation area
- o It is worth noting also that the style and materials chosen for the hanging sign are inappropriate and, akin to the fascia signage, regarded as incongruous and inappropriate for the context of a traditional shop front.
- o The applied manifestations on the glazing of the shopfront, which, again, are regarded as inappropriate and incongruous with the traditional character of the shopfront, protected building and the Conservation Area.
- o In the spirit of offering a solution for the applicant I would advise that the applied metal fascia should be removed and the same lettering traditionally sign written. This is regarded as an appropriate compromise and would be more consistent with the approach adopted throughout the city on other traditional shopfronts.

HIGHWAY DEVELOPMENT: No Comment

REPRESENTATIONS:

BATH HERITAGE WATCHDOG: Object

The works, by virtue of the use of inappropriate materials, design and colours are considered to be detrimental to the special historic and architectural character of the listed building, adjacent listed buildings and the conservation area contrary to S16 and S72 of the Planning (Listed Buildings & Conservation Areas) Act 1990, Section 12 'Conserving & Enhancing the Historic Environment of the NPPF and Local Plan Policies BH2, BH6, BH17 and BH19 and should be refused in its current format.

BATH PRESERVATION TRUST: Object

The fascia by virtue of its excessive width, dominant position, method of fixing, inappropriate materials and high shine finish is unsympathetic to the setting of the listed building. The signs which have been erected are incongruous and visually intrusive. This application should be refused and action taken to get the inappropriate signs removed. This application is contrary to policies BH2, BH17 and BH19 of the B&NES Local Plan, the Planning (Listed Building and Conservation Areas) Act 1990, and the NPPF, and should be refused.

1x third party letter of objection:

- Lower quality shop front than others in the city - most appear either hand painted or have raised lettering
- The sign itself appears ill fitting and over large.

5x third party letters of support

- Stylishly presented and enhances the area
- Energies should be directed at bringing the rest of [the street] up to this standard
- Best shop in this row of shops
- Black and gold are authentic and in keeping
- Very tasteful

CLLR RIGBY: Support

- The area of the fascia is no greater and therefore no more prominent than the fascia of the previous occupier. The colours and style of lettering are in keeping with the city.
- The fascia is less prominent or objectionable than others in the vicinity. It is smart and attractive, but not aggressively modern.
- The applicant has offered to replace the shiny finish with a matt finish, though it is doubtful whether that concession needed to be made.
- The Council has no consistent approach to shop fascia's. There is a great variety to be seen in the city centre. Many are of very poor quality, with no visual interest whatever.
- More damage is done to the setting of the listed buildings in Terrace Walk by the multifarious street furniture, poor quality paving and traffic congestion.
- The applicant's scheme is the reasonable evolution of the building to suit present day retailing requirements.
- The hanging sign is inconspicuous and consistent with the fascia.
- The redundant lighting is to be removed.

- Only one member of the general public has submitted a mild criticism of the quality of the lettering, but his concern does not seem to relate to the setting of the listed building.
- The proposals are not incongruous or visually intrusive or unsympathetic to the setting of the listed building or to the conservation area.
- If the applications are referred to the Development Control Committee, it is requested that a site visit be arranged prior to the meeting.

POLICIES/LEGISLATION

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

D.2 General Design and Public Realm Consideration

D.4 Townscape Consideration

BH.1 World Heritage Site

BH.2 Listed Building

BH.6 Conservation Area

BH.17 Advertisement Control

DRAFT CORE STRATEGY, MAY 2011

The Draft Core Strategy is a material consideration but at this stage it has limited weight

LEGAL FRAMEWORK

Town and Country Planning Act, 1990

Town and Country Planning (Control of Advertisements) Regulations 2007

From the point of view of the historic environment the primary consideration is the duty placed on the Council under S 16 of the Listed Buildings Act to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

There is also a duty under S 72 to pay special attention to the preservation or enhancement of the character of the surrounding Conservation Area.

NATIONAL PLANNING POLICY FRAMEWORK

The NPPF came into force on the 27th March 2012 replacing all previous Planning Policy Statements (PPS's) and Guidance Notes (PPG's), the following chapter is relevant to this decision:

12 Conserving and enhancing the historic environment

OFFICER ASSESSMENT

This application seeks retrospective advertisement consent to regularise an unauthorised shop front including external fascia and hanging signs on this Grade II listed shop. The application follows a pre-application enquiry where the applicant was advised that the current shop front is deemed unacceptable.

This application relates to a projecting metal fascia board affixed to the original timber shop fascia, the new board is mounted on blocks and projects 5cm forward of the original fascia. The existing finish is gloss black vinyl covering the metal, the applicant has stated the sign is to be "de-glossed" although it is noted that no details of what the sign would look like

have been provided. The sign features simple gold lettering. Currently there are four modern down lights on the shop front that were installed by a previous occupant, these are to be removed as part of this application. In addition to the fascia, the site features a small hanging sign with two down lights. The lights are to be removed but the hanging sign is to be retained.

Terrace Walk is in a visually prominent location on the edge of the city centre and comprises a row of shops. There is diversity in the shop fronts and whilst it is noted that some of the frontages have been unsympathetically finished, this should not be seen as setting a precedent. The site is located within the Bath Conservation Area and the World Heritage Site.

The counterpart listed building application has been assessed to be unacceptable and is recommended for refusal stating that by virtue of its excessive width, dominant position, method of fixing and inappropriate materials the fascia and hanging sign area unsympathetic to the setting of the listed building, to the detriment of the appearance of this Grade II Listed heritage asset. The signage which has been erected is deemed incongruous and visually intrusive and fails to preserve or enhance the character and appearance of the street scene or of this part of the Bath Conservation Area. The development is concluded as being contrary to both local and national planning policy.

In determining this application for advertisement consent, the primary test is set out in Policies BH.17 of the Bath & North East Somerset Local Plan.

BH.17 states that consent will be granted provided the works do not prejudice public safety, be prejudicial to visual or residential amenity or be detrimental to the appearance of the building or street scene. In respect of this policy whilst it is accepted that the signage does not prejudice public safety, in line with the listed building report it is deemed that the works both on their own and cumulatively with other signage in the area harm the visual amenities of the area and harm the setting and appearance of the host listed building. The works are concluded as being contrary to Policy BH.17.

Section 12 of the NPPF confirms at para 132 that "significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification". In this case the applicant justifies the works by stating that the signage provides essential advertisement for the shop and that there is variety in the fascia styles in this area. This is considered to be a weak justification and does not address the fundamental issue that the works carried out are intrinsically harmful to the setting of the heritage asset, despite having received an in principle objection at pre-application. In failing to provide a clear and convincing justification for the works, the applicant's case is contrary to National Policy. The NPPF goes on at para 136 to state "Local planning authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred". In this case the applicant has been advised at pre-application of the measures to make this scheme more acceptable however this application falls short of what would be required.

Overall, by reason of the size and design of the signage and the use of inappropriate materials it is concluded that the works carried out to this shop front are unacceptable and

contrary to policy and it is therefore recommended that this application for advertisement consent is refused.

RECOMMENDATION

REASON(S) FOR REFUSAL

1 The signage installed on this Grade II listed shop front, by reason of its size, use of inappropriate materials and poor design is detrimental to the special historic and architectural character of the building which is fundamental to its heritage significance. The works are incongruous and discordant with the adjacent listed buildings and fail to preserve or enhance this part of the Bath Conservation Area or the wider streets scene. Insufficient and inadequate information has been presented to justify or override the harm to the heritage asset and as such the works are contrary to Section 12 of the National Planning Policy Framework and contrary to Policies D.4, BH2, BH6 and BH17 of the Bath and North East Somerset Local Plan, including minerals and waste policies, October 2007.

PLANS LIST:

This decision relates to the Covering Letter, Supporting Photographs and to drawings 01, 02, 03, 04, 05 and 06 dated 16th July 2012

Item No: 04
Application No: 12/03095/LBA
Site Location: Roman Candles, 5 Terrace Walk, City Centre, Bath



Ward: Abbey **Parish:** N/A **LB Grade:**
Ward Members: Councillor B J Webber Councillor Manda Rigby
Application Type: Listed Building Consent (Alts/exts)
Proposal: External alterations for the display of external fascia and hanging signs (regularisation) and removal of existing light fittings and associated works.
Constraints: Agric Land Class 3b,4,5, Article 4, Bath Core Office Area, City/Town Centre Shopping Areas, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, World Heritage Site,
Applicant: Roman Candles Of Bath Ltd

Expiry Date:	10th September 2012
Case Officer:	Richard Stott

REPORT

REASON FOR PRESENTING TO COMMITTEE

Cllr Rigby has requested that this application be presented to Committee in the event that the case officer is minded to refuse and the Chair of Committee has agreed to this request.

DETAILS OF THE LOCATION

5 Terrace Walk is Grade II listed and noted in the statutory list as, Nos 3-5 Terrace Walk (Group Value) , shops with accommodation over, constructed in 1730 and altered in the late 18th and 19th centuries. There are a large number of listed buildings in the immediate vicinity including, to the north west of the site, Bath Abbey which is listed Grade I.

DETAILS OF THE PROPOSAL

Retrospective listed building consent is sought to regularise external alterations to this shop including the display of an external fascia and hanging sign and the removal of the existing light fittings

RELEVANT HISTORY

12/03082/AR - Display of external fascia and hanging signs (regularisation) and removal of existing light fittings and associated works. This application is also to be considered by Committee.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

CONSULTATION:

REPRESENTATIONS:

BATH HERITAGE WATCHDOG: Object

The works, by virtue of the use of inappropriate materials, design and colours are considered to be detrimental to the special historic and architectural character of the listed building, adjacent listed buildings and the conservation area contrary to S16 and S72 of the Planning (Listed Buildings & Conservation Areas) Act 1990, Section 12 'Conserving & Enhancing the Historic Environment of the NPPF and Local Plan Policies BH2, BH6, BH17 and BH19 and should be refused in its current format.

BATH PRESERVATION TRUST: Object

The fascia by virtue of its excessive width, dominant position, method of fixing, inappropriate materials and high shine finish is unsympathetic to the setting of the listed building. The signs which have been erected are incongruous and visually intrusive. This application should be refused and action taken to get the inappropriate signs removed. This application is contrary to policies BH2, BH17 and BH19 of the B&NES Local Plan, the Planning (Listed Building and Conservation Areas) Act 1990, and the NPPF, and should be refused.

CLLR RIGBY: Support

- The area of the fascia is no greater and therefore no more prominent than the fascia of the previous occupier. The colours and style of lettering are in keeping with the city.
- The fascia is less prominent or objectionable than others in the vicinity. It is smart and attractive, but not aggressively modern.
- The applicant has offered to replace the shiny finish with a matt finish, though it is doubtful whether that concession needed to be made.
- The Council has no consistent approach to shop fascia's. There is a great variety to be seen in the city centre. Many are of very poor quality, with no visual interest whatever.
- More damage is done to the setting of the listed buildings in Terrace Walk by the multifarious street furniture, poor quality paving and traffic congestion.
- The applicant's scheme is the reasonable evolution of the building to suit present day retailing requirements.
- The hanging sign is inconspicuous and consistent with the fascia.
- The redundant lighting is to be removed.
- Only one member of the general public has submitted a mild criticism of the quality of the lettering, but his concern does not seem to relate to the setting of the listed building.
- The proposals are not incongruous or visually intrusive or unsympathetic to the setting of the listed building or to the conservation area.
- If the applications are referred to the Development Control Committee, it is requested that a site visit be arranged prior to the meeting.

POLICIES/LEGISLATION

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

D.2 General Design and Public Realm Consideration

D.4 Townscape Consideration

BH.1 World Heritage Site

BH.2 Listed Building

BH.6 Conservation Area

BH.17 Advertisement Control

DRAFT CORE STRATEGY, MAY 2011

The Draft Core Strategy is a material consideration but at this stage it has limited weight

LEGAL FRAMEWORK

Town and Country Planning Act, 1990

From the point of view of the historic environment the primary consideration is the duty placed on the Council under S 16 of the Listed Buildings Act to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

There is also a duty under S 72 to pay special attention to the preservation or enhancement of the character of the surrounding Conservation Area.

NATIONAL PLANNING POLICY FRAMEWORK

The NPPF came into force on the 27th March 2012 replacing all previous Planning Policy Statements (PPS's) and Guidance Notes (PPG's), the following chapter is relevant to this decision:

12 Conserving and enhancing the historic environment

OFFICER ASSESSMENT

This application seeks retrospective listed building consent to regularise an unauthorised shop front including external fascia and hanging signs on this Grade II listed shop. The application follows a pre-application enquiry where the applicant was advised that the current shop front is deemed unacceptable.

This application relates to a projecting metal fascia board affixed to the original timber shop fascia, the new board is mounted on blocks and projects 5cm forward of the original fascia. The existing finish is gloss black vinyl covering the metal, the applicant has stated the sign is to be "de-glossed" although it is noted that no details of what the sign would look like have been provided. The sign features simple gold lettering. Currently there are four modern down lights on the shop front that were installed by a previous occupant, these are to be removed as part of this application. In addition to the fascia, the site features a small hanging sign with two down lights. The lights are to be removed but the hanging sign is to be retained.

Terrace Walk is in a visually prominent location on the edge of the city centre and comprises a row of shops. There is diversity in the shop fronts and whilst it is noted that some of the frontages have been unsympathetically finished, this should not be seen as setting a precedent. The site is located within the Bath Conservation Area and the World Heritage Site.

Having assessed this application it is clear that the approach taken by the applicant is not appropriate or consistent with conservation best practice. The shop front is traditional and historic and therefore a traditional approach of providing signage should be adopted i.e. sign written signage. The applied, standard metal fascia signage is regarded as inappropriate, incongruous and discordant with the character of both the protected building and also in terms of its setting within a traditional and high quality historic environment as recognised by the World Heritage Site inscription status and being within a designated conservation area.

Whilst it is noted that there was a hanging sign on the shop front previously there is no evidence to indicate that this benefits from a formal approval and furthermore it is regarded as counter to the formal character of the terrace (there are no other hanging signs along this street frontage). The presence of an unauthorised and inappropriate sign should not be taken as setting a precedent to allow for the retention of this sign.

There are examples of streets in Bath where hanging signs are appropriate and add positively to the character of the street an example being Green Street. By contrast Terrace Walk is an informal street with a varied built form and no obvious architectural unity, hanging signs do not form part of the character of this area.

The style and materials chosen for the hanging sign are deemed inappropriate and, akin to the fascia signage, regarded as incongruous and inappropriate for the context of a traditional shop front, fundamentally the hanging sign is considered intrinsically

disproportionate to the scale of the shop frontage. The hanging sign element of this application in its current form is not supported by officers.

Whilst there is no objection in terms of the colour scheme adopted, overall the style, materials, proportions and method of fixing are not acceptable, an appropriate compromise would be to reduce the scale of the signage and opt for a more simple sign written sign, this would be more consistent with the approach adopted throughout the city on other traditional shop fronts.

Section 12 of the NPPF confirms at para 132 that "significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification". In this case the applicant justifies the works by stating that the signage provides essential advertisement for the shop and that there is variety in the fascia styles in this area. This is considered to be a weak justification and does not address the fundamental issue that the works carried out are intrinsically harmful to the setting of the heritage asset, despite having received an in principle objection at pre-application. In failing to provide a clear and convincing justification for the works, the applicant's case is contrary to National Policy. The NPPF goes on at para 136 to state "Local planning authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred". In this case the applicant has been advised at pre-application of the measures to make this scheme more acceptable however this application falls short of what would be required.

In conclusion, the fascia, by virtue of its excessive width, dominant position, method of fixing and inappropriate materials is unsympathetic to the setting of the listed building, to the detriment of the appearance of this Grade II Listed heritage asset. The signs which have been erected are incongruous and visually intrusive to this part of the street scene and the Bath Conservation Area and the development is contrary to both local and national planning policy.

It is recommended that this application is refused.

RECOMMENDATION

REASON(S) FOR REFUSAL

1 The signage installed on this Grade II listed shop front, by reason of its size, means of fixture, use of inappropriate materials and poor design is detrimental to the special historic and architectural character of the building which is fundamental to its heritage significance. The works are incongruous and discordant with the adjacent listed buildings and fail to preserve or enhance this part of the Bath Conservation Area or the wider streets scene. Insufficient and inadequate information has been presented to justify or override the harm to the heritage asset and as such the works are contrary to Section 16 and Section 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990, Section 12 of the National Planning Policy Framework and contrary to Policies D.4, BH2, BH6 and BH17 of the Bath and North East Somerset Local Plan, including minerals and waste policies, October 2007.

PLANS LIST:

1 This decision relates to the Covering Letter, Statement of Significance, Supporting Photographs and to drawings 01, 02, 03, 04, 05 and 06 dated 16th July 2012

Item No: 05
Application No: 12/03731/FUL
Site Location: Parcel 1100, Compton Martin Road, West Harptree, Bristol



Ward: Mendip **Parish:** West Harptree **LB Grade:** N/A
Ward Members: Councillor T Warren
Application Type: Full Application
Proposal: Change of use of land from agricultural (Sui Generis) to the keeping of horses (Sui Generis) and erection of stables and formation of replacement access and track (resubmission).
Constraints: Airport Safeguarding Zones, Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Water Source Areas,

Applicant:	Mr Richard Curry
Expiry Date:	23rd November 2012
Case Officer:	Tessa Hampden

REPORT

Reason for referring application to committee

Cllr Tim Warren, Mendip Ward Cllr, requested that this is heard at Committee if officers are minded to approve the application. Cllr Warren does not feel that the previous reason for refusal has been overcome. Further West Harptree Parish Council object to the planning application. The Chair of Committee has agreed to this application being considered by Committee, particularly as the previous application was also considered by Committee.

Site description and proposal

The application relates to a parcel of land located off Compton Martin Road, in between the villages of Compton Martin and West Harptree. The site is located within an Area of Outstanding Natural Beauty (AONB).

The application seeks planning permission for the change of use of land from agricultural to the keeping of horses and the erection of stables and formation of a replacement access and track. A similar application to this was refused planning permission by Development Control Committee on 15th February 2012 for the following reason:

'Due to the size of the stables, the development has the potential to have a similar impact as a commercial enterprise, and the noise and disturbance resulting from the use of the stables and the track in close proximity to the neighbouring dwelling is considered to result in undue harm to these neighbouring occupiers. The development is therefore considered to be contrary to policy D2 of the Bath and North East Somerset Local Plan, October 2007'

The current application has been resubmitted in an attempt to overcome this previous reason for refusal. The stables have been re-sited a further 12metres to the north east, away from Fairash Bungalow. The access road has correspondingly been extended, but the overall size, and design of the proposed stables is the same as put forward in the previous planning application. The agent has confirmed within the current submission that the development is not for commercial purposes and disagrees that the three bay stable unit and hay store is akin to a commercial use.

Relevant planning history

DC - 12/00426/FUL - RF - 7 June 2012 - Change of use of land from agricultural (Sui Generis) to the keeping of horses (Sui Generis) and erection of stables and formation of replacement access and track.

DC - 11/04357/FUL - PERMIT - 19 December 2011 - Formation of replacement vehicular access

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Highway Development - No objection subject to the inclusion of conditions. Subject to the development being limited to a non-commercial use, it is considered that any potential intensification in use of the site is likely to be de-minimis and negated by the proposed improvements to the access.

Cllr Warren - Does not feel that concerns raised at the time of the last application have been overcome.

Compton Martin Parish Council - support this planning application and comment that the Parish Council were pleased to see the applicant agrees to the condition previously recommended by the Case Office that the use of the proposed development and site shall be limited to non-commercial equine uses for the benefit of the individual site owner, or individual tenant and their immediate family

West Harptree Parish Council -- Object to the planning application. The comments can be summarised as follows: objection to principle of the development, Impact upon neighbouring residential amenity, huge visual impact, potential for commercial use in the future, will increase number of flies/pets, increase in vehicular movements, and light pollution.

POLICIES/LEGISLATION

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

D.2: General design and public realm considerations

D.4: Townscape considerations

NE.2: Areas of Outstanding Natural Beauty

T.24: General development control and access policy

ET7 Use of Agricultural land

Core strategy

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

Guidelines for Horse related Development for the Mendip Hills AONB - Revised 2012

The NPPF was published in March 2012 and is a material consideration but is not considered to conflict with the above policies.

OFFICER ASSESSMENT

Use of agricultural land

The development is not considered to have an adverse impact upon the efficient operation of an agricultural enterprise, or lead to the fragmentation or severance of a farm holding. There is therefore no objection to the change of use in principle.

Effect on the Landscape

It is important to ensure that the development does not have a detrimental impact upon the landscape qualities of the Mendip AONB. The guidance with the Supplementary Planning Guidance (Guidelines for Horse related Development for the Mendip Hills AONB) has therefore been considered in the determination of this planning application. Although the siting of the stables has altered since the previous application, the siting, in terms of its visual impact is not dissimilar to the previous submission, and a similar conclusion can be reached on this issue.

It is considered that in terms of the impact on the AONB, the stables are sensitively sited. They will be seen in context with the existing adjacent farm buildings and the neighbouring bungalow. The visual link with the existing cluster of buildings will reduce the impact of this building upon the natural beauty of the AONB. The development is considered to respect the topography of the site and is not considered to be in located in a particularly elevated position, being sited on a lower part of ground within the parcel of land.

The stables are of a fairly standard design which is typical of stables in rural areas. The scale is considered to be acceptable ensuring that the building will not be overly dominant in this location. The materials as proposed are considered to be appropriate, with the timber frame being less visually intrusive than other materials such as concrete block.

The field access has been approved under a previous planning application, where it was not considered to have an adverse impact upon the rural character of the area. The track access leading from the field entrance to the stables is proposed as two narrow strips of scalping's with a grass central core. The agent has stated that the scalping's would quickly green over with vegetation and consequently be insignificant in the field. Although the principle of limestone scalping's is considered to be acceptable, as the colour of these can vary. A condition should therefore be added to ensure that the materials chosen are appropriate in the rural landscape.

No external lighting is proposed and conditions can be included to ensure that this is not installed at a later date or to ensure that any that are installed (such as security lighting) are appropriate and do not cause unnecessary light pollution which could have a resultant impact upon the AONB.

The application relates to the change of use of the land and as such is likely that jumps etc may at times be placed on the land. As a temporary feature, the harm that this would bring is not considered to be significant. A condition can be attached to any permission to ensure that jumps should be removed after use and stored on site. Any fixed structures would require the benefit of planning permission.

On balance, the change of use of the land and the stables, and associated work are not considered to have a detrimental impact upon the rural character of the area or the character and appearance of the Area of Outstanding Beauty in which the site is set.

Highway safety

The existing access to the site is sub-standard. Whilst the replacement access permitted by way of planning permission 11/04357/FUL, affords some improvements and benefits to highway safety, it remains substandard. With or without the proposed development, the

existing field and access could be used for the keeping of livestock. The agent has confirmed that the development is to be used for private equine use and a condition can be added to ensure that the development is not used as a commercial enterprise. If this is the case, it is considered that any potential intensification in use of the site is likely to be de minimis and negated by the proposed improvements to the access.

There is some concern with regards to the safety of the adjacent road in terms of a route to ride horses. However this is only a small distance from more acceptable routes off Harptree Hill. Given that this is for small scale private use rather than a larger commercial enterprise, it is not considered that any harm would be significant enough so as to warrant a reason for refusal.

On balance therefore the proposed development is not considered to result in any undue harm to highway safety and there are no objections raised on these grounds.

Residential amenity

As stated above, the previous application was refused due to the resultant impact of the stables upon the residential amenity of the neighbouring occupiers. The stables have been re-sited a further 12 metres north east, so that they now sit 44 metres from the nearest elevation of Fairash Bungalow, with the dung store being sited 60 metres from this point.

The stable building is not considered to dominate the outlook of any habitable windows of Fairash Bungalow and is not considered to result in an unacceptable outlook from the outdoor amenity space. In this regards, the development is therefore not considered to significantly harm the neighbouring amenity.

Concerns were previously raised at committee with regards to the noise and disturbance resulting from the use of the building and the associated access road. The agent has confirmed that the stables are not for commercial use and would accept a condition to control this. As such, the stables, sited further away from the neighbouring bungalow, and used as private stables, are not considered to result in an unacceptable level of noise and disturbance for these neighbouring occupiers. The neighbouring bungalow is located adjacent to poultry farm buildings, and although this use has recently ceased, would have typically resulted in a level of noise and disturbance which would be greater than that of a small scale private stable facility. Further, the agent has stated that, in respect of the access, it lies between 80metres and 47metres distance from the nearest part of the neighbouring dwelling compared with the 17 metre distance from the trafficked A3678. The agent cites that given the low level of usage (estimated at two visits per day by the agent), compared to the ambient traffic noise from the A368, any objection to noise disturbance from the use of the track is untenable. Given the increased acceptable distance between the development and the neighbouring property, it is not considered that the development would result in any significant harm upon the neighbouring occupiers in terms of increased noise and disturbance.

Given the scale of the development and the acceptable distance between the development and the neighbouring property, it is not considered that the development would have any significant detrimental impact upon the neighbouring occupiers in terms of increased flies, smells and other nuisance. Provisions have been made for the storage of

ding, and this is considered to be appropriate, away from the neighbouring properties. The adjacent property is sited next to a former poultry farm and the field currently has an agricultural use. This form of development as proposed is not uncommon in a rural environment.

The proposed development is not considered to result in an undue detrimental impact upon the residential amenity of the neighbouring occupiers.

Conclusions

Overall, the proposed development is considered to be of an appropriate siting, scale and design, which will ensure that the rural character of the area, and the character and appearance of the site is safeguarded. It is considered that the previous reason for refusal has been overcome. Subject to conditions, there are not considered to be any significant issues with regards to highway safety or the residential amenity of the neighbouring occupiers. For these reasons, the application is recommended for approval.

RECOMMENDATION

PERMIT with condition(s)

CONDITIONS

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

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

2 No external lighting shall be installed on the site unless details are first submitted to and approved in writing by the Local Planning Authority. Any lighting shall thereafter only be installed and retained in accordance with these approved details.

Reason: In the interest of the rural character and appearance of the area.

3 Any jumps or associated paraphernalia should be removed when not in use and stored on site.

Reason: To safeguard the character and appearance of the Area of Outstanding Natural Beauty

4 No development shall commence until details of the limestone scalplings to be used in the construction of the track have been submitted to and approved in writing by the Local Planning Authority. The development shall then only be carried out in accordance with these approved details.

Reason: To safeguard the character and appearance of the Area of Outstanding Natural Beauty

5 The development hereby permitted shall not be occupied until the proposed access has been constructed in full accordance with the requirements of and details approved in writing by the Local Planning Authority. The access shall then be maintained in accordance with these approved details thereafter.

Reason: In the interests of highway safety

6 The access, between the carriageway and the gates, shall be properly bound and compacted (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety

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

Reason: In the interests of highway safety.

8 The access hereby permitted shall not be brought into use until the visibility splays shown on the submitted plan have been provided with no obstruction to visibility at or above a height of 900mm above the nearside carriageway level. The visibility splays shall thereafter be maintained free of obstruction at all times.

Reason: In the interests of highway safety.

9 The existing vehicular access shall be closed and its use permanently abandoned, concurrently with the provision of the new access hereby approved being first brought into use, and the verge and other highway features reinstated, in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

10 Prior to the commencement of the development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority and shall include a programme of the works, together with details of appropriate traffic management. The development shall then only be constructed in accordance with that approved plan.

Reason: To ensure the safe operation of the highway.

11 The use of the proposed development and site shall be limited to non-commercial equine uses for the benefit of the individual site owner, or individual tenant, and their immediate family.

Reason: In the interests of highway safety

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

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

REASONS FOR GRANTING APPROVAL

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

A Bath and North East Somerset Local Plan (including minerals and wastes) adopted October 2007 D2, D4, NE4, T24, ET7

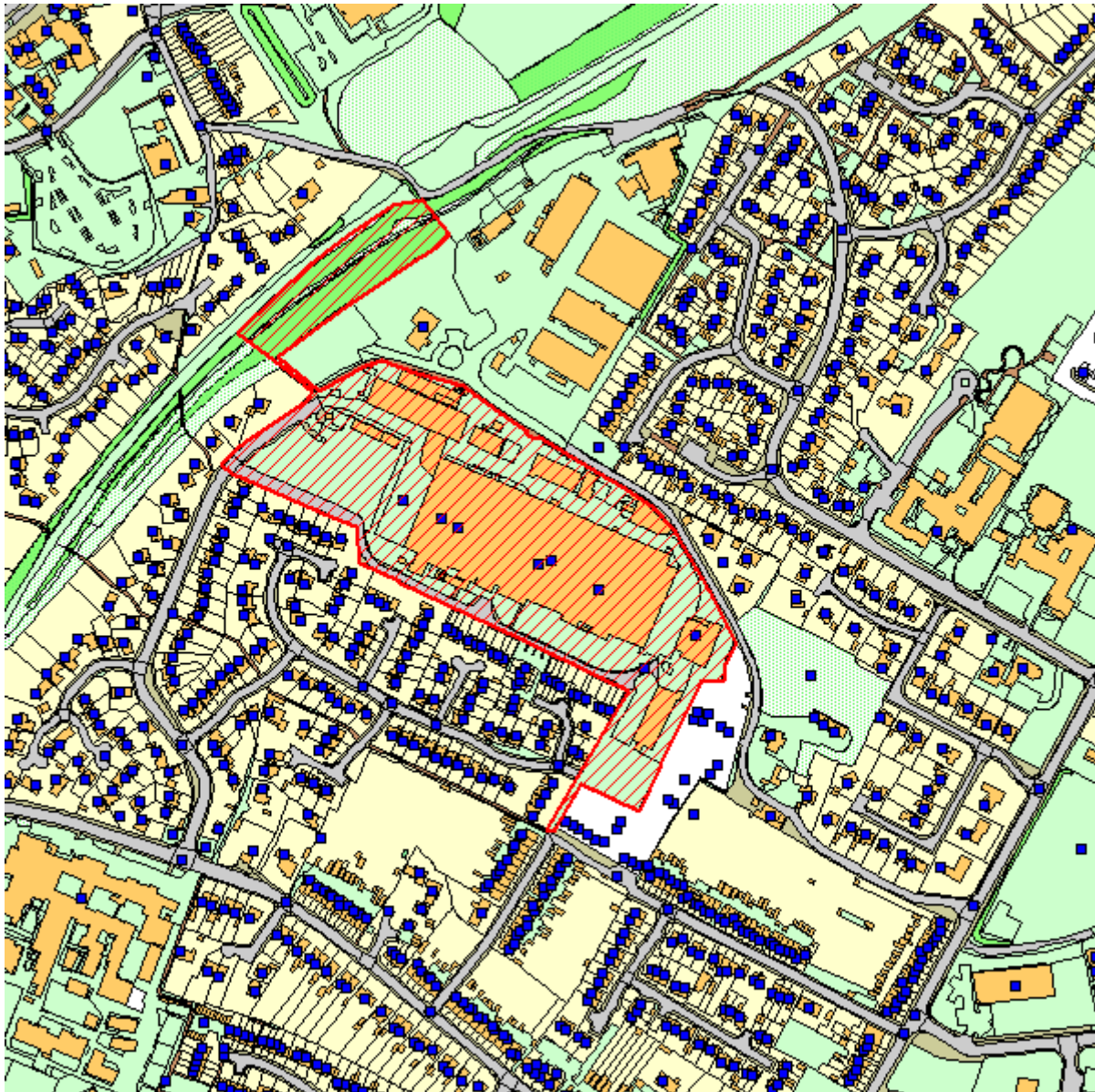
The change of use of the land is considered to be acceptable in principle, with the appropriate siting, scale and design ensuring that there is no resultant harm on the Area of Outstanding Natural Beauty in which the site is set. Subject to conditions, the development is not considered to result in significant harm to highway safety or the residential amenity of the neighbouring occupiers. No other significant issues have arisen as a result of this planning application.

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

3 ADVICE NOTE:

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

Item No: 06
Application No: 11/01772/FUL
Site Location: Site Of Alcan Factory, Nightingale Way, Midsomer Norton, BA3 4AA



Ward: Westfield **Parish:** Westfield **LB Grade:** N/A
Ward Members: Councillor R Appleyard Councillor Robin Moss
Application Type: Full Application
Proposal: Residential-led mixed use redevelopment comprising of the erection of 169no. dwellings, community facilities, offices, town centre link, formal green space and associated works.
Constraints: Agric Land Class 3b,4,5, Coal - Standing Advice Area, Core Employment Area, Forest of Avon, Housing Development Boundary, Public Right of Way, Sites of Nature Conservation Imp (SN), Tree Preservation Order,

Applicant:	Linden Homes Western Ltd
Case Officer:	Gwilym Jones

APPLICATION FOR A DEED OF VARIATION TO S.106 AGREEMENT

BACKGROUND

At its meeting of 18th January 2012 the Committee resolved to grant detailed planning permission for the comprehensive redevelopment of the former Alcan site comprising the erection of 169 residential units, community space, and offices together with formal green space and associated works.

The Recommendations were to:

(A) Authorise the Planning and Environmental Law Manager to secure an Agreement under Section 106 of the Town and Country Planning Act 1990 in respect of various matters including:
2. Provision of On Site Employment

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

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

The community use space to be available at negligible cost

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

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

(B) Upon completion of the Agreement authorise the Development Manager to PERMIT the application subject to conditions.

The s.106 agreement was signed and planning permission granted on 29th June 2012.

CURRENT APPLICATION

The developer (Linden Homes) is seeking a variation to the signed agreement to require that the community and office building is available for occupation prior to the occupation of more than 100 residential dwellings. The s.106 would remain unchanged in all other respects

CONSULTATIONS

There has been no formal consultation on the proposed Deed of Variation but has been posted as an application document on the Council's website. In addition the Ward Councillors (Appleyard and Moss) have been advised of the proposed changes. Any comments received from them will be reported to Committee.

CONSIDERATIONS

Linden Homes have begun preliminary work on the site but have advised that following a review of the detailed build programme and cashflow appraisal of the approved scheme then given the upfront costs of developing the site (and limited return on the initial investment from sales) the requirement that the community and office building is complete by occupation of the 50th dwelling is constraining their ability to fund the delivery of the project. They are therefore proposing that the building is complete on occupation of the 100th dwelling.

In terms of the estimated dates for delivery of the space, whereas based on the construction programme the space would be available by December 2013 the proposed change would move this to February 2015. The build programme for the community and office building is approximately 40 weeks and Linden has agreed to commit to both a start for the building (not later than occupation of 65 dwellings) as well as its completion (100 dwellings). They have also

confirmed that Mardons Social Club, who are currently on the site will be able to continue to occupy their existing building continuously until the new building is ready for occupation.

The original application was subject to a detailed and independent review of Linden's financial appraisal and this demonstrated the scheme could support the full range of s.106 obligations reported to Committee. Whilst the financial appraisal submitted with the planning application has not been independently re-assessed in the light of the proposed change in the delivery programme for the community and office building, based on the viability of the original scheme Officers are satisfied that the proposed change is reasonable and will still ensure that the space is provided significantly before completion of the development.

The development as a whole will deliver significant community benefits including new affordable homes, open space, and on and off-site employment space as well as redevelop a large and currently derelict site. The development includes 35% affordable housing, the delivery of which is supported in part by Government funding which requires the affordable dwellings to be built by March 2015. The recommendation is to agree to the variation in the Section 106 agreement as set out in this report.

RECOMMENDATION

To agree to the requested variation of the planning obligations entered into in respect of the above Development as set out above and that if the Committee is minded to accept this recommendation:

That the Development Control Committee resolve that the Council enter into a supplemental Section 106 Agreement with the current owners of the land to vary the terms of the Section 106 Agreement dated 29th June 2012 made between the Council, Linden Limited and HSBC Bank Plc in respect of the former Alcan Site, Nightingale Way, Midsomer Norton ("the Original Section 106 Agreement") to provide in respect of the Community and Office Building that:

- construction to commence before occupation of 65 dwellings
- the building to be available for occupation prior to the occupation of more than 100 residential dwellings

Background Papers

Original report to Committee on 11/01772/FUL dated 18th January 2012

Signed Section 106 agreement dated 29th June 2012 relating to this site

Letter submitted on behalf of the applicants setting out the proposed change to the s.106