

## Bath & North East Somerset Council

MEETING:	<b>Development Control Committee</b>	AGENDA ITEM NUMBER	
MEETING DATE:	<b>25th September 2013</b>		
RESPONSIBLE OFFICER:	Lisa Bartlett, Development Manager, Planning & Transport Development (Telephone: 01225 477281)		
TITLE:	<b>APPLICATIONS FOR PLANNING PERMISSION</b>		
WARDS:	ALL		
BACKGROUND PAPERS:			
<b>AN OPEN PUBLIC ITEM</b>			

### BACKGROUND PAPERS

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

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

### **The following notes are for information only:-**

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

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

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

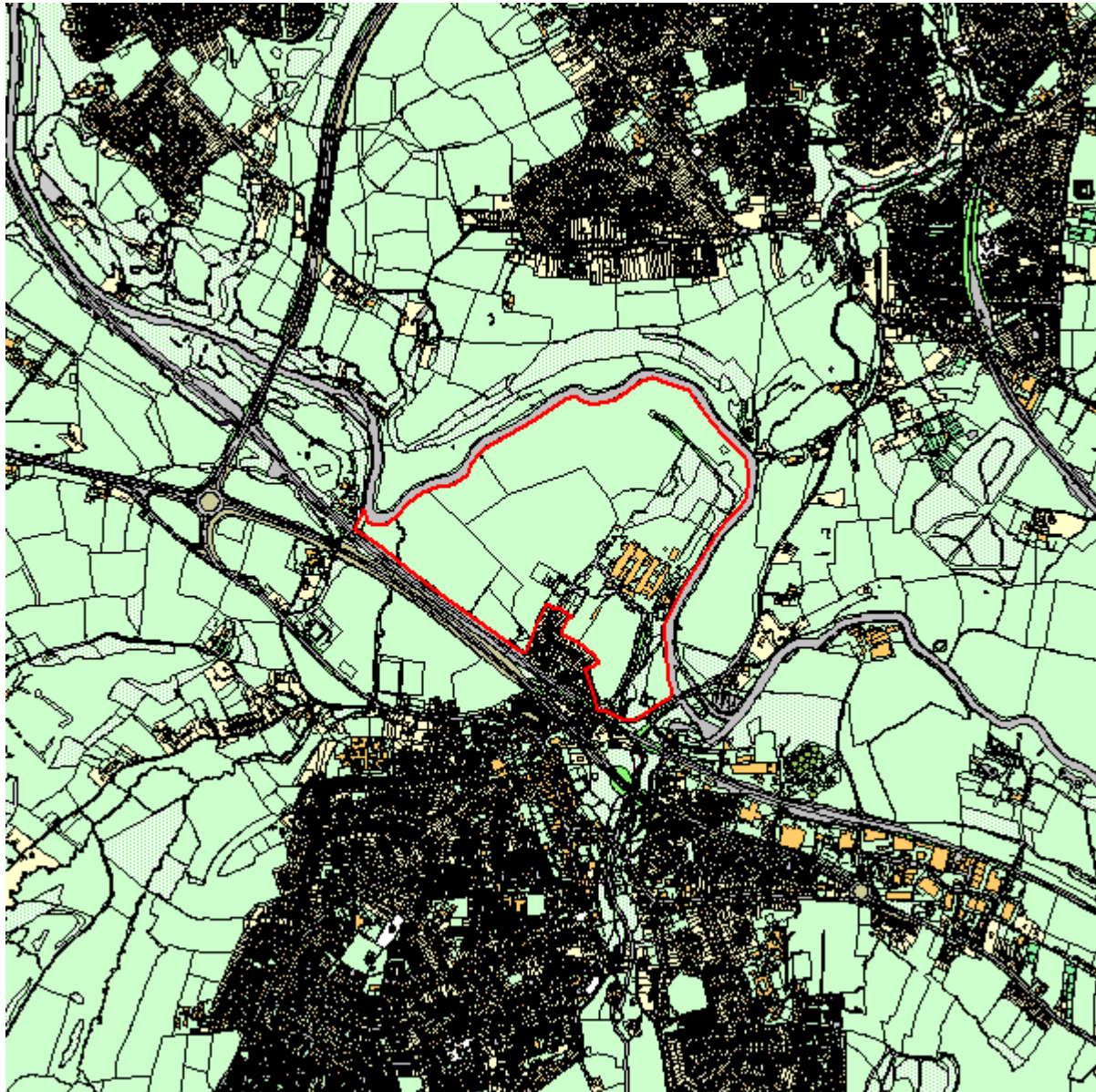
## INDEX

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

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

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

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



**Ward:** Keynsham North      **Parish:** Keynsham Town Council      **LB Grade:** N/A  
**Ward Members:** Councillor Brian Simmons Councillor C D Gerrish  
**Application Type:** Outline Application with an EIA attached  
**Proposal:** Hybrid planning application for the mixed use development of the former Cadburys Factory site, Somerdale, Keynsham (including part demolition of existing buildings) comprising:  
a) Outline application for up to 430 dwellings, 60 bed care home (C2 use) primary school (D1 use) local centre to include creche and medical facility (D1 use)

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

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

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

**Applicant:** Taylor Wimpey UK Limited

**Expiry Date:** 29th August 2013

**Case Officer:** Gwilym Jones

## REPORT

### REASON FOR REPORTING APPLICATION TO COMMITTEE

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

### DESCRIPTION OF SITE AND APPLICATION

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

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

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

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

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

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

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

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

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

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

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

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

#### PLANNING HISTORY

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

ENVIRONMENTAL HEALTH - no objection subject to conditions

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

PUBLIC RIGHTS OF WAY - no comment.

#### OTHER REPRESENTATIONS

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

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

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

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

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

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

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

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

6 letters of support on the following grounds -

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

## **POLICIES/LEGISLATION**

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

Bath and North East Somerset Local Plan (2007)

Policies of relevance to the current application are:

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

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

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

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

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

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

#### DRAFT CORE STRATEGY

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

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

Supplementary Planning Documents (SPDs).

The following SPDs are applicable to the proposal:

- Planning Obligations SPD (2009)

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

#### **OFFICER ASSESSMENT**

##### ENVIRONMENTAL IMPACT ASSESSMENT

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

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

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

### PRINCIPAL PLANNING CONSIDERATIONS

This application raises a number of significant planning issues:

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

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

### THE PRINCIPLE OF RESIDENTIAL MIXED-USE DEVELOPMENT

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

The application sets out comprehensive proposals for the development of the former Cadburys factory site including up to 11,500m<sup>2</sup> of business space plus other non-residential uses and up to 700 dwellings plus the re-provision of the Fry Club and associated sports facilities. The details of the proposals are considered in more detail below however the broad scale and mix of development proposed in the application is considered to be in general accordance with the overall district-wide spatial strategy and

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

## EMPLOYMENT SPACE

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

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

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

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

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

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

## HOUSING

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

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

### Future Phases (includes conversion of Building A)

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



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

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

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

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

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

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

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

## LAYOUT AND DESIGN

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The land use within the outline part of the application is predominately residential, other than the Care Home, Primary School and proposed mixed-use (medical facility/retail) building between the Fry Club and retained Building C. In addition, close to the site of the existing Power House building and adjacent to the river path is proposed a mixed-use building, potentially a café. These uses are considered important elements of the scheme and contribute to the mixed-use nature of the development as a whole. Their location towards the centre of the site, providing a mix of employment uses and 'community hub' is considered appropriate, and the scale and mix of retail provision will provide a local facility for residents in the local area without impacting on Keynsham town centre. The ES notes that Keynsham is already under-provided for in terms of doctors per head of population and that the proposed development (with a population of around 1,500) will add to this shortfall. A local doctors surgery has identified the cost of meeting the increased need (confirmed by NHS England) and are seeking a financial contribution to facilitate the provision of this space. The application includes up to 1,000m<sup>2</sup> of space for a medical centre which could accommodate a new or expanded practice. Policy CF.3 of the Local Plan states that where existing community facilities (including education and health care) are inadequate to meet the needs of future residents of new development the developer will be expected to make provision directly related in scale and kind to the need generated by the development. This can either be in the form of direct provision by the developer or where this is not possible or appropriate, in the form of a financial contribution. The applicant has undertaken to fund the provision a new school (and associated nursery) on the site at nil cost to the Council. In the case of medical facilities, NHS England has provided an assessment, based on an assumed land and building cost, of the attributable financial contribution from the development. Whilst space for a medical facility is included in the application (to be made available at a commercial rent) there is no associated contribution to meet the additional costs of provision arising from the development. In the circumstances it is considered that a contribution, in accordance with the relevant Community Infrastructure Levy Regulations, is appropriate and should be secured through the s.106 agreement.

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

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

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

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

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

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

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

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

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



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

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

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

#### TRANSPORT AND ACCESS

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

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

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

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

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

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

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

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

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

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

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

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

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

### SPORTS PROVISION

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

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

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

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

#### OTHER CONSIDERATIONS

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

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

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

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

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

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

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

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

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

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

The proposals include a range of ecological mitigation and compensation measures including creation of reedbed and riverside habitat, replacement planting and measures to avoid harm to protected species. A Landscape and Ecological Management Plan is also proposed, a draft of which has been submitted, and subject to securing the submission and approval of final details the overall approach is considered acceptable. The River Avon is an SNCI and Policy NE.9 of the Local Plan seeks to protect such areas against development that would adversely affect them, either directly or indirectly. In this case proposals that will impact on the river include works related to flood alleviation measures however this will involve the creation of new wetland habitats and subject to appropriate management and control of this work on balance the proposals are considered acceptable.

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

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

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

Policy ES.2 of the Local Plan states that permission for new buildings will be granted only where within the other constraints on the development the design, orientation, and layout of the buildings and outside areas have taken into account the need to minimise energy consumption over the lifetime of the development. Policy CP2 of the Draft Core Strategy seeks to ensure that sustainable design and construction will be integral to new development and that all major residential developments achieve Code Level 4 in 2013. The applicant is proposing that construction of the affordable homes will be to Code for Sustainable Homes (CfSH) Level 3 and the market housing in Phase 1 will include passive design and energy efficiency measures to achieve an 11% reduction in regulated CO2 emissions beyond the requirements of Building Regulations Part L (2010). New-build housing in future phases will achieve the relevant CfSH targets (or equivalent) at the time of the reserved matters application with the potential for the use of renewable technologies such as solar thermal panels or photo-voltaic panels where feasible to achieve future Building Regulation requirements. Commercial premises will achieve BREEAM 'Very Good'.

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

#### PLANNING OBLIGATIONS

Local Plan Policy IMP.1, together with the Council's Adopted Planning Obligations SPD, set out the policy context for considering planning obligations. This notes that whether a development makes appropriate provision for or a contribution towards requirements that are made necessary by and are related to the proposed development will be a material consideration in determining that application. Negotiations should seek a contribution towards the full cost of all such provision that is fairly and reasonably related in scale and in kind to the proposed development and its impact on the wider area. Planning obligations should also reflect strategic and local needs. Under the Community Infrastructure Levy (CIL) Regulations 2010 there are three tests on the use of planning obligations. In accordance with the statutory provisions and policy guidance the proposed heads of terms for a Section 106 Agreement are set out below under Recommendation A.

#### CONCLUSION

The Somerdale site is a large, former industrial site bounded on three sides by the River Avon. It has been identified as a major development site for a number of years however the announcement of and then final closure of the Cadbury's factory in 2011 has meant that the development strategy for the site has changed from an industrial to residential-led scheme. This is reflected in the Draft Core Strategy and the current application presents a



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

The layout of the site, overall housing density and affordable housing provision is considered acceptable and the design of the buildings in Phase 1 and as illustrated for the remainder of the site are considered to be of a high standard. The site is of a sufficient size to create its own distinctive identity and it is important that the design quality aspirations set out in illustrative material submitted with the application are implemented. The mix of unit sizes is considered to provide an appropriate range of both market and affordable properties and in terms of the affordable housing is considered to address local housing need.

The development will lead to an increase in traffic on the local highway network however modeling of the network demonstrates that with works to key junctions it operates satisfactorily in the peak hours. The modeling work has also demonstrated that the provision of a second site access does not have a material impact on the operation of the local highway network and that when taken cumulatively with other committed development in Keynsham travel times are for a one and two site access solution are the same.

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

## RECOMMENDATION

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

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

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

## **RECOMMENDATION**

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

### **REASONS FOR GRANTING PERMISSION**

The decision to recommend approval has taken account of relevant policies set out in the Development Plan and approved Supplementary Planning Documents, and the National Planning Policy Framework. The decision has also been taken into account other material considerations including emerging local planning policy and the responses from statutory consultees and those from other interested parties including local residents.

The proposals are in general conformity with Policy KE2 in the Draft Core Strategy and the redevelopment of the site for up to 700 dwellings, up to 11,150m<sup>2</sup> of B1 space, leisure and community uses including a new school and replacement of the existing Fry Club is considered an appropriate mixed-use development of the site.

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

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

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

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

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

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

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



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

## **REPORT**

Reasons for reporting the application to Committee

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

### Site and proposals

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

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

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

### Relevant Planning History

None.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Westfield Parish Council

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

### Highways

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

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

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

### Parks and Open Space

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

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

The quantum of development proposed would generate demand for formal green space, natural green space and allotment provision of 465m<sup>2</sup>, 465m<sup>2</sup> and 93m<sup>2</sup> respectively. The submitted proposals show that there is no on-site or off-site provision proposed and it is therefore necessary for the applicant to make a capital contribution to the Council. The contributions required are set out below.

#### Formal green space provision:

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

#### Natural green space provision:

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

Allotment provision:

Land purchase: £460.35

Construction costs: £803.52

Annual maintenance: £928.14

Enhance existing facilities: NIL

Total contribution value: £53,700.06

Education

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

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

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

Total for Early Years provision £28,109.40

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

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

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

Total for school places £17,747.64

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

Total for Youth provision £2,001.00

Therefore a total contribution sought of £47,858.04

Highways Drainage

No objections subject to a condition.

Contaminated land

No objections subject to conditions.

Arboricultural Officer

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

Representations

1 letter of objection received, making the following points:

Concern about overlooking of the adjoining bungalow

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

## **POLICIES/LEGISLATION**

### **LOCAL PLAN**

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

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

### **CORE STRATEGY**

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

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

### **NATIONAL PLANNING POLICY FRAMEWORK**

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

Presumption in favour of sustainable development

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

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

## Core Planning Principles

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

## Economic Growth

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

## Providing Housing

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

## Good Design

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

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



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

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

## **OFFICER ASSESSMENT**

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

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

### Principle of development

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

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

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

### Character and appearance

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

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

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

#### Living conditions

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

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

#### Highway safety

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

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

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

#### Conclusions and Recommendation

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

#### **RECOMMENDATION**

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

#### **CONDITIONS**

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

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

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

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

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

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

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

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

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

Reason: To protect existing trees around the site.

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

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

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

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

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

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

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

Reason: In the interests of flood risk management.

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

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

10 The approved remediation scheme must be carried out in accordance with its terms, including timescales. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

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

If unexpected contamination is found and a remediation scheme prepared as a result, following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

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

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

#### **PLANS LIST:**

Drawing 3615/003 Rev H, received 13 August 2013

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

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

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

#### **INFORMATIVE**

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

#### **DECISION TAKING STATEMENT**

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

<b>Item No:</b>	03
<b>Application No:</b>	13/02097/FUL

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



**Ward:** Combe Down

**Parish:** N/A

**LB Grade:** N/A

**Ward Members:** Councillor Cherry Beath Councillor R A Symonds

**Application Type:** Full Application

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

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

**Applicant:** Mr And Mrs Rose

**Expiry Date:** 12th July 2013

**Case Officer:** Tessa Hampden

## **REPORT**

Reason for referring this application to committee

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

Site description and proposal

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

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

Relevant planning history

There is no planning history directly associated with this planning application

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

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

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

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

No comments on revised plans

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

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

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

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

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

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

## **POLICIES/LEGISLATION**

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

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



T.24 - General development control and access policy

T.26 - On-site parking and servicing provision

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

Planning Policy Framework.

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

### **OFFICER ASSESSMENT**

Character and appearance

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

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

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

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

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

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

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

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

#### Residential amenity

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

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

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

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

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

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

#### Land stability

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

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

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

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

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

#### Highway safety

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

#### Other issues

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

### **RECOMMENDATION**

PERMIT with condition(s)

### **CONDITIONS**

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

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

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

Reason: To retain adequate off-street parking provision.

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

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

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

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

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

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

**PLANS LIST:**

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

Decision Taking Statement

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