

**BATH AND NORTH EAST SOMERSET COUNCIL**

**Development Control Committee**

**September 25<sup>th</sup> 2013**

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

**ITEM 10**

**ITEMS FOR PLANNING PERMISSION**

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
01	13/01780/EOUT	Former Cadburys Site Somerdale Keynsham

Following the completion of the Committee Report, further consultation responses have been received.

**Keynsham Town Council**

The Town Council object with comments as previously stated. The concerns raised regarding traffic/highways issues have not been resolved to the Town Councils satisfaction.

[Previous response - the Town Council object until such time that Highways sort out the traffic/highways issues and they are adequately solved to the satisfaction of the Town Council so that the planning application can be reconsidered by 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.]

**Residents of Priory Road/Chandos Road**

6 further letters of objection/comment, specifically:

1. There is already a severe commuter parking problem and significant vehicle access restrictions on Priory Road. The current proposals are going to make a bad situation even worse. Recommend a Residents Parking Scheme is introduced (funded by the applicant) and/or signage that Priory Road is 'access only for residents'.
2. Support Priory Road being closed off adjacent Station Road however the 'hammer head' turning area needs to be large enough to enable a removal or delivery lorries etc to turn. Also recommend that the applicant should surface the lane to the rear of Priory Road so that this can be used as a secondary means of access should it be blocked.
3. The traffic from Chandos Road will have to join in with traffic from the new estate and then wait again at the junction with Station Road. This will cause increased journey times for residents of Chandos, Priory Road area

particularly at busy times. Most residents would prefer to maintain a separate identity from the development.

4. Concern about the access issues into the site and the extra volume of traffic on Station Road, which will make pulling on to Station Road from side roads even more difficult than at present.
5. A second access to the site is required.
6. Objection to loss of existing railings between Chandos Road properties and the site.

#### Sport England

Sport England reiterate their objection to the application on the grounds of loss of playing fields and inadequate replacement playing pitches within a Flood Zone (apart from pitch F1) and note the following:

- the new Fry Clubhouse is a legacy of the current owners (Kraft) and not the applicant.
- Sport England does not support the re-provision of football pitches into the Flood Zone, which remains a major concern of Sport England and the Football Association. Sport England propose the option of an artificial pitch (AGP) is explored in greater detail as the replacement F1 pitch offers limited extra use.
- sports lighting should meet the Football Association's Floodlighting Guide.
- the English Cricket Board are uncertain whether the identified playing field area in the flood plain is able to sustain the level of activity that is proposed and propose a ground survey report is produced by the applicant.
- whilst the tennis facility meets the existing club's needs there would be possible capacity issues in the future if the club was looking to expand.

#### Scientific Officer (Contaminated Land)

Further comments following receipt of an Addendum to the Environmental Assessment. In respect of the Additional Ground Gas Assessment Report I conclude that the number of wells in the different horizons (particularly made ground and alluvium) is relatively low and represents a relatively small number taking account of the size of the site/zone. The number of rounds of monitoring is relatively low with none of the monitoring rounds being undertaken at low atmospheric conditions (below 1000mpa). Whilst I accept that a relatively precautionary approach has been recommended in the interpretation of the data, additional gas monitoring and gas risk assessment for the whole site taking account of different zones or strata as necessary will be required. The monitoring will need to cover minimum standards as described in guidance documents such as CIRIA C665 and include at least two monitoring visits at low or falling atmospheric pressure.

In respect of the Geotechnical Assessment Summary Report, which included some limited further chemical analysis, my previous comments in relation to the preliminary investigation conclusions and recommendations still stand. Taking account of the findings of the preliminary geo-environmental investigation for additional soil and water investigation and risk assessment in areas where no or limited investigation has been undertaken and in areas requiring further assessment and delineation, and taking account of the

additional gas assessment and geotechnical investigation, recommend conditions (previously drafted) be applied.

#### Environment Agency

The Environment Agency interests are not affected by the ES Addendum and so comments remain as before. The Agency has received additional information from the applicant's consultant requesting an amendment to the proposed wetland condition and confirm that this condition can be modified.

#### English Heritage

No further comments to amended Environmental Statement as no changes to any historic assets. Urge the Council to address previous concerns and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

#### B&NES Historic Environment Team

Further comments in response to applicant's submission (received 23 August 2013). The Somerdale Chocolate Factory is identified on Monument Number MBN 9383 on the BANES Historic Environment Record HER. The inclusion of the Factory site recognises the importance of the buildings on the site as undesignated heritage assets.

Disagree with conclusion that the local and regional interest of the site does not relate to existing [factory buildings, Power House] structures. The Historic Building Report submitted in support of the development states in reference to blocks A, B and C, and the Power House that "... Their local status and local historic interest would justify a reuse scheme ...". The importance of the undesignated heritage assets on the site is confirmed by English Heritage in their consultation response who also recommend that the heritage assets on the site are given sufficient weight within the planning application process.

It is accepted that the significance of the complex has been diminished by unfortunate past demolitions of important buildings however this should not set a precedent for future works on the site. It may be argued that the loss of buildings on the site in the past in fact emphasises the importance of trying to conserve that of importance that still remains.

Power Station - note the concerns over the future use and cost of works required to the power station and the views of the report by Hydrock. However it appears no detailed specification of works with detailed costing's are provided so that the viability of the buildings restoration and repair can be tested. Although accepting works are required to the fabric of the building I also note in the report by Hydrock that they state the building is structurally robust. The building lies within the flood plain however there are a set of flood relief pumps and buried tanks that operate at times of flooding and as part of any conversion works a strategy for protection of the building against flooding could be investigated/discussed with the EA. To test viability, and if a user can be found for the building, I also advise that the power station should be extensively advertised on the open market for a reasonable time period, at a

price which reflects the works required to it, and with a flexible remit for its potential use. Previously advised that the power station chimney stack should be retained and this view has not changed. The report by Hydrock notes that the chimney has been well maintained through its life and although there is cracking at the base this is unlikely indicative of any serious structural defect and may be repaired via stitching.

In mitigation for the demolition of the above buildings applicant suggests the recording of the power house station and its chimney however recording does not outweigh the harm caused by the demolition of the buildings/structures or the harm caused to the setting of other factory buildings to be retained.

Buildings A B and C - disagree with evaluation of the importance of blocks B C. The comments lack an understanding of the importance of setting and devalues the present setting of the undesignated heritage assets. The new housing estate will clearly appear visually incongruous in this location, compete unduly with the undesignated heritage assets, and the proposals fail to recognise the potential of leaving this area as an attractive landscaped open space which would reinforce local identity and a sense of place. The new housing development in this area substantially harms the setting of the undesignated heritage assets.

The fact that trees are protected by TPOs and the development will only be close as designation allows fails to recognise the visual importance of undeveloped spaces in their own right, the wider setting of heritage assets, and the need for a high quality scheme.

In conclusion, and notwithstanding the observations made by the applicant, the proposals remain unacceptable for the reasons previously given. In balancing the need for more housing, and the any additional wider public benefits proposals may bring, more weight should be given to the conservation of the important undesignated heritage assets on the site and their setting. The present proposals do not give due weight to the importance of conserving undesignated heritage assets and their setting as advised in the NPPF or in the consultation response of the 15th July by English Heritage.

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
03	13/02097/FUL	16 South Stoke Road Combe Down Bath

Condition 4 amended to:

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. No other windows, other than those illustrated on the approved plans, shall be inserted on the rear elevation of the development hereby approved, unless otherwise approved in writing by the Local Planning Authority.

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

#### Representations

4 representations have been received since the preparation of the report. However, these are from third parties who have previously commented, but who wish to reiterate their comments as they are unable to attend the committee meeting.

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
Site Visit 01	13/02098/FUL	Private Garden Lark Place Upper Bristol Road Lower Weston Bath

#### 1. 6 Additional objections received from neighbouring residents (summarised):

- This is a further step towards the total infilling of all spaces between Charlotte Street and the Windsor Bridge. Empty spaces / open areas are vital for the communities in densely packed terraced urban areas.
- The development would add another access point to an already busy section of the Upper Bristol Road and move parking spaces to a more dangerous location.

- The parking spaces on Upper Bristol Road are needed for the shops and seldom under-used.
- Object to loss of allotments – surrounding residents only have small gardens
- The committee site visit will not reveal whether the site is allotments as the land is now overgrown.
- The Local Land search carried out prior to buying my house showed the land as allotments and my understanding was that the land was therefore not likely to be developed, in the future. It now appears the information on the Searches provided by BANES was incorrect and that the Council are now considering a proposal to build five houses on this small piece of land previously used as allotments for over 50 years. In light of this I have decided to seek legal advice with a view to taking action against BANES Council for providing misleading information regarding the purchase of my property. Who is responsible for coordinating the changes to plan records necessitated by the Local Plan adopted 6 years ago?
- The Allotment designation given to the site was removed in the Local Plan adopted in 2007. I note that unlike the Town Plan there is no distinction between Statutory Allotments and privately owned allotments on the Local Plan, was this deliberate and did all private allotments have their designation removed?
- Has the threat by the applicant to involve the Council in a "costly appeal" influenced the recommendation on the application?

1. Objection received from the Allotments Association:

- Bath & North East Somerset Allotments Association object to any development of this site.
- Policy CF.8 is material here, as the Council's background documents to the policy make clear that it applies to statutory, non-statutory and private allotments. Planning officers have used CF.8 to refuse development on private allotments before, so I'm not clear why this case should be different.
- As regards the point about the Green Spaces Strategy, there are a very few private allotments in the city but none of these are listed in the Strategy so this is no reason to question the Lark Place site's status as a private allotment.

2. A petition has been submitted to the Council under the Small Holdings and Allotments Act 1908 for the Council to acquire the application site and provide it as allotments for the use by local residents. This is

because it is clear from the Council's current waiting list for allotments that the Council's stock of allotments is insufficient to meet demand.

3. The applicants solicitor has written in, commenting that the land had previously been developed with part of the land forming the site of a cottage known as Blue Lodge Cottage in 1936; stressing that an inspection of the site alone will not enable the committee to determine whether the land is allotments; and commenting that no documentary evidence has been presented by residents to substantiate the use of the land as allotments.
4. Building Regulations have commented in respect of land stability issues, raising no objections to the planning application, but acknowledging that the site lies either within or very close to an area of poor Loadbearing strata. The support of adjacent properties undermined by the works, temporarily or otherwise, will be the responsibility of the contractor and/or designers. A ground investigation would need to be carried submitted together with other documentation required by the building control provider.

The poor ground conditions would make piling (or some other type of engineered solution) the most suitable method of foundation design to adopt. Ultimately this will be checked / approved at the time of the building regulation submission. If excavations are being carried out close to the adjacent properties, party wall notices will also need to be served although it must be pointed out this process is independent of the building control system.

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
Site Visit 02	13/02302/FUL	Oldfield School Kelston Road Bath

#### UPDATE REPORT:

This update report includes additional representations and information received following the publication of the first Committee report.

Additional representation from neighbour concerning highway issues (summarised):

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

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

"I understand your concerns regarding previous, and proposed, increases in pupil numbers at the school, which I have also raised in previous recommendations. However, in commenting on planning applications I must respond on the basis of the submitted application details, which in the case of the current application, I have been advised would simply replace two classrooms in the PE block to within the new drama block, and the relocated Training Classroom Block would retain the same use in its new position. I



understand that the existing drama studio has been condemned, and would therefore not be brought back into use, and on this basis there would not be any additional classroom accommodation as a result, and therefore no additional capacity for more pupils.

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

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

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

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

### **Conclusion:**

In light of the Highway Development Officer's comments it is evident that there is no highways objection to this proposal. Therefore the officer recommendation remains as the committee report but it is recommended that condition no.2 on the Committee report is amended, and an additional condition is added as referred to below:

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

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

The development hereby permitted shall be carried out only in accordance with the approved Ecological assessment (Arup letter dated 13th May 2013 and Ecological Walkover Assessment August 2011). If at any time when the buildings are dismantled and protected species are found or evidence of

protected species are found, all work should cease and an ecologist be contacted to provide advice. The development thereafter shall be carried out in accordance with that advice.

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

Additional representation from neighbour dated 2<sup>nd</sup> Sept (summarised):

- Would seek a Judicial Review if not successful in achieving a rejection or at the very least a postponement of this application, both for the reasons of very poor design in the Green Belt, overlooking an Area of Outstanding Natural Beauty and Grade 2 Listed buildings and the illegal presumption of a consent by the applicant with the full support and complicity of a number of departments of BANES Council, including Major Projects and Building Control amongst others.

Revised plans to show sedum roof received 06/09/13:

- Details of a sedum roof illustrated which shows a 250mm increase in the height of the roof line to accommodate the required structure. All other aspects of the materials and plan dimensions remain the same.

Observations following the Committee site visit on Monday 16<sup>th</sup> September:

- There was disagreement between the officer assessment of the height of the proposed building and the adjoining resident, who felt the drama block will be much higher than the existing block. For the committee, a plan showing the existing building (to be removed) and the drama block on the same elevation plan has been provided and will be presented to members.
- Concerns were raised about noise issues. The agent has provided further clarification here and states that "the proposed design has been specifically orientated to avoid any windows or openings from the Drama room facing the boundary with the intention of reducing the possibility for noise escaping from the Drama activities. The only windows along this edge are from the single classroom along this boundary side of the building and as they are windows from a classroom this will be a space which is observed and managed by a teacher and not an area of 'common room' where noise could perhaps be a problem. Furthermore, the entire building is developed and constructed in line with Building Bulletin (BB) 93 'Acoustic Design for Schools' and as such the acoustic performance of spaces within the building will provide acoustic dampening suitable for education buildings of this type and construction. The new building construction will be far more robust and solid than the existing more flimsy structure, therefore the acoustic performance of the new building will be better than the existing building currently sited in this location".

- A site plan has been updated to include landscaping (hedge planting) on the boundary with 130 Kelston Road, this is supplemented by a landscaping condition.
- Members asked whether the timber facing material for the drama building would match that of the sports hall, or the other timber buildings towards the back of the site?

The agent has stated that “whilst the original design intention was to match the materials of the recently completed adjacent block – with the same render and timber detailing from a similar palette – we understand that Members have expressed a preference that other adjacent buildings and structures should be looked at to match their palate of colours. Whilst the timber was intended to be untreated in order to weather naturally, a colour stain could be applied which would bring it more in line with other colour palettes around the site”.

### **Conclusion:**

Further to the additional representations and details the officer recommendation remains as the committee report but it is recommended that two additional conditions are provided for materials to be agreed and further details of the sedum roof:

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

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

No development shall commence until a section drawing showing the sedum roof and a maintenance plan shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the appearance of the development