

Bath & North East Somerset Council

MEETING: **Planning Committee**

MEETING DATE: **23rd October 2019**

AGENDA
ITEM
NUMBER

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RESPONSIBLE OFFICER: Simon de Beer – Head of Planning

TITLE: **APPLICATIONS FOR PLANNING PERMISSION**

WARDS: ALL

BACKGROUND PAPERS:

AN OPEN PUBLIC ITEM

BACKGROUND PAPERS

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

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

The following notes are for information only:-

- [1] "Background Papers" are defined in the Local Government (Access to Information) Act 1985 do not include those disclosing "Exempt" or "Confidential Information" within the meaning of that Act. There may be, therefore, other papers relevant to an application which will be relied on in preparing the report to the Committee or a related report, but which legally are not required to be open to public inspection.

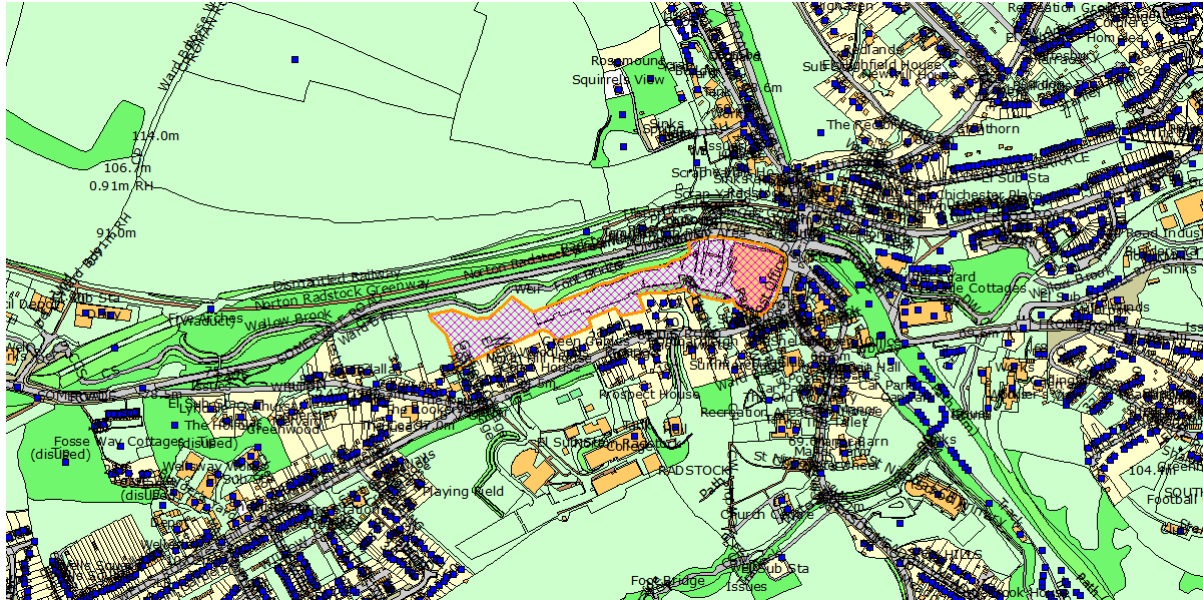
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting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

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ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	18/05623/OUT 25 September 2019	The Radstock Co-Operative Society Co-Operative Store A, Wells Road, Westfield, BA3 3RQ, Hybrid planning application for the mixed-use redevelopment of the Co-Operative store and associated car park in Radstock comprising - 1. Full planning permission for the demolition of existing store and construction of 1795sqm retail floorspace including replacement store (Class A1), 722sqm office floorspace (Class B1) and 28 dwellings (Class C3) with associated car and cycle parking, works to existing access, landscaping, public realm, drainage and infrastructure. 2. Outline planning permission for 26 dwellings with associated car parking, landscaping, drainage and infrastructure (access, scale, and landscaping determined, all other matters reserved).	Westfield	Chris Gomm	Delegate to PERMIT
02	19/03747/FUL 16 October 2019	Mr Olly Barkley 31 Third Avenue, Oldfield Park, Bath, Bath And North East Somerset, BA2 3NY Change of use from a 5-bed House in Multiple Occupation (HMO) (Use Class C4) to a 7-bed HMO (Use Class Sui Generis).	Oldfield Park	Dominic Battrick	PERMIT

REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

Item No: 01
Application No: 18/05623/OUT
Site Location: Co-Operative Store A Wells Road Westfield BA3 3RQ



Ward: Westfield **Parish:** Westfield **LB Grade:** II

Ward Members: Councillor Eleanor Jackson Councillor Robin Moss

Application Type: Outline Application

Proposal: Hybrid planning application for the mixed-use redevelopment of the Co-Operative store and associated car park in Radstock comprising -

1. Full planning permission for the demolition of existing store and construction of 1795sqm retail floorspace including replacement store (Class A1), 722sqm office floorspace (Class B1) and 28 dwellings (Class C3) with associated car and cycle parking, works to existing access, landscaping, public realm, drainage and infrastructure.
2. Outline planning permission for 26 dwellings with associated car parking, landscaping, drainage and infrastructure (access, scale, and landscaping determined, all other matters reserved).

Constraints: Agric Land Class 3b,4,5, Coal - Standing Advice Area, Conservation Area, Contaminated Land, Policy CP12 Centres and Retailing, Policy CP9 Affordable Housing Zones, Policy CR3 Primary Shopping Areas, Policy CR3 Primary Shopping Frontages, Flood Zone 2, Flood Zone 3, Housing Development Boundary, Listed Building, Policy LCR5 Safeguarded existg sport & R, LLFA - Flood Risk Management, Policy NE1 Green Infrastructure Network, Policy NE2A Landscapes and the green set, Policy NE3 SNCI, Policy NE5 Ecological Networks, Neighbourhood Plan, SSSI - Impact Risk Zones,

Applicant: The Radstock Co-Operative Society

Expiry Date: 25th September 2019

Case Officer: Chris Gomm To view the case click on the link here .
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REPORT

Reason for Reporting to Committee

This application is the subject of a viability assessment in respect of affordable housing (and other planning obligations). It is therefore necessary (pursant to Section 1A Paragraph 6 of the Scheme of Delegation) for the application to come before the Planning Committee for its consideration and determination.

The Application

This is a hybrid planning application seeking full planning permission for the demolition of the existing 'Radco' co-operative supermarket and its replacement with 1795sqm of retail floor space (of which 1123sqm relates to the replacement supermarket), office floor space (722sqm) and 28 flats; these elements of the scheme are to be provided within two mixed-use three-storey buildings. Full permission is also sought for the associated infrastructure including a 84 space car park serving the retail (staff and customers), commercial and residential uses. The full permission element of the application is referred to in the submission as Phase 1.

The application also seeks outline permission for residential development towards the rear of the site along with its associated infrastructure. Permission is sought at this stage for the means of access, scale and landscaping of this element of the site with all other matters reserved. Outline permission is sought for 26 dwellings in this area and this element of the proposal is referred to as Phase 2 in the submission.

The submission states that a temporary supermarket is to be provided on the site during construction works; it should be noted however that permission for this aspect of the proposal does not form part of the current planning application; a separate planning application will be required.

The Application Site

The application site is situated in the heart of Radstock in a high profile position on the corner of Wells Road and Somervale Road (A362). The existing Radsco supermarket building, constructed in 1959, occupies the corner itself and is a well-known landmark in the town. To the rear (west) of the store is its associated service yard and vehicular access from/to Somervale Road. Further to the west is the store's large linear car park with substantial peripheral vegetation and tree cover; this peripheral planting is a locally designated Site of Nature Conservation Interest (SNCI). The Wellow Brook runs through the northern area of planting and this is a designated Environment Agency 'Main River'; the brook is surrounding by a limited area designated as Flood Zone 2 and 3 (medium and high floor risk respectively).

The site is within the Radstock Conservation Area. The listed building records (Historic England) indicate that supermarket building itself is Grade II listed; this is understood to be

due to an administrative anomaly. The Rectory building which formerly stood to the rear of the supermarket building, and which was Grade II listed, was demolished in the 1980s.

The Wells Road climbs steeply to the south of the application site. A number of predominantly residential properties situated on the northern side of Wells Road back on to the application site. Due to the rising topography these properties are elevated above the application site, in some cases considerably so.

Environmental Impact Assessment

In 2018 the local planning authority received a formal EIA (Environmental Impact Assessment) Screening Opinion request (Ref: 18/02854/SCREEN). The application sought formal determination as to whether that development (1100sqm retail store; 1000sqm other retail; 600sqm office and up to 90 dwellings) required an EIA. The Council concluded at that time that the development was not EIA development and as such a formal EIA/ES was not required. The current proposal differs from that described in the 2018 Screening Opinion but not significantly so. The Council similarly considers that the current proposal is not EIA development.

Relevant Planning History

There is no planning history relevant to this application other than the EIA screening opinion outlined above. The planning history here comprises numerous applications for advertisement consent and works to trees none of which are considered relevant.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

B&NES Planning Policy: **OBJECTION**

The proposal for the redevelopment of the Radco store is broadly supported in principle through the PMP. The proposal would bring forward an under used/brownfield site for a mixed use development, providing town centre appropriate uses and the potential for significant public realm improvements, which is supported in Policies SV1 and SV3 of the PMP, and could bring significant improvements to Radstock town centre.

A substantial part of the existing car park would be redeveloped for housing as an element of the proposal. The housing in the proposal within the car park is located outside of the HDB for Radstock and therefore would not be acceptable in principle.

Policy 12 of the Westfield Neighbouring Plan requires further information to justify the changes to the existing retail offer.

B&NES Highways: **NO OBJECTION**

- o There are a series of short stay cycle parking opportunities across the site; this is welcomed and will provide for visitors to the development;
- o Dedicated and secure cycle parking is provided for the 28 residential apartments and appropriate cycle parking is also provided for the proposed Co-op store and supporting offices in Building 1 (although access needs to be clarified);
- o Cycle parking for the commercial uses in Building 2 is unclear;

- o The level of residential parking provision has been agreed as 30 unallocated spaces serving the 28 apartments;
- o A Parking Management Plan will be required so that the allocation of the spaces to residential can be agreed as well as electric charging facilities.
- o 54 car parking spaces for customers of the commercial uses are proposed. These spaces would all be allocated as short stay (90mins) (preventing staff parking);
- o The proposed 54 spaces are sufficient to serve the proposed commercial uses;
- o The existing car park has a capacity of 245 parking spaces;
- o Surveys were completed in April 2019 and this showed a maximum occupancy of 122 vehicles on a Friday and 113 vehicles on a Saturday;
- o The proposed redevelopment of this car park will clearly cause significant displacement of car parking (up to 70 vehicles);
- o Parking opportunities in other public car parks is severely limited, and it is clear that a large percentage of the displaced parking would need to occur in uncontrolled areas;
- o The pedestrian access to the site will be clearly improved as compared to the existing situation;
- o The proposed scheme includes a revision of the existing site vehicular access arrangements. Due to the proposed residential element of the hybrid application, at least part of the proposed site access road will need to be designed and constructed to an adoptable standard;
- o The proposed site servicing arrangements have been reviewed and swept path analysis demonstrates that the Service Yard would be accessible for larger vehicles;
- o The proposed scheme would result in a reduction of trips as compared to the proposed use of the site in the development scenario. Given this overall reduction in trips, including within the peak hour periods, it would not be reasonable for the highway authority to seek improvements to the local highway network;
- o There is a requirement to secure Travel Plans for each of the commercial elements of the site;
- o A Construction Management Plan will be required.

Historic England: No objection (but acknowledge that some harm will be caused which will need to be weighed against any public benefits).

- o Concerns were previously expressed regarding the impact of the development on the character and appearance of the conservation area;
- o Particular reservations were expressed about the proposed elevation to the Wells Road, and the relationship between the proposed development and the Shambles;
- o Broadly speaking the amendments address HEs concerns; there is a greater degree of animation to the Wells Road elevation and the proposed buildings have an improved relationship with the existing properties at the Shambles;
- o The proposals will still cause a degree of harm to the character and appearance of the conservation by virtue of the increased height of the proposed buildings blocking current attractive views across the site to the rural landscape beyond. However, the harm has been minimised as far as is possible by improvements to the design;
- o The development would cause less than substantial harm to a designated heritage asset - in this case the Radstock Conservation Area - and Historic England recommends that harm should be weighed against any wider public benefits offered by the proposals, in accordance with NPPF paragraph 196.

B&NES Conservation Officer: OBJECTION

- o The materiality has improved although the use of non-local buff brick is still proposed for some of the elevations [case officer note: the buff brick has now been deleted];
- o The varied roofline will give a more interesting profile. However the historic townscape has an evolved character and the difference in design and roofline line are structural;
- o The scheme proposes a fairly homogenous building with the roofline breaking forward to gables which is visually much weaker;
- o Overall the revised scheme is an insipid interpretation of the local townscape lacking the vigour and quality of the historic buildings in Radstock;
- o The scheme will cause less harm than previous iterations but it will not enhance the character of the conservation area;
- o The scheme because of its overall height will still result in the significant loss of the wider landscape views which are intrinsic to the character of Radstock which will cause considerable harm to the designated conservation area;
- o The opening up of new views will not compensate;
- o Views of the Shambles (as you climb the hill out of the town) - a non-designated heritage asset making a positive contribution to the character of the conservation area will also be compromised;
- o Paragraph 193 from the NPPF requires great weight to be given to the assets conservation, irrespective of whether the harm is substantial, total loss or less than substantial harm to its significance.
- o In this case overall the redevelopment as submitted would still cause a considerable albeit less than substantial level of harm thus engaging paragraph 196 from the NPPF;
- o Compelling public benefits would need to flow from the development to outweigh this level of harm.

B&NES Urban Design: NOT ACCEPTABLE IN CURRENT FORM (but does not recommend refusal)

- o The proposed heights reflect the ambient heights within Radstock town centre and are befitting of this use and its site. Subject to matters of levels and accessibility, they are therefore acceptable in principle;
- o The 1999 Radstock Conservation Area Appraisal describes the existing building as one of the most intrusive because of its anomalous scale and plan. It can therefore be concluded that it is harmful and its replacement would be a potential conservation area enhancement;
- o The building lines of each block are set back from the Wells Road and the proposed space creates an inverted corner feature providing improved views to the north;
- o Views to the south slopes and trees in particular are blocked, which may be considered harmful;
- o This scheme renews the headquarters of an historic local business. As such, it has acquired an important place in the economy and heritage of Radstock and can justify its prominence in the townscape;
- o On balance, the benefits delivered by the removal of the 1959 store and contribution this scheme makes to the reweaving of the "nebulous" (Radstock

Conservation Area Appraisal) town centre, outweigh the loss of some views, that have been partially enabled by the presence of the under-scaled RADCO building;

- o Options for the long eastern facade of building 1 has arrived at a frontage of sections and gables which now draws more upon the character of its opposing terrace more successfully, removing anomalous forms criticised in the initial proposal.
- o The southern and northern facade components retain a more rectilinear form, which is considered appropriate to address this gateway into the town centre.
- o Details of the west and south elevations do not appear to be updated [case officer note: all plans have now been updated];
- o The east frontage addressing the new space is considered appropriate.
- o The northern frontage to Somervale Road has sought to achieve a pavement level active frontage, which is welcomed. However, the recessed residential frontage above lacks both the interest, articulation and the quality of materials for its gateway location;
- o The site levels existing and proposed, together with the slope of the Wells Road create difficulties in achieving a direct and active Street frontage the choice of large footprint buildings exacerbate this, particularly for building 1. However, the scheme appears to seek to achieve level access across the site within a single ground floor level;
- o The raised plinth continues to raise the building above the street frontage, although the lower shopfront on the north frontage does assist in providing some active frontage at pavement level;
- o The use and distribution of ashlar and coarser rubble Lias stone is welcomed.
- o The use of brick remains unacceptable in this town centre context. There is no contextual cue to support its use. This should be reconsidered [case officer note: the brick has now been deleted from the scheme];
- o The use of slate is supported and is the contextual material;
- o Whilst only at an early stage of development, the site plan appears heavily influenced by car parking and vehicle access. The building siting and grain do not appear to be drawing upon the context of this part of the conservation area;

B&NES Arboricultural Officer: OBJECTION

- o Full planning application: this part of the application has a limited impact on the most important trees on and adjacent to the site;
- o A Detailed Arboricultural Method Statement will be required and can be conditioned;
- o Outline planning application: An Arboricultural Impact Assessment (AIA) has now been provided which acknowledges that the new residential properties will be affected by the existing trees within the north and south tree belts;
- o The AIA states that tree works will be required to enable the development;
- o The effect on the tree belts will be largely determined by occupant perceptions and tolerances;
- o The proposal does not conserve or enhance continuous canopy cover within the southern tree belt which contributes towards the green infrastructure and is a skyline feature;

B&NES Parks & Open Space: SCOPE FOR REVISION

- o The development generates a demand for recreational green space as evidenced by the Green Space Strategy 2015. The policy requirement is under LCR6 New and replacement sports and recreational facilities.

- o The revised plans omit committing to providing on or off-site public greenspace to meet needs of the residential development.
- o The application site includes land on-site designated as an SNCI, a Landscape & Ecological Management Plan (LEMP) is required and Heads of Terms have been submitted;
- o The LEMP will need to include an additional objective to provide public access to the woodland area to meet the recreational green space requirement.
- o The long term maintenance funding of the on-site green spaces to achieve the LEMP objectives will need to be agreed within a S106 agreement as part of this outline application.

Environment Agency: NO OBJECTION subject to conditions

B&NES Flooding & Drainage Team: NO OBJECTION subject to conditions

B&NES: Landscape Officer: OBJECT / SCOPE FOR REVISION (but does not recommend refusal)

- o The proposed development is unlikely to have a significant visual impact when viewed from publicly accessible points on the higher ground surrounding the site;
- o From closer viewpoints the greater height of the proposed development, when compared to the existing development, would cause it to substantially screen views out to the wider landscape;
- o The latest revision of the landscape general arrangement plan for the mixed use part of the development addresses some of the pedestrian/vehicular conflicts;
- o Similarly the latest iteration of the general arrangement plan for the residential area (Novell Tullett 709 101 rev 04 dated 07.08.19) makes no substantive changes to the landscape layout apart from the apparent removal of paths within the existing woodland;
- o The dominance of alder and smaller tree species on the revised planting plan is still unacceptable;
- o Yet to be convinced that the residential development of the car park to its west is achievable without incurring unacceptable immediate and longer term adverse impacts on the existing mature trees which may have unacceptable and highly significant adverse impacts on the landscape and visual character of the surrounding area.

Avon Fire & Rescue: Comment

Avon Fire & Rescue Service has calculated the cost of installation and five years maintenance of a Fire Hydrant to be £1,500 per hydrant; this cost should be borne by the developer.

B&NES Archaeology: No objection subject to condition

The Cotswold Archaeological Heritage Statement (CA Report: 18727, December 2018) concludes that there is some potential for buried archaeological remains to be impacted by this proposal. This conclusion is agreed with.

B&NES Environmental Protection:

- o An initial stage 1 noise risk assessment must be conducted by a suitably qualified and competent person. It should indicate whether the site is of negligible, low, medium or high risk in terms of noise
- o An Acoustic Design Statement (ADS) should provide sufficient evidence that the ProPG Stage 1 and Stage 2 Elements 1 to 4 have been followed;
- o Conditions can deal with plant/machinery noise as well as deliveries and construction management issue

B&NES Contaminated Land: No objection subject to conditions

B&NES Housing Services: OBJECTION

NPPF considers a site of 10 or more homes as a major development and as such Local Planning Policy CP9 requires a 30% Affordable Housing contribution. The applicant must therefore submit an Affordable Housing Statement on how they intend to satisfy planning policy CP9. 9 January 2019

B&NES Flooding & Drainage Team: No objection subject to conditions

B&NES Education Team: No objection

B&NES Public Rights of Way Team: No objection

Bristol Water: Comments - infrastructure on site

B&NES Ecologist: NO OBJECTION

- o The wooded watercourse (Wellow Brook) has been identified as a commuting route for bats, including horseshoe bats which are likely to be associated with nearby designated "Bat" Special Areas of Conservation (SACs) ie the Bath & Bradford on Avon Bats SAC, Mendip Woodlands SAC, and Mells Valley SAC;
- o The LPA is obliged under the Habitats Regulations to consider whether the proposal may be capable of impacts on the SACs or bats associated with the SACs (or habitats on which they depend);
- o There is confidence that direct impacts on the SACs and SAC objectives as a result of this development can be ruled out;
- o The key feature associated with this site which is of value to bats associated with the SACs is the adjacent Wellow Brook and associated wooded slopes, and this, and its use by "SAC bats" does have potential to be impacted by the proposal;
- o The scheme has been designed to retain existing habitats with their connectivity intact; the key habitat areas fall outside of the red line boundary;
- o The ecological assessment identifies measures for habitat protection during construction, which are feasible and can be secured by condition;
- o The scheme also includes proposals for ecologically beneficial long term management of the woodland and associated habitats, with provision of suitable habitat conditions for bats forming a key objective. These long term proposals are also considered to be appropriate and feasible;
- o Subject to the proposed mitigation set out above, the risk of likely "significant effects" on the SAC bats and habitats on which they rely resulting from site preparation and construction activities, and longer term impacts on habitats associated with access,

potential for disturbance, and long term habitat retention, quality and connectivity, are considered to be eliminated;

- o Lighting will need to be satisfactorily controlled by condition (the submitted lighting strategy relating to the illustrative scheme provides sufficient confidence);
- o The Heads of Terms for a Landscape Ecological Management Plan have been submitted and are welcomed alongside the revised submitted Ecological Assessment; further details can be secured by condition or S.106 Agreement;

Radstock Town Council: OBSERVATIONS

- o The Town Council should liaise with Westfield Parish Council in respect of this application and S.106/CIL matters.
- o Queries raised regarding whether the post office service would remain in the new building;
- o The inclusion of a Co-op bank in the new store would be useful.

Westfield Parish Council: SUPPORT

"Westfield Parish Council wholeheartedly supports the planning application on the grounds that (1) it enhances the Conservation Area, (2) it provides better working conditions for the employees and (3) it gives improved accommodation for local residents".

54 correspondence have been received from local residents of which 8 object to the application, 10 are neutral comments and 36 are in support; these are summarised as follows:

Summary of Support:

- o It is a fantastic opportunity for the development of Radstock as a town;
- o It will provide much needed housing and business premises;
- o The development will bring it up to date [Radstock] whilst appreciating the roots of the architecture in this area;
- o The existing building is not fit for purpose and is such an eye sore / blot on the landscape;
- o Let us take this opportunity to support this working class town with employment opportunities and security for the future;
- o The old store is past its sell by date;
- o The development will hopefully bring other businesses to the town, and make it a great place to live;
- o Radstock deserves some luck and money;
- o The traffic is horrendous at the double roundabout, hopefully the road will be made safer;
- o The proposal will support the local economy;
- o This is needed to rejuvenate the centre of Radstock;
- o It will safeguard many jobs and create more;
- o It will look so much better and secure the viability of the business and footfall to the town. It will really enhance the Radstock town centre;

- o It is a really positive, hopeful and visionary proposal for the future of the town and store; It will bring the area into the 21st century whilst still keeping the traditional look and feel;
- o The current building is old and dilapidated, the new plans look great and are a much needed upgrade for the benefit of everyone;
- o Radstock needs a bigger store and the employment that goes with it [case officer note: the proposed replacement store is not larger];
- o The present shop premises is ugly and does not match with either the old Lias stone of buildings from the mining area or the well-designed central redevelopment;
- o The new more compact building with additional provision for new business in the centre of town is an excellent proposal;
- o It appears to be a great improvement and also an opportunity with additional business premises to bring more job opportunities to the Norton Radstock area;
- o To be able to buy groceries in the centre of town is a positive thing and the scheme would be good for the local economy;
- o The Post Office within the Radco store is also a very important and well used counter by locals of all ages so the new store needs to have room for this facility;
- o Co-operative has been supporting the local community for many decades and has been invaluable in doing so;
- o It has always been a hub for social interaction;

Summary of Objections:

- o Highway safety concerns - the road junction gives very limited visibility to the left when leaving the site;
- o This access is opposite a children play area;
- o The additional loss of overall parking in Radstock will have a detrimental effect both generally and in particular on the museum and play area;
- o Concerned that taller buildings on the site, which will mirror those recently erected on the opposite side of the main road, will create adverse air quality conditions by creating an enclosed basin similar to that in the center of Bath;
- o Deeply concerned about the reduced parking and proposed houses in the existing car park;
- o The large Linden development has already met the housing needs in Radstock;
- o The increase in traffic will be extremely hazardous to other road users and pedestrians;
- o The proposed 3-storey properties will overlook existing residents;
- o The woodland walks proposed at the far end of the development that will back on to the residents on Wells Road, serve no purpose and will only encourage anti-social behaviour and massively impact the established wildlife;
- o More traffic for an already overloaded three roundabout system;
- o The proposed play area is excessive due to the large well equipped one literally across the road;
- o 55 dwellings are proposed of which only 28 meet the Westfield area needs (1/2 bedrooms);
- o Why is there a need for 3 storey;

POLICIES/LEGISLATION

The Council's Development Plan comprises:

- o Bath & North East Somerset Core Strategy (July 2014)
- o Bath & North East Somerset Placemaking Plan (July 2017)
- o West of England Joint Waste Core Strategy (2011)
- o Bath & North East Somerset saved Local Plan (2007) Policy GDS1 (K2;NR2;V3 &V8) only
- o Neighbourhood Plans (where applicable) - Westfield Neighbourhood Plan (made November 2018)

The following policies of the Core Strategy are relevant to the determination of this application:

Policy DW1: District-Wide Spatial Strategy
 Policy SV1: Somer Valley Spatial Strategy
 Policy SV3: Radstock Town Centre Strategic Policy
 Policy CP2: Sustainable Construction
 Policy CP5: Flood Risk Management
 Policy CP6: Environmental Quality
 Policy CP7: Green Infrastructure
 Policy CP9: Affordable Housing
 Policy CP10: Housing Mix
 Policy CP12: Centres and Retailing
 Policy CP13: Infrastructure Provision

The following policies of the Placemaking Plan are relevant to the determination of this application:

Policy SCR1: On-site renewable energy requirement
 Policy SCR2: Roof mounted/building integrated scale solar PV
 Policy SCR5: Water efficiency
 Policy SU1: Sustainable drainage policy
 Policy D1: General urban design principles
 Policy D2: Local character and distinctiveness
 Policy D3: Urban fabric
 Policy D4: Streets and spaces
 Policy D5: Building design
 Policy D6: Amenity
 Policy D7: Infill and back land development
 Policy D10: Public realm
 Policy NE2: Conserving and enhancing the landscape and landscape character
 Policy NE4: Ecosystem services
 Policy NE5: Ecological network
 Policy NE6: Trees and woodland conservation
 Policy NE1: Development and Green Infrastructure
 Policy PCS1: Pollution and nuisance
 Policy PCS3: Air quality
 Policy PCS5: Contamination
 Policy PCS7A: Sewage Infrastructure
 Policy H1: Housing
 Policy H7: Housing accessibility
 Policy LCR6A: Local green spaces

Policy LCR7B: Broadband
Policy LCR9: Increasing the provision of local food growing
Policy CR3: Primary shopping areas and primary shopping frontages
Policy ST1: Promoting sustainable transport
Policy ST8: Airport and aerodrome safeguarding areas
Policy D8: Lighting
Policy HE1: Historic environment
Policy NE2A: Landscape setting of settlements
Policy NE3: Sites species and habitats
Policy PCS2: Noise and vibration
Policy ST7: Transport requirements for managing development

The following policies of the Westfield Neighbourhood Plan (2018) are relevant to the determination of this application:

Policy 1: Residential infill and backland development
Policy 2: Housing Accessibility Standard
Policy 3: Housing Design
Policy 6: Important Views
Policy 7: Preservation of the Historic Environment
Policy 11: The provision of any new or additional retail floor-space
Policy 15: Developer Contributions
Policy 16: Broadband Provision
Policy 18: Road Dangers
Policy 19: Parking: Domestic Dwellings

LOW CARBON AND SUSTAINABLE CREDENTIALS

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

OFFICER ASSESSMENT

The main issues in respect of this application are considered to be:

1. The principle of the proposed commercial uses (retail and office);
2. The principle of the residential elements;
3. Design, layout and impact on the character and appearance of the conservation area;
4. Highway matters (including reduction in car parking);
5. Ecological issues and Habitat Regulations Assessment (HRA) matters;
6. Residential amenity;
7. Technical requirements
8. Affordable housing and other planning obligations
9. Other planning issues

1. The Principle of the Proposed Commercial Uses

Core Strategy Policy SV3 sets out the strategic policy for Radstock Town Centre. The policy seeks to make provision for, amongst other things, residential development as part of mixed-use schemes as well as modern office space.

The proposed development involves the erection of a building fronting the Wells Road (Building 1) and another fronting Somervale Road (Building 2). Building 1 is to accommodate the replacement co-op supermarket on its ground floor with the Radco head office and a number of residential flats on the upper floors. Building 2 is to provide retail floor space on the ground floor with further residential flats on its upper floors. Both of these buildings are located within the designated Radstock Town Centre (as designated by Policy CP12 of the Core Strategy) as well as within the Primary Shopping Area (as designated by Policy CR3 of the Placemaking Plan). In addition, that part of the site which immediately fronts both Wells Road and Somervale Road (as far as the car park access) is designated as Primary Shopping Frontage.

As stated CS Policy SV3 seeks to make provision for residential and office development within Radstock Town Centre. Core Strategy Policy CP12 also more generally supports, amongst other things, retail and office development within existing centres. Policy CP12 goes on to state that active ground floor uses are to be enhanced and retail development is to be of a scale and type consistent with the existing retail function and character of the centre, as well as well-integrated into the existing pattern of the centre. Placemaking Plan CR3 states that within Primary Shopping Frontages development will be expected to maintain or provide active ground floor uses.

Policy 11 of the Westfield Neighbourhood Plan supports, subject to national and B&NES policies, new or additional retail floor space on the site of the existing Radco store if it enhances Westfield's shopping offer (adding to the mix etc.) and if it enhances the aspiration of developing a geographic centre of the community and avoids road congestion in peak periods.

It is evident that the mixed-use form of development proposed is consistent with the objectives of planning policy here. Retail and office development is supported in principle within Radstock Town Centre (subject to certain provisos). The proposed development involves the provision of extensive retail development at street level with active ground floor uses. The proposed scheme is considered to represent a significant enhancement in this respect; the existing Radco building has surprisingly little active frontage and is dominated by blank brick walls and obscured glazing on its most visible elevations. The proposed development however incorporates substantial active frontages in the form of glazed shopfronts fronting both Somervale Road and Wells Road as well as fronting the public realm (inbetween the two buildings) and the car park to the rear.

The scale and type of the retail development proposed (i.e. a downsized Radco supermarket and modest additional retail units) is considered to be entirely consistent with the retail function of Radstock Town Centre as well as its character. The extent to which the scheme integrates into the existing pattern of the centre is dealt with in the urban design section below. The commercial elements of the scheme (office and retail) are considered to accord with planning policy (in particular policies SV3, CP12 and CR3) and as such are acceptable in principle.

2. Principle of Residential Uses

Residential development is proposed in two key areas of the scheme; above the retail uses in Buildings 1 and 2 (as described above) and to the rear (west) of the commercial elements of the scheme on the area currently occupied by the substantive part of the Radco car park (as stated outline planning permission only is sought for this element).

Core Strategy Policy CP12 states that centres will be the focus for higher density forms of residential development provided that the centre is suitable for such development and has a high level of accessibility by public transport, cycling and walking. As stated above Policy SV3 also explicitly supports residential development within Radstock Town Centre where part of a mixed-use scheme. Radstock Town Centre is considered to be a suitable location for residential development. It is a highly sustainable location with good access to local services and facilities; it is also highly accessible by public transport, cycling and walking. The provision of residential units on the upper floors of the retail/commercial buildings is an efficient use of land and a logical way in which to provide additional dwellings.

The residential units proposed to the rear of the commercial buildings (on the substantive part of the current Radco car park) are not only outside of the designated Radstock Town Centre and Primary Shopping Area, they are also outside of the Radstock Housing Development Boundary. Policy SV1 of the Placemaking Plan seeks to enable around 2,470 new homes in the Somer Valley during the plan period but is explicit that this growth is to be within the housing development boundaries. The policy makes an exception for residential development on previously development land outside of the housing development boundary (where adjoining and closely related to it) but only if the requirements of Policy ED2B (non-strategic industrial sites) are met. The application site is not an industrial site, it is a retail site, and as such Policy ED2B does not apply; the Policy SV1 exception to resisting residential development outside of the housing development boundary therefore does not apply.

The application, in so far as it relates to the residential units on the substantive part of the current Radco car park, is contrary to Policy SV1 of the Placemaking Plan by virtue of this element of the development being situated outside of the housing development boundary. This issue is dealt with as part of the overall planning balance exercise set out in the conclusion below.

3. Design, Layout and Impact on the Character and Appearance of the Conservation Area

The site is located in the heart of the Radstock Conservation Area. The strategic policy for Radstock Town Centre (CS Policy SV3) seeks to protect and enhance the town centre's heritage assets. The policy is clear that the built form should retain its historical and architectural value and that development should integrate these features. The policy also seeks to secure a high quality of building design, townscape and public realm as well as the protection and enhancement of areas of visual significance, including views to open landscape.

Placemaking Plan policies D1-D5 set out the Council's key urban design policies; these policies collectively seek to secure high quality design which is appropriate to its context. In particular Policy D2 supports development which contributes positively to and does not

harm local character and distinctiveness. Development is expected to positively respond to site context and improve areas of poor design. There is also an expectation that development enhances and responds to natural features including landscape, green infrastructure, skylines and views, and if appropriate respect local architectural characteristics.

Policy HE1 of the Placemaking Plan, alongside Policy CP6 of the Core Strategy, seeks to safeguard the district's heritage assets which in the case of this application would include the Radstock Conservation Area. Development must preserve or enhance those elements which contribute to the special character and appearance of the Conservation Area. Any harm must be justified and weighed against the public benefits of the proposal; great weight must be given to the preservation of the heritage asset in question.

Policy 7 of the Westfield Neighbourhood Plan echoes Policy HE1 in requiring development within the Conservation Area to preserve or enhance those elements which contribute to its special character - specific reference is made to the heritage assets identified in the Radstock Conservation Area Assessment (March 1999).

Layout (full application element - Phase 1)

The proposed development, as stated, takes the form of two key mixed-use buildings focussed on the corner of Wells Road and Somervale Road, with a car park provided to the rear and a significant area of public realm on the corner itself. The proposed layout is welcomed. The two buildings together provide a strong frontage to the two roads and will provide a sense of enclosure which has historically been lacking on this key corner site within the conservation area.

The area of public realm proposed on the inside of the corner will provide an area of pedestrian circulation between the retail units (and other uses) which is set back from, and elevated above, the busy road junction. With appropriate hard and soft landscaping this area has the potential to significantly enhance the conservation area. The proposed layout, by locating the car park to the rear of the buildings, avoids interrupting the aforementioned strong street frontage and ensures that car parking activity is sited in a more discrete, less visually intrusive location; this is to the scheme's benefit, and that of the conservation area.

Policy D3 of the Placemaking Plan encourages the continuity of street frontage and for development to relate positively to the street. It also requires careful consideration to be given to the design of corner plots, which should incorporate two active frontages. Here the proposed layout facilitates the continuity, and indeed creation of an active street frontage to Wells Road and Somervale Road which is of considerable benefit to the scheme. The existing Radco building as stated has very little active frontage to the public realm, current active frontage is limited to the very corner of the building (the in-store café). The majority of the building's street-facing elevations comprise blank walling or glazing entirely obscured by graphics; the proposed development rectifies this harmful arrangement.

Architectural Approach and Scale (full application element - Phase 1)

The design as first submitted followed a bold contemporary architectural approach and included eye-catching features such as bronze cladding to a key corner building and a varied approach to fenestration and glazing. Whilst the Council has had (and continues to have) no objection in principle to a contemporary design approach on this site, the particular design put forward at the outset was considered wholly inappropriate within the Radstock Conservation Area and these concerns were largely shared by Historic England.

The Council and Historic England's concerns in respect of original design were particularly focussed on Building 1 (the building fronting Wells Road); concerns included the overall design approach; the lack of local distinctiveness and the harm to the setting of the conservation area caused by the loss of views to the surrounding hillsides as a result of a building of much greater scale and height (three-storeys). In addition concern was raised, predominantly by Historic England, regarding the relationship of Building 1 with 'The Shambles', an adjacent range of Victorian buildings on the Wells Road.

Following a period of further discussion and negotiation a final design has been tabled and the application formally amended. The revised design seeks to follow a more vernacular approach more in-keeping with adjacent Building 2 - which is more conventional in appearance, and more in keeping generally with the conservation area.

The flat and uninterrupted roof line of Building 1's eastern elevation is now replaced by a series of conventional gables not dissimilar to the Victorian rank of shops located opposite the site on Wells Road. Elsewhere the bronze-clad box-like corner to the building has been replaced by a series of traditional gables and a parapet. Building 2 is largely unaltered from the original submission; this building takes the form of a linear gabled three-storey building with shop fronts to both Somervale Road and the car park to the rear. The building is considered to strike an appropriate balance between respecting the local Radstock vernacular but without being pastiche.

The final iteration of the scheme also makes a number of revisions to the elevation of Building 1 facing The Shambles. This elevation, in the originally submitted scheme, was blank (with the exception of two narrow windows), did not address the street and was faced in brick. This elevation is now to be faced in natural lias stone and incorporates additional fenestration; crucially a pedestrian entrance to the apartments has now been added raising the status of this particular elevation.

In respect of external materials, the two buildings are to be faced largely in natural rubble stone (white lias) to follow the traditions of the Radstock conservation area with elements of Ashlar in key locations (typically at street level) this replaces the inappropriate timbers screens which formed part of the original submission. The buildings are also to be faced in buff coloured render in less critical locations (e.g. at upper storey level facing the car park and Somervale Road). Natural slate is the proposed roofing material although some south-facing roof slopes will have extensive coverage of solar photovoltaic panels. The buff brick work, which was considered alien within the Radstock conservation area and thus particularly objectionable, has now been deleted from the proposal and largely replaced by render and natural stone.

Layout and Design Matters in respect of Outline Element (Phase 2)

The application, in addition to the mixed-use element of the scheme, seeks outline planning permission for 26 dwellings to the rear. The design of these 26 dwellings and the layout of this small estate are reserved for approval at a later stage; these matters do not form part of this application. Be that as it may, given that the number of dwellings is specified in the application, the Council must be reasonably satisfied that this part of the site can satisfactorily accommodate 26 dwellings in a policy compliant manner (or risk granting outline consent for something which proves difficult to approve at a later date). An illustrative layout has been provided to aid this assessment.

The illustrative layout is broadly acceptable. The layout is unusual in that it comprises a long linear form of development rather than a more conventional nucleated cul-de-sac but this is inevitable given the linear nature of the car park that it replaces. Linear forms of residential development, following the local topography, are not uncommon in Radstock and as such the general design approach here is supported. The Council's highway team has confirmed that the outline proposals show that an adequate level of car parking here should be achievable and that this can be dealt with at the reserved matters stage. The density of the scheme is appropriate to its location and the illustrative layout shows appropriate levels of private and public space.

Concerns have been raised by the Council's Arboricultural Officer that the peripheral trees will overshadow a number of the dwellings shown on the illustrative layout and that as a result there may be pressure to undertake works to the trees in the future. Whilst these concerns are noted it is considered that the applicant has amended the layout as far as is reasonable given that this layout will not be fixed by this permission in any case. The applicant has deleted one plot (26 dwellings are now proposed from 27) in order to overcome potentially harmful living conditions identified by the Arboricultural Officer and it is recognised that the reserved matters submission will need to deal with this issue in greater detail. It should also be noted that a certain degree of overshadowing from trees will not necessarily be unacceptable as this does not necessarily lead to unacceptable living conditions; this is best assessed at the reserved matters stage when the Council is presented with a final layout plan.

The scale of the outline element of the proposal is not a reserved matter and as such, unlike appearance and layout, this must be assessed now. The 26 dwellings proposed comprise relatively conventional two-storey houses. Development of this scale is considered entirely appropriate to its context; surrounding residential development is of a similar scale.

Ultimately, the illustrative details provide sufficient confidence for the Council to be able to conclude that 26 dwellings can be delivered on Phase 2 in an acceptable and policy compliant manner; on this basis there are no reasonable grounds to withhold outline permission.

Conclusions in Respect of Design and Impact on the Conservation Area

The revised scheme has received mixed reviews. The Council's conservation team continues to have grave concerns regarding the impact of the proposal on the character and appearance of the conservation area. It is opined that the revised scheme is an insipid interpretation of the local townscape which lacks the vigour and quality of the historic buildings in the conservation area. The Council's urban designer however has

stated that the revised scheme now draws upon the character of its opposing terrace more successfully, removing anomalous forms criticised in the initial proposal. He goes on to state that the southern and northern frontage now retains a more rectilinear form which is considered an appropriate approach to this gateway into the town centre.

Particular concern continues to be raised by the conservation team in respect of the building's height and the resultant loss of views of the surrounding landscape which are considered intrinsic to the character of the town (and Conservation Area); this concern is shared by the Council's Landscape Officer. As mentioned, Policy D2 draws particular attention to the need for development to respond positively to natural features including the landscape, the skyline and views, as does Policy SV3.

The resultant loss of views to the surrounding hillsides is identified by the conservation team as something that will cause considerable harm to the conservation area. It is recognised by the Council's urban designer however that the set-back positioning of the buildings on the corner of Somervale and Wells Road will in fact open-up improved views to the north (whilst recognising that the loss of views to the south may be considered harmful). Historic England recognise that the revised proposals will still cause a degree of harm to the character and appearance of the conservation area by virtue of the aforementioned blocking of views across the site to the rural hillsides beyond. However they further recognise that that harm has been minimised as far as is possible by improvements to the design.

The urban designer has raised muted concerns regarding the recessed residential frontage to Somervale Road; there is concern that this lacks interest, articulation and the quality of materials for its gateway location. The elevated nature of the development above street level (on its plinth) has also been highlighted but it is recognised that this enables level access within the site.

Paragraph 193 of the NPPF states that irrespective of the level of harm, great weight should be given to a heritage assets' conservation when considering the impact of a development proposal on the significance of that asset. Paragraph 194 goes on to state that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. The requirements of the NPPF are echoed by the Council's development plan policies summarised above.

It is concluded that the harm identified to the Radstock Conservation Area (namely the obstruction of views, from certain vantage points, of the surrounding hillside and landscape) is indeed justified. The existing Radco building is single-storey in height and this low-rise nature is highly incongruous within the conservation area. The Council's Urban Designer highlights that the 1999 Radstock Conservation Area Appraisal describes the existing building as one of the conservation area's most intrusive because of this anomalous scale and plan. The Council would not wish a replacement building to be of a similar low-rise nature as this would be equally anomalous; a taller 3 storey building(s) which better reflect the prevailing heights in the town centre conservation area (and which will inevitably obstruct some views because of this additional height) is therefore justified - as is therefore the consequential harm. Notwithstanding the loss of views, Council's Urban Designer is satisfied that the proposed three-storey heights and has opined that they sufficiently reflect the ambient heights within Radstock town centre and are befitting of this use and the site.

Notwithstanding the conclusion that the harm to the conservation area is justified, planning policy nonetheless requires this harm to be weighed against the public benefits of the scheme. NPPF Paragraph 196 states that where a development proposal will lead to 'less than substantial harm' to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The Council's conservation team and Historic England have concluded that the harm to the conservation area outlined above amounts to 'less than substantial harm' in NPPF terms.

The public benefits of the proposed development are clear and substantial. The existing Radco building is of some age and is understood to be beyond economical repair. The existing building has been identified for some time as causing harm to the conservation area. The removal of the building will remove this harm and provide the opportunity to significantly improve the site and its surroundings. Perhaps more significantly the proposal provides the opportunity for Radstock Co-operative Society to remain in Radstock (both in terms of its headquarters and replacement store); the economic and social public benefits that this brings are significant. Additional public benefits include the provision of a number of market dwellings in the centre of Radstock.

The public benefits of this redevelopment scheme are considered to convincingly outweigh the 'less than substantial' harm to the conservation area outlined above. With respect to any buildings or other land in a conservation area the Council has a statutory requirement under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area. Here, for the reasons explored above, special attention has indeed be paid to the desirability of preserving or enhanced the Radstock Conservation Area and the impact of the scheme in this respect is considered to be acceptable.

Ultimately the design of the scheme, including its architectural approach, materials, layout, scale and the wider impact of these matters on the site's surroundings is considered to be acceptable. The application accords with Policy SV3, CP6 and policies D1-D5 in respect of such matters as well as Policy HE1, and Policy 7 of the Westfield Neighbourhood Plan.

4. Highway Matters

Access Arrangements and Impact on the Network

The current supermarket site is served by two vehicular accesses to Somervale Road; one serves the car park and the other serves as the dedicated goods entrance (although any vehicle can use it). The proposed scheme involves the closure of the goods entrance and revisions to the remaining access such that it can accommodate HGV movements. The Council's Highway Team has raised no objections to these arrangements subject to technical approval. Swept path analysis has been submitted and these demonstrate to the Highway Team's satisfaction that the small service yard to the rear of Building 1 can be adequately accessed by heavy goods vehicles.

The potential level of traffic generated by the proposed development has been assessed and it is concluded that the proposal will in fact generate less trips than the current use of the site, including during peak hours. The Highway Team are therefore satisfied that the

impact of the development on the local highway network will be acceptable and that requiring off-site improvements to the network would not be reasonable. A Construction Management Plan will need to be agreed post-approval however to ensure that highway impacts are minimised during the demolition and construction phases; this can be secured by condition.

Car and Cycle Parking

The proposed redevelopment scheme involves the loss of the vast majority of the existing car park and its replacement with residential development. The current 245 space car park will be replaced by an 84 space car park to the rear of the commercial buildings of which 30 spaces will be dedicated to the residential occupants of the 28 flats above the commercial uses and the remaining 54 spaces will be available for the customers of the commercial/retail units.

The level of car parking proposed to serve the new apartments is considered to be acceptable. 30 parking spaces are considered sufficient to serve 28 apartments given the site's highly sustainable town centre location and their unallocated nature. The unallocated nature of the spaces will ensure that they are occupied on a first come first served basis and thus will be shared by residents. Allocating parking spaces to specific apartments can result in spaces being unused despite demand. The submission demonstrates that sufficient cycle parking is to be provided for the apartments, including visitor cycle parking.

The level of car parking to serve the commercial (i.e. retail and office) element of the scheme is considered acceptable. 54 spaces are considered sufficient on the proviso that they are 'short-stay' in nature; this will ensure that the spaces remain available for customers and are generally not used by members of staff and residents of the apartments. It has been agreed that the short-stay parking will be limited to 90 minutes; this limitation (and others) can be secured by means of a Parking Management Plan which can be secured by condition.

The Highway Team are content that adequate car and cycle parking can be provided within outline Phase 2; this is dealt with in more detail in the design/layout section above. The detail can be scrutinised at the reserved matters stage.

Reduction in Car Parking

The majority of the application site is occupied by a very large surface car park. The existing car park is owned by Radco (it is not a public car park) and provides 245 parking spaces. Its use is restricted to staff, customers and permit holders and an ANPR system enforces a maximum 2 hour stay (a longer stay is permissible for permit holders).

Parking activity at the site has been reviewed. Surveys were undertaken in April this year on both a weekday and Saturday; maximum occupancy was recorded as 122 and 113 respectively. In both instances the car park was no more than approximately half full. Be that as it may however the replacement car park will provide just 54 spaces, this is approximately 70 spaces less than the typical usage at present. These 70 parked cars are likely to be displaced to other locations in Radstock. Whilst this is clearly an undesirable situation, the existing car park is privately owned and its owner cannot

reasonably be expected to continue to provide 'public' car parking facilities in Radstock which go beyond the needs generated by the development itself. Any displaced car parking will need to be absorbed into the wider town centre; it is not considered that this situation can be reasonably resisted by the Council. It should be noted that some off-site car parking is currently provided for staff on an adjoining site and it is proposed that this arrangement will continue. The application complies with Policy STR7 of the Placemaking Plan and as such in highway terms is acceptable.

5. Ecological Issues including Habitat Regulations Assessment (HRA) matters

The application site, as stated, comprises the existing Radco store, ancillary service areas and a substantial surface car park. Much of the application site however also includes extensive undeveloped areas around the site's periphery which have ecological potential. The westernmost third of the site comprises an undeveloped area of woodland/scrub; this area forms part of a wider Site of Nature Conservation Interest (SNCI). The illustrative drawings show that this area will not be developed but retained as a nature conservation area. There is also understood to be a small natural spring within this area.

The application site includes wooded slopes on its southern edge and these too form part of the SNCI. The submitted drawings show these areas largely left as undeveloped vegetation although the illustrative layout plan does show the rear gardens of some dwellings projecting into the SNCI here. There is a further substantial wooded area to the immediate north of the existing car park which includes the Wellow Brook; this area however is outside of the red line of the planning application site.

Placemaking Plan Policy NE3 states that development that would adversely affect protected species and/or their habitats will not be permitted, and nor will development that would adversely affect internationally important sites (except in exceptional circumstances). In respect of SNCIs (such as that within and adjoining the application site), adverse development will not be permitted unless material considerations which are sufficient to outweigh the local biological geological / geomorphological and community/amenity value of the site are present. Policy NE4 states that development will be permitted where ecosystem services are protected and enhanced. It is also relevant that Placemaking Plan Policy NE5 is clear that development is expected to demonstrate what contribution will be made to ecological networks through for example habitat creation; protection, enhancement, restoration and/or management.

An ecological assessment (Tyler Grange, August 2019) has been submitted as part of the planning application. This assessment identifies that the application site and its surroundings have the potential to support a range of protected species including bats, breeding birds, badgers, common reptiles, otters and water vole. Surveys have been undertaken and the results presented in the ecological assessment report. No bat roosts have been identified within the survey area although bat activity has been recorded (this was generally low however). Common bird species were recorded but extensive nesting habitat is available locally and the site is not considered to be of particular ornithological interest. No evidence of badger was recorded however a low population of slow worm was identified in the eastern section of the site; the majority of the habitat suitable for slow worm will not be affected by the development proposals.

The proposed layout (both in respect of the full element and the illustrative outline element) indicates that the development/built-form will be almost entirely limited to the current developed areas i.e. existing buildings and car parks. The submitted ecological assessment confirms that the development proposals include the retention and protection of the majority of habitats that make-up the SNCI. The assessment highlights that a Landscape and Ecological Management Plan (LEMP) will ensure that created and retained habitats are properly managed; the 'heads of terms' for such a LEMP are included within the assessment. A sensitive lighting scheme, to ensure appropriate levels of light along the Wellow Brook, is also recommended.

The Council's ecologist welcomes the conclusions of the submitted ecological assessment as well as its recommended mitigation; the heads of terms of the LEMP have also been endorsed by the Council's ecologist. The full and final LEMP can be secured post-approval by means of the S.106 Agreement. There is the potential for ecologically harmful impacts to arise during the demolition and construction phase and accordingly the Council's ecologist recommends the agreement and submission of an ecological Construction Environmental Management Plan (CEMP); this can also be secured post-approval by means of a planning condition.

Habitat Regulations Assessment (HRA)

The Wellow Brook which runs outside of, but just to the north of, the application site has been identified as a commuting route for bats (including horseshoe bats). These bats are likely to be associated with the nearby designated 'Bath & Bradford on Avon Bat Special Area of Conservation' (SAC) as well as the Mendip Woodlands SAC and Mells Valley SAC.

Where SACs (and SPAs) are concerned the Council is duty-bound by the Conservation of Habitats and Species Regulations 2017 (the 'Habitat Regulations') to undertake an assessment of the likely effect of a project (in this case a planning application proposal) on the SAC and its qualifying features as part of the decision-making process. The responsibility for undertaking this assessment rests with the Council in its capacity as 'competent authority' not with the developer or applicant.

The assessment process has various stages which are collectively referred to as a Habitat Regulations Assessment (HRA). The two main stages to this process are:

1. Screening: An initial screening exercise to ascertain whether a significant effect is likely;
2. Appropriate Assessment (AA): If a likely significant effect cannot be ruled out a full AA must be undertaken. This will investigate whether the scheme will have an adverse impact on the integrity of the site. If an adverse impact cannot be ruled out 'alternative solutions' must be investigated. If no alternative solutions can be found, the development can only proceed if there are imperative reasons of over-riding public interest (the so-called IROPI test).

The applicant has submitted a 'shadow' HRA Screening Report as part of the submitted ecological appraisal. The council's ecologist has reviewed this assessment as well as the development as a whole and has concluded that direct impacts on the SAC can be ruled out. Impacts on the Wellow Brook however, and the wooded corridor alongside it, cannot be ruled out; potential harmful impacts include construction activity and the disturbance

caused by various increases in human activity as a result of the site being redeveloped. The ecological assessment sets out various proposals to mitigate potentially harmful activity including, as mentioned above, long-term management arrangements for the woodland and habitats, and the shorter-term management of construction activities. In addition a lighting strategy has been submitted by the applicant which demonstrates to the Council ecologist's satisfaction that harm to bats resulting from light spill can be ruled out. Ultimately, it is concluded that any harmful impacts of the development on the SAC can be eliminated subject to this mitigation being secured.

Subject to mitigation secured by condition/S.106 Agreement the application accords with Policy CP6 of the Core Strategy in so far as it relates to ecological matters as well as Policy NE3, NE4 and NEof the Placemaking Plan in so far as it relates to nature conservation.

6. Residential Amenity

Policy D6 of the Placemaking Plan states that development must provide for appropriate levels of amenity; in particular existing and proposed development must achieve appropriate levels of privacy, outlook and natural light. The policy goes on to state, amongst other things, that development must not cause significant harm to the amenity of existing or proposed occupants by reason of loss of light, noise, smell, overlooking, traffic or other disturbance.

There are a number of residential properties situated on the Wells Road which back-on to the application site. Whilst these properties share a boundary with the application site, the dwellings themselves are a considerable distances from the position of the proposed houses shown on the illustrative layout. In addition the properties in question are significantly elevated above the level of the application site due to the rising topography. It is considered that given the distances involved together with the difference in levels the proposed development will have an acceptable impact on the amenity of the properties on the Wells Road and vice versa.

To the immediate south of the existing Radco building is a collection of buildings known as 'The Shambles'. In 2018 permission was granted (Ref: 17/04186/FUL) to demolish the majority of the buildings (with the retention of some facades) and erect a mix of houses and flats totalling 10 units, as well as a commercial unit, here. The southern elevation of the proposed development (Building 1) will face the new building at the Shambles and there are to be a number of ground and first floor windows in this elevation; given its acute angle and distances however it is considered that the impact on the amenity of occupants (of both The Shambles and the proposed development) will be acceptable.

A noise impact assessment has been submitted with the planning application which unsurprisingly identifies that traffic will be the main source of noise. The assessment recognises that the building facades facing the public highway will have high levels of noise exposure with other facades mainly being subject to medium noise exposure. The Council's Environmental Protection team has requested further assessment but this is not considered to be reasonable. The submitted assessment concludes that traffic noises can be satisfactorily mitigated by various means including certain glazing and/or ventilation; planning conditions can ensure that such measures are subsequently implemented.

Subject to the imposition and subsequent adherence to such conditions the application complies with Policy D6 in respect of noise disturbance.

7. Technical Requirements

Policy H7 (Housing Accessibility) requires 20% of market housing on a development such as this to have enhanced accessibility standards. All of the proposed dwellings constitute market housing so in practice this means that 11 of the proposed residential units must be of an enhanced standard of accessibility and will be required to meet technical standard 4(2) of Part M of the Building Regulations. The development is to be phased and each phase may be delivered separately. As such it is considered that these 11 accessible dwellings be split proportionately between the two phases i.e. 5no. on Phase 1 and 6no. on Phase 2; a suitably worded planning condition(s) can ensure that this is delivered (see below).

Policy CR2 (Sustainable Construction) requires an overall 19% reduction in regulated CO2 emissions from the development. 10% of this reduction must be from renewable energy sources (as required by Policy SCR1 - see below) and the remaining 9% may be from other means (such as better insulation for example). The applicant has submitted a Sustainable Construction Checklist; this selects one of the apartments as a representative dwelling for assessment; it is stated that in respect of Policy CR2 a 19% reduction will be achieved; this is accepted. The use of one of the apartments as a representative dwelling is considered reasonable in respect of the apartments in Phase 1, but it is clearly not representative of the houses proposed in Phase 2. This is of no concern at this stage however as the details of the dwellings in Phase 2 are yet to be finalised and a suitably worded condition can ensure that the reserved matters scheme fully complies with the requirements of Policy CR2 (and demonstrates how this is achieved).

Policy SCR1 (On-site Renewable Energy Requirement) requires development to demonstrate a reduction in carbon emissions (from anticipated regulated energy use) of at least 10% by the provision of sufficient renewable energy generation. This 10% reduction must be achieved by means of renewable energy generation not by means of low-carbon technologies or other means of reducing carbon emissions. The submitted Sustainable Construction Checklist again selects one of the apartments as a representative dwelling for assessment. It is stated that in respect of Policy SCR1 there will be a 14.7% reduction in carbon emissions resulting from the use of renewable energy. This is accepted, the solar panels are noted on the elevational drawings in respect of Phase 1 and this can be secured by condition. Again the apartment in question is clearly not representative of the houses proposed in Phase 2 but this is not of concern as a suitably worded condition can ensure that Phase 2 is Policy SCR1 compliant and that the reserved matters submission demonstrates this to be the case.

Policy STR5 (Water Efficiency) requires all dwellings to meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day. Furthermore rainwater harvesting or another means of capturing rainwater is required if it is technically feasible. This matter does not go to the heart of the development's nature nor design and as such compliance can be ensured by means of a compliance condition.

8. Affordable Housing and other Planning Obligations

The application site is located in a part of the district identified (by CS Policy CP9) as requiring 30% affordable housing as part of any residential development (above certain thresholds). The application includes a total of 54 dwellings; this equates to a total affordable housing requirement of 16 affordable dwellings. The application however proposes zero affordable housing provision and seeks to justify this on financial viability grounds.

CS Policy CP9 states that the viability of schemes should be taken into account [when considering affordable housing obligations]. The NPPF (at Para. 57) states that, "it is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force".

A viability appraisal has been submitted by the applicant and this seeks to demonstrate that with an affordable housing contribution the scheme is unviable. The appraisal states that were 30% affordable housing to be provided, a negative residual land value of £5.39M would be generated. Indeed the submitted appraisal goes on to conclude that the even with a nil affordable housing contribution a negative land value would be generated and as a result the scheme financially unviable.

Independent viability experts have been appointed by the Council to scrutinise the development's viability. The conclusions of the Council's third-party experts are in accordance with those of the applicant. It is concluded that it is simply not financially viable for this development to make an affordable housing contribution either on site or by means of a financial contribution towards provision elsewhere. The Council however is not bound to accept zero affordable housing on this development simply because it has been shown to be unviable. As set out above (NPPF Para. 57) it is ultimately for the Council to determine how much weight to give the viability assessment; in this case however it is considered that it should be given significant weight. The development includes a significant quantum of retail and other commercial floor space; this carries a lower value than residential development. The mixed-use development that is proposed on this town centre site (Phase 1) is strongly supported by planning policy and it is something that the Council wishes to see delivered. It is almost inevitable therefore that a policy compliant mixed-use scheme here will have viability challenges; in this case the challenges are so great that affordable housing is undeliverable and this accepted.

Phasing

It is essential that Phase 1 of the development (i.e. that part of the development for which full planning permission is granted) comes forward first. It simply being referred to as Phase 1 in the submission is not sufficient; this phasing will need to be secured by means of a S.106 Agreement. The nature of the development is such that it is possible for Phase 2 to be disposed of, and developed entirely independently of the redevelopment of the supermarket. This is not objectionable in principle but it will need to be phased to ensure that the redevelopment of the supermarket and mixed-use area occurs first. Were Phase 2 to come forward first this would generate a number of unacceptable planning issues including leaving Radco without an operational car park; this must be avoided.

Landscape Environmental Management Plan and Management of Other Communal Areas

The need for Landscape Environmental Management Plan (LEMP) is explained in some detail in the ecology section above. The S.106 Agreement will need to secure the submission of this LEMP for the Council's approval, together with its subsequent implementation. In addition, the management arrangements for the other communal areas such as the main area of public realm in Phase 1 and the 'garden' within Phase 2 will also need to be submitted and approved by the Council; this will also need to be secured by means of the S.106 Agreement.

Targeted Recruitment and Training (in Construction)

It is Council policy as amplified in the 'Planning Obligations' supplementary planning document (SPD) that a site specific targeted recruitment and training in construction obligation be secured in relation to residential developments exceeding 10 houses and/or commercial development exceeding 1000sqm. The ultimate aim is that at least 5% of the construction workforce comprises New Entrant Trainees. It is recommended that the fine detail of this obligation be negotiated post-committee.

Public Open Space Provision

Policy LCR6 of the Placemaking Plan requires, where development generates a need for additional recreational open space and facilities, the provision of such facilities on site as part of that development (unless that need is already met on site or by existing provision). The policy requires such provision to be in accordance with the standards set out in the Council's Green Space Strategy and Planning Obligations SPD. Alternatively, if not provided on site, Policy LCR6 enables development to instead contribute to the provision of sports and recreational space elsewhere. Furthermore Policy D6 (amenity) states, amongst other things, that development should provide adequate and useable private or communal amenity space (including bin and recycling storage).

A small area of Public Open Space in the form of a courtyard is shown on the illustrative layout plan in connection with Phase 2; this will go a limited way in meeting the open space needs generated by the development. Given the nature of the site (town centre redevelopment) the scope for further on-site provision is limited; as mentioned public access to the overgrown westernmost part of the site is likely to be problematic for ecological reasons. A financial contribution towards off-site improvements (most likely the improvement of the adjacent Tom Huyton Playground) proportionate to the needs of the development is therefore necessary; the detail of this obligation can be finalised post-committee including phasing arrangements.

. Other Miscellaneous Issues

- o Education: It is recognised that the residential elements of the proposal will generate an educational need, particularly the dwelling houses proposed in Phase 2. The Council's Education Team has been consulted and no objection has been raised; the education impact of the development can be mitigated;

- o Co-Operative House: The site is recorded as containing a Grade II listed building named "Co-operative House"; Historic England acknowledges however that this building is

"clearly no longer extant". The situation will need to be regularised and an application made to Historic England to remove the non-existent building from the list. It is the intention that this matter be progressed by the Council following committee; it is not considered necessary for this issue to be linked to the permission in any way;

o The Environment Agency has no objection to the proposals but this is on the proviso that a number of conditions dealing with land contamination are imposed in the event that permission is granted. These conditions will duplicate the conditions suggested by the Council's Contaminated Land Officer, albeit with a different form of words, and as such their imposition is unnecessary. The Contaminated Land Officer's suggested conditions are instead recommended.

Conclusion and Planning Balance

The redevelopment of the Radco building itself (i.e. Phase 1) and its replacement with a mixed-use scheme (ground floor retail with commercial and residential uses on the upper floors) is supported in principle by planning policy. Core Strategy Policy SV3 supports appropriate mixed-use development, including retail, office and residential development, within Radstock Town Centre. Such an approach is further endorsed by Policy CP12 of the Core Strategy and Policy CR3 of the Placemaking Plan as well as Policy 11 of the WNP which supports new or additional retail floor space here.

The existing Radco building is understood to be in a poor state of repair. The building has long been identified as being harmful to the Radstock Conservation Area due to its anomalous form, scale and overall appearance which is characterised by its low-rise nature and blank brick frontages to the public realm. The redevelopment of this site with an appropriate building(s) is supported.

The design of the scheme that has been tabled has failed to obtain support from a number of key stakeholders including the Council's own conservation team and landscape officer. Many other expert stakeholders however including Historic England and the Council's urban design team have more muted concerns or are content for the Council to reach a balanced view having regard to wider factors. The scheme as first submitted received widespread objections from key heritage/design consultees; Historic England, in response to significant revisions, has largely withdrawn its objections and has acknowledged that its previous concerns have been overcome. Similarly the Council's urban designer's concerns have largely been resolved including the fundamental objection to the use of brick - which has since been replaced by render and stone; there is also no objection to the development's height.

It is concluded that the proposed development will cause 'less than substantial harm' to the Radstock conservation area primarily due to the loss of landscape views caused by the three storey height of the development (Phase 1) as compared to the existing low-rise building. This harm is considered justified as it is necessary for the replacement buildings to reflect the prevailing height of the existing townscape in order to respect the character of the conservation area. Furthermore, the public benefits of the proposal (which will see the demolition and replacement of a unsightly and harmful building in the conservation area and its replacement with modern office and retail facilities, as well as housing) weigh strongly in its favour when balanced against the identified 'less than

substantial harm' to the conservation area that will result. The scheme's overall design and impact on the conservation area is considered to be acceptable.

Phase 2 of the proposed development is situated outside of the Radstock Housing Development Boundary (HDB); in this area outline planning permission is sought for 26 dwellings in a location which is not supported by planning policy. The application is contrary to Core Strategy Policy DW1 and SV1 which broadly speaking seek to ensure that residential development is focussed within the district's existing sustainable settlements.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that when making a determination under the Planning Acts (i.e. when assessing a planning application) regard must be had to the development plan; the determination must be made in accordance with the development plan unless material considerations indicate otherwise. It is acknowledged that the application considered as a whole is contrary to the development plan for the reasons described above, but in this case there are considered to be strong and compelling material considerations indicating that a decision contrary to the development plan (i.e. the grant of permission) ought to be taken; these are set out as follows:

That part of the application site situated outside of the HDB (i.e. the main Radco car park) will be surplus to requirements should Phase 1 (the supermarket redevelopment) go ahead. As set out in detail above, the existing car park is not required to meet the parking needs of the proposed development; sufficient car parking will be available in Phase 1 to meet the parking requirements of the proposed retail, office and residential uses. The Phase 2 redevelopment of the main car park will therefore make use of an otherwise obsolete parcel of previously developed land situated in a highly sustainable and accessible location adjacent to Radstock town centre, and will do so in a manner which provides much need housing.

National planning policy (NPPF Para. 118) supports the redevelopment of underused land especially if this would help meet identified needs for housing where land supply is constrained and available sites could be used more effectively; underused car parks are specifically identified in Paragraph 118 as underused land which could be developed. The car park is already underused in its current condition, as stated above maximum occupancy is in the region of 50 percent and the proposed development (Phase 1) will meet its own parking needs.

It is considered that the public benefits of redeveloping the Radco car park for residential purposes and in doing so making efficient use of an underused area of previously developed land in a highly sustainable edge of town centre location, constitute compelling material considerations justifying a departure from the development plan in this instance.

The proposed development is acceptable and policy compliant in all other respects and accordingly it is recommended that this application be approved subject to conditions/S.106 Agreement.

RECOMMENDATION

Delegate to PERMIT

CONDITIONS

0 subject to the prior completion of a S.106 Agreement to secure:

- o Phasing: The element of the scheme for which full planning permission has been granted (Phase 1) to come forward in advance of the pure residential phase (i.e. the part of the scheme for which outline permission has been granted - i.e. Phase 2); precise triggers to be agreed;
- o LEMP: Submission, approval and subsequent on-going implementation of a Landscape & Ecological Management Plan;
- o POS Management: Submission, approval and subsequent on-going management plan for the public open spaces/communal areas;
- o A Site Specific Targeted Recruitment and Training in Construction obligation:
- o Financial contribution towards off-site public open space (to be phased)

and subject to the following conditions:

CONDITIONS APPLICABLE TO PHASE 1 (FULL PERMISSION)

1 Standard Time Limit (Compliance)

That part of the development for which full permission is hereby granted shall be 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 CEMP (Pre-Commencement)

No development shall commence in respect of Phase 1, including demolition, ground works, tree removal or vegetation clearance, until a Construction Environmental Management Plan (CEMP: Ecology) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Ecology) shall be in accordance with the mitigation strategy as detailed in Section 4 of the approved Ecological Appraisal (Tyler Grange August 2019) (in so far as it is relevant) and shall include (but not be limited to): a plan showing specifications for and positions of fencing and fenced exclusion zones (within which there shall be no site clearance, vegetation removal, excavation, machinery or vehicle access, storage of materials, waste disposal or other potentially ecologically harmful activities); mitigation method statements and details of precautionary working methods for avoidance of harm to habitats and species during site clearance and construction; proposals for pre-commencement checks of the site and reporting of findings to the LPA Ecologist; and details of an ecological clerk of works who shall be appointed prior to commencement of works and shall provide a professional ecological supervisory role thereafter. The approved CEMP (Ecology) shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: to avoid harm to wildlife including protected species and retained habitats and vegetation. This condition is required to be pre-commencement as it involves approval of measures to ensure protection of wildlife that would be otherwise harmed during site preparation and construction phases

3 External Lighting (Details Prior to Installation)

No new external lighting shall be installed within Phase 1 without full details of proposed lighting design being first submitted to and approved in writing by the Local Planning Authority; details to include proposed lamp models and manufacturer's specifications, positions, numbers and heights; details of predicted lux levels and light spill; and details of all necessary measures to limit use of lights when not required and to prevent upward light spill and light spill onto trees and boundary vegetation and adjacent land; and to avoid harm to bat activity and other wildlife. The lighting shall be installed maintained and operated thereafter in accordance with the approved details.

Reason: To avoid harm to bats and wildlife in accordance with policies NE3 and D8 of the Bath and North East Somerset Local Plan.

4 Parking Management Plan (Pre-Occupation)

Prior to the first occupation of Phase 1, a Parking Management Plan (relating to Phase 1) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with the Parking Management Plan so approved. The Parking Management Plan shall specify, amongst other things, that car parking in Phase 1 shall be unallocated and shall include details of electric vehicle charging points.

Reason: To ensure that safe operation of the highway and in the interests of protecting residential amenity in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan

5 Construction Management Plan (Pre-Commencement)

No development shall commence on Phase 1 until a Construction / Demolition Management Plan (relating to Phase 1) has been submitted to and approved in writing by the Local Planning Authority and shall include details of deliveries (including storage arrangements and timings), contractor parking, traffic management, working hours, site opening times, wheel wash facilities and site compound arrangements. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure that safe operation of the highway and in the interests of protecting residential amenity in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan. This is a condition precedent because any initial construction or demolition works could have a detrimental impact upon highways safety and/or residential amenity.

6 Travel Plan (Pre-Occupation)

Prior to the first occupation of Phase 1 a Travel Plan (relating to Phase 1) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with the approved Travel Plan.

Reason: In the interest of encouraging sustainable travel methods in accordance with Policy ST1 of the Bath and North East Somerset Placemaking Plan

7 Revised Access (Bespoke Trigger)

A phasing plan detailing the timescales for the implementation of the hereby approved access works (formation and closure) shall be submitted to and approved in writing prior to the commencement of development of Phase 1 (i.e. that part of the development for which full permission is hereby granted). The development shall proceed in accordance with the details so approved.

Reason: To ensure that the development is served by a safe access in the interests of highway safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

8 Parking and Turning Areas (Compliance)

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

Reason: To ensure sufficient parking and turning areas are retained at all times in the interests of amenity and highways safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

9 Highway Works (Pre-Occupation)

Prior to first occupation of the development hereby approved the highway works shown on drawing number 173290_G_08 Rev B shall be provided. There shall be no on-site obstruction exceeding 600mm above ground level within the visibility splay. The visibility splay shall be retained permanently thereafter.

Reason: To ensure that the development is served by an adequate means of access in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

10 Access Surfacing Material (Compliance)

No occupation of the development shall commence until the vehicular access has been constructed with a bound and compacted surfacing material (not loose stone or gravel).

Reason: To prevent loose material spilling onto the highway in the interests of highways safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

11 Arb Method Statement (Pre-Commencement)

No development shall commence on Phase 1 until a Detailed Arboricultural Method Statement (relating to Phase 1) with Tree Protection Plan following the recommendations contained within BS 5837:2012 has been submitted to and approved in writing by the Local Planning Authority and details within the approved document implemented as appropriate. The final method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and certificates of completion to the local planning authority. The statement should also include the control of potentially harmful operations such as the

storage, handling and mixing of materials on site, burning, location of site office, service run locations including soakaway locations and movement of people and machinery.

Reason: To ensure that no excavation, tipping, burning, storing of materials or any other activity takes place which would adversely affect the trees to be retained in accordance with policy NE.6 of the Placemaking Plan. This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore these details need to be agreed before work commences.

12 Arb Method Statement (Compliance)

No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement. A signed certificate of compliance with the statement for the duration of the development shall be provided by the appointed arboriculturalist to the local planning authority on completion and prior to the first occupation.

Reason: To ensure that the approved method statement is complied with for the duration of the development to protect the trees to be retained in accordance with policy NE.6 of the Placemaking Plan.

13 Archaeology WSI (Pre-Commencement)

No development shall commence on Phase 1 except archaeological investigation work, until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a controlled watching brief during ground works on the site, with provision for excavation of any significant deposits or features encountered and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation.

Reason: The site is within an area of significant archaeological interest and the Council will wish to examine and record items of interest discovered in accordance with Policy HE1 of the Bath & North East Somerset Placemaking Plan. This is a condition precedent because archaeological remains and features may be damaged by the initial development works

14 Noise Limits (Compliance)

The rating level of noise emitted from [any fixed plant and / or machinery associated with the development] [industrial activities at the use hereby approved] shall not exceed background sound levels (LA90T) by more than 5dB(A). The rating level shall be determined by measurement or calculation at the boundary of the nearest noise sensitive premises or at another location that is agreed with the Local Planning Authority. The background noise level shall be expressed as an LA90 1 hour and the ambient noise levels shall be expressed as an LAeq 1 hour during the daytime [07:00-23:00] and shall be expressed as an LA90 and LAeq 15 minutes during the night [23:00-07:00]

Reason: In the interests of residential amenity.

15 Deliveries and Dispatch (Compliance)

With the exception of vehicles of 3.5 tonnes (Maximum Gross Weight) or less, no deliveries or despatches shall be made to or from the office and retail uses hereby approved, and no delivery or despatch vehicles shall enter or leave the site in connection with the office and retail uses, before the hours of 7am or after 10pm on Monday to Saturdays (inclusive), or at any time on Sundays, Bank or Public Holidays.

Reason: To protect residents from undue noise and disturbance.

16 CEMP (Pre-Commencement)

No development shall commence on Phase 1 until a site specific Construction Environmental Management Plan (relating to Phase 1) has been submitted to and approved in writing by the local planning authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:

- o Procedures for maintaining good public relations including complaint management, public consultation and liaison;
- o All works and ancillary operations shall be carried out only between the following hours: 08 00 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 1300 Hours on Saturdays and; at no time on Sundays and Bank Holidays;
- o Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above;
- o Mitigation measures as defined in BS 5528: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works;
- o Measures for controlling the use of site lighting whether required for safe working or for security purposes.

Reason: To minimise the impact of the construction and demolition activities on local residents.

17 Investigation & Risk Assessment (Pre-commencement)

No development shall commence on Phase 1 until an investigation and risk assessment (relating to Phase 1) of the nature and extent of contamination on site and its findings has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. The assessment must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and shall include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:

- o human health,
- o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- o adjoining land,
- o groundwaters and surface waters,
- o ecological systems,
- o archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with sections 11 and 15 of the National Planning Policy Framework. This is a condition precedent because the works comprising the development have the potential to uncover harmful contamination. Therefore these details need to be agreed before work commences.

18 Remediation Scheme (Pre-Commencement)

No development shall commence on Phase 1 until a detailed remediation scheme (relating to Phase 1) 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, has been submitted to and approved in writing by the Local Planning Authority, unless the findings of the approved investigation and risk assessment has confirmed that a remediation scheme is not required. The scheme shall include:

- (i) all works to be undertaken;
- (ii) proposed remediation objectives and remediation criteria;
- (iii) timetable of works and site management procedures; and,
- (iv) where required, a monitoring and maintenance scheme to monitor the long-term effectiveness of the proposed remediation and a timetable for the submission of reports that demonstrate the effectiveness of the monitoring and maintenance carried out.

The remediation scheme shall 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. The approved remediation scheme shall be carried out prior to the commencement of development, other than that required to carry out remediation, or in accordance with the approved timetable of works.

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 11 of the National Planning Policy Framework. This is a condition precedent because the works comprising the development have the potential to uncover harmful contamination. Therefore these details need to be agreed before work commences.

19 Verification Report (Pre-Occupation)

Prior to the first occupation of Phase 1 a verification report (that demonstrates the effectiveness of the remediation carried out within Phase 1) shall be submitted to and approved in writing by the Local Planning Authority, unless the findings of the approved investigation and risk assessment has confirmed that a remediation scheme is not required.

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with sections 11 and 15 of the National Planning Policy Framework

20 Unexpected Contamination (Bespoke Condition)

In the event that contamination which was not previously identified is found at any time when carrying out the approved development within Phase 1 it must be reported in writing immediately to the Local Planning Authority.

Thereafter an investigation and risk assessment shall be undertaken, and where remediation is necessary, a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report (that demonstrates the effectiveness of the remediation carried out) must be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development.

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with sections 11 and 15 of the National Planning Policy Framework.

21 Drainage Strategy (Pre-Commencement)

Prior to the commencement of development on Phase 1 a detailed drainage strategy relating to Phase 1 shall be submitted to and approved in writing by the Local Planning Authority; this shall detail the layout and sizes of all elements of the drainage network and shall also include an electronic copy of the drainage strategy model submitted as a .mdx file. The drainage strategy should be based on the storage and discharge figures as per the December 2018 FRA. The drainage scheme shall not include infiltration of surface water drainage into the ground. The development shall proceed in accordance with the details so approved.

Reason: To ensure the drainage system has been adequately designed and will not cause an undue flood risk for the development or surrounding land.

22 Materials Samples (Prior to Installation)

Samples of the following external materials to be employed in Phase 1 shall be submitted to and approved in writing by the local planning authority prior to their first installation on the development hereby approved:

- o Natural Slate;
- o Render;
- o Doubling Ashlar;

The development shall proceed in accordance with the materials samples so approved.

Reason: In the interests of visual amenity and for the avoidance of doubt as to the extent of the permission granted.

23 Sample Panel (Prior to Walls)

No construction of the external walls of Building 1 and Building 2 shall commence until a sample panel of all external walling materials to be used has been erected on site, approved in writing by the Local Planning Authority, and kept on site for reference until the

development is completed. The development shall be undertaken in accordance with the approved details.

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

24 Fire Hydrants (Pre-Construction Work)

Details of fire hydrants serving Phase 1 shall be submitted to and approved in writing by the local planning authority prior to construction works first commencing. The approved fire hydrants shall be installed in accordance with the details so approved as an integral part of the development and shall be fully operational prior to first occupation of the development.

Reason: To ensure that the development is properly served by fire hydrants in the interest of fire safety. The Council's Planning Obligations SPD is clear that a financial contribution should be made to the provision of fire hydrants, or they should be installed as part of the development at the outset.

25 Withdrawal of PD Rights for Change of Use (Compliance)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) the ground floor retail unit in Building 1 shall be used only for purposes defined as Use Class A1 (retail) and for no other purpose (including any purpose in Class A of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: For the avoidance of doubt as to the extent of the permission granted and to maintain the vitality and viability of Radstock town centre.

26 Housing Accessibility (Compliance)

In respect of Phase 1, 5 no. dwellings shall be designed and constructed such that they comply with Part M 4(2) of the Building Regulations.

Reason: To ensure that a proportion of the dwellings hereby approved are accessible in accordance with Policy H7 of the Placemaking Plan.

27 Renewable Energy (Compliance)

The development (Phase 1) shall proceed in accordance with the submitted 'Energy & Sustainability Strategy' (Hydrock, December 2018) and incorporate sufficient renewable energy generation such that carbon emissions from anticipated (regulated) energy use in the development shall be reduced by at least 10% (compared to the Building Regulations Part L baseline) and overall reduction of 19%

Reason: To ensure that the development's carbon emissions (from anticipated regulated energy use) are reduced by at least 10% by means of sufficient renewable energy generation, in accordance with Policy SCR1 of the Bath & North East Somerset Placemaking Plan.

28 Revised Hard & Soft Landscaping Details (Pre-Occupation)

Notwithstanding the submitted drawings and documentation, no occupation shall commence until a hard and soft landscape scheme has been submitted to and approved in writing by the local planning authority showing details of all trees, hedgerows and other planting to be retained, finished ground levels, a planting specification to include numbers, density, size, species and positions of all new trees and shrubs, details of existing and proposed walls, fences, other boundary treatment and surface treatment of the open parts of the site, and a programme of implementation. The development shall proceed in accordance with the details so approved.

Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with Policies D1, D2 and NE2 of the Bath and North East Somerset Placemaking Plan. There are elements of the submitted planting scheme which require further revision and clarification.

29 Water Efficiency (Compliance)

The approved dwellings in Phase 1 shall be constructed to meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day.

Reason: In the interests of water efficiency in accordance with Policy SCR5 of the Placemaking Plan

30 Sound Attenuation (Pre-Occupation)

On completion of the development (Phase 1 only) but prior to any occupation of the approved development (Phase 1 only), the applicant shall submit to and have approved in writing by the Local Planning Authority, an assessment from a competent person to demonstrate that the development has been constructed to provide sound attenuation against external noise. The following levels shall be achieved: Maximum internal noise levels of 35dBLAeq,16hr and 30dBLAeq,8hr for living rooms and bedrooms during the daytime and night time respectively. For bedrooms at night individual noise events (measured with F time-weighting) shall not (normally) exceed 45dBLAmax.

Reason: To protect future occupants of the development from exposure to noise from road traffic

CONDITIONS APPLICABLE TO PHASE 2 (OUTLINE PERMISSION)

31 Standard Time Limit (Compliance)

That part of the development for which outline planning permission is hereby granted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the latest.

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

32 Reserved Matters Submission and Approval (Pre-Commencement)

In respect of that part of the development for which outline planning permission is hereby granted, approval of the details of the 1. appearance and 2. layout of the site (hereinafter

called the reserved matters) shall be obtained from the Local Planning Authority before any development is commenced.

Reason: This is in-part an outline planning permission and these matters have been reserved for the subsequent approval of the Local Planning Authority under the provisions of Section 92 of the Town and Country Planning Act (as amended) and Parts 1 and 3 of the Development Management Procedure Order 2015.

33 Reserved Matters Submission Standard Time Limit (Compliance)

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

34 CEMP (Pre-Commencement)

No development shall commence in respect of Phase 2, including demolition, ground works, tree removal or vegetation clearance, until a Construction Environmental Management Plan (CEMP: Ecology) relating to Phase 2 has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Ecology) shall be in accordance with the mitigation strategy as detailed in Section 4 of the approved Ecological Appraisal (Tyler Grange August 2019) (in so far as it is relevant) and shall include (but not be limited to): a plan showing specifications for and positions of fencing and fenced exclusion zones (within which there shall be no site clearance, vegetation removal, excavation, machinery or vehicle access, storage of materials, waste disposal or other potentially ecologically harmful activities); mitigation method statements and details of precautionary working methods for avoidance of harm to habitats and species during site clearance and construction; proposals for pre-commencement checks of the site and reporting of findings to the LPA Ecologist; and details of an ecological clerk of works who shall be appointed prior to commencement of works and shall provide a professional ecological supervisory role thereafter. The approved CEMP (Ecology) shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: to avoid harm to wildlife including protected species and retained habitats and vegetation. This condition is required to be pre-commencement as it involves approval of measures to ensure protection of wildlife that would be otherwise harmed during site preparation and construction phases.

35 External Lighting Details with Reserved Matters Submission (Compliance)

The details submitted pursuant to Condition 31 of this permission (i.e. the reserved matters) shall include details of all external lighting of that part of the development together with a Lighting Strategy document applicable to that layout. The lighting shall be installed, maintained and operated thereafter in accordance with the approved details.

Reason: To ensure that the impact of light spill from the development on ecological interests is properly considered alongside the Council's assessment of the reserved matters.

36 Construction Management Plan (Pre-Commencement)

No development shall commence on Phase 2 until a Construction Management Plan (relating to Phase 2) has been submitted to and approved in writing by the Local Planning Authority and shall include details of deliveries (including storage arrangements and timings), contractor parking, traffic management, working hours, site opening times, wheel wash facilities and site compound arrangements. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure that safe operation of the highway and in the interests of protecting residential amenity in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan. This is a condition precedent because any initial construction or demolition works could have a detrimental impact upon highways safety and/or residential amenity.

37 Arb Method Statement with Reserved Matters Submission (Compliance)

The details submitted pursuant to Condition 31 of this permission (i.e. the reserved matters) shall include a detailed Arboricultural Method Statement with Tree Protection Plan following the recommendations contained within BS 5837:2012. This submitted method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and certificates of completion to the local planning authority. The statement should also include the control of potentially harmful operations such as the storage, handling and mixing of materials on site, burning, location of site office, service run locations including soakaway locations and movement of people and machinery.

Reason: To ensure that no excavation, tipping, burning, storing of materials or any other activity takes place which would adversely affect the trees to be retained in accordance with policy NE.6 of the Placemaking Plan. This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore these details need to be agreed before work commences.

38 Archaeology WSI (Pre-Commencement)

No development shall commence on Phase 2 except archaeological investigation work, until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a controlled watching brief during ground works on the site, with provision for excavation of any significant deposits or features encountered and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation.

Reason: The site is within an area of significant archaeological interest and the Council will wish to examine and record items of interest discovered in accordance with Policy HE1 of the Bath & North East Somerset Placemaking Plan. This is a condition precedent because archaeological remains and features may be damaged by the initial development works.

39 CEMP (Pre-Commencement)

No development shall commence on Phase 2 until a site specific Construction Environmental Management Plan (relating to Phase 2) has been submitted to and approved in writing by the local planning authority. The plan must demonstrate the

adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:

- o Procedures for maintaining good public relations including complaint management, public consultation and liaison;
- o All works and ancillary operations shall be carried out only between the following hours: 08 00 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 1300 Hours on Saturdays and; at no time on Sundays and Bank Holidays;
- o Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above;
- o Mitigation measures as defined in BS 5528: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works;
- o Measures for controlling the use of site lighting whether required for safe working or for security purposes.

Reason: To minimise the impact of the construction and demolition activities on local residents.

40 Investigation & Risk Assessment (Pre-Commencement)

No development shall commence on Phase 2 until an investigation and risk assessment (relating to Phase 2) of the nature and extent of contamination on site and its findings has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. The assessment must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and shall include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:

- o human health,
- o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- o adjoining land,
- o groundwaters and surface waters,
- o ecological systems,
- o archaeological sites and ancient monuments;

- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with sections 11 and 15 of the National Planning Policy Framework. This is a condition precedent because the works comprising the development have the potential to uncover harmful contamination. Therefore these details need to be agreed before work commences.

41 Remediation Scheme (Pre-Commencement)

No development shall commence on Phase 2 until a detailed remediation scheme (relating to Phase 2) 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, has been submitted to and approved in writing by the Local Planning Authority, unless the findings of the approved investigation and risk assessment has confirmed that a remediation scheme is not required. The scheme shall include:

- (i) all works to be undertaken;
- (ii) proposed remediation objectives and remediation criteria;
- (iii) timetable of works and site management procedures; and,
- (iv) where required, a monitoring and maintenance scheme to monitor the long-term effectiveness of the proposed remediation and a timetable for the submission of reports that demonstrate the effectiveness of the monitoring and maintenance carried out.

The remediation scheme shall 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. The approved remediation scheme shall be carried out prior to the commencement of development, other than that required to carry out remediation, or in accordance with the approved timetable of works.

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 11 of the National Planning Policy Framework. This is a condition precedent because the works comprising the development have the potential to uncover harmful contamination. Therefore these details need to be agreed before work commences.

42 Validation Report (Pre-Occupation)

Prior to the first occupation of Phase 2 a verification report (that demonstrates the effectiveness of the remediation carried out within Phase 2) shall be submitted to and approved in writing by the Local Planning Authority, unless the findings of the approved investigation and risk assessment has confirmed that a remediation scheme is not required.

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with sections 11 and 15 of the National Planning Policy Framework.

43 Unexpected Contamination (Bespoke Trigger)

In the event that contamination which was not previously identified is found at any time when carrying out the approved development within Phase 2 it must be reported in writing immediately to the Local Planning Authority.

Thereafter an investigation and risk assessment shall be undertaken, and where remediation is necessary, a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report (that demonstrates the effectiveness

of the remediation carried out) must be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development.

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with sections 11 and 15 of the National Planning Policy Framework.

44 Drainage Strategy (Pre-Commencement)

Prior to the commencement of development on Phase 2 a detailed drainage strategy relating to Phase 2 shall be submitted to and approved in writing by the Local Planning Authority; this shall detail the layout and sizes of all elements of the drainage network and shall also include an electronic copy of the drainage strategy model submitted as a .mdx file. The drainage strategy should be based on the storage and discharge figures as per the December 2018 FRA. The development shall proceed in accordance with the details so approved.

Reason: To ensure the drainage system has been adequately designed and will not cause an undue flood risk for the development or surrounding land.

45 Fire Hydrants (Pre-Construction Works)

Details of fire hydrants serving Phase 2 shall be submitted to and approved in writing by the local planning authority prior to construction works first commencing. The approved fire hydrants shall be installed in accordance with the details so approved as an integral part of the development and shall be fully operational prior to first occupation of the development.

Reason: To ensure that the development is properly served by fire hydrants in the interest of fire safety. The Council's Planning Obligations SPD is clear that a financial contribution should be made to the provision of fire hydrants, or they should be installed as part of the development at the outset.

46 Housing Accessibility (Compliance)

In respect of Phase 2, 6 no. dwellings shall be designed and constructed such that they comply with Part M 4(2) of the Building Regulations.

Reason: To ensure than a proportion of the dwellings hereby approved are accessible in accordance with Policy H7 of the Placemaking Plan.

47 Renewable Energy - Details Submitted with Reserved Matters Submission (Compliance)

The development (Phase 2) shall incorporate sufficient renewable energy generation such that carbon emissions from anticipated (regulated) energy use in the development shall be reduced by at least 10% (compared to a Building Regulations Part L baseline) unless it can be demonstrated to the local planning authority's satisfaction that meeting this requirement would render the development unviable. Should it be accepted by the local planning authority that meeting the 10% reduction is unviable the maximum percentage that is viable shall instead be achieved. The details submitted pursuant to Condition x of this permission (i.e. the reserved matters) shall demonstrate how the 10% reduction (or agreed lower percentage) will be achieved.

Reason: To ensure that the development's carbon emissions (from anticipated regulated energy use) are reduced by at least 10% by means of sufficient renewable energy generation, in accordance with Policy SCR1 of the Bath & North East Somerset Placemaking Plan.

48 Renewable Energy (Pre-Commencement)

The approved renewable energy infrastructure shall be installed and shall be fully operational prior to first occupation of the development hereby approved. Where renewable energy installations will materially affect the external appearance of the development/building, the reserved matters submission shall include drawings of said installations.

Reason: To ensure that the development's carbon emissions (from anticipated regulated energy use) are reduced by at least 10% by means of sufficient renewable energy generation, in accordance with Policy SCR1 of the Bath & North East Somerset Placemaking Plan.

49 Sustainable Construction Details with Reserved Matters Submission (Compliance)

The details submitted pursuant to Condition 31 of this permission (i.e. the reserved matters) shall include details setting out how the development will achieve a 19% overall reduction in carbon emissions as compared to the Building Regulations baseline.

Reason: To ensure that the development's carbon emissions (from anticipated regulated energy use) are reduced by at least 19% overall in accordance with Policy CR2 of the Bath & North East Somerset Placemaking Plan

50 Water Efficiency (Compliance)

The approved dwellings shall be constructed to meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day.

Reason: In the interests of water efficiency in accordance with Policy SCR5 of the Placemaking Plan.

51 Plans List (Compliance)

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:

The plans/drawings hereby approved are as follows:

- o L(00)001_Site Location Plan_revA
- o L(00)005_Existing Site Plan_revC
- o L(00)006_Existing Site Plan_revB
- o L(00)010_Existing Store
- o L(00)050_Proposed Site Plan_revU

- o L(00)051_Proposed Site Plan_Mixed Use_revU
- o L(00)052_Proposed Site Plan_Residential_revJ
- o L(00)054_Proposed Ground Plan_Mixed Use_revC
- o L(00)060_Site Sections_Elevations_revJ
- o L(00)061_Site Sections_Elevations_revB
- o SK.002_View From Across Roundabout_revD
- o SK.003_View From Across Roundabout_revD
- o SK.004_VIEWS From Fortescue Road_revD
- o SK.005_View Along The Street_revD
- o SK.006_View From The Street_revD
- o SK.012_View From The Shambles_revA
- o SK.013_View North Along Wells Road_revA
- o L(00)100_General Arrangement Ground Floor Plan_revF
- o L(00)101_General Arrangement First Floor Plan_revF
- o L(00)102_General Arrangement Second Floor Plan_revG
- o L(00)110_General Arrangement Elevations_revI
- o L(00)111_General Arrangement Elevations_revI
- o L(00)112_Bay Study_revA
- o L(00)113_Bay Study_revB
- o L(00)200_General Arrangement Ground Floor Plan_revF
- o L(00)201_General Arrangement First Floor Plan_revG
- o L(00)202_General Arrangement Second Floor Plan_revG
- o L(00)210_General Arrangement Elevations_revF
- o L(00)211_General Arrangement Elevations_revF
- o 173290_G_07_Swept Path Analysis
- o 173290_G_06_General Arrangement and Visibility
- o 173290_G_08_B_General Arrangement and Visibility
- o 173290_G_09_B_Swept Path Analysis
- o 173290_G_10_B_Swept Path Analysis
- o 709-3-100-rev06_General Arrangement Mixed Use
- o 709-3-101-rev04_General Arrangement Residential
- o 709-3-200-rev04_Tree Plan
- o 709-3-201-rev06_Planting Plan Mixed Use
- o 709-3-202-rev03_Planting Plan Residential
- o 709-3-500_Tree Pit Details
- o 709-3-501_Planter and Slope Section
- o 709-3-502_SUDs Basin and Steps
- o 709-3-Illustrated Masterplan_rev03
- o D14_354_P3_East_AIA Plan
- o D14_354_P3_West_AIA Plan_revE
- o D14_354_P4_Tree Protection Plan revF

Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council before development commences, failure to comply with the regulations can result in surcharges and additional payments. Full details about the CIL

Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: www.bathnes.gov.uk/cil

Coal Mining - Low Risk Area (but within coalfield)

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

Responding to Climate Change (Informative):

The council is committed to responding to climate change. You are advised to consider sustainable construction when undertaking the approved development and consider using measures aimed at minimising carbon emissions and impacts on climate change.

Decision Making Statement

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework.

Demolition Notice

Please note that notice must be given to the Local Planning Authority under ss.80 and 81 of the Building Act 1984 at least six weeks before demolition work commences.

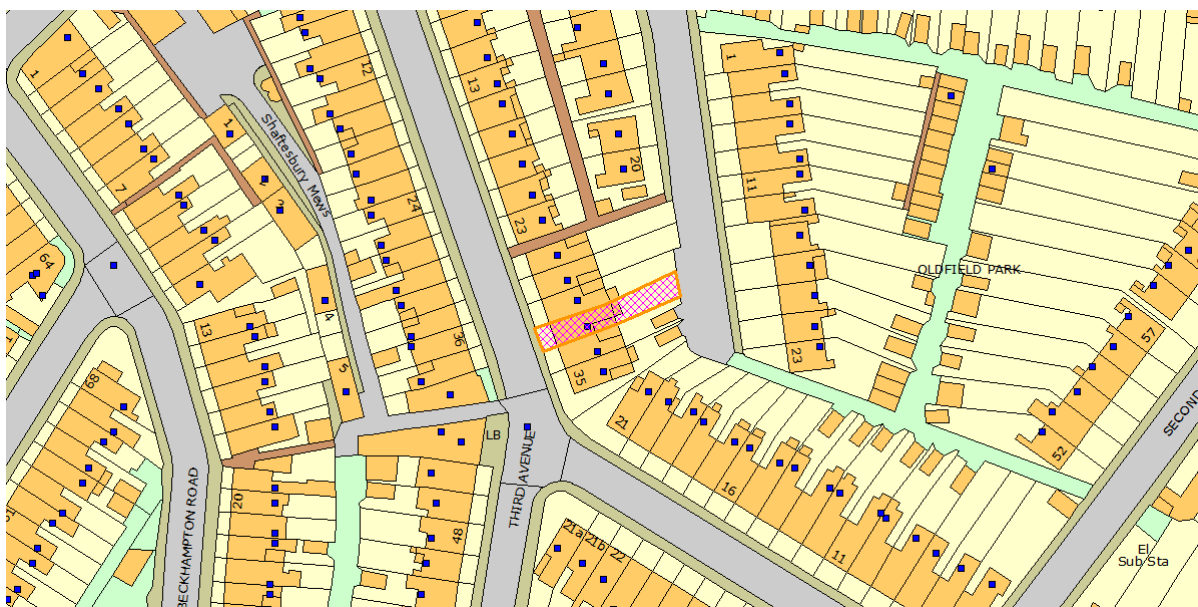
S.106 Agreement

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

Environmental Permitting Regulations

This development may require an Environmental Permit from the Environment Agency under the terms of the Environmental Permitting (England and Wales) (Amendment) (No. 2) Regulations 2016 for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of designated 'main rivers'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. An environmental permit is in addition to and a separate process from obtaining planning permission. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

Item No: 02
Application No: 19/03747/FUL
Site Location: 31 Third Avenue Oldfield Park Bath Bath And North East Somerset
BA2 3NY



Ward: Oldfield Park **Parish:** N/A **LB Grade:** N/A

Ward Members: Councillor Shaun Andrew Stephenson-McGall

Application Type: Full Application

Proposal: Change of use from a 5-bed House in Multiple Occupation (HMO) (Use Class C4) to a 7-bed HMO (Use Class Sui Generis).

Constraints: Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing Zones, HMO Stage 1 Test Area (Stage 2 Test Req), LLFA - Flood Risk Management, MOD Safeguarded Areas, SSSI - Impact Risk Zones,

Applicant: Mr Olly Barkley

Expiry Date: 16th October 2019

Case Officer: Dominic Battrick

To view the case click on the link [here](#).

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

The application was referred to the Committee Chair and Vice Chair in accordance with the Council's Scheme of Delegation. Cllr Shaun Stephenson-McGall, ward member for Oldfield Park, requested that should officers be minded to recommend approval, consideration be given to determination of the application by Planning Committee. Planning policy reasons were given by the ward member in objection to the application, contrary to officer recommendation. The Chair and Vice Chair have considered the application and decided that the application will be determined by the Planning Committee.

DESCRIPTION OF SITE AND APPLICATION:

31 Third Avenue is a two storey terraced house located in a residential area in the Oldfield Park area of Bath. The site is within the City of Bath World Heritage Site but outside Bath Conservation Area.

The property is lawfully in operation as a 5-bedroom house in multiple occupation (HMO), with licencing records indicating the property has been operating as a HMO prior to the adoption of Bath's article 4 direction restricting the change of use of C3 dwellings to C4 HMOs. The C4 Use Class includes HMOs for 3 to 6 unrelated occupants.

Planning permission was granted under application 19/01166/FUL for the erection of a single storey rear extension and a loft conversion comprising a rear dormer and front elevation rooflights. The extension provided an increase in the number of bedrooms from 4 to 5, increasing the occupancy but keeping with premises within the C4 Use Class. A condition was imposed restricting the occupancy to 6, for the purposes of reinforcing that the permission was not increasing the occupancy beyond the C4 Use Class limit.

The application now proposes to convert two ground floor rooms to bedrooms, increasing the occupancy to 7. This will exceed the limitations of the C4 Use Class and the HMO is therefore considered to be sui generis, meaning the property does not fall within a Use Class. However, the applicant has indicated that they would be willing to accept a condition restricting the premises to 7 occupants.

RELEVANT PLANNING HISTORY:

19/01166/FUL - PERMIT - 17 May 2019 - Erection of rear single storey extension and loft conversion.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

CONSULTATIONS AND REPRESENTATIONS:

Highways:

- The increase in the number of bedrooms within the existing HMO from 5 to 7 is likely to increase the occupancy of the house marginally by independent individuals and may raise concerns of increased parking demand in the vicinity of the application site, particularly in an area where on-street parking is a mixture of time-restricted and unrestricted.
- The site is in a sustainable location with good access to a range of services, facilities and public transport links.
- There is evidence from surveys carried out by the Department for Community and Local Government which states that rented accommodation can have up to 0.5 fewer cars than owner occupied households of a similar size and type. Based on existing and proposed habitable room numbers, car ownership would be similar to the current use of the property.
- It is not considered there would be a significant impact on the local highway network.
- Without adopted parking standards for HMOs, it is difficult to demonstrate that the addition of 2 bedrooms within an existing HMO will result in an unacceptable increased demand for parking or a demonstrable harmful impact on local highway conditions.

- Paragraph 109 of the National Planning Policy Framework states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Refusal of the application on parking grounds would be contrary to this policy.

- Highways raises no objection to the proposal, subject to a condition requiring bicycle storage.

OTHER REPRESENTATIONS / THIRD PARTIES:

64 representations received, objecting to the application. The comments made are summarised as follows:

- High density and saturated concentration of HMOs in the area. Approximately 45% of the properties are HMOs.
- The development will set a precedent for enlarging existing HMOs in high concentrated areas. This is a loophole in planning policy and against the intention of the article 4 direction.
- The house is out of character with the size of properties in the street.
- Imbalance in demographics and housing types in area due to high concentration of student HMOs.
- The building could be used a short term let, becoming a party house.
- Harm to residential amenity for neighbours resulting from increased noise from anti-social behaviour and frequent comings and goings at the property. These matters cannot be fully mitigated by a responsible landlord.
- The houses are poorly sound-insulated.
- The proposal leaves minimal internal communal space, so occupant noise and activity will spill into the garden and street, particularly in summer months.
- The garden has been re-landscaped to provide additional outdoor seating.
- Increased and disproportionate pressure on waste management. HMO occupants tend to manage waste and recycling poorly.
- Terraced properties of this type are not designed for student accommodation.
- The site is located on a street with congested parking that cannot meet demand. Resident parking is displaced to further areas. Parking is restricted on one side of the road and many streets in the wider area are subject to resident parking zones.
- Concerns of highway safety; the site is located at a bend in the road and is close to a primary school.
- A 7-bed HMO will have a greater demand for parking than a 3-bed family home.
- Students bring cars and often leave them parked for weeks without moving them.
- The space at the rear backs onto a private road and is not suitable for parking.
- Prohibiting students from bringing cars cannot be enforced.
- Strain on local facilities and services (e.g. sewerage) with increased occupancy.
- Health and safety concerns with increased electrical equipment and their usage at the premises.
- No council tax paid for the property.
- Property price inflation due to lack of family homes for buyers.
- Family homes cannot sell because of HMO overdevelopment.

Cllr Shaun Stephenson-McGall has objected to the application on the following grounds

- Overdevelopment of the site (with excessively large occupancy of a previous family home).
- Increased demand for parking in an area that is overly stressed due to a high level of HMOs and the Bear Flat Residents Parking Zone.
- The size of the property will create further noise and disturbance for neighbouring residents to the detriment of residential amenity, with increased rubbish and refuse to be collected from the property.
- The internal communal areas and facilities will be limited, which will lead to increased social activity within the rear garden.

POLICIES/LEGISLATION

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The Core Strategy now forms part of the statutory Development Plan and will be given full weight in the determination of planning applications. The Development Plan for Bath and North East Somerset comprises:

- o Bath & North East Somerset Core Strategy (July 2014)
- o Bath & North East Somerset Placemaking Plan (July 2017)
- o West of England Joint Waste Core Strategy (2011)
- o Bath & North East Somerset saved Local Plan policies (2007) not replaced by the Core Strategy or the Placemaking Plan:
 - Policy GDS.1 Site allocations and development requirements (policy framework)
 - Policy GDS.1/K2: South West Keynsham (site)
 - Policy GDS.1/NR2: Radstock Railway Land (site)
 - Policy GDS.1/V3: Paulton Printing Factory (site)
 - Policy GDS.1/V8: Former Radford Retail System's Site, Chew Stoke (site)
- o Made Neighbourhood Plans

Core Strategy:

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The following policies of the Core Strategy are relevant to the determination of this application:

DW1: District Wide Spatial Strategy
 B1: Bath Spatial Strategy
 B4: The World Heritage Site and its Setting
 CP6: Environmental Quality

Placemaking Plan:

The Placemaking Plan for Bath and North East Somerset was formally adopted by the Council on 13th July 2017. The following policies of the Placemaking Plan are relevant to the determination of this application:

D1: General Urban Design Principles
 D2: Local Character and Distinctiveness
 D3: Urban Fabric
 D5: Building Design
 D6: Amenity

HE1: Historic Environment
ST1: Promoting Sustainable Travel
ST7: Transport requirements for managing development

NPPF:

The adopted National Planning Policy Framework (NPPF) was revised in July 2018 and is a material consideration due significant weight. The following sections of the NPPF are of particular relevance:

Section 2: Achieving Sustainable Development
Section 9: Promoting Sustainable Transport
Section 12: Achieving well-designed places
Section 16: Conserving and enhancing the historic environment

Due consideration has also been given to the provisions of the National Planning Practice Guidance (NPPG).

SPDs:

The following supplementary planning documents are also relevant in the determination of this application:

The City of Bath World Heritage Site Setting Supplementary Planning Document (August 2013)
The Bath City-wide Character Appraisal (August 2005)
The Houses in Multiple Occupation in Bath Supplementary Planning Document (November 2017)

LOW CARBON AND SUSTAINABLE CREDENTIALS

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

**OFFICER ASSESSMENT
PLANNING ISSUES:**

The main issues to consider are:

- Principle of Development
- Residential amenity
- Parking and highway safety
- Character and appearance

OFFICER'S ASSESSMENT:

Principle of development:

The Council has adopted the 'Houses in Multiple Occupation in Bath' Supplementary Planning Document, updated in November 2017, which supports policy H2 of the B&NES Placemaking Plan. The policy and SPD are in place to support the assessment of planning applications for the change of use from C3 to C4 use within Bath. This is in order to control against the proliferation of further C4 properties with the loss of C3 properties, and the associated harmful impacts of this imbalance associated with high concentrations of HMOs. However, as the proposed development relates to an existing lawful HMO, recognised as C4 use, the SPD and policy H2 do not apply to this proposal.

The proposed development will not result in a loss of C3 housing or increase the number of HMOs in the area. Policy CP10 supports housing mix in line with national policy, where a mix of housing types and households is encouraged in the interest of community cohesion. The proposal is not contrary to this policy given that there will be no material change in housing mix.

It is acknowledged that there is currently a demographic imbalance of single households within the area due to a saturation of HMOs, indicating that the loss of C3 dwellings to provide new HMOs in this location would not be supported. However, with 2 additional occupants in an existing HMO that may provide 1 additional occupant without planning permission, this is a very modest incremental addition. The property would remain in HMO use. It is the effect only of the additional occupants that must be assessed here.

Concerns have been raised over the suitability of the property for this development given that the property was designed and built to be a family home. It must be recognised that, in most areas, permitted development rights freely allow the use of C3 dwellings to convert to C4 dwellings, and the change of use is therefore generally accepted within the planning framework. The area-specific restriction of article 4 directions may restrict this, such as the adopted restriction in Bath, where concentrations of HMOs are problematic. However, the proposed development does not affect the balance in the numbers of HMO properties and family homes. The question is therefore whether a 7 bedroom HMO is overdevelopment if the use of a house would typically be acceptable for a 6 bedroom HMO. The enlargement of the occupancy by 1 additional occupant over and above the C4 Use Class limit in this instance is considered not to be an over-intensification or overdevelopment of the property.

The development is acceptable in principle, subject to consideration of matters of residential amenity and parking.

Residential amenity:

The concerns of residential amenity relate to the impact of the increased occupancy on the adverse impacts of noise, waste and disturbance generally associated with HMO use.

While a larger occupancy house will result in an increase in waste accumulation and comings and goings to the property, the lifestyle impacts commonly associated with HMOs are unlikely to fundamentally change given that the property is currently in, and will remain, in use as a HMO. A 7 bedroom HMO is not significantly more intensified than a 6 bedroom HMO, which may be provided within the remit of the existing lawful C4 use. In

this case, the occupancy increase to 7 will not result in a demonstrable increase in noise and disturbance.

With regards to the comments that the loss in internal communal areas will lead to increased social activity in the garden. The communal facilities, whilst reduced, will be sufficient for the proposed use. It is anticipated that a 5 or 6 bedroom HMO will make use of the garden during the summer months and the additional occupancy will not substantially affect this.

The house contains adequate space for waste and recycling storage.

Overall, the proposed development will not unacceptably harm the amenities of neighbours or future occupiers and is in accordance with policy D6.

Parking and highway safety:

The property currently has space for 1 off-street parking space at the rear. The availability of this space is questioned as the road at the rear of the property is a private road understood to be for the use of the properties at Canterbury Road only.

It is acknowledged that the property is located in a residential area with a high demand for street parking. Many representations received state that the supply often does not meet demand and the supply is affected by parking restrictions, a nearby permit zone and other developments contributing to the strain on parking demand within the area.

However, without adopted parking standards for HMOs, it is difficult to demonstrate that a marginal increase in the number of bedrooms (and occupants) of the existing property will result in a demonstrable increased demand for parking within the local area.

The site is located in a sustainable location with a good access to a range of services, facilities and public transport links where car use is less encouraged.

Paragraph 109 of the revised National Planning Policy Framework (NPPF) states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts will be severe. Refusal of this application on the grounds expressed in the objections would be contrary to this policy.

It is therefore concluded that the proposed development is in compliance with policies ST1 and ST7 of the Placemaking Plan and section 9 of the NPPF.

Design:

No external operational development is proposed and the proposal will not materially impact the character and appearance of the site and the surrounding area, including the wider World Heritage Site. In this respect, the proposal is in accordance with design policies concerning character and appearance and policies B4 and HE1 relating to the World Heritage Site.

Other matters:

Concerns have been raised that the development will increase the strain on local services and facilities, including water supply and sewerage. However, the proposal represents a modest increase that will not have a demonstrable impact on these services.

Health and safety issues relating to the increased use of electrical equipment and other fire hazards or general safety issues associated with HMO occupancy are matters controlled through HMO licensing legislation.

Matters concerning council tax exemptions for student housing and impacts on property prices are not material planning considerations.

CONCLUSION:

The proposal is considered to be compliant with all relevant policies and it is recommended that the application is permitted, with a restrictive occupancy compliance condition and pre-occupation condition to secure bicycle storage.

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

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 permission.

2 Occupancy (Compliance)

The development hereby permitted shall not be occupied by more than seven unrelated occupants unless a further planning permission has been granted.

Reason: An increase in the number of occupants would need further consideration by the Local Planning Authority with regard to residential amenity, parking and highway safety, in accordance with policies D6 and ST7 of the Bath and North East Somerset Placemaking Plan.

3 Bicycle Storage (Pre-occupation)

No occupation of the development shall commence until bicycle storage for at least two bicycles has been provided in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The bicycle storage shall be retained permanently thereafter.

Reason: To secure adequate off-street parking provision for bicycles and to promote sustainable transport use in accordance with policies ST1 and ST7 of the Bath and North East Somerset Placemaking Plan.

4 Plans List (Compliance)

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

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

PLANS LIST:

This decision relates to the following plans/documents:

Location and Block Plan - 01
Existing Plans - 02A
Proposed Plans - 03A
Existing and Proposed Elevations - 04C
Design and Access Statement

all received 21 August 2019.

Condition Categories

The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

Compliance - The condition specifies matters to which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

Pre-commencement - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

Please note all conditions should be read fully as these headings are intended as a guide only.

Where approval of further information is required you will need to submit an application to Discharge Conditions and pay the relevant fee via the Planning Portal at www.planningportal.co.uk or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume

liability and notify the Council before development commences, failure to comply with the regulations can result in surcharges and additional payments. Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: www.bathnes.gov.uk/cil