

Bath & North East Somerset Council

MEETING: **Planning Committee**

MEETING DATE: **19th October 2022**

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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01	21/05471/OUT 21 October 2022	Taylor Wimpey UK Ltd Parcel 5159, Minsmere Road, Keynsham, Bath And North East Somerset, Outline planning application for 70 homes (Use Class C3); new vehicular and pedestrian access on to Minsmere Road, public open space; tree planting and habitat creation; site drainage and associated infrastructure, with all matters reserved except for access.	Keynsham East	Chris Griggs- Trevarthen	Delegate to PERMIT
02	22/02171/FUL 20 July 2022	Mrs Annelie Smith Rose Lawn , The Street, Compton Martin, Bristol, Bath And North East Somerset Erection of a two-storey side extension.	Chew Valley	Angus Harris	PERMIT
03	22/03020/FUL 30 September 2022	Mr Dave Gunter Hillside Farm , Timsbury Road, Farmborough, Bath, Bath And North East Somerset Erection of detached double garage (Retrospective).	Clutton And Farmboroug h	Danielle Milsom	REFUSE

REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

Item No: 01
Application No: 21/05471/OUT
Site Location: Parcel 5159 Minsmere Road Keynsham Bath And North East Somerset



Ward: Keynsham East **Parish:** Keynsham Town Council **LB Grade:** N/A

Ward Members: Councillor Hal McFie Councillor Andy Wait

Application Type: Outline Application

Proposal: Outline planning application for 70 homes (Use Class C3); new vehicular and pedestrian access on to Minsmere Road, public open space; tree planting and habitat creation; site drainage and associated infrastructure, with all matters reserved except for access.

Constraints: Saltford Airfield 3km buffer, Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Housing Development Boundary, Policy KEB3 Safeguarded Land East Keynsh, Policy LCR5 Safeguarded existg sport & R, Policy LR6A Local Green Spaces, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE2A Landscapes and the green set, Policy NE3 Local Nature Reserve, Policy NE5 Ecological Networks, Placemaking Plan Allocated Sites, All Public Rights of Way Records, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodrome,

Applicant: Taylor Wimpey UK Ltd

Expiry Date: 21st October 2022

Case Officer: Chris Griggs-Trevarthen

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

REPORT

REASONS FOR REPORTING TO COMMITTEE

Keynsham Town Council and Salford Town Council have both objected to the application contrary to the officer recommendation and Councillor Andy Wait has objected to the application and requested it be determined by committee. In accordance with the scheme of delegation, the application has been referred to the chair/vice chair of Planning Committee. They have decided that the application should be determined by committee and have made the following comments:

Chair, Cllr. Sue Craig

"I have reviewed this application and note the comments from all parties. The officer has worked with the applicant to bring aspects of the proposal into line with current policies however, it does still signify a departure from the current development plan. It is the officer's view that material considerations exist to justify that departure, and these are outlined in the officer's report, however, I believe that these warrant debate in the public forum of the planning committee."

Vice Chair, Cllr. Sally Davis

"The Officer has assessed the application and amended details against relevant planning policies as the report explains and considers it should be permitted subject to conditions and legal agreement."

This application is clearly controversial, and I believe would benefit from debate in the public arena so all views and the impact of a decision on this site are considered by the planning committee."

DESCRIPTION

The application site comprises approximately 3.31 hectares comprising agricultural fields east of Minsmere Road to the eastern edge of Keynsham. The site is irregular in shape and is bounded to the north by recent Crest Nicholson/Curo development 'Hygge Park'; Minsmere Road and associated existing residential development that forms the existing settlement edge to the west; and Manor Road Community Woodland Local Nature Reserve (LNR) and the Bristol/Bath Green Belt to the east. To the south the site is bounded by agricultural land that borders Manor Road.

The site is designated as safeguarded land under Placemaking Plan (PMP) policy KE3B - Safeguarded Land East Keynsham. It is classified as grade 3b agricultural land and currently falls outside of the housing development boundary for Keynsham.

The application seeks outline planning permission for 70 homes (Use Class C3); new vehicular and pedestrian access on to Minsmere Road, public open space; tree planting and habitat creation; site drainage and associated infrastructure, with all matters reserved except for access.

The application is a resubmission of a previous outline application which was submitted in 2018 but then subsequently withdrawn.

PLANNING HISTORY

A previous application on this site was withdrawn in 2018. Details below.

Application reference 18/02899/OUT

Outline planning permission with all matters reserved other than access for the construction of up to 80 no. dwellings, new vehicular and pedestrian access on to Minsmere Road, drainage, public open space and all associated infrastructure.

APPLICATION WITHDRAWN 16th November 2018

The land immediately to the north of this site was granted planning permission for 250 dwellings in 2017 and is now being built out. This development is known as Hygge Park (Policy allocation KE3a) and details of the permission are below.

Application reference 16/00850/OUT (Hygge Park)

Residential and related development comprising approximately 250 dwellings, new Primary School with associated outdoor playing facilities, means of access thereto, associated open space, landscaping, access roads, footways/cycleways and infrastructure works (Revised Plans)

PERMITTED 4th October 2017

The Council has also recently considered an application on safeguarded land to the north-east on land to the south of the A4, Withies Green (Emerging policy allocation KE3c). Details below.

20/02673/OUT

Residential and related development comprising approximately 213 dwellings, replacement sports pitch to facilitate expanded primary school, means of access thereto, associated open space, landscaping, access roads, footways/cycleways and infrastructure works.

RESOLUTION TO GRANT - PENDING S106 AGREEMENT 4th May 2022

ENVIRONMENTAL IMPACT ASSESSMENT

The proposed development represents an urban development project under schedule 2 of Environmental Impact Assessment Regulations 2017. However, the overall area of the development does not exceed 5 hectares and the development does not include more than 150 dwellings and therefore does not meet the threshold or criteria for screening. Furthermore, the site is not located within a sensitive area, as defined by the regulations. The proposals are therefore not EIA development.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

ECOLOGY: No objection, subject to conditions

PARKS AND OPEN SPACES: No objection, subject to obligations/contributions

LANDSCAPE: No objection, subject to conditions

HIGHWAYS: Objection

The Transport Technical Note 01 satisfies several issues raised in the initial highway's response. However, a number of fundamental issues remain as detailed .
In summary these are:

1. Agreement that the applicant will either deliver or provide a financial contribution through a S106 agreement towards measures number 2 and 6 of the Keynsham Safeguarded Land Sustainable Travel Strategy:

Measures 2: Enhanced local town centre bus service connecting the development site with the town more widely and providing an opportunity to interchange with mass transit services in the future. It has been assumed that these services would be able to access development sites in this area and consideration should be given to the introduction of modal filters to allow services to access the development from the west via the Chandag Estate to enable more efficient servicing of East Keynsham.

Measure 6: Liveable neighbourhood interventions within the Chandag Estates to produce conditions suitable for mixed traffic cycling on key streets.

2. Improvements identified to local bus stops.

3. The ability to deliver the essential pedestrian and cycle connections required to make a sustainable development.

4. Drawing 2001-040-SK01-C with waiting restrictions or swept path analysis.

Officer note: The applicant has now agreed to the requested financial contributions and bus stop improvements. The pedestrian and cycle connections are discussed further in the highways section of the officer assessment below.

URBAN DESIGN: Scope for revision

In the event that outline permission were to be given, it is recommended that in addition to being tied to the parameters plans it should also include a commitment to fulfil the stated vision and goals as set out in the Design and Access Statement pp 38-39 in order to provide confidence that the requirements of Policies D1, D2, D3 and D4 will be satisfied as the scheme progresses.

CONTAMINATED LAND: No objection, subject to conditions

HOUSING: No objection, subject to obligations/conditions

ENVIRONMENTAL PROTECTION: No objection, subject to conditions

PUBLIC RIGHTS OF WAY: No objection, subject to conditions

DRAINAGE AND FLOOD RISK: No objection, subject to conditions

ARCHAEOLOGY: No objection, subject to conditions

AVON AND SOMERSET POLICE: No objection, subject to comments

It is difficult to give crime prevention advice at such an early stage in the planning process but I am pleased to note that crime prevention is mentioned. Having viewed the information as submitted I find the design to be in order and look forward to seeing more detailed plans and, in due course, an application for Secured by Design.

ARBORICULTURE: Objection

The proposed access impacts on the future of an offsite maple which provides amenity and the indicative development indicates that insufficient space has been provided to buffer the Manor Road Community Woodland from harm.

The site is included within the West of England Nature Partnership Nature Recovery Network map as part of the woodland strategic network so I question the principle of development on this site.

There is reasonable risk of unacceptable harm to trees and woodland of wildlife, landscape, historic, amenity, productive or cultural value so the proposal is not considered to comply with policies NE.1 and NE.6.

NATURAL ENGLAND: No objection

KEYNSHAM TOWN COUNCIL: Objection

1. Initially, Keynsham Town Council reiterate their strong objects to the outline application 18/02899/OUT - Parcel 5159 Minsmere Road in that the B&NES Core Strategy document clearly establishes the strategic policy framework for how the Local Authority will manage the development and use of land up to 2029. Policy KE3b Safeguarded Land at East Keynsham states that land associated to this outline application is removed from the Green Belt and safeguarded for possible development unit 2026. However, the safeguarded land is not allocated for development at the present time and Policy CP8 will apply. In any event no planning permission should be considered for safeguarded Green Belt land before the Local Plan Partial Update (LPPU) Public Examination outcome has been determined. There are no exceptional circumstances to bring this forward and it is not for developers to pre-empt LPA decisions on Local Plans for where and when new housing should be built in an LPA area. Also, Keynsham Town Council have constantly made a stance that infrastructure to support any future development in Keynsham should be in place before any further development be granted which is not the case in this instance.

2. Policy CP8 states that openness of the Green Belt will be protected from inappropriate development in accordance with national planning policy. This planning application contravenes the Prime Minister public statement on 6th October 2021 that new homes should be built on brown field sites where homes make sense, not green field sites. That statement by the Prime Minister was: "you can also see how much room there is to build the homes that young families need in this country. Not on green fields, not just jammed in the South East, but beautiful homes on brown field sites in places where homes make sense." Keynsham Town Council therefore asks Bath and North East Somerset Council to respect national planning policy for where new homes are located as re-emphasised by

the Prime Minister and stop the continual over-development of Keynsham and therefore refuse outline planning permission.

3. Keynsham Town Council have serious concerns in respect of this cul-de-sac development. The proposal of only one access onto this site, even if there is a proposal to widen this section of Minsmere Road will be detrimental to the area which already has to manage issues associated with an already busy through road with limited good sufficient and regular public transport alternatives to personal vehicle use. Keynsham and the surrounding area's insufficient transport infrastructure needs to be improved before any further new housing developments of this scale are permitted.

4. Keynsham's road infrastructure has been highly stressed for numerous years, exacerbating air pollution and unacceptable congestion levels. This has been somewhat alleviated by COVID restrictions in the short term but of course this may not continue on in the future. All future large developments outside of those currently passed by Bath and North East Somerset Council should be halted until a full traffic study has determined:

(i) the full impact of external regional development on Keynsham's external transport connections.

(ii) the full impact of current permitted development within Keynsham Town Council area on its transport connectivity.

(iii) realistic "post Covid" traffic flows.

In addition, no further schemes of 10 or more dwellings in Keynsham should be given outline approval until the results of the 2021 Census have been officially published and assessed. It is unlikely that all the above data and study results would be available before 2026.

Keynsham's overdevelopment, especially in the Keynsham East area (with proposals for further extensive development in Keynsham North) is already causing regular traffic gridlock on the town's main and side roads during commuting hours, which will only be exacerbated by this proposed development without serious up front infrastructure improvements to alleviate this issue.

5. There is considerable concern as to the potential impact on the adjacent Manor Road Community Woodland which has won awards for being an Outstanding Conservation Area in The South West in Bloom competition. In the Environmental Assessment produced by Tyler Grange the statement in respect of the achievement of a biodiversity net gain of 10% is considered as unachievable by Keynsham Town Council. The document refers to this being achieved through an off-site option. This applicant's nearest development at Somerdale in Keynsham has its own Landscape and Ecology Plan and to date the biodiversity works associated with this plan has yet to be included hence the 10% will need to be achieved elsewhere. This needs to be clearly stated before any works can commence.

6. The concerns raised by the Friends of Manor Road Woodland Group need to be addressed seriously.

7. Keynsham Town Council are also of the opinion that new housing developments should incorporate provision of large open green spaces/new public parks, not just small, grassed areas with a few trees. This would help ensure existing green spaces such as those along

the River Avon valley and nearby Woodland are not inundated with high numbers of visitors including daytrippers, disrupting, or destroying wildlife habitat in the process.

The application is therefore contrary to Bath and North East Somerset Placemaking Policies CP8, GB1 (adverse impact on the Green Belt), D6 (significant harm to the amenities of existing nearby residents and proposed occupiers in respect of traffic issues, damage to flora and fauna) and ST7 (no provision made for improvements to the transport system required to render the proposal acceptable).

In conclusion, this application is totally premature and badly timed. The proposed development site is also located in an environmentally sensitive area (Site of Special Scientific Interest) and is poorly located for sustainable travel and therefore, is directly in breach of Bath and North East Somerset Council's declarations of climate and ecological emergencies.

SALTFORD PARISH COUNCIL: Objection

Saltford Parish Council objected to planning application 18/02899/OUT which was subsequently withdrawn by the applicant and the case for the Parish Council's objection still stands, i.e. existing traffic congestion confirmed by the B&NES Senior Highways Development Control Engineer's objection, no exceptional circumstances to justify bringing this forward before Core Strategy developments and the necessary local infrastructure improvements have been implemented, etc.

This planning application contravenes the Prime Minister's public statement on 6th October 2021 that new homes should be built on brown field sites where homes make sense, not green field sites. That statement by the Prime Minister was: "you can also see how much room there is to build the homes that young families need in this country. Not on green fields, not just jammed in the South East, but beautiful homes on brown field sites in places where homes make sense." Saltford Parish Council therefore asks B&NES Council to respect national planning policy for where new homes are located as re-emphasised by the Prime Minister and stop the continual over-development of Keynsham and therefore refuse outline planning permission.

The over-development of Keynsham is already causing regular gridlock to traffic within the town's main and side roads over prolonged periods of the working/commuting day that overflows through Saltford on the Bath Road (A4) and the country lanes between our two communities. That problem of insufficient road capacity needs to be rectified before any further new housing developments are considered at Keynsham East or Keynsham and the surrounding area.

In any event no planning permission should be considered for safeguarded Green Belt land before the Local Plan Partial Update (LPPU) Public Examination outcome has been determined. There are no exceptional circumstances to bring this forward and it is not for developers to pre-empt LPA decisions on Local Plans for where and when new housing should be built in an LPA area.

B&NES Council will be aware that Saltford Parish Council, in its response to the draft LPPU consultation, asked that a sub-regional "ecological recovery and development land trade "approach be considered for the West of England area so that new housing

developments are built in the right locations with low carbon transport infrastructure on previously developed brownfield sites and the biodiversity improvements are created elsewhere in those LPAs like B&NES Council that are short of brownfield sites but have green field sites suitable for ecological recovery and protecting food security etc. The Minister of State for Housing welcomed such an approach in his letter dated 10.12.2021 to Rt Hon. Jacob Rees-Mogg MP.

To enable unsustainable development planning applications to be rejected at an earlier stage, Saltford Parish Council asks B&NES Council to use its discussions with WECA on a sub-regional approach to ecological recovery, i.e., via a system of ecological recovery and development land trading, as a matter of urgency. This will enable the West of England to meet housing need (not demand) in places where homes make sense.

New public parks, not just small, grassed areas with a few trees, should accompany and be located in the immediate vicinity of new housing developments. This would help ensure existing green spaces such as those along the River Avon valley are not inundated with high numbers of visitors including day-trippers on hot weather weekends, disrupting or destroying wildlife habitat in the process; this has increasingly been the experience of recent years.

Saltford Parish Council asks that this application be determined by the B&NES Council Planning Committee as it is:

(a) an unnecessary second attempt to override the B&NES Local Plan before it has been updated that if permitted would call into question the legitimacy of B&NES Council's local planning consultation process (as described in (d) below) and would also directly contravene national planning policy as re-iterated by the Prime Minister in October 2021;

(b) Keynsham and the surrounding area's insufficient transport infrastructure needs to be improved before any further new housing developments of this scale are permitted;

(c) Keynsham lacks sufficient green space for both (i) ecological/wildlife recovery and (ii) recreation, as a result of new developments in recent years; and

(d) B&NES Council should not pre-empt the Inspector's findings on the forthcoming public examination of the proposed LPPU for this parcel of land by permitting this application. Such a decision would call into question the legitimacy of B&NES Council's local planning process, particularly on a controversial development like this that has gained widespread opposition from the local community during the LPPU consultation and the previous planning application for this site (18/02899/OUT).

COUNCILLOR ANDY WAIT: Objection

This is currently Safeguarded land and therefore cannot be built on. Also, it is over development and the 17% ecology uplift has not been identified.

SALTFORD ENVIRONMENT GROUP: Objection

Saltford Environment Group objected to the previous planning application for this site, 18/02899/OUT, as other new developments in the Core Strategy followed by identification of a genuine need for further housing had not been completed whilst new or enhanced infrastructure (especially transport) was not already in place and found to be coping with the recent newly created demands placed on it. That situation as described in 2018 remains whilst traffic congestion in Keynsham and the surrounding area has continued to worsen considerably.

The Prime Minister publicly stated on 6th October 2021 that new homes should be built on brown field sites where homes make sense, not green field sites. He said: "you can also see how much room there is to build the homes that young families need in this country. Not on green fields, not just jammed in the South East, but beautiful homes on brown field sites in places where homes make sense." Furthermore, CPRE's recent report "Recycling our land: the state of brownfield report, 2021" found that previously developed land could accommodate over 1.3 million new homes in England - an increase of almost 10% on 2020.

SEG therefore asks B&NES Council to adhere to Government planning policy as explained by the Prime Minister and refuse this planning application. B&NES Council should negotiate with WECA on a sub-regional approach to ecological recovery, i.e., via ecological recovery and development land trading, an approach recently welcomed by the Minister of State for Housing in his letter to Jacob Rees-Mogg MP of 10th December 2021. This will enable the West of England to meet housing need (not demand) in places where homes make sense, as identified by CPRE, whilst protecting biodiversity and the green fields and Green Belt land in the West of England for ecological recovery and protecting food security etc.

The UK is one of the world's most nature-depleted countries being in the bottom 10% globally and last among the G7 group of nations, with an average of just 53% of its native wildlife intact (source: Natural History Museum's Biodiversity Trends Explorer report, October 2021). It is essential therefore to meet new housing need where it makes sense on brown field sites whilst protecting from development existing green field and Green Belt land to optimise that land for ecological recovery to help reverse the catastrophic losses of the UK's native wildlife. That would be a positive response to the ecological emergency from the West of England and B&NES Council; any further destruction of existing and potential wildlife habitats is not sustainable development.

SEG agrees with the comments from Saltford Parish Council in its response to this planning application that new public parks, not just small, grassed areas with a few trees, should accompany and be located in the immediate vicinity of new housing developments. This would help ensure existing green spaces such as those along the River Avon valley are not inundated with high numbers of visitors including day-trippers exceeding the visitor capacity of those locations on hot weather weekends and disrupting or destroying wildlife habitat in the process; this has increasingly been the experience of recent years.

In summary, Keynsham and the surrounding area's woefully inadequate transport infrastructure needs to be improved and Keynsham already lacks sufficient green space for both ecological/wildlife recovery (a local and national priority) and for recreation, as a result of new developments in recent years.

There are no exceptional circumstances to justify this proposed inappropriate development. SEG also agrees with Saltford Parish Council's observation that B&NES Council should not pre-empt the Inspector's findings on the forthcoming public examination of the proposed LPPU for this and other parcels of land in Keynsham by permitting this application. Such a decision would call into question the legitimacy of B&NES Council's local planning process, particularly on a controversial development like this that has gained widespread opposition from the local community during the LPPU consultation and the previous planning application for this site (18/02899/OUT).

CPRE AVON AND BRISTOL: Objection

The Campaign for the Protection of Rural England (CPRE) wishes to object to this application. We objected to the previous application 18/02899/OUT for the same parcel of land which was withdrawn. (Please see our letter of 7th August 2018.) These objections concerned the loss of important Green Belt separating Keynsham and Saltford and the increase in car traffic from the housing. We pointed out the severe congestion in the area at peak times which will no doubt rise further once the pandemic is over as a result of the completion of more new houses nearby. We also pointed out the inadequacies of the applicant's transport assessment which did not seem to bear any relation to the experiences of local residents or the actual public transport arrangements. Since that time public transport services have been cut further. The local 178 bus service, which has ceased to serve Minsmere Road for several years, was threatened with cancellation and has received what may only be a temporary reprieve.

We fully endorse the comments made by Saltford Parish Council and Saltford Environmental Group. In particular the loss of the Green Belt and the need to delay major housing developments in the area until further improvements to the transport corridor are agreed, funded and constructed. This is unlikely for many years.

We have concerns that the Council may be minded to approve this application in advance of the examination of the revised Local Plan because it is mentioned as being removed from its Safeguarded state. During the consultation period we raised in our letter of 16th February 2021 specific comments about the calculation in the draft revision of the housing numbers required. In particular we pointed out that the calculation method should have taken account of the considerable slack in the existing numbers and the success in meeting those targets plus the decision to use a non-standard method and the failure to use the allowance permitted to take account of the existence in our area of the Area of Outstanding Natural Beauty and Green Belt. Furthermore since these calculations were made the Government as made it clear that priority should be given to brownfield sites in preference to greenfield sites such as this. The Council has declared a Climate Emergency and is introducing elsewhere measures to reduce car usage and the resulting pollution. There must also be queries over the population estimates used. This is because of the reduction of life expectancy as a result of the Covid pandemic and other factors as well as the effects on migration of this and the so called "Brexit exodus".

In summary we consider that this application should be refused, or at least a decision delayed, until after the examination of the revised Local Plan

THIRD PARTIES/NEIGHBOURS:

A total of 259 OBJECTION comments were received. The main issues raised were:

Many of the comments incorrectly referred to the land as Green Belt or referred to the fact that it was previously Green Belt Land. There was significant concern about the loss of another field and the potential coalescence of Keynsham and Saltford resulting in a loss of identity for both settlements. There was also concern about harm to openness.

Most of the comments were concerned with the loss of a green field which is a well used open space for the community. It was suggested that it has been used by the community for recreation (walkers, dog walkers, etc.) for at least 45 years and that the development would result in the loss of a peaceful, calm and tranquil space. Loss of access to green spaces was also cited as a concern as it was considered important for good mental health.

Several comments felt that brownfield sites should be built on first rather than greenfield sites, citing similar comments made from the former Prime Minister.

Many comments were concerned about the impacts of the development upon congestion in the local road network. It was suggested that there was already too much traffic (including rat running) and on-street parking within the Chandag Estates and that the roads were not suitable for any increase in traffic. The proximity to existing schools was noted alongside the vulnerability of pedestrians and other highways users in this area (older people, children, dog walkers, horse riders, etc.). It was felt that proposals would increase congestion on the busy A4 Bath Road and within the town centre resulting in gridlock. It was suggested that the modal shift assumptions in the application were too optimistic and that new occupiers will inevitably drive cars. There was also criticisms of the submitted travel plan and transport assessment.

The comments suggested that the proposed road access to the site is very limited, would create a bottleneck, and would conflict with delivery/other vehicles reversing from Deveron Grove and other nearby streets. The on-street parking along Minsmere Road was suggested as making this access too tight and that this was exasperated by insufficient parking in the surrounding area. It was also suggested that the proposals had poor access for emergency vehicle having only a single access point.

Several felt that no more housing was required and that the Council's past performance against housing targets demonstrated this. It was suggested that the proposed housing would be unaffordable for local people.

It was suggested that part of the access was proposed of communal land maintained at the expense of Colne Green residents and that developers were not contributing towards this.

There were significant concerns about the disruption caused during any construction including noise, dust, pollution and litter. It was suggested that nearby roads were not suitable for construction traffic and the operations would leave mud and spoil along the roads.

A large number of the comments indicates that there is insufficient infrastructure to cope with more housing in this area. Reference was made to poor public transport services, difficulty getting GP or dentist appointments, issues with sewage, lack of school places and lack of shops and services. It was suggested that development is unsustainable unless the infrastructure is put in first.

There were several criticisms of the green infrastructure and tree planting proposals which many considered inadequate. There was detailed criticism of the submitted ecology report, claiming there was a lack of a rationale for not testing for Great Crested Newts and that the proposed lighting scheme was inadequate. Many felt that the proposals would adversely affect wildlife with reference being made to eels, owls, foxes, birds, badgers, bats, woodpeckers, ducks, rabbits, squirrels, etc. all utilising the site.

There were also criticisms of the biodiversity net gain proposals. It was felt that provision of off-site BNG at Somerdale would not benefit the wildlife adversely affected on this site. The baseline of the land to be improved was queried, with some pointing out that the land should already be being maintained by Taylor Wimpey. There were also concerns about potential tree losses associated with the development.

There was concern that new housing would place more pressure on the Manor Road Community Woodland Local Nature Reserve (LNR) due to increased footfall. It was noted that recent developments had already resulted in erosion of footpaths and more vegetation getting trodden on.

There was some concern about the appearance of the development, with one comment considering town houses and flats to be out of keeping with the area. It was considered that development of housing would result in the loss of an attractive meadow and detract from the rural setting of Keynsham.

Comments were concerned about noise, mess and pollution associated with new development. In particular, it was noted that the proposals could impact upon the Air Quality Management Areas in Salford and Keynsham.

Several pointed out that the land is currently safeguarded and is not supposed to be brought forward for development until after the local plan has been reviewed. They therefore described the proposals as premature and suggested that the outcome of the Local Plan Partial Update should be awaited. It was also suggested that priorities have changed since the land was safeguarded and that it shouldn't now be brought forward for development.

It was asserted that there were issues with surface water flooding on the site, with several commenting that the field is often flooded during heavy rain. Reference was made to a natural spring on the site which may be affected by the proposals.

Some concerns were raised about consultation undertaken for older and more vulnerable residents in the area.

It was suggested that the proposals were contrary to the Climate Emergency and Ecological Emergency declarations as they would result in a loss of green space, an increased carbon emissions and loss of wildlife.

There were also concerns about the potential for the proposals to result in an increase in crime levels.

A total of 2 SUPPORT comments were received. The main issues raised were:

The comments expressed general support. One suggested that it is important that infrastructure is considered, but that on balance the proposal provides more much needed new homes.

A total of 2 GENERAL comments were received. The main issues raised were:

Concern about strain being put on infrastructure and traffic generated by new housing. It is suggested that there are not enough planned amenities to support existing families and that more housing will add to these problems.

Comments suggest that green spaces should be preserved as they play a role in supporting mental wellbeing in an already stressful and increasingly busy Keynsham.

There is concern about the potential impact upon the adjacent Manor Road Community Woodland. A number of criticisms and queries about the Environmental Assessment submitted with the application area raised in relation to the woodland. It is noted that the existing footpaths are in a poor condition. There is concern about impacts on the water table, biodiversity net gain, TPO trees and ecological mitigation proposals.

POLICIES/LEGISLATION

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

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:

- SD1 Presumption in favour of sustainable development
- DW1 District Wide Spatial Strategy
- KE1 Keynsham Spatial Strategy
- KE3b Safeguarded Land at East Keynsham
- CP2 Sustainable Construction
- CP5 Flood Risk Management
- CP6 Environmental Quality
- CP7 Green Infrastructure
- CP8 Green Belt
- CP9 Affordable housing
- CP10 Housing Mix

CP13 Infrastructure Provision

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:

- SU1 Sustainable Drainage
- SCR1 On-site renewable energy requirement
- SCR5 Water Efficiency
- D1 Urban Design Principles
- D2 Local Character & Distinctiveness
- D3 Urban Fabric
- D4 Streets and spaces
- D5 Building Design
- D6 Amenity
- D8 Lighting
- D10 Public Realm
- NE1 Development and Green Infrastructure
- NE2 Conserving and enhancing the landscape and landscape character
- NE2A Landscape Setting of Settlements
- NE3 Sites, species and habitats
- NE4 Ecosystem services
- NE6 Trees and woodland conservation
- GB1 Visual amenities of the Green Belt
- PCS1 Pollution and nuisances
- PCS2 Noise and vibration
- PCS3 Air Quality
- PSC5 Contamination
- PCS6 Unstable land
- PCS7A Foul sewage infrastructure
- LCR2 New or replacement facilities
- LCR3A Primary School Capacity
- LCR6 New and replacement sports and recreational facilities
- LCR9 Increasing the provision of local food growing
- H7 Housing Accessibility
- RE4 Essential dwellings for rural workers
- ST1 Promoting sustainable travel
- ST2A Recreational Routes
- ST3 Transport Infrastructure
- ST7 Transport requirements for managing development

NATIONAL POLICY AND GUIDANCE

The National Planning Policy Framework ("NPPF") and National Planning Practice Guidance ("NPPG") are significant material considerations.

EMERGING POLICY

The Council is currently in the process of reviewing the Development Plan as part of the Local Plan Partial Update ("LPPU"). Following the submission of the draft LPPU in December 2021 to the Secretary of State for examination, hearings took place in June/July this year. The Inspector has confirmed through his post-hearings letter that, without prejudice to his final conclusions, the LPPU is likely to be capable of being found legally compliant and sound subject to the incorporation of some Main Modifications. The following policies from the draft LPPU are considered relevant to the current application:

DW1 District Wide Spatial Strategy
KE1 Keynsham Spatial Strategy
KE3d East of Keynsham - Former Safeguarded Land
SCR6 Sustainable Construction Policy for New Build Residential
SCR8 Embodied Carbon
SCR9 Electric vehicles charging infrastructure
NE2 Conserving and Enhancing the Landscape and Landscape Character
NE3 Sites, Habitats and Species
NE3a Biodiversity Net Gain
H7 Housing Accessibility
ST1 Promoting sustainable travel and health streets
ST2a Active Travel Routes
ST3 Transport Infrastructure
ST7 Transport requirements for managing development

The LPPU has reached an advanced stage of the Examination process, the policies of the LPPU cannot, at this stage, be taken as policies that are adopted as part of the development plan. The weight to be applied to the LPPU policies in determining planning applications will, until the Plan is formally adopted, be a matter for the decision maker according to the provisions of paragraph 48 of the National Planning Policy Framework.

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 to consider are:

1. Principle of development
2. Transport and highways
3. Ecology
4. Design and parameters
5. Landscape
6. Education
7. Parks and Open Space
8. Affordable Housing
9. Archaeology

10. Drainage and Flood Risk
11. Trees and woodland
12. Residential amenity
13. Sustainable Construction
14. Contaminated Land
15. Air Quality
16. Compliance with emerging policy
17. Agricultural Land
18. Other matters
19. Planning Balance and Conclusion

1. PRINCIPLE OF DEVELOPMENT

Development Plan

The Development Plan in Bath and North East Somerset primarily comprises the Core Strategy (CS) and the Placemaking Plan (PMP), both of which cover a plan period from 2011 to 2029. Together these documents form the Development Plan for B&NES. The Council is required to review the Development Plan every five years.

Core Strategy (CS) policy KE1 allows for residential development at Keynsham if it is within the Housing Development Boundary or if it forms an element of Policies K2, KE2, KE2a, KE2b, KE3a and KE4. The application site is outside of the HDB and does not form part of the aforementioned policies.

The site is designated as 'safeguarded land' under Placemaking Plan (PMP) policy KE3b. This policy states that planning permission for development of the safeguarded land will be granted only when it is proposed for development following a review of the Local Plan.

The application proposals for the development of the safeguarded land are therefore contrary to policies KE1 and KE3b of the Placemaking Plan.

The proposed development is also contrary to paragraph 143 of the National Planning Policy Framework which confirms that planning permission for permanent development of safeguarded land should only be granted following a Local Plan Review.

Section 70(2) of the Town and Country Planning Act 1990 provides that, in dealing with proposals for planning permission, regard must be had to the provisions of the development plan, so far as material to the application, and to any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that if regard is to be had to the development plan for any determination then that determination must be made in accordance with the plan unless material considerations indicate otherwise.

It is therefore necessary to consider whether there are any material considerations which indicate that permission should be granted despite the clear conflict with the development plan.

Emerging policy

The Council is undertaking the Local Plan Partial Update (LPPU) in order to provide greater certainty about the delivery of the Core Strategy objectives including replenishing housing supply in order to ensure the Core Strategy housing requirement can be met. Following the submission of the draft LPPU in December 2021 to the Secretary of State for examination, hearings took place in June/July this year.

The weight to be afforded to emerging policies is governed by paragraph 48 of the National Planning Policy Framework. This states that:

"Local planning authorities may give weight to relevant policies in emerging plans according to:

(a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

(b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

(c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)."

The examination Inspector has confirmed through his post-hearings letter that, without prejudice to his final conclusions, the LPPU is likely to be capable of being found legally compliant and sound subject to the incorporation of some Main Modifications. The LPPU has reached an advanced stage of the Examination process and, in light of the Inspector's initial conclusions, objections regarding allocation policy KE3d can be considered to be largely resolved. Furthermore, given the Inspector's comments about the likely soundness of the LPPU, it is considered that policy Ke3d and other relevant policies are broadly consistent with the policies in the National Planning Policy Framework.

It is therefore considered that emerging policy KE3d can be afforded significant weight in the consideration of this planning application.

Emerging Policy KE3d seeks to allocate the currently safeguarded land for residential development of around 70 dwellings, subject to a number of development requirements and design principles including the implementation of a number of sustainable transport mitigation measures.

The principle of development of this site for 70 dwellings is therefore in accordance with the emerging policy and this weighs heavily in favour of the proposals. Compliance with the other development requirements and design principles of the emerging policies are discussed throughout this report.

Housing Supply and delivery

It remains relevant to consider the Council's housing delivery and supply position.

The adopted Core Strategy has a requirement of around 13,000 homes over the plan period which equates to 722 homes per year. Overall, 8,150 homes have been completed between 2011 and 2021. In order to meet the Core Strategy requirement, around 4,850 dwellings (excluding PBSA) need to be built during the remaining eight years of the plan period to 2029.

The Housing Delivery Test was introduced when the NPPF was revised in 2018. The test compares a council's past three years of housing delivery against its three-year requirement. The results of the test are published by the government annually. As the Council has significantly exceeded its housing requirement for the past three years the Council is confident the test will be passed this year.

As set out above, the Housing Delivery Test only relates to the previous three years delivery. Therefore, once delivery drops below the annual requirement across a three-year period the housing delivery test will be failed. This can have significant implications for the Council's ability to control the location of new development in line with its spatial strategy as it may result in the trigger of the 'presumption in favour of sustainable development' as expressed in paragraph 11 of the NPPF.

The Council's last housing trajectory (2021) showed that in the future delivery was predicted to begin to drop below the required annual figures. The reduction in annual delivery would have resulted in failure of the housing delivery test during the plan period.

In addition to the Housing Delivery Test, the NPPF (paragraph 75) also requires the Council to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need (established through a standardised methodology) where the strategic policies are more than five years old i.e. a five-year housing land supply. The supply of specific deliverable sites should in addition include a buffer of 5% to ensure choice and competition in the market for land.

The Core Strategy (which established the strategic policy setting the housing requirement) is now more than five years old and, as set out in the NPPF, the five-year housing land supply requirement is calculated against 'local housing need' using the standard method.

Using the standard method, the Council's latest housing trajectory indicates that the Council can currently demonstrate a 5-year land supply.

However, unlike when calculating the five-year land supply against the Core Strategy housing requirement, the standard method does not allow the Council to take account of any surplus in supply from previous years. Therefore, despite the standard method housing requirement in 2021 being slightly lower than that of the adopted Core Strategy, the Council was in the position of being possibly unable to demonstrate a five year housing land supply as future delivery slows despite having already delivered more than the required homes.

As with the housing delivery test, an inability to demonstrate a five year housing land supply would result in the 'presumption in favour of sustainable development' in the NPPF being triggered and could jeopardise the Council's ability to control the location of new developments.

Part of the purpose of the LPPU is to address the above issues housing supply and delivery by replenishing the availability of housing land through new allocations. It is for these reasons that KE3d was included as an allocation in the LPPU. In his initial letter, the examining Inspector has agreed that, based upon the site allocations in the LPPU, the Council can demonstrate a five-year housing land supply and that the KE3d allocation forms part of this.

In summary, there was an identified shortfall in housing land towards the end of the plan period and the LPPU set out to allocate additional sites to maintain the 5YHLS and pass the Housing Delivery Test. A grant of planning permission for the current application would therefore contribute to ensuring that the Council maintains its five-year housing land supply and is able to pass the Housing Delivery Test.

Sustainable location

The purpose of the site being safeguarded in 2014 was to ensure that there was land available to meet future housing development needs.

Paragraph 135 of the Core Strategy (CS) Inspector's report confirms that the safeguarded land is land removed from the Green Belt, but not allocated for development, and safeguarded to meet future development needs. It also confirms that in any future assessment of the most appropriate locations for development, the absence of Green Belt protection would weigh very considerably in the overall balance of considerations and that safeguarding is particularly significant for influencing the future pattern of development in the area between Bath and Bristol as nearly all other undeveloped land is within the Green Belt.

In allocating the Hygge Park site (KE3a), immediately to the north of the application site, the CS Inspector considered it to be a highly sustainable site stating:

"The proposed allocation is well located to make journeys by walking, cycling and bus particularly attractive. A superstore, schools and employment are within a short walk of the site. A new primary school is included in the allocation. Keynsham town centre would be a short cycle or bus ride away. There are high frequency bus services along the A4 to the centres of Bath and Bristol and bus stops would be only a short walk for future residents. Accordingly, there is considerable scope to achieve significant modal shift away from the car in this location in accordance with a core planning principle in the Framework."

He went on to state that the safeguarded land (which includes the application site) has similar characteristics to the allocated land and that it would share many of the same sustainability credentials.

The CS Inspector also considered that when passing along the A4 corridor, the safeguarded land would be partly behind frontage development and that the remaining area of land within the Green Belt between Keynsham and Saltford would still be sufficient to achieve the separate identify of these settlements (paragraph 195). The perceived effect on narrowing the gap between Keynsham and Saltford would be limited.

It is therefore considered that the application site is a highly sustainable site that would not unduly close the gap between Keynsham and Saltford.

Whilst contrary to KE1 (Keynsham Spatial Strategy), the use of this site for housing would be broadly consistent with the overarching spatial strategy for the district (DW1) which seeks to focus new housing in Bath, Keynsham and the Somer Valley further adding to its sustainability credentials.

Safeguarded land

It is also important to note that the CS inspector considered that there were exceptional circumstances that justified removing this land from the Green Belt and safeguarding it for future housing development.

However, the reason it was not directly allocated for housing at the time (instead of being safeguarded) was twofold. Firstly, at the time the land was not required to meet the Core Strategy housing requirements and, secondly, there were outstanding concerns about the impact of additional development upon the highway network around Keynsham.

As discussed in the sections above, the position in relation to the housing requirement has now shifted such that the release of this land for development would greatly assist the Council in meeting this requirement and is proposed in the LPPU as an important component of addressing the supply shortfall. Additionally, further modelling has now been undertaken and sustainable transport measures prepared to alleviate the traffic congestion problems on the Keynsham network (see Transport and Highways section). This is consistent with the approach of the CS Inspector when safeguarding the land:

"202. There are undoubted problems of traffic congestion at Keynsham as a result of peak hour through traffic on the A4 and more local traffic using roads in and around the town centre. The Council's traffic modelling (CD12/18) indicates that there is potential for the network to lock-up with planned development, but the modelling took no account of future changes which should make alternatives to car journeys more attractive for residents of Keynsham and those coming to work in the town."

Prematurity

Many comments have been received which suggest that the site should not be developed until the LPPU has been adopted and that the current application is therefore premature. Paragraph 50 of the NPPF indicates how the issue of prematurity should be dealt with:

"Para 50.

Refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination; or - in the case of a neighbourhood plan - before the end of the local planning authority publicity period on the draft plan. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process."

It is relevant in the consideration of this application, that the site is proposed to be allocated for around 70 dwellings in the LPPU. The application is therefore consistent with the emerging update to the local plan.

In light of this consistency with the emerging LPPU, it is considered that the proposed development would not prejudice the plan-making process and should therefore not be refused on the grounds of prematurity.

Conclusions on principle of development

The proposals are contrary to the current development plan policies KE1 and KE3b and contrary to paragraph 143 of the NPPF in relation to safeguarded land.

However, significant weight can be given to the emerging allocation policy (KE3d) in the LPPU, given its advanced stage, lack of unresolved objections and consistency with the NPPF. There are also several other significant material considerations including the following:

1. The site forms part of the five-year housing land supply as an emerging allocation within the LPPU:
 - a. Without the housing allocated in the emerging LPPU, there will likely be a failure of the housing delivery test during the plan period
 - b. There would also likely be an inability to demonstrate a five year housing land supply during the plan period

The grant of planning permission for approximately 70 dwellings on this site would make a sizable contribution towards replenishing the housing supply, meeting the housing delivery test and maintaining a five year land supply for the rest of the plan period thereby allowing the Council to retain control of the location of new development in line with its spatial strategy.

2. The site is proposed to be allocated as it is highly sustainable, would not unduly close the gap between Saltford and Keynsham and would be broadly consistent with the overall district wide spatial strategy.

3. The absence of Green Belt protection weighs very considerably in the overall balance of considerations for the assessment of the most appropriate locations for development, particularly given in the area between Bath and Bristol nearly all undeveloped land is within the Green Belt.

4. Sustainable Transport Measures have now been prepared which will alleviate the impact upon the Keynsham network and therefore address part of the reason that the land was not allocated by the CS Inspector.

In light of the above matters, it is considered that these material considerations outweigh the conflicts with policies KE1 and KE3b and justify a departure from the currently adopted development plan in this instance (subject to the other matters discussed in this report).

2. TRANSPORT AND HIGHWAYS

Access

Access is not a reserved matter. Detailed proposals have been provided for a vehicular access to Minsmere Road on the western edge of the site across land which is currently utilised as a driveway to a parking area serving the Colne Green properties. The access is proposed as a footway crossover which would provide priority to pedestrians travelling along Minsmere road crossing at the side road.

Following discussions with the applicant, a stage 1 Road Safety Audit (RSA) has been submitted to address some of the minor concerns that the Highways Officer raised with an earlier iteration of the access. This has addressed the issues raised and it is considered that the proposed access onto Minsmere Road is suitable and safe and will not prejudice highways safety.

Sustainable Transport Measures

The Placemaking Plan (PMP), and associated transport evidence base, is very clear on Keynsham. The PMP allocated the maximum acceptable level of housing which could come forward in Keynsham without further highways mitigation. The Transport Evidence Explanatory Note for the Placemaking Plan, (CH2M, April 2016) demonstrated that the network would be saturated following the level of development proposed. The Safeguarded Land was removed from the Green Belt in a proactive move to enable much needed housing to come forward at some point during the plan period, subject to the delivery of appropriate mitigation, but it was explicitly not allocated at that time.

It should be noted that, at that time, the mitigation envisaged was a link road between the A4175 and A4, which represents a major piece of highways infrastructure. That originally envisaged infrastructure was subject to an Options Assessment Report and was publicly consulted on as part of the B&NES Strategic Transport Studies in November 2018 titled 'A4 Bristol to East Keynsham Corridor Study'

The transport assessment submitted with the application seeks to consider the development in isolation against the baseline of a fully delivered PMP effectively to "re-set" the baseline and seeks to justify that there is a threshold of development which could be delivered without mitigation that could be described as not having a "severe" impact. This is contrary to the position of the made Development Plan, which is that no more development can come forward without mitigation.

The Local Highway Authority do not agree with the applicant's transport assessment. Its position is consistent with the made PMP, and the emerging LPPU - i.e. the saturated highways network requires mitigation to enable further development to come forward.

Since the A4 Bristol to East Keynsham Corridor Study consultation in 2018 B&NES has declared a Climate Emergency, and thus the specific approach to what that mitigation is has changed. Rather than delivering highway capacity, the emerging LPPU seeks measures to enable mode shift from existing trips and for development which comes forward to be low carbon. The mitigation measures within the LPPU will deliver "headroom" on the existing congested network through mode shift. Thus, the effect of reducing background traffic levels in itself is direct mitigation for proposed development, regardless of the level of development trips which utilise the exact measures.

The emerging LPPU needs to be read as a whole. In addition to the site-specific policies, the emerging LPPU refreshes the transport policies (ST1-8) to meet the needs of the Climate Emergency. These policies, and indeed the policies within the 2017 PMP, support the site-specific approach taken to the Safeguarded Land.

ST1 fundamentally supports the approach to significantly enhance opportunities for sustainable travel, and requires, at point 4, that "mitigation for traffic impacts maximises opportunities to achieve mode shift towards sustainable transport modes before proposing traffic capacity enhancements."

Policy ST7 requires that "users of the development benefit from genuine choice in their mode of travel through opportunities to travel by sustainable modes," and that "provision is made for any improvements to the transport system required to render the development proposal acceptable. Improvement requirements will maximise opportunities to travel by sustainable modes."

Further support for this approach can be found in the NPPF which states:

- 104. Transport issues should be considered from the earliest stages of plan-making and development proposals, so that: c) opportunities to promote walking, cycling and public transport use are identified and pursued;

- 106. Planning policies should: d) provide for attractive and well-designed walking and cycling networks with supporting facilities such as secure cycle parking (drawing on Local Cycling and Walking Infrastructure Plans);

- 110. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location; b) safe and suitable access to the site can be achieved for all users;

It is therefore clear that National and Local (existing and emerging) Planning Policy requires measures to enhance sustainable modes, both from a traffic impact and a provision of opportunities for sustainable travel perspective. Thus there is a strong justification for the mitigation based upon sustainable transport measures (as proposed within the LPPU site specific policy), regardless of the modelled traffic impact against the baseline.

Turning to the measures themselves, the LPPU has been informed by the Sustainable Transport Strategy (STS) produced in relation to the Safeguarded Land and potential additional future housing growth.

The STS sets out 6 sustainable transport measures which are required to enable all of the safeguarded land to come forward for development. They are needed to provide sustainable transport opportunities to users of the new development, and, importantly, to enable mode shift from existing car trips to create headroom on the network through trip banking. The 6 measures are:

1. Bus stop improvements on the A4
2. Town Centre bus service improvements
3. LCWIP Improvements between Salford and Keynsham

4. Pedestrian and cycle connection to Bristol Bath Railway Path
5. Active Travel connection through Memorial Park to the Rail Station
6. Liveable Neighbourhood measures in the Chandag Estate

Whilst the position of the Local Highways Authority is that this full package of measures is required to make any development across the two safeguarded sites acceptable (KE3c and KE3d), they accept that there is a requirement for any planning obligations to meet the tests of the CIL regulations in that they need to be a) necessary to make the development acceptable in planning terms, b) directly related to the development and c) fairly and reasonably related in scale and kind to the development.

It is considered that the measures proposed in the STS are fair and reasonable in relation to the scale of development across both Safeguarded Land sites (KE3c and KE3d), particularly as no specific traffic capacity mitigation is sought. However, it is recognised that the current application does not constitute the quantum of development envisaged across both safeguarded land sites (KE3c and KE3d), and therefore any obligations/contributions need to be proportionate to its scale.

Furthermore, the delivery mechanism also needs to ensure:

- a. Individual measures are fully funded and do not rely on unidentified funding sources to be delivered.
- b. The responsible party must have a reasonable prospect of being able to deliver the measure

Taking account of the relative quantum of development proposed by each of the safeguarded sites (KE3c around 210 dwellings and KE3d around 70 dwellings) and the requirement for measures to be fully funded and deliverable, Highways have accepted that a proportionate approach to providing the STS measures can be taken.

Measures 1, 3, 4 and 5 are to be provided by the development of the KE3c safeguarded land site and these measures are in the process of being secured as part of application 20/02673/OUT which has resolution to grant subject to the completion of a s106 agreement.

That leaves measures 2 and 6 to be delivered by the development of the KE3d safeguarded land. In the case of measure 2 (improvements to bus services) and measure 6 (Liveable neighbourhood interventions) there are practical reasons why the applicant cannot deliver these themselves. Instead, a financial contribution has been agreed to secure these measures.

Estimates for the entire package of Sustainable Transport Measures have been undertaken by the Council and the amount of the proposed financial contribution has been calculated on a proportional basis to ensure that it is fair and reasonably related to the scale and kind of each development across the two safeguarded land sites.

A contribution of £1,512,000 has therefore been agreed with the applicant towards the implementation of measures 2 and 6 and will be secured by way of a s106 agreement.

It is recognised that it would not be reasonable to impose a planning obligation or condition which makes the commencement of this development beholden to either the

metrobus project or the commencement of the other Safeguarded Land site. Highways therefore reluctantly accept that there may be a short period of time where development has commenced, but the full package of measures is not in place. This acceptance is on the basis that there is a reasonable prospect of the remainder of the measures being in place in the short term as there is currently a resolution to grant in respect of the other safeguarded land site (ref: 20/02673/OUT).

Without the above mitigation, Highways have indicated that the junction capacity assessment for the development showed both the Chandag Road/Bath Road mini-roundabout and the Bath Hill/Bath Road/Wellsway roundabout would operate at or over capacity and suffer congestion. However, the package of Sustainable Transport Measures is forecast to result in around a 10% reduction in vehicle trip generation associated with the development site. Within Keynsham the measures will see cycling levels increase by between 25% and 75%, and public transport use increase by around 30%. More widely it is expected that the improved connections to the Bristol Bath railway path would result in an increase in cycle trips between Keynsham and both Bristol and Bath of around 15% compared to the baseline.

Combined, the measures are likely to reduce vehicle trips within the study area by around 219 during the morning peak hour and by around 180 in the afternoon peak hour. This would broadly offset the potential vehicle generation of the development proposals (across both safeguarded sites) and would reduce the impact of the development to the traffic level currently experienced.

Accessibility, Public Transport, Walking and Cycling

Whilst the above discussion about the Sustainable Transport Measures sets out a strategy to allow this site to come forward it does not set out nor replace a thorough assessment of the local infrastructure, permeability of the site, individual site connections, maximising opportunities to travel sustainably both within the site and outside the polygon. This must be assessed and maximised by the development proposals.

Alongside the main access to Minsmere Road, the proposals show a number of other pedestrian and cycle accesses across the site.

A pedestrian/cycle route is shown connecting to the Hygge Park development to the north. This is shown as a 3m wide shared use path, which LTN 1/20 guidance suggests can be used for routes carrying up to 300 users per hour. Due to the fact that the path will be linking to another shared use path this is acceptable to achieve continuity of the route. There is a small piece of land between the two sites which is not in the ownership of the applicant but has been identified as part of the historic highway network and therefore these works can be delivered by the developer under a highways agreement. The requirement to deliver this route and maintain it as open for public use will form part of the s106 agreement.

A Public Right of Way (BA27/30) crosses the northern part of the application site between Windrush Road to the west and the Manor Road Community Woodland Local Nature Reserve. Where the route leaves the site to the west it crosses a parking area to the north of 68 Minsmere Road before connecting to Windrush Road.

Emerging policy KE3d (6)(f) requires a contribution to improve the existing footpath connection to Windrush Road, including to enable cycle access. However, the Highways Officer and Public Right of Way Team have indicated that it is not legal to allow cycling on a public right of way and the adjacent land is in third party ownership, outside of the control of the applicant or the Council. It is therefore proposed that a financial contribution should be made to the Council to upgrade the surface of the PROW and remove the kissing gate within the parking area adjacent to the north east corner of the site. This has been agreed with the applicant and can be included as part of the s106 agreement.

At the southern end of the site there is an existing path which runs east west across the site from the end of Witham Road to the Manor Road Community Woodland Local Nature Reserve. This is proposed as a pedestrian connection through the site and is welcomed. However, the route runs over third party land which sits between Witham Road and the western boundary of the application site and is not owned by the applicant or the Council. As this route is not a Public Right of Way and runs over third party land, there is no guarantee that easements/rights of access will exist in perpetuity. It cannot therefore be relied upon for accessibility and permeability and is afforded limited weight in terms of the benefit it brings to the development.

Whilst this is disappointing, evidence on the ground suggests that this route has existed for a very long time and there is no obvious reason why the third party landowner would wish to restrict access. Furthermore, this land is outside of the control of the applicant and there is no obvious alternative route to cite a footpath. It is therefore considered to be a reasonable approach and does not merit refusal of the application on this basis.

Having reviewed the accessibility of the site, the Highways Officer has also suggested that improvements are made to bus stops on Minsmere Road, Chandag Road, Limekilns Close and Lambourn Road. These improvements include new panels, real time information, raised kerbs, new poles and flags, replacement timetable casing and a new shelter at the Minsmere Road stop. The applicant has agreed to delivery these improvements which will be secured as part of the s106 agreement.

It is considered that subject to the above matters being secured, the proposed development will have good levels of accessibility, will be suitably permeable and will provide acceptable infrastructure for walking and cycling.

Other highways matters

No information has been provided regarding parking (car, cycle, electric vehicle charging). Parking will be addressed at reserved matters stage and will likely be subject to policy ST7 in the emerging LPPU and the draft Transport and Parking SPD. Similarly, waste and recycling matters will also be addressed at the reserved matters stage.

A Travel Plan has been submitted with the application which sets out measures to encourage shifts away from private car use and towards more sustainable forms of travel. The Highways Officer has no objection to the submitted Travel Plan and this will be secured as part of the s106 agreement.

A number of concerns have been raised by local residents about potential disruption during the construction of the development. A construction management plan has been

recommended by the Highways Officer and is considered essential if planning permission is granted. This will ensure that highways safety is maintained during construction and will mitigate impacts upon the residential amenity of surrounding occupiers.

3. ECOLOGY

An ecological assessment has been submitted with the application. The survey identifies that the site predominantly comprises semi-improved grassland with scattered scrub and tall ruderal vegetation, bordered by a treeline to the north and woodland to the east, with a patch of amenity grassland and a maple tree to the west. In addition, there are two ponds present on site and two ditches lie adjacent to the sites northern and eastern boundaries.

Designated Sites

Manor Road Community Woodland Local Nature Reserve (LNR) lies immediately adjacent to the site's eastern boundary. The proposals as submitted were initially unclear and appeared to suggest that there would be some felling of trees and vegetation clearance along the eastern boundary. However, further clarification has confirmed that there would be no vegetation removal on the eastern boundary and that the trees fall outside of the site boundary.

The Council's Arboriculturalist has advised that the trees within the current woodland have not reached their full-size potential and future canopy spreads should be factored in so as to secure adequate separation distances from dwellings and gardens. Following these comments, the proposals have been revised to increase the size of the buffer on the eastern edge of the site from 10 to 12m which is shown on the proposed parameter plans. This is the minimum green buffer to avoid harm to the adjacent LNR and further improvements could still be achieved through the detailed design at the reserved matters stage.

The proposed development will also result in additional pressures on the adjacent woodland due to the increased recreational demand. The woodland has already come under significant pressure because of increased demand arising from other recent developments including Hygge Park to the north. An improvement project to reduce these risks and improve access to the nature reserve has been proposed by the Council and a financial contribution towards this has been requested. The applicant has agreed to the request for an £132,514.85 contribution to cover these works and this will be secured as part of the s106 agreement.

The combination of the proposed buffer, consideration of the detailed design at reserved matters stage and the financial contribution towards mitigation works will ensure that the proposals do not harm the Manor Road Community Woodland Local Nature Reserve (LNR).

Bats and Lighting

Ten species of bat were identified using the site during the bat activity surveys (Tyler Grange, 2021), including greater and lesser horseshoes. It should be acknowledged that

detectors used are not full spectrum, so will have under-recorded the presence of horseshoe bats on site. The closest component unit of the Bath and Bradford-on-Avon Bats Special Area of Conservation (SAC) is located 9.6km from the site. There are however, known populations of horseshoe bats in the Keynsham area, albeit at lower densities than around the SAC sites. Functionally-linked habitat for horseshoe and Bechstein's bat populations for which the SAC is designated is protected under the Conservation of Habitats and Species Regulations 2017 (as amended).

A lighting strategy has been submitted with the application. Following comments from the ecologist, it has been modified so that a number of pinch points have been removed, consequently there will be no light spill greater than 0.5lux along the boundary.

Given that the application is at Outline stage, layout and house details are yet to be fixed. Detailed design will need to demonstrate that the commitment to sensitive lighting is met, by appropriate internal as well as external lighting design. This will be considered at the reserved matters stage.

Given that the proposals may impact bats from the SAC, a Habitats Regulations Assessment (HRA) has been completed for the development and concludes that the proposals will not have an adverse effect on the Bath and Bradford on Avon Bats SAC either alone or in combination with other plans or projects provided that suitable mitigation and lighting is secured by condition. Natural England have agreed with the Council's HRA and have raised no objection to the proposals, subject to the relevant mitigations being secured.

Other Protected/Notable Species

In general, the survey effort and avoidance, mitigation and compensation proposals for other protected and notable species are accepted. Habitats on-site may support nesting birds and potentially dormouse, no reptiles were found during the surveys. Detailed method statements will need to be secured by condition and habitat creation demonstrated in detailed design.

There are hedgehog records in proximity to the site, suitable measures to protect them are required and if any are found during works they would also need to be moved to safety. This can be secured by condition.

The site offers suitable terrestrial and aquatic habitat for toads and records for this species were present in close proximity to the site. Vegetation on site will need to be sensitively cleared to ensure amphibians are not harmed during development works, this information can be secured by condition

Whilst acknowledged that only one of the five ponds in the survey area was subject to an eDNA survey (due to lack of or insufficient water), it is accepted that great crested newts are likely to be absent as evidenced by the negative result.

Biodiversity Net Gain

A Biodiversity Technical Note and associated calculation has been submitted with the application. The BNG Technical Note identifies that the ecological baseline for the site is

calculated at 12.12 habitat units (comprising modified grassland, ruderal/ephemeral vegetation, hardstanding, blackthorn scrub and bramble scrub) and 0 hedgerow units (as no hedges were present). The Habitat Features Plan (Dwg no. 0505/P01c) displays the baseline habitats present on site. The post-development habitats are calculated at 8.20 habitat units (comprising hardstanding, gardens, SUDs, introduced shrub, mixed scrub, modified grassland and urban trees) and 2.13 hedgerow units (comprising native and ornamental hedges). The Landscape Strategy Plan drawing 10505/P18e (within the LVIA) shows where habitats will be created and retained on site, this includes the retention of Pond P1. Yet Pond P1 appears to have been omitted from the calculation, clarification is requested. Overall, the scheme will result in a change of minus 3.72 habitat units (30.69%) and 2.13 hedgerow units (neutral BNG change, as no replacement hedgerow habitat was required) on-site. Therefore, off-site mitigation will be required to compensate for the loss of habitat units.

The application proposes utilising off-site land at Somerdale which is within the control of the applicant, Taylor Wimpey. The proposed off-site land is already covered by a Landscape and Ecology Management Plan associated with the Somerdale development. Therefore, to comply with existing planning obligations, the off-site baseline habitat type has been re-classified to floodplain grazing marsh. Given that the LEMP only refers to maintenance of the floodplain grazing marsh (as opposed to enhancement), its current classification as being in poor condition is considered appropriate. The BNG Assessment Report specifies that the existing habitat only meets condition criteria 3, 4 and 5, arguably it also meets criterion 6 (due to lack of bracken). Nonetheless, it is acknowledged that the habitat will still miss criterion 1 so would still be classified as being in "Poor" condition.

Given that the area of off-site habitat is covered by an existing LEMP, to comply with BNG requirements 'additionality' must be demonstrated. According to the BNG Assessment Report the area will be enhanced to "Moderate" condition by keeping the combined cover of species indicative of sub-optimal condition less than 5% of ground cover currently nettle and ragwort present (whilst not listed on Schedule 9 of the WCA, they are still undesirable species so a reduction in their cover would be supported) to achieve condition criteria 6 (it assumed this is a typo and should read 7), overseeding with yellow rattle and overseeding with a suitable wetland mix (e.g. Emorsgate EG8) to achieve condition criteria 2 (it assumed this is a typo and should read 1). These measures are considered acceptable and should be secured by a LEMP and s106 agreement.

When considering both off-site habitat enhancement and on-site habitat creation proposals, the net habitat unit change is +1.35 habitat units providing a net gain of 11.12% habitat units. This is supported by the Council's Ecologist and demonstrates compliance with policy NE3 of the Placemaking Plan, NE3a (Biodiversity Net Gain) of the emerging LPPU and the National Planning Policy Framework.

4. DESIGN AND PARAMETERS

The application is in outline with matters of appearance, landscaping, layout and scale reserved. The masterplan provided is illustrative only, although several parameter plans have been provided including a land use and access plan, a scale plan and a green infrastructure plan. Various other plans have been submitted, including a Landscape

Strategy Plan, Concept Plan, Layout Plan, Drainage Plan, etc, but none of these are offered as Parameter Plans and should be treated as indicative only.

The land use plan sets out the areas of public open space and areas of for residential development. This is reflective of the green infrastructure parameter plan which also shows these areas. These parameters ensure that a green buffer is maintained around the northern, eastern and southern boundaries of the site as well as ensuring that the route of Public Right of Way has some public open space either side of it. The area of public open space shown on the parameter plan is considered to be a minimum area and does not preclude details of the layout/landscaping at reserved matters stage from including further green areas within the land identified as 'Built Development Area'. The parameters also note the promotion of a Local Area for Plan (LAP) or a 'Play on the Way Trim Trail'

The Scale parameter plan indicates heights of up to 11m high (2.5 storey) would be appropriate. Scale remains a reserved matters and, as such, this height represents the maximum height that could be proposed, and any reserved matters application would have to be judged on its merits. The area to the west of the site is largely characterised by two storey homes, although there is a variety of house types. The proposed maximum height gives sufficient flexibility to allow for a suitably designed scheme to come forward whilst preventing any buildings from appearing markedly out of keeping.

Other noteworthy aspects of the parameter plans include the indicative alignment of the main access route which is shown taking a roughly central route through the site before terminating at the northern green space. It is also indicated as being a 'tree lined street' and, although little detail is given, it will be expected that this will be negotiated through the future reserved matters applications.

The Design and Access Statement (DAS) includes a vision that states:

- o "The development will promote happy and healthy living through the design of a locally distinctive, vibrant and high quality place"

And that it will, inter alia:

- o "design nature into streets and public spaces with attractive landscaping and tree planting"

- o "prioritise pedestrian and cycle use, supporting active lifestyles and creating liveable and healthy streets"

- o "celebrate the history and heritage of the local area through appropriate building typologies and approaches to landscaping, generating local identity, pride and belonging"

- o "incorporate positive contextual references of the local area relating to form, scale, massing, materials and architectural details"

- o "encourage social interaction through thoughtful design in public and private spaces"

The Council's Urban Designer views these and the other stated goals and aspirations in the DAS as commendable but indicates that there is a gap between these stated aims and the indicative proposals seen thus far. Indeed, the illustrative masterplan submitted does not appear to create a high-quality place and instead contains standard housebuilder layouts which do little to prioritise pedestrian/cycle use or incorporate nature into the street. However, these proposals are indicative and there is scope within the proposed parameter plans to achieve the stated goals of the DAS vision at the reserved matters stage.

The Urban Designer has recommended that the applicant should make a commitment to fulfil the stated vision and goals set out in pp 38-39 of the DAS in order to give the confidence that the requirements of policies D1, D2, D3 and D4 will be satisfied as the scheme progress. It is considered that this commitment can be secured by a condition requiring a statement to accompany any reserved matters application setting out how it meets the vision and goals of the DAS.

5. LANDSCAPE

The topography across the site rises from north to south. The northern boundary lies at approximately 24.5m AOD, rising to approximately 37m AOD at the southern boundary. The site does not lie within a nationally designated landscape, although the Cotswolds Area of Outstanding Natural Beauty (AONB) is located approximately 2.15km to the east of the site, beyond Saltford.

The site has been safeguarded for potential development and is proposed to be allocated for around 70 dwellings. Therefore, is no in principle landscape or visual objection to the application.

A Landscape and Visual Impact Assessment (LVIA) has been submitted with the application. This concludes that the proposals would result in a moderate adverse landscape effects during construction and at Year 1 at the site-specific scale, potentially reducing to minor adverse at Year 15 subject to effective mitigation. It is acknowledged that there would some detrimental effect on Viewpoint 14 (public footpath south of the site) arising from the greater proximity of built development to the southern boundary, which was a trade-off to allow the width of the Public Open Space corridor along the eastern edge to be increased in width, which is considered beneficial and is supported.

The Council's Landscape Consultant broadly agrees with the conclusions of the LVIA but draws attention to where the LVIA states that "mitigation is required to enhance assimilation by enhanced boundary planting, introducing an appropriate mass, pattern and grain of development and use of appropriate materials". Landscaping is currently a reserved matter so there are no detailed mitigation proposals to review. Whilst the submitted parameters plan provides a reasonable starting point, effective mitigation will need to be carefully addressed and secured at the reserved matters stage.

Subject to effective mitigation being secured at the reserved matters stage, there is no landscape objection to the proposals.

6. EDUCATION

An indicative dwelling mix has been provided for the proposed development. Based upon this mix, a development of 70 dwellings is calculated to generate the following children:

Early Years age 0-1 = 2.1 children
Early Years age 2 = 1.4 children
Early Years age 3-4 = 5.6 children

Primary - 21.7 children
Secondary - 13.3 children
Sixth Form - 2.8 children
Young people age 13-19 - 7.0 children

There is currently projected to be sufficient capacity available in Keynsham for the Early Years age children calculated to be generated by this development.

In terms of primary school places, there are currently 270 Reception places available in total in the Keynsham and Saltford Planning Area. The new Two Rivers C of E Primary school on the Hygge Park development site opened in 2020 initially with a PAN of 30, meaning there will then be a total of 300 Reception places available.

Once the new two form entry school building is complete, the PAN will be 60 in 2022 and onwards, meaning there will be a total of 330 Reception places available.

Year Reception projection:

2022 = 288
2023 = 286
2024 = 313
2025 = 316

Plus 14.93 pupils per year group still to come from previously approved developments currently under construction, which if applied to the 2025 academic year gives $316 + 14.93 = 330.93$. This does not include the pupils generated from the Parcel 0005 Bath Road (Withies Green) proposed development on the Keynsham East Safeguarded land. They would be in addition to this number.

This proposed development at Parcel 5159 Minsmere Road is calculated to generate 3.1 pupils per year group, which if applied to the 2025 academic year gives $330.93 + 3.1 = 334.03$ pupils = 4.03 places short per year group.

Therefore, additional places will need to be created in the Keynsham and Saltford Primary School Planning Area in order to accommodate the primary age pupils calculated to be generated by this proposed development.

Therefore, additional places will need to be created in the Keynsham and Saltford Planning Area in order to accommodate all of the primary age pupils calculated to be generated by this proposed development.

A contribution towards the school places is therefore required and has been calculated as £651,816.33. This has been agreed with the applicant and can be secured via a s106 agreement.

As this is only an Outline application, once the Reserved Matters is submitted, if the number of pupils generated has increased (due to a different dwelling mix), the S106 must be drafted in such a way that the contribution can be increased accordingly.

Additional provision required to accommodate Young People generated by the development can be provided from the Community Infrastructure Levy (CIL).

7. PARKS AND OPEN SPACE

Policy LCR6 requires that where new development generates a need for additional recreational open space and facilities which cannot be met on-site or by existing provision, the developer will be required to either provide for, or to contribute to the provision of accessible sport and recreational open space and/or facilities to meet the need arising from the new development in accordance with the standards set out in the Green Space Strategy, and Planning Obligations SPD or successor documents.

The Green Space Strategy (2015) has assessed the existing supply of Allotments in the Keynsham area to be in deficit of -2.95ha, Amenity Green Space -0.95ha, Park & Recreation

Ground -8.01ha and Play Space (Youth) -0.33ha. There is a surplus of Accessible Natural Green Space + 258.69ha and Play Space (Children) +0.25ha.

The proposal is for 70 dwellings. This quantum of development is expected to increase the local population by approximately 161 persons (70 x 2.3). These new residents will generate demand for a total of 5,280 sqm of green space (of various typologies).

The submitted Land Use and Access Parameter Plan suggest that provision is being made for 10,600 sqm (1.06 ha) of Public Open Space (POS). The residential development area will cover approximately 2.12 ha. The POS will cover approximately 1.06 ha.

The GI Parameter Plan (BL-M-02 - REV B) also includes a LAP and 'Play on the Way Trim Trail' which the applicant states will be detailed at the reserved matters stage. Correspondence in the case file dated 26th July 2022 states that the GI parameter plan governs the future reserved matters application to either provide LAP on the western yellow star or on the eastern yellow star. The dotted line denotes the idea for 'play on the way'. The LVIA Addendum Letter also dated 26th July 2022 suggests that the Applicant intends to provide

LAP or promote 'play on the way' trim trail along the linear route between two 'stations' for play.

The applicant will need to provide a detailed account of the individual quantities of the green space typologies at reserved matters stage. It will also be necessary for there to be conditions securing detailed landscape management plans and to ensure that the on-site green spaces remain for use by the wider public.

8. AFFORDABLE HOUSING

Policy CP9 requires all residential developments of more than 10 dwellings to provide on-site affordable housing. The site falls within the lower value sub-market area where there is a target of 30% affordable housing provision in accordance with policy CP9.

The applicant has confirmed that the proposals will provide 30% affordable housing at the Council's preferred tenure of 75% Social Rent and 25% Intermediate (shared ownership). This represents a total of approximately new 21 affordable homes to be delivered by the development.

This will be secured through a s106 agreement alongside other relevant matters at this stage. Given the nature of this outline application, limited further details are available including the precise affordable housing mix and how they will be located throughout the scheme. An affordable housing statement will be required at reserved matters stage which will be required to robustly address all the affordable housing requirements contained within the Planning Obligations SPD.

9. ARCHAEOLOGY

A geophysical Survey on this site has shown that there is potential for archaeological features of local significance. These features will require investigation and recording as required by the NPPF paragraph 205. Therefore, it is considered that conditions should be attached to any permission to ensure archaeological mitigation is carried out prior to development of this site.

10. DRAINAGE AND FLOOD RISK

The site falls within flood zone 1 and is therefore at a low risk of flooding. A flood risk assessment and drainage strategy have been submitted with the application and the Drainage and Flood Risk team consider this acceptable. The application proposals SuDS drainage system based on existing watercourses which will reduce off-site flood risks. However, further detail will be required at reserved matters stage, and this can be secured by condition.

11. TREES AND WOODLAND

An Arboricultural Assessment has been submitted with this application and reviewed by the Council's Arboriculturalist

The proposed access from Minsmere Road implicates an offsite maple tree growing on land belonging to Curo as identified within the Arboricultural Impact Assessment (AIA) as T3. This is an attractive tree with a wide spreading canopy which overhangs the current access, the canopy spread is accurately depicted within the AIA.

It is noted that the new access road will come no nearer the existing tree than the current curb. However, the Council's Arboriculturalist is concerned that the increase in the numbers and diversity of vehicles using the access will result in pruning to ensure adequate clearance. Crown lifting to accommodate the access into the site will result in an unbalanced appearance so further works are likely to reduce the circumference of the canopy. The extent of the road and footpath width limits any scope to undertake tree planting to the north of the maple.

The potential impacts upon this tree are disappointing but given the limited options for suitable access points to this site it is considered to be unavoidable. In response to these concerns and the potential harm to this tree the applicant has committed to incorporating new tree planting either side of the access road at the site entrance as mitigation. Details of this will be secured through the reserved matters of landscaping.

12. RESIDENTIAL AMENITY

The nearest adjoining residential properties back onto the western boundary of the site along Minsmere Road, Witham Road and Teviot Road. Whilst layout is a reserved matter, the illustrative masterplan demonstrates how sufficient separation distances from the backs of these existing properties can be maintained to ensure that there is adequate privacy for existing and potential occupiers. The scale parameter plan ensures that no buildings will be greater than 2.5 storeys in height and it should therefore be possible to design a scheme which does not result in any loss of light or outlook from adjoining occupiers.

It is therefore considered that it will be possible for the detailed proposals to be designed in a way to avoid any significant impacts upon the amenities of adjoining occupiers.

13. SUSTAINABLE CONSTRUCTION

Policy CP2 of the Core Strategy requires sustainable design and construction to be integral to all new developments. Policy SCR1 requires major developments to provide sufficient renewable energy generation to reduce carbon emissions from anticipated energy use in the building by at least 10%.

Emerging policies SCR6 and SCR8 in the LPPU represent an evolution of the Council's approach to sustainable construction and require developments to achieve net zero through the application of an energy hierarchy consisting of reductions to energy demand, on-site renewables and financial contributions towards offset.

As an outline application with all matters (except access) reserved the design of the proposals is insufficiently advanced to request full details of sustainable construction measures. The proposal is therefore considered to demonstrate compliance with policies CP2 and SCR1 at this stage. Further information will need to be secured by condition and as part of any reserved matters applications.

14. CONTAMINATED LAND

The site has no obvious history of contaminative uses. However, due to the sensitive nature of the development (i.e. residential) and significant scale of the development, the Contaminated Land Officer has recommended conditions requiring an investigation and risk assessment, a remediation strategy (if required) and a verification report (if required).

15. AIR QUALITY

The proposals are for a major development and there are existing Air Quality Management Areas in both Keynsham and Saltford that may be impacted by some of the traffic generated by this development. It is considered that full details of an air quality assessment including any proposed mitigation measures are secured by condition prior to the commencement of development.

16. COMPLIANCE WITH EMERGING POLICY

The application essentially seeks permission for the development of this site prior to the adoption of the LPPU. Policy KE3d of the LPPU is considered to have significant weight and is a relevant material consideration in the determination of this application. It is therefore necessary to consider how the proposals perform against the development requirements set out in the emerging allocation policies.

Comments are set out against the development requirements of the allocation policy KE3 from the submission version of the LPPU:

Policy KE3d East of Keynsham - Former Safeguarded Land

1. Deliver residential development (Class C3) of around 70 dwellings in the plan period, in the areas as shown on the concept diagram.

The application proposes development of 70 dwellings and is therefore consistent with this requirement.

2. Complement the housing style, character and density of the adjacent Hygge Park development - incorporating an element of traditional materials including natural lias limestone. Building heights will generally be limited to 2/2.5 storeys, ensuring that development does not interrupt the skyline views from the Cotswolds AONB.

This is an outline application so these requirements will not be assessed until reserved matters stage. The submitted LVIA indicates that it is unlikely that the proposals will impact upon the skyline views from the Cotswolds AONB.

3. Provide a positive relationship with all publicly accessible routes and face outwards towards the open countryside, adopt a perimeter block layout, with a clear distinction between the fronts and backs of properties.

As above, these requirements can be addressed at reserved matters stage.

4. Ensure that there is no possible through-route for general traffic between existing residential areas south of Wellsway School and the A4 yet maintain permeability for non-car modes. Access can either be via Hygge Park or via the residential area to the west

There is a single vehicular access to the site from Minsmere Road. There is no through connection to Hygge Park or other route which would allow for general traffic from the A4 to the Chandag Estates. However, the proposals do include multiple pedestrian accesses to the surrounding areas and a new cycle link towards Hygge Park.

5. Prioritise pedestrians and cyclists over private vehicles, and provide an attractive, low-speed environment throughout. The development should integrate well with the surrounding residential areas and extend the network of pedestrian and cycle routes. These should utilise existing and enhanced green corridors where practicable to provide LTN1/20 standard pedestrian and cycle routes. Public space and footpaths should incorporate species-rich verges and grassland habitat.

This is an outline application so these requirements will not be fully assessed until reserved matters stage. However, the parameter plans do show pedestrian connections with the surrounding residential areas and indicate opportunities for green corridors. A cycle route towards Hygge Park is shown and will link in with the existing shared use path to the north.

6. Be accompanied by a Travel Plan and Transport Assessment, which assesses in detail the mitigation requirements of an individual site in order that sufficient headroom capacity is created on the highway network through mode shift such that development does not result in a severe impact. Mitigation proposals for the site must investigate, and provide as necessary, the following:

- a. Improved frequency of public transport services along the A4;
- b. Enhanced local town centre bus services connecting the development site with the town more widely and providing an opportunity to interchange with metrobus and Mass Transit Services;
- c. LCWIP route improvements to LTN1/20 standards within Keynsham, specifically between the development location, Wellsway School, and Keynsham Town Centre. This could must include segregated pedestrian and cycle provision on the south side of the A4 between Grange Road and Broadmead Roundabout, and onward comparable provision along Bath Road to the Town Centre;
- d. New active travel connection between the A4 and the Bristol Bath Railway Path via Clay Bridge, World's End Lane;
- e. The creation of a public footpath between KE3C and KE3D, connecting at Manor Road Community Woodland; and
- f. A contribution to improve the existing footpath connection to Windrush Road, including to enable cycle access.

The application has been accompanied by a Travel Plan and a Transport Assessment. The proposals will also make a proportionate and fair contribution towards the provision of the above sustainable transport measures which are necessary to achieve the headroom capacity on the network to accommodate the development. See Highways and Transport section for further detail.

7. Deliver biodiversity net gain of a minimum of 10% in accordance with Policy NE3a. Opportunities to deliver 10% biodiversity net gain within the site curtilage should be fully explored and tested before any off-site measures are proposed. The substantive retention of internal and boundary hedgerows, with 10-15m habitat buffers is expected. Protective buffers of at least 25m are expected around the LNR woodland unless it can be clearly demonstrated by the applicant that a reduced buffer would adequately protect the woodland.

The BNG calculation provided with the application demonstrates that the proposals will provide a net gain of 11.12%. There are buffers proposed around the north, east and south boundaries of the site to ensure boundary habitats are protected. The buffer to the Local Nature Reserve woodland is approximately 12m and this is considered acceptable to protect the woodland (subject to the detailed consideration of any reserved matters applications).

8. Provide a minimum of one nest or roost site per residential unit, in the form of integrated bird and bat boxes within new buildings, and/or as standalone features within the public realm, such as bat walls and swift towers. Additional features such as log piles, insect hotels, bee bricks, hedgehog connectivity measures and green and brown roofs / walls are also required. All new garden boundaries should be permeable for hedgehogs. This requirement can be incorporated at reserved matters stage.

9. Retain and enhance internal hedgerows including hedgerow specimen trees, enabling the subdivision of the site into a number of development areas and providing a strong landscape and green infrastructure framework. Sufficient setback of development should allow for growth of trees, ecological functioning of habitat corridors and buffering of the Local Nature Reserve. Lightspill in the retained hedgerow network and habitat buffers should be avoided. (The following minimum buffers will be required: 10m from base of hedgerow; 15m from base of hedgerow with ditch; 25m to buffer the woodland LNR).

Much of this detail can only be assessed fully at reserved matters stage. However, the submitted ecological information alongside the parameter plans gives confidence that a scheme can be designed that complies with these requirements.

10. Fully incorporate Nature-based SuDS solution as part of the green infrastructure strategy to provide betterment to the existing surface water flood issues and habitat gains.

The application proposes a SuDS drainage system based on existing watercourses which will reduce off-site flood risks. However, further detail is required, and this can be assessed at reserved matters stage.

11. Incorporate green infrastructure, including on-site provision of well-integrated formal and natural green space and play provision, and on or off-site provision of allotments.

The proposals include space for public open space including a possible LAP or 'play on the way' trim trail. These can be secured as part of the s106 agreement. The parameter plans also indicate areas of the site which are reserved for public open space to ensure that there are sufficient spaces for these elements. Further detail can be agreed at the reserved matters stage.

12. Optimise the solar energy potential of development by careful design and orientation.

This will need to be assessed at reserved matters stage and there is no reason to believe that this requirement cannot be met.

Emerging policy KE3d conclusions

Whilst much of the detail is still to be determined at reserved matters stage, the proposals broadly comply with the emerging requirements of policy KE3d in the LPPU. The only slight deviation is in relation to the provision of sustainable transport mitigation measures whereby a significant package of mitigation works has been agreed with the applicant in line with the evidence taken from the Sustainable Transport Strategy for Keynsham and agreed with Highways.

It is therefore considered that a grant of planning permission for these proposals would be consistent with the emerging allocation policy and would not prejudice the LPPU or result in any missed opportunities that may have occurred if a decision was delayed until after the adoption of the LPPU.

17. AGRICULTURAL LAND

Policy RE5 of the Placemaking Plan states that development which would result in the loss of the best and most versatile agricultural land particularly Grade 1 and 2 will not be permitted unless significant sustainability benefits are demonstrated to outweigh any loss. Where it can be demonstrated that there is an overriding need for a proposal which will result in the loss of agricultural land, development should be steered towards the use of lower quality agricultural land in preference to higher quality agricultural land.

The Council's GIS mapping indicates that the land is primarily grade 3 and therefore does not represent the best or most versatile agricultural land. It is also considered that the need for the proposal (see Principle of development section) outweighs the loss of this agricultural land. It is therefore considered that there is no conflict with policy RE5 of the Placemaking Plan.

18. OTHER MATTERS

S106 agreement

Any grant of planning permission would need to be subject to a s106 agreement to secure the following obligations and contributions:

1. Fire Hydrant contribution
 - a. 3 x £1,500 (£4,500)
2. Targeted recruitment and training obligations
 - a. 10 Work Placements
 - b. 2 Apprenticeship Starts
 - c. 2 New jobs advertised through DWP
 - d. £6,380 contribution

3. 30% affordable Housing
 - a. 75% social rent, 25% Intermediate (Shared ownership)
4. Public Open Space provision
 - a. LAP or 'Play on the Way' Trim Trail
 - b. Recreational Woodland Edge Walk
 - c. Other POS to be delivered in accordance with reserved matters
 - d. Management Company to be formed
 - e. All on-site green space to be available for the wider public use
5. Manor Road Local Nature Reserve Improvement contribution
 - a. £132,514.85
6. Education contribution primary school places
 - a. £651,816.33 (linked to formula in case housing mix is altered)
7. Highways access works
 - a. Delivery of access proposals
 - b. Delivery of pedestrian/cycle path to Hygge Park
8. Sustainable Transport Measures
 - a. £1,512,000 contribution towards enhanced local town centre bus service and liveable neighbourhood interventions within the Chandag Estates
 - b. £12,000 contribution for improving PROW connection to Windrush Road
 - c. Bus stop improvements
9. Preparation and implementation of Travel Plan
 - a. £4,775 contribution towards monitoring of Travel Plan
10. Biodiversity net gain requirement to include 30 year Landscape and Ecological Management Plan covering:
 - a. On-site measures
 - b. Off-site measures on Taylor Wimpey land at Somerdale
11. S106 monitoring fee
 - a. £400 per obligation

The applicant has agreed to the above heads of terms and a s106 agreement would need to be prepared to secure the above matters before any permission is issued.

Community Infrastructure Levy

The development would be liable for CIL at £100 per square metre of residential development. The exact liable cannot be calculated at this stage due to the outline nature of the application. The precise liability will be calculated at reserved matters stage.

Public Sector Equality Duty

The Public Sector Equality Duty requires public authorities to have regard to section 149 of the Equality Act 2010. The proposals do not raise any particularly significant issues in respect of equalities duty, but a couple of points are noted.

Elderly, disabled and otherwise vulnerable residents in the local area are likely to be reliant on public transport. The proposals include improvements to local bus stops and services., This will make public transport more accessible and potentially benefit these groups.

Some comments were received which were concerned that the proposals would reduce access to the countryside and that this is particularly important for those with physical/mental health issues. The loss of this opportunity for informal recreation close to Keynsham is a disadvantage to be weighed in the balance, but local residents would still have easy access to the Manor Road Community Woodland which provides an attractive mix of woods and open meadow for informal recreation.

19. PLANNING BALANCE AND CONCLUSION

The proposed development would be contrary to policies KE1 and KE3b of the current development plan. There is therefore a strong presumption against the grant of planning permission unless material considerations indicate otherwise.

There are several significant material considerations which weigh in favour of the application including:

1. Contribution that the proposals would make towards replenishing current housing supply
2. The site's highly sustainable location which is broadly consistent with the district wide spatial strategy
3. The absence of Green Belt protection compared to nearly all other undeveloped land in this locality
4. The provision of sustainable transport measures which are broadly in line with the Sustainable Transport Strategy for Keynsham and which would create the headroom to avoid a severe impact upon the highway network
5. The proposed allocation of the site within the LPPU and the broad consistency of the proposals with the emerging development requirements
6. The provision of 30% affordable housing (21 homes) with the Council's preferred tenure mix
7. A significant package of s106 obligations and contributions which, although directly related to the addressing the impacts of the development, will have knock on benefits to the wider community
8. Biodiversity net gain of up to 11.12%
9. Broad compliance with all other relevant policies within the current development plan

Furthermore, it is considered that granting permission for this development would not prejudice the emerging plan or the plan making process and that the benefits derived from the development would be no greater if permission were to be delayed until after the adoption of the LPPU.

In light of the above, it is your officer's view that material considerations exist to justify a departure from the development plan and to grant planning permission for this development, subject to conditions and a legal agreement.

The application is therefore recommended for approval and will be advertised as a departure in accordance with the Development Management Procedure Order 2015.

RECOMMENDATION

Delegate to PERMIT

CONDITIONS

0 A.) Subject to no comments raising new material considerations from the advertisement of the application as a departure

B.) Authorise the Head of Legal and Democratic Services to enter into a Section 106 Agreement to cover the following:

1. Fire Hydrant contribution
 - a. 3 x £1,500 (£4,500)
2. Targeted recruitment and training obligations
 - a. 10 Work Placements
 - b. 2 Apprenticeship Starts
 - c. 2 New jobs advertised through DWP
 - d. £6,380 contribution
3. 30% affordable Housing
 - a. 75% social rent, 25% Intermediate (Shared ownership)
4. Public Open Space provision
 - a. LAP or 'Play on the Way' Trim Trail
 - b. Recreational Woodland Edge Walk
 - c. Other POS to be delivered in accordance with reserved matters
 - d. Management Company to be formed
 - e. All on-site green space to be available for the wider public use
5. Manor Road Local Nature Reserve Improvement contribution
 - a. £132,514.85
6. Education contribution primary school places
 - a. £651,816.33 (linked to formula in case housing mix is altered)
7. Highways access works
 - a. Delivery of access proposals
 - b. Delivery of pedestrian/cycle path to Hygge Park
8. Sustainable Transport Measures
 - a. £1,512,000 contribution towards enhanced local town centre bus service and liveable neighbourhood interventions within the Chandag Estates
 - b. £12,000 contribution for improving PROW connection to Windrush Road
 - c. Bus stop improvements
9. Preparation and implementation of Travel Plan
 - a. £4,775 contribution towards monitoring of Travel Plan
10. Biodiversity net gain requirement to include 30 year Landscape and Ecological Management Plan covering:
 - a. On-site measures
 - b. Off-site measures on Taylor Wimpey land at Somerdale
11. S106 monitoring fee
 - a. £400 per obligation

C.) Subject to the prior completion of the above agreement, authorise the Head of Planning to PERMIT subject to Conditions (or such conditions as may be appropriate):

1 Outline Time Limit (Compliance)

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

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

2 Reserved Matters 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.

3 Reserved Matters (Pre-commencement)

Approval of the details of the layout, scale, appearance and landscaping of the site (hereinafter called the reserved matters) shall be obtained from the Local Planning Authority before any development is commenced.

Reason: This is 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 1990 (as amended) and Parts 1 and 3 of the Development Management Procedure Order 2015.

4 Reserved matters - Parameter Plans (Compliance)

This outline planning permission relates solely to the description of development set out above and in the Application Plans and Documents attached to this planning permission. All reserved matters applications shall accord with the following approved parameter plans forming part of the application except where specific listed conditions in this permission require otherwise:

- o Land Use and Access Parameter Plan - BL-M-01 Revision D
- o Green Infrastructure Parameter Plan - BL-M-02 Revision B
- o Scale Parameter Plan - BL-M-03 Revision B

For the avoidance of doubt, the Land Use and Access Parameter Plan and Green Infrastructure Parameter Plan do not preclude the incorporation of public space or green and blue infrastructure within the residential development/built development area.

Reason: To ensure that there is sufficient space for green/blue infrastructure and public open space to ensure a high-quality development with sufficient landscaping and good access to green space in accordance with policies NE1, NE2, NE2A, NE3, NE6, D4, CP6 and CP8 of the Core Strategy and Placemaking Plan.

5 Reserved matters - Design Quality (Compliance)

All reserved matters applications shall be accompanied by a Design Statement identifying how they meet the vision and objectives for the site, as set out on pages 38 to 39 the submitted Design and Access Statement prepared by Taylor Wimpey dated July 2022.

Reason: In the interests of the appearance of the development and the character and appearance of the area and to ensure a high quality development in accordance with policies NE1, NE2, NE2A, NE3, NE6, D4, CP6 and CP8 of the Core Strategy and Placemaking Plan.

6 Reserved Matters - Landscape Design Proposals (Compliance)

Any application for the reserved matter of landscaping shall include full details of both hard and soft landscape proposals and programme of implementation. These details shall include, as appropriate:

1. Proposed finished levels or contours
2. Means of enclosure
3. Car parking layouts
4. Other vehicle and pedestrian access and circulation areas
5. Hard surfacing materials
6. Minor artefacts and structures (e.g. outdoor furniture, play equipment, refuse or other storage units, signs, lighting)
7. Proposed and existing functional services above and below ground (eg drainage, power, communication cables, pipelines, etc, indicating lines, manholes, supports etc)
8. Retained historic landscape features and proposals for restoration, where relevant

Soft landscape details shall include:

1. Planting plans
2. Written specifications (including cultivation and other operations associated with plant and grass establishment)
3. Schedules of plants, noting species, planting sizes and proposed numbers / densities

Reason: To ensure the provision of amenity and a satisfactory quality of environment afforded by appropriate landscape design, in accordance with policies D1, D2, D4 and NE2 of the Bath and North East Somerset Placemaking Plan.

7 Reserved Matters - Drainage Strategy (Compliance)

Any application for reserved matters shall be accompanied by a detailed drainage strategy which shall include, inter alia:

1. Electronic copy of the proposed surface water drainage network (in a .mdx format)
2. Written approval given demonstrating that the surface water drainage network will be adopted and maintained by the water company or an acceptable alternative.

The surface water drainage network shall thereafter be installed prior to occupation of any dwellings and in accordance with the details approved as part of the reserved matters.

Reason: To ensure that an appropriate method of surface water drainage is installed and in the interests of flood risk management in accordance with Policy CP5 of the Bath and North East Somerset Core Strategy and Policy SU1 of the Bath and North East Somerset Placemaking Plan.

8 Reserved Matters - Existing and Proposed Levels (Compliance)

Any application for reserved matters shall be accompanied details of the existing and proposed ground levels. These details shall include:

1. A topographical plan of the site including spot levels;
2. A proposed site plan/s including spot levels;
2. Site sections showing existing and proposed ground levels.

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

Reason: For the avoidance of doubt and to clarify the finished ground levels of the development to accord with policies D1, D2 and NE2 of the Bath and North East Somerset Placemaking Plan.

9 Ecological Mitigation Compensation and Enhancement Plan (Pre-commencement)

Any application for reserved matters shall be accompanied by an Ecological Mitigation, Compensation and Enhancement Plan (EMCEP). The Plan shall detail all habitats and features required to deliver biodiversity net gain, which shall be achieved broadly in accordance with the approved Biodiversity Net Gain Assessment Report (Rev D Tyler Grange dated 8th September 2022), Green Infrastructure Parameter Plan (Dwg no. BL-M-02 - Rev B Stantec dated 11th July 2022) and Landscape Strategy Plan (Dwg no. 10505/P18e Tyler Grange dated July 2022). The EMCEP shall include the following:

1. Full details of proposed ecological mitigation compensation and enhancement measures including habitat retention, creation and enhancement; methods, materials, species compositions and seed mixes, soil requirements; ecological objectives for habitats, species and features
2. Retention of pond 1
3. Proposed additional features including bat and bird boxes, 50% of dwellings shall incorporate an integrated bat and/or bird box.
4. Proposed wildlife routes and hedgehog gaps in fencing to ensure permeability for wildlife through and around the site including with in residential areas
5. Provision of the specified habitats and minimum habitat extents committed to in the approved Ecological Assessment (Tyler Grange, November 2021) and Biodiversity Net Gain Assessment Report (Rev D). This shall include SUDs features that hold water year-round and are planted with aquatic & marginal vegetation.
6. Proposed specifications, numbers, positions / boundaries of all habitats and features must be shown on a plan

All measures must be fully incorporated into the scheme and landscape proposals and shown on all relevant plans and drawings as applicable. All works and ecological measures within EMCEP shall be implemented according to approved details, and all ecological features and habitats shall be retained and maintained thereafter for the purpose of providing benefit for wildlife.

Reason: To prevent ecological harm and to provide biodiversity net gain in accordance with policies NE3, NE5 and D5e of the Bath and North East Somerset Placemaking Plan. The above condition is required to be pre-commencement as it involves approval of measures to ensure that biodiversity net gain is incorporated into the design of the proposals at the reserved matters stage.

10 Construction Management Plan (Pre-commencement)

No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include details of the following:

1. Deliveries (including storage arrangements and timings);
2. Contractor parking;
3. Traffic management;
4. Working hours;
5. Site opening times;
6. Wheel wash facilities;
7. Site compound arrangements;
8. Measures for the control of dust, noise and site lighting
9. Temporary arrangements for householder refuse and recycling collection during construction.

The construction of 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 policies D6 and ST7 of the Bath and North East Somerset Placemaking Plan. This is a pre-commencement condition because any initial construction or demolition works could have a detrimental impact upon highways safety and/or residential amenity.

11 Archaeology Controlled Excavation (Compliance)

No development shall commence, except archaeological investigation work, until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological trenching work in accordance with the approved written scheme of investigation (Cotswold Archaeology, Written Scheme of Investigation for an Archaeological Evaluation, CA Project CR0991, February 2022) and geophysical survey (Cotswold Archaeology, Magnetometer Survey, ref. no. J889, December 2021). Thereafter the building works shall incorporate any building techniques and measures necessary to mitigate the loss or destruction of any further archaeological remains.

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

12 Archaeology Post Excavation and Publication (Pre-occupation)

No occupation of the development shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of post-excavation analysis in accordance with a publication plan which has been submitted to and approved in writing by the Local Planning Authority. The programme of post-excavation analysis shall be carried out by a competent person(s) and completed in accordance with the approved publication plan, or as otherwise agreed in writing with the Local Planning Authority.

Reason: The site has produced significant archaeological findings and the Council will wish to publish or otherwise disseminate the results in accordance with Policy HE1 of the Bath & North East Somerset Placemaking Plan.

13 Contaminated Land - Investigation and Risk Assessment (Pre-commencement)

No development shall commence, except for ground investigations and demolition, required to undertake such investigations, until an investigation and risk assessment 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 policy PCS5 of the Bath and North East Somerset Placemaking Plan and chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition because the initial works comprising the development have the potential to uncover harmful contamination.

14 Contaminated Land - Remediation Scheme (Pre-commencement)

No development shall commence, except for ground investigations and demolition required to undertake such investigations, until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, 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 policy PCS5 of the Bath and North East Somerset Placemaking Plan and chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition because the initial works comprising the development have the potential to uncover harmful contamination.

15 Contaminated Land - Verification Report (Pre-occupation)

No occupation shall commence until a verification report that demonstrates the effectiveness of the remediation carried out 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.

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 policy PCS5 of the Bath and North East Somerset Placemaking Plan and chapter 15 of the National Planning Policy Framework.

16 Contaminated Land - Unexpected Contamination (Compliance)

In the event that contamination which was not previously identified is found at any time when carrying out the approved development, 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 policy PCS5 of the Bath and North East Somerset Placemaking Plan and chapter 15 of the National Planning Policy Framework.

17 Construction Environmental Management Plan (Pre-commencement)

No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan for Biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority.

These details shall be in accordance with but not limited to the recommendations and proposed mitigation measures described in Section 4 of the approved Ecological Assessment produced by Tyler Grange dated November 2021 including:

- a) findings of update ecological and protected species surveys and assessments as applicable, and proposals for further pre-commencement checks where required.
- b) Practical measures (both physical measures and sensitive working practices) to include the location/boundaries (to be shown on a plan), timing and methodologies of specified works to avoid ecological harm and minimise ecological impacts during construction (may be provided as a set of method statements) for habitats (including Manor Road Community Woodland LNR, the northern treeline, Pond 1 and sensitive removal of Pond 2) and wildlife (including badger, dormouse [if present], hedgehog, nesting birds and amphibians [including toads]).
- c) a plan showing boundaries of fenced exclusion zones for the protection of retained habitats and features (including Manor Road Community Woodland LNR and northern treeline) and ecologically sensitive zones and species, within which zones there shall be no excavations; clearance of vegetation; storage of materials; waste disposal; or vehicle or machine access; with details and specifications to also be provided for proposed fencing, barriers and warning signs, as applicable
- d) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person
- e) The times and frequency of visits during construction when a professional ecologist needs to be present on site to oversee works
- f) Responsible persons and lines of communication

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To avoid harm to existing and retained habitats and species during site preparation and construction works in accordance with policy NE3 of the Placemaking Plan. The above 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.

18 Landscape and Ecological Management Plan (Pre-occupation)

No occupation of the development hereby approved shall take place until full details of a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. These details shall be fully in accordance with all previously approved ecological mitigation, compensation, enhancement and biodiversity net gain requirements and shall include:

1. A list of long-term wildlife conservation and landscape design aims and objectives, which, where applicable, shall be specific to named habitats, species and ecological issues of importance. They shall include (but not be limited to): delivery and long-term

maintenance of habitats to achieve Biodiversity Net Gain in accordance with the approved Biodiversity Net Gain Assessment Report (Rev D, Tyler Grange, 8th September 2022).

2. Creation of habitats to a specified condition and / or that achieve specified levels of structural, botanical, and/or invertebrate diversity; provision of habitats suitable for specified species (for example linnet and other bird species); habitats with suitable conditions, connectivity and quality for use by bats as part of connected flight routes;

3. Proposed management prescriptions and operations; locations, timing, frequency, durations; methods; equipment and personnel as required to meet the stated aims and objectives

4. A plan showing the boundary or boundaries of land to which the LEMP applies. All details, locations, boundaries of habitats and management areas shall also be shown on a plan.

5. A list of activities and operations that shall not take place and shall not be permitted within the LEMP Plan area (for example use of herbicides; waste disposal and disposal of arisings; inappropriate maintenance methods; storage of materials; machine or vehicle access)

6. Proposed habitats shall correspond to and meet the minimum standards set out in the Biodiversity Net Gain Assessment Report (Rev D, Tyler Grange, 8th September 2022).

7. Proposed monitoring and reporting scheme, to include a 5 year rolling programme for ongoing review and future remediation strategies for a minimum 30-year period

8. Proposed resourcing; funding sources and legal responsibility.

All required measures shall be incorporated into and compatible with the wider scheme and shown to scale on all relevant plans and drawings including landscape design and planting plans. All works within the scheme shall be carried out and the land managed and maintained and utilised thereafter, in accordance with the approved details and timings.

Reason: To ensure the long term maintenance and management of landscape and ecological features in the interests of providing net gain of biodiversity and mitigating the landscape impacts of the development in accordance with policies NE2, NE2A and NE3 of the Placemaking Plan.

19 Ecology Follow-up Report (Pre-occupation)

No occupation of the final dwelling shall commence until a report produced by a suitably experienced professional ecologist (based on post-construction on-site inspection by the ecologist) confirming and demonstrating, using photographs, adherence to and completion of the approved CEMP: Biodiversity and Ecological Mitigation Compensation and Enhancement Plan for the relevant phase of the development, in accordance with approved details, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To demonstrate compliance with the CEMP: Biodiversity and Ecological Mitigation Compensation and Enhancement Plan, to prevent ecological harm and to provide biodiversity gain in accordance with NPPF and policies NE3, NE5 and D5e of the Bath and North East Somerset Placemaking Plan.

20 External Lighting (Bespoke Trigger)

No new external lighting shall be installed until full details of the proposed lighting design have been submitted to and approved in writing by the Local Planning Authority. These

details shall be in accordance with but not limited to the approved Lighting Strategy Rev PO8 dated 14th July 2022 and Horizontal Illuminance Lux Plan (Dwg No. 2315-DFL-ELG-XX-CA-EO-13001 P06) dated 6th July 2022 both produced by DFL and shall include:

1. Lamp models and manufacturer's specifications, positions, numbers and heights, with details also to be shown on a plan.
2. Predicted lux levels and light spill modelled on both the horizontal and vertical planes using a maintenance factor of 1 (to correspond with day 1 of operation). This must demonstrate that the proposal will not result in light spill above 0.5 lux onto any retained horseshoe bat habitat. The lighting strategy must ensure that all commuting corridors remain below 0.5 lux to enable horseshoe bats to continue to move across the site.
3. Measures to limit use of lights when not required, to prevent upward light spill and to prevent light spill onto nearby 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 Placemaking Plan.

21 Arboricultural Method Statement and Tree Protection Plan (Pre-commencement)

No development shall commence until a Detailed Arboricultural Method Statement 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. The arboricultural method statement shall include details of the following:

1. A programme of works to include details of supervision and monitoring by an Arboricultural Consultant and the provision of site visit records and certificates of completion to the local planning authority;
2. Measures to control potentially harmful operations such as site preparation (including demolition, clearance, earthworks and level changes), the storage, handling, mixing or burning of materials on the site and the movement of people and machinery throughout the site;
3. The location of any site office, temporary services and welfare facilities;
4. The location of any service runs or soakaway locations;
5. A scaled Tree Protection Plan showing the location of all retained trees and tree protection measures.

No development or other operations shall thereafter take place except in accordance with the approved details.

Reason: To ensure that trees to be retained are not adversely affected by the development proposals in accordance with Policy NE6 of the Bath and North East Somerset 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.

22 Compliance with Arboricultural Method Statement (Compliance)

The approved development shall be carried out in accordance with the approved Arboricultural Method Statement and Tree Protection Plan. A signed compliance statement from the appointed Arboriculturalist shall be submitted and approved in writing by the Local Planning Authority on completion of the works.

Reason: To ensure that trees to be retained are not adversely affected by the development proposals in accordance with Policy NE6 of the Bath and North East Somerset Placemaking Plan. To ensure that the approved method statement is complied with for the duration of the development.

23 Air Quality (Pre-commencement)

No development shall commence until a detailed air quality assessment of the proposed development has been submitted to and approved in writing by the Local Planning Authority. Any required mitigation measures shall be installed/completed prior to the occupation of any dwellings.

Reason: To protect the amenities of the occupants of the development and adjacent residential properties in accordance with policy PCS3 of the Bath and North East Somerset Placemaking Plan.

24 Sample Panel - Materials (Bespoke Trigger)

No construction of the external walls of the development shall commence until a sample panel of all external walling and roofing 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 in accordance with policies D1, D2, D3 and D5 of the Bath and North East Somerset Placemaking Plan and policy CP6 of the Bath and North East Somerset Core Strategy.

25 Implementation of Landscaping Scheme (Bespoke Trigger)

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme of implementation agreed in writing with the Local Planning Authority.

Any trees or plants indicated on the approved scheme which, within a period of 10 years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the current or first available planting season with other trees or plants of species, size and number as originally approved unless the Local Planning Authority gives its written consent to any variation. All hard and soft landscape works shall be retained in accordance with the approved details for the lifetime of the development.

Reason: To ensure that the landscape works are implemented and maintained to ensure the continued provision of amenity and environmental quality in accordance with policies D1, D2 and NE2 of the Bath and North East Somerset Placemaking Plan.

26 Dwelling Access (Compliance)

Each dwelling shall not be occupied until it is served by a properly bound and compacted footpath and carriageway to at least base course level between the dwelling and the existing adopted highway.

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.

27 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.

28 Provision for detailed design for SUDS (Pre-commencement)

Development shall not begin until a surface water drainage scheme for the site, in accordance with the agreed Flood Risk Assessment (FRA) and based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include, but not limited to:

1. Detailed drainage plan showing the location of the proposed SUDs and drainage network;
2. Details of how the scheme shall be maintained and managed after completion;
3. Details of how the hierarchy approach has been provided through a range of SUDs techniques in accordance with best practice and NPPF including above ground storage utilising open space where technically possible;
4. Demonstration of how the development has accommodated surface water drainage techniques as part of the layout;
5. Detailed drainage calculations for all rainfall events up to and including the 1 in 100-year event plus 30% climate change to demonstrate that all SUDs features, and the drainage network can cater for the critical storm event for its lifetime; and
6. The submission of evidence relating to accepted outfalls from the site, particularly from any third-party network owners.
7. A programme of implementation

The scheme shall subsequently be implemented in accordance with the approved details and programme of implementation before the development is completed.

Reason: To ensure that the development is served by an appropriate system sustainable urban drainage in accordance with policy SU1 of the Placemaking Plan and policy CP5 of the Core Strategy.

29 Garages (Compliance)

Any garages approved as part of the development shall be retained for the garaging of private motor vehicles associated with the dwelling and ancillary domestic storage and for no other purpose.

Reason: To ensure adequate off-street parking provision is retained in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

30 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:

1 BL-M-01 Revision D	Land Use and Access Parameter Plan -
BL-M-02 Revision B	Green Infrastructure Parameter Plan
BL-M-03 Revision B	Scale Parameter Plan
BL-M-07	Site Boundary Plan

2 Permit/Consent 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.

3 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.

4 INFORMATIVES

Prior to any works taking place, please contact PROW Inspector Cheryl Hannan on 01225 477623 to arrange a site visit to discuss the line of the path, proposed surfacing and the crossing of the footpath by the estate road.

There must be no decrease in the width of the footpath and no change to the gradient of the footpath as a result of the proposal. The footpath must join up in a suitable and acceptable manner with the adjoining sections of footpath off site, with no change of surface level when exiting the site.

3. The Design and Access Statement mentions the footpath in several places and comments on Page 40: "The existing Public Right of Way across the site is set within a generous green corridor through the residential development." The Illustrative Masterplan (247129103__REV D) shows the main road bisecting public footpath BA27/30. Where a proposed road crosses a public footpath, there must be a demarcation of the footpath on the ground.

4. A temporary path closure may be required to facilitate development. Full details of the process involved can be found on the Council's website at: <https://www.bathnes.gov.uk/services/streets-and-highway-maintenance/publicrights-way/public-path-orders/temporary-path>

5 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.

6 Community Infrastructure Levy - General Note for all Development

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. CIL may apply to new developments granted by way of planning permission as well as by general consent (permitted development) and may apply to change of use permissions and certain extensions. **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 any development commences**.

Do not commence development until you been notified in writing by the Council that you have complied with CIL; failure to comply with the regulations can result in surcharges, interest and additional payments being added and will result in the forfeiture of any instalment payment periods and other reliefs which may have been granted.

Community Infrastructure Levy - Exemptions and Reliefs Claims

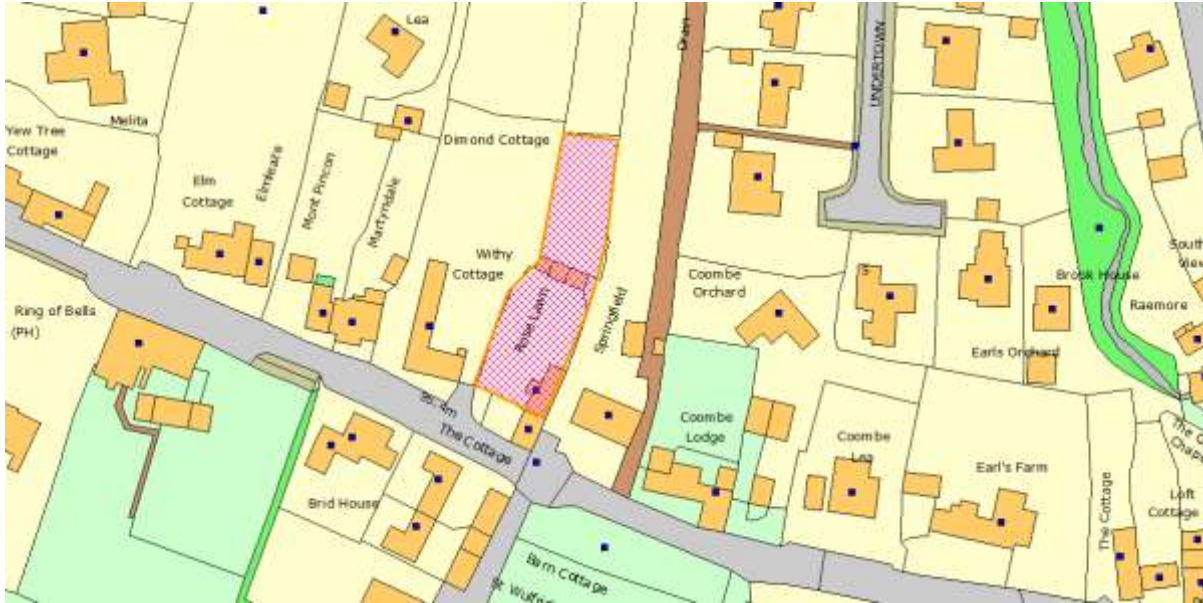
The CIL regulations are non-discretionary in respect of exemption claims. If you are intending to claim a relief or exemption from CIL (such as a "self-build relief") it is important that you understand and follow the correct procedure **before commencing any**

development on site. You must apply for any relief and have it approved in writing by the Council then notify the Council of the intended start date **before** you start work on site. Once development has commenced you will be unable to claim any reliefs retrospectively and CIL will become payable in full along with any surcharges and mandatory interest charges. If you commence development after making an exemption or relief claim but before the claim is approved, the claim will be forfeited and cannot be reinstated.

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. If you have any queries about CIL please email cil@BATHNES.GOV.UK

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

Item No: 02
Application No: 22/02171/FUL
Site Location: Rose Lawn The Street Compton Martin Bristol Bath And North East Somerset



Ward: Chew Valley **Parish:** Compton Martin **LB Grade:** N/A

Ward Members: Councillor Vic Pritchard Councillor Karen Warrington

Application Type: Full Application

Proposal: Erection of a two-storey side extension.

Constraints: Bristol Airport Safeguarding, Agric Land Class 1,2,3a, Conservation Area, Policy CP9 Affordable Housing Zones, Housing Development Boundary, Policy NE1 Green Infrastructure Network, Policy NE2 AONB, Policy NE5 Ecological Networks, Policy NE5 Strategic Nature Areas, Neighbourhood Plan, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,

Applicant: Mrs Annelie Smith

Expiry Date: 20th July 2022

Case Officer: Angus Harris

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

REPORT

The application refers to a semi-detached cottage at Rose Lawn, The Street, Compton Martin, BS40 6JE. It is situated within the housing development boundary of the village and within the Conservation Area.

Planning permission is sought for the erection of a two-storey side extension.

Relevant Planning History:

There is no relevant planning history on this site.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

Compton Martin Parish Council has reviewed the above planning application on their 11th July Parish Council meeting, and I have been instructed to write to you and confirm their wish to OBJECT on the following basis:

- o Lack of clarity over boundaries.
- o Felling of a tree, the neighbour states is on their land and no proposal for replanting.
- o Issues with access for delivery of building materials and parking, which could then spill over and have implications on to the main A368 during the build phase.
- o Parking arrangements for what would then be a 4 bedroom house and will require at least 2 off street parking spaces not including garage.
- o Materials - the current main cottage is not render but either painted or bare stone.

Officer Update:

- The works will take place on the land stated to be owned by the applicant. The Site Location Plan and Block Plan submitted with the application are consistent with the land registry ownership boundary of the property.
- The Arboricultural consultation has found that there are no trees of significant or worthy of a Tree Protection Order and conditions are suggested to secure replacement planting.
- An additional condition requiring a Construction Management Plan is to be implemented to avoid disruption to the neighbouring driveway.
- Through revisions to the scheme, sufficient parking has been provided to the rear of the site, adjacent to the existing garage, and the materials have been revised to now propose rubble stone, matching that of the host cottage.

Arboriculture:

Trees on and adjacent to the property are protected by the Compton Martin Conservation Area.

An assessment of the site indicates that no trees of significance or worthy of a Tree Preservation Order are implicated in the proposal.

However, the Design and Access Statement indicates that a Holly is intended to be removed. The tree is visible between the properties from the road but is not shown on any submitted drawings nor has it been established that the removal of the tree is within the gift of the applicant.

The removal of roots and pruning of branches within the curtilage of Rose Lawn is likely to lead to the tree becoming unstable or die. This may lead to liability in negligence if the tree is established to be under third part ownership.

Any planning permission does imply third party acceptance of the removal of the Holly or third party permission to plant compensatory trees beyond the red line boundary.

Conservation:

Rose Lawn and Coombe Dale Cottage sit perpendicular to the road with the front elevation facing west. They are shown on historic map layers indicating they date from 19th century or earlier. The cottages have a single depth plan form and have a strong linear form. Rose Lawn has been extending with a 20th century two storey extension, which projects beyond the built line of the front elevation and is an incongruent and prominent element. It also has a single storey extension.

It is proposed to extend Rose Lawn with a two storey extension towards the north. The size, bulk and scale of the proposed two storey extension, it will significantly increase the size of the cottage and unbalances the host cottages. While it will be set back slightly from the projecting extension, the proposed extension will be set further forward than the historic built line of the cottages. It would be detrimental to the strong linear and historic form of the two cottages, which is particularly experienced in views of the rear elevation. The two storey addition will have a symmetrical arrangement with a central doorway and windows either side. The sash windows will be wider at first floor than ground floor. Unlike on the host building, the first floor windows will not sit directly below the eaves. The cottages are characteristic of small, rural vernacular buildings and the extent of addition proposed would fundamentally impact that character with the two-storey extension would read as a separate cottage with its central door. It will be detrimental to the historic hierarchy of development. The extension would be highly visible in views from the street and would be a dominant feature.

The use of render on the proposed extension is not supported. With the exception of the projecting two storey extension, the cottages are rubble stone either unpainted or painted. The crisp, modern finish of the render will also draw greater prominence to the addition.

The addition of the dormer on the projecting extension would be uncharacteristic and give greater attention and prominence to the addition, which as raised previously is an incongruent element.

Representations Received :

1 no objection has been received. The full document is available on the application file and is summarised into the following objections:

- Use of the neighbouring driveway falls outside of the legal access right.
- Changing the footprint of the existing extension.
- Foundations constructed on neighbouring land,
- Scaffolding erected on the neighbouring driveway during the construction phase,
- Overlooking and loss of privacy in the rear garden and on the driveway,
- Overshadowing and loss of light to the neighbouring rear garden,
- Overbearing impact of the 2-storey extension,
- Potential felling of the neighbouring holly tree,
- Proposed use of render,

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:

CP6: Environmental Quality

DW1: District Wide Spatial Strategy

SD1: Presumption in favour of sustainable development

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

D.3: Urban fabric

D.5: Building design

D.6: Amenity

HE1: Historic environment

NE2: Conserving and Enhancing the landscape and landscape character

ST7: Transport requirements for managing development

National Policy:

The National Planning Policy Framework (NPPF) was published in August 2021 and is a material consideration. Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

Neighbourhood Plans:

The Chew Valley Neighbourhood Plan is relevant to this application.

Conservation Areas:

In addition, there is a duty placed on the Council under Section 72 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 the surrounding Conservation Area.

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 to consider are:

- Character and Appearance
- Conservation Area
- Residential Amenity
- Highways Safety and Parking
- Arboriculture

PRINCIPLE OF DEVELOPMENT:

The site is within the Housing Development boundary/ built up area of Compton Martin where the principle of development is acceptable subject to other material planning considerations discussed below.

CHARACTER AND APPEARANCE:

Policy D1, D2, D3 and D5 of the Placemaking Plan have regard to the character and appearance of a development and its impact on the character and appearance of the host building and wider area. Development proposals will be supported, if amongst other things they contribute positively to and do not harm local character and distinctiveness. Development will only be supported where, amongst other things, it responds to the local context in terms of appearance, materials, siting, spacing and layout and the appearance of extensions respect and complement their host building.

The application seeks the erection of a 2-storey side extension. The extension will be situated to the north elevation. Due to the alignment of the cottage's principle elevation facing the side (West) the side extension will be situated to the rear of the building when viewed from the road.

The extension will form a 2-storey addition, with a dual pitched roof and gable end to match the form of the host cottage. It is noted that the original cottage has been modified in its history to include an extension which projects to the front. The proposed extension will align with the original principle elevation of the cottage, set back from the front projection.

The form of the extension has been modified since the objections received by the Conservation Team. The front elevation of the extension will no longer be set further forward of the original principle elevation. The additional front door within the extension has been removed and the first and ground floor windows have been amended to no longer propose different widths and more closely match those of the host cottage. The front facing dormer window has also been omitted from the proposal.

Objection had been received to the use of render and the proposal has been revised to utilise rubble stone to match that of the existing cottage.

The proposal has been modified through several revisions and now forms a subservient addition that respects the form and character of the host dwelling. It is not considered to be harmful to the dwelling or the wider historic environment.

The proposal by reason of its design, siting, scale, massing, layout and materials is acceptable and contributes and responds to the local context and maintains the character and appearance of the surrounding area. The proposal accords with policy CP6 of the adopted Core Strategy (2014) and policies D1, D2, D3, D4 and D5 of the Placemaking Plan for Bath and North East Somerset (2017) and part 12 of the NPPF.

CONSERVATION AREA:

Policy HE1 requires development that has an impact upon a heritage asset, whether designated or non-designated, will be expected to enhance or better reveal its significance and setting.

There is a duty placed on the Council under Section 72 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 the surrounding Conservation Area.

In this case by virtue of the design, scale, massing, position and the external materials of the proposed development it is considered that the development would at least preserve the character and appearance of this part of the Conservation Area and its setting. The proposal accords with policy CP6 of the adopted Core Strategy (2014) and policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and Part 16 of the NPPF.

RESIDENTIAL AMENITY:

Policy D.6 sets out to ensure developments provide an appropriate level of amenity space for new and future occupiers, relative to their use and avoiding harm to private amenity in terms of privacy, light and outlook/overlooking.

Objection has been received on the grounds of increased overlooking and loss to neighbouring privacy. The 2-storey extension will form a rear facing window on the ground floor and at the first floor. This window which serves a hallway and is shown as obscure glazed has the potential to look directly towards the rear garden of the adjacent neighbour at Springfield House and as such, it will be conditioned to remain obscure glazed.

The works will also provide a new first floor side window which will face to the north. It is noted that the existing property has north facing side windows at the first floor and as such, the works are not considered to result in an unacceptable loss of privacy.

Objection has also been received on the ground of overshadowing and loss of light for the neighbour at Springfield House. The application site is situated to the west of the neighbouring property, with the position of the extension to the north west of the neighbouring rear garden. Given the spacing of the extension from the neighbouring amenity spaces by the driveway and the north orientation of the rear of these properties, the works are not considered to result in an unacceptable impact by way of overshadowing.

Given the design, scale, massing and siting of the proposed development the proposal would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, smell, traffic or other disturbance. The proposal accords with policy D6 of the Placemaking Plan for Bath and North East Somerset (2017) and part 12 of the NPPF.

HIGHWAYS SAFETY AND PARKING:

Policy ST7 states that development will only be permitted provided, amongst other things, the development avoids an increase in on street parking in the vicinity of the site which would detract from highway safety and/ or residential amenity.

The proposal seeks to create a 2-storey side extension. While the internal rooms have not been annotated, the extension appears capable of enlarging the dwelling to 5 bedrooms. A 4-bedroom property or larger would require 3no off-street parking spaces.

It is understood that the dwelling has a right of access over the neighbouring driveway to access their existing garage within the rear garden. A Parking Plan demonstrates that 2no parking spaces will be provided next to the existing garage, providing the 3 necessary spaces for the enlarged dwelling. Conditions will be implemented to ensure that the areas demonstrated as the parking spaces shall be kept clear of obstruction and only used for the parking of vehicles.

The means of access and parking arrangements are acceptable and maintain highway safety standards. The proposal accords with policy ST7 of the Placemaking Plan for Bath and North East Somerset (2017) and part 9 of the NPPF.

ARBORICULTURE:

The works will take place in close proximity to an existing holly tree which is directly adjacent to the rear wall of the existing single storey addition. It is stated within the Design and Access statement that this tree may require removal during the works, with any necessary replacements provided. Consultation has been undertaken with the Arboricultural Team who have found that, while the trees on and adjacent to the property are protected by the Compton Martin Conservation Area, an assessment of the site indicates that no trees of significance or worthy of a Tree Preservation Order are implicated in the proposal. Conditions are to be implemented, requiring the submission of

a soft landscaping scheme and a compliance condition to secure replacement tree planting.

ACCESS AND OWNERSHIP:

Objection is received to the construction of foundations on the neighbouring land. The Site Location Plan and Block Plan show the proposed extension to remain within the red line boundary. This red line boundary is consistent with the ownership boundaries shown within the Land Registry. It is therefore considered reasonable that the extension and foundations will be limited to the land within the applicants ownership. It is noted that the granting of planning approval does not impact ownership rights.

It is understood that the driveway adjacent to the rear of the application site is owned by the neighbouring property. The legal agreement for vehicle access over the land is outside of the planning considerations but it is understood that a current right of access is granted to the application site for access to the existing garage. Given the property already benefits from access to the garage it is considered reasonable to conclude that vehicular access to the parking spaces proposed can be achieved and that refusal on grounds of parking would not be reasonable albeit that these rights are a private matter for the parties.

Objection has been received however to the use of the driveway during the construction of the extension. It is considered necessary to require the submission of a Construction Management Plan prior to commencement of the works to ensure that construction of the extension can be achieved without the use of the driveway for scaffolding or storage of materials.

CONCLUSION:

It is therefore considered that the proposal complies with the relevant planning policies as outlined above and the proposal is recommended for approval.

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 Soft Landscaping Scheme (Bespoke Trigger)

Within two months of the commencement of works a soft landscape scheme with plan and a programme of implementation shall be submitted to and approved in writing by the Local Planning Authority showing the species, planting size and location of one replacement tree within the grounds of Rose Lawn.

Reason: To secure replacement tree planting on site in accordance with Policy NE6 of the Placemaking Plan and the fixed number tree replacement policy within the Planning Obligations Supplementary Planning Document.

3 Replacement Tree Planting (Compliance)

All replacement tree planting works shall be carried out in accordance with the approved details. The works shall be carried out during the next available planting season following completion.

Any trees indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees of a species and size to be first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure replacement trees are provided and to provide an appropriate landscape setting for the development in accordance with Policy NE6 of the Bath and North East Somerset Placemaking Plan.

4 Construction Management Plan (Pre-commencement)

No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include details of the following:

1. Deliveries (including storage arrangements and timings);
2. Contractor parking;
3. Traffic management;
4. Working hours;
5. Site opening times;
6. Wheel wash facilities;
7. Site compound arrangements;
8. Measures for the control of dust;
9. Temporary arrangements for householder refuse and recycling collection during construction.

The construction of the development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure the safe operation of the highway and in the interests of protecting residential amenity in accordance with policies D6 and ST7 of the Bath and North East Somerset Placemaking Plan. This is a pre-commencement condition because any initial construction or demolition works could have a detrimental impact upon highways safety and/or residential amenity.

5 Parking (Compliance)

The areas allocated for parking 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 policies D6 and ST7 of the Bath and North East Somerset Placemaking Plan.

6 Obscure Glazing and Non-opening Window(s) (Compliance)

The proposed first floor rear window shall be obscurely glazed and non-opening unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed. Thereafter the window shall be permanently retained as such.

Reason: To safeguard the amenities of adjoining occupiers from overlooking and loss of privacy in accordance with policy D6 of the Bath and North East Somerset Placemaking Plan.

7 Materials (Compliance)

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

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies D.2 and D.4 of the Bath and North East Somerset Local Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

8 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:

1 This decision relates to the following plans:

Drawing - 12 Sep 2022 - P09 - PARKING PLAN PROPOSED

Revised Drawing - 12 Sep 2022 - P01 D - EXISTING AND PROPOSED SITE LOCATION PLAN

Revised Drawing - 12 Sep 2022 - P02 D - EXISTING AND PROPOSED BLOCK PLANS

Revised Drawing - 12 Sep 2022 - P03 F - EXISTING AND PROPOSED GROUND FLOOR PLAN

Revised Drawing - 12 Sep 2022 - P04 F - EXISTING AND PROPOSED FIRST FLOOR PLAN

Revised Drawing - 12 Sep 2022 - P07 F - EXISTING AND PROPOSED REAR ELEVATION

Revised Drawing - 28 Sep 2022 - P05 G - EXISTING AND PROPOSED FRONT ELEVATION

Revised Drawing - 28 Sep 2022 - P06 J - EXISTING AND PROPOSED SIDE (NE) ELEVATION

Revised Drawing - 28 Sep 2022 - P08 D - EXISTING AND PROPOSED SIDE (SW) ELEVATION

OS Extract - 27 Jun 2022 - SITE LOCATION PLAN

2 Permit/Consent 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.

3 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.

4 Community Infrastructure Levy - General Note for all Development

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. CIL may apply to new developments granted by way of planning permission as well as by general consent (permitted development) and may apply to change of use permissions and certain extensions. **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 any development commences**.

Do not commence development until you have been notified in writing by the Council that you have complied with CIL; failure to comply with the regulations can result in surcharges, interest and additional payments being added and will result in the forfeiture of any instalment payment periods and other reliefs which may have been granted.

Community Infrastructure Levy - Exemptions and Reliefs Claims

The CIL regulations are non-discretionary in respect of exemption claims. If you are intending to claim a relief or exemption from CIL (such as a "self-build relief") it is important that you understand and follow the correct procedure **before** commencing **any** development on site. You must apply for any relief and have it approved in writing by the Council then notify the Council of the intended start date **before** you start work on site. Once development has commenced you will be unable to claim any reliefs retrospectively and CIL will become payable in full along with any surcharges and mandatory interest charges. If you commence development after making an exemption or relief claim but before the claim is approved, the claim will be forfeited and cannot be reinstated.

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. If you have any queries about CIL please email cil@BATHNES.GOV.UK

5 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.

Item No: 03
Application No: 22/03020/FUL
Site Location: Hillside Farm Timsbury Road Farmborough Bath Bath And North East Somerset



Ward: Clutton And Farmborough **Parish:** Farmborough **LB Grade:** N/A

Ward Members: Councillor Sally Davis

Application Type: Full Application

Proposal: Erection of detached double garage (Retrospective).

Constraints: Clutton Airfield, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,

Applicant: Mr Dave Gunter

Expiry Date: 30th September 2022

Case Officer: Danielle Milsom

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

REPORT

Farmborough Parish Council have supported the application, contrary to the officer's recommendation to refuse. In accordance with the Council's Scheme of Delegation, the application was referred to the Chair and Vice Chair of the Planning Committee. The Chair decided that the application should be debated and decided at the Planning Committee. Their comments are as follows:

Chairs comments:

"I have reviewed this application and note the comments of support from the parish council and other parties. The building has the appearance of a domestic garage and is therefore not compliant with paragraph 149 of the NPPF. There is, however, scope for conditions to be applied which could bring this building into line with one which is appropriate for agricultural use. It is also, in the officer's judgment, not sited in a location

which would suggest agricultural use though the applicant would argue that this is not the case. I am therefore referring the proposal to be discussed at committee."

Vice Chair's comment:

"I have read through this application & note FPC support however the letter & photos show a garage which clearly resembles a domestic garage rather than a garage for agricultural use.

The Officer has assessed the application against relevant Green Belt planning policies which it contravenes as the report explains therefore I recommend the application be delegated to Officers for decision."

The application refers to land associated with Hillside Farm, situated within Farmborough. The site is sited amongst residential properties located within a rural area. The site is located within the Green Belt.

Planning permission is sought for the erection of a detached double garage (Retrospective).

Relevant Planning History:

No relevant planning history.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

Farmborough Parish Council: Support

- o BathNES to agree that dimensions of garage have no detrimental impact on the environment and surrounding properties.
- o Applicant is reminded that building in the Green Belt requires full planning permission to be sought in advance of work being carried out.

Representations Received :

Two letters of support received:

- o No impact on neighbour visibility from garden
- o Materials used enable structure to blend with surroundings
- o Fully support construction of the garage

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:

- B1: Bath Spatial Strategy
- B4: The World Heritage Site and its Setting
- CP2: Sustainable Construction
- CP3: Renewable Energy
- CP5: Flood Risk Management
- CP6: Environmental Quality
- CP8: Green Belt
- CP9: Affordable Housing
- CP10: Housing Mix
- CP12: Centres and Retailing
- DW1: District Wide Spatial Strategy
- SD1: Presumption in favour of sustainable development

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

GB1: Visual amenities of the Green Belt

ST7: Transport requirements for managing development

National Policy:

The National Planning Policy Framework (NPPF) was published in February 2019 and is a material consideration. Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

SPD's:

The City of Bath World Heritage Site Setting Supplementary Planning Document (August 2013) is also relevant in the determination of this planning application.

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

This application seeks retrospective permission following the unauthorised erection of a detached garage, belonging to Hillside Farm. The garage is situated outside of the residential curtilage of Hillside Farm and as such requires planning permission. The ownership of Hillside Farm incorporates the residential dwelling and associated garden, and agricultural fields accessed off of Tilley Lane, or from the residential garden.

PRINCIPLE OF DEVELOPMENT:

The primary issue to determine is whether the garage represents inappropriate development within the Green Belt. Inappropriate development is by nature harmful and should not be approved except in very special circumstances. There are exceptions to this however, one of which includes buildings for agriculture and forestry stated under paragraph 149 of the NPPF

The applicant's position is that the garage is for agricultural use, to store equipment used on their agricultural land within Hillside Farm and other land within the district. However, an assessment of this application has shown that the use of the garage, its location, and appearance is tantamount to the use of a residential garage. The key consideration is therefore to determine the use of the garage and whether this aligns with an exception under paragraph 149 of the NPPF.

The garage is located to the north of the residential curtilage of Hillside Farm, accessed down a lane which comes off of Tilly Lane. The garage is surrounded on three sides by residential dwellings and the land was previously used for parking by the owners of Hillside Farm. The land where the garage is sited was not in agricultural use prior to the erection of the garage and it is therefore considered to be residential land.

The applicant has provided a list of equipment which the garage will store, this includes a quad bike, mini tractor, pig wire and other tools. A site visit was also undertaken to be able to view the garage internally. Whilst there was evidence of the above equipment being stored within the garage, it was apparent that the intended use was not solely for agriculture. It has also been stated that the intended use of the garage will be a mix of agriculture and domestic and as such is not solely for the use of agriculture. The domestic

use is ancillary to the use of the residential dwelling and is not ancillary to the agricultural function.

Access to and from the agricultural fields is not direct from the garage. In order to access the agricultural fields, a tractor or quad bike would need to go along Tilley Lane to the entrance of the agricultural field. Alternatively, they would have to be driven through the residential garden. As a result, it is considered that the siting of the garage is not directly linked with the agricultural activities of the site and is more closely related to domestic activities and storage.

In addition, the garage has an inherently residential appearance. Timber cladding, roof tiles, windows, electric roller doors and lighting have been used in the construction of the garage which creates a domestic garage appearance, not typical with an agricultural use. In addition, the site visit revealed that the garage had been insulated and also has power with several electrical plug sockets. These design additions are not commensurate with agricultural activities and are instead tantamount to a residential use.

The use of the land, the siting of the garage and its appearance and use are considered to amount to a domestic garage, falling outside the scope of 'buildings for agriculture' as defined in the NPPF under paragraph 149. The erected garage therefore does not meet with any of the exceptions stated within the NPPF and no very special circumstances exist to outweigh the harm caused by the inappropriate development. The garage is therefore not acceptable in principle.

CHARACTER AND APPEARANCE:

Policy D1, D2, D3 and D5 of the Placemaking Plan have regard to the character and appearance of a development and its impact on the character and appearance of the host building and wider area. Development proposals will be supported, if amongst other things they contribute positively to and do not harm local character and distinctiveness. Development will only be supported where, amongst other things, it responds to the local context in terms of appearance, materials, siting, spacing and layout and the appearance of extensions respect and complement their host building.

The constructed building forms a double garage and has a domestic appearance. Notwithstanding that above assessment of the principle, the garage is considered to not cause harm to the character and appearance of the site given the use of materials which compliment its setting.

The proposal by reason of its design, siting, scale, massing, layout and materials is acceptable and contributes and responds to the local context and maintains the character and appearance of the surrounding area. The proposal accords with policy CP6 of the adopted Core Strategy (2014) and policies D1, D2, D3, D4 and D5 of the Placemaking Plan for Bath and North East Somerset (2017) and part 12 of the NPPF.

RESIDENTIAL AMENITY:

Policy D6 sets out to ensure developments provide an appropriate level of amenity space for new and future occupiers, relative to their use and avoiding harm to private amenity in terms of privacy, light and outlook/overlooking.

The garage does not harm the amenities of neighbours given its position and size. No additional overshadowing has been caused and it has not resulted in direct overlooking given its use and siting.

Given the design, scale, massing and siting of the proposed development the proposal would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, smell, traffic or other disturbance. The proposal accords with policy D6 of the Placemaking Plan for Bath and North East Somerset (2017) and part 12 of the NPPF.

CONCLUSION:

The use of the land, the siting of the garage and its appearance and use are considered to amount to a domestic garage, falling outside the scope of 'buildings for agriculture' as defined in the NPPF under paragraph 149. The erected garage therefore does not meet with any of the exceptions stated within the NPPF and no very special circumstances exist to outweigh the harm caused by the inappropriate development. The garage is therefore not acceptable in principle.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The building is not considered to fall within a solely agricultural use. As such, the application fails to comply with exceptions (a) of paragraph 149 of the National Planning Policy Framework. As such, the erection of the building represents inappropriate development in the Green Belt and is, by definition, harmful and there are no very special circumstances. The application is therefore contrary to policy CP8 of the Bath and North East Somerset Core Strategy, GB1 of the Bath and North East Somerset Placemaking Plan and Part 13 of the National Planning Policy Framework.

PLANS LIST:

1 This decision relates to the following plans:
Drawing - 27 Jul 2022 - Proposed Floor Plans and Elevations
OS Extract - 27 Jul 2022 - Site Location Plan

2 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.

3 In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was unacceptable for the stated reasons and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.

4 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. Whilst the above application has been refused by the Local Planning Authority please note that CIL applies to all relevant planning permissions granted on or after this date. Thus any successful appeal against this decision may become subject to CIL. Full details are available on the Council's website www.bathnes.gov.uk/cil