

Bath & North East Somerset Council

MEETING: **Planning Committee**

MEETING DATE: **8th February 2023**

AGENDA
ITEM
NUMBER

--

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.

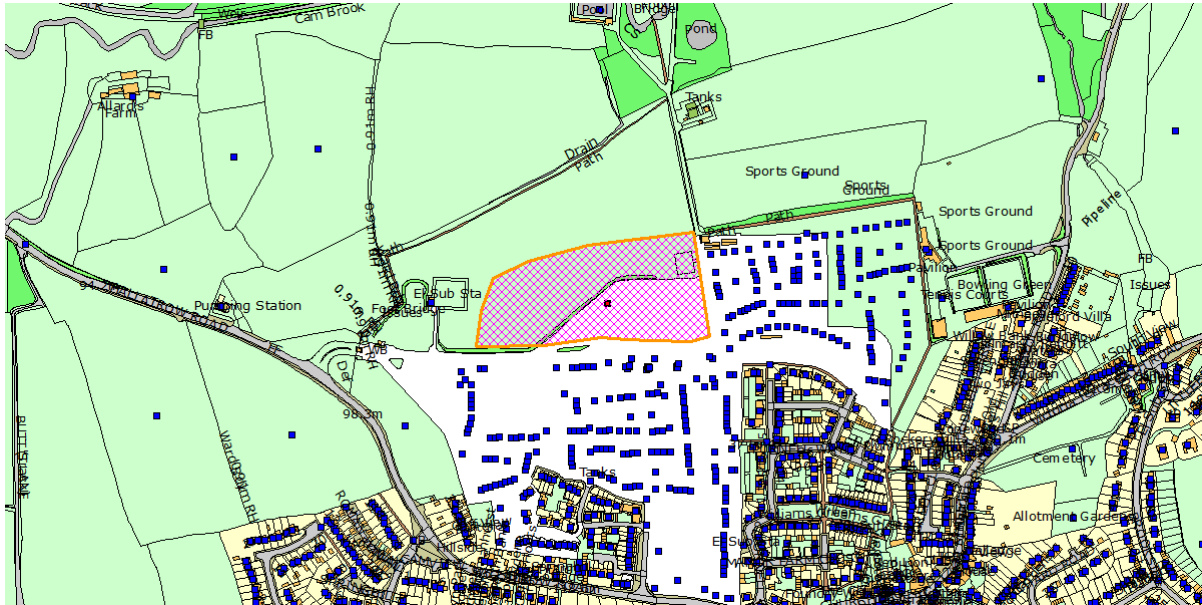
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting 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.

INDEX

ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	22/01124/FUL 10 February 2023	ENGIE Regeneration Ltd And LiveWest Homes Ltd Former Purnell Factory North View Development Site, Oxleaze Way, Paulton, Bristol, Bath And North East Somerset Residential development of 72 no. dwellings (Use Class C3); vehicular, pedestrian and cycle access from Oxleaze Way, pedestrian access from Caxton Close; landscaping and other associated ancillary works	Paulton	David MacFadyen	Delegate to PERMIT
02	22/02863/FUL 13 January 2023	Free Rangers Mill Barn, Millards Hill, Welton, Midsomer Norton, Bath And North East Somerset Erection of a new external classroom; consisting of natural rendered clay bricks to form landscaping wall, pizza oven & rainwater collection with arrayed valleyed roof.	Midsomer Norton North	Danielle Milsom	PERMIT
03	22/03945/FUL 30 November 2022	Mr Andrew Shaw 9 Gainsborough Road, Keynsham, Bristol, Bath And North East Somerset, BS31 1LS Proposed Front Extension	Keynsham East	Paige Moseley	PERMIT

REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

Item No: 01
Application No: 22/01124/FUL
Site Location: Former Purnell Factory North View Development Site Oxleaze Way
Paulton Bristol Bath And North East Somerset



Ward: Paulton **Parish:** Paulton **LB Grade:** N/A
Ward Members: Councillor Liz Hardman Councillor Grant Johnson
Application Type: Full Application
Proposal: Residential development of 72 no. dwellings (Use Class C3); vehicular, pedestrian and cycle access from Oxleaze Way, pedestrian access from Caxton Close; landscaping and other associated ancillary works
Constraints: Agric Land Class 1,2,3a, Coal - Standing Advice Area, Contaminated Land, Policy CP9 Affordable Housing Zones, Policy GDS1 Site Allocations, Housing Development Boundary, Policy M1 Minerals Safeguarding Area, SSSI - Impact Risk Zones,
Applicant: ENGIE Regeneration Ltd And LiveWest Homes Ltd
Expiry Date: 10th February 2023
Case Officer: David MacFadyen
To view the case click on the link [here](#).

REPORT **Reasons For Reporting To Committee**

The application is being reported to Bath & North East Somerset Council Planning Committee following receipt of objection and Committee referral by Paulton ward Councillor Liz Hardman. An objection has also been received from Paulton Parish Council. In accordance with the Planning Scheme of Delegation, the application has been referred

to the Chair/Vice Chair of the Council's Planning Committee. They have decided that the application should be determined by the Committee and made the following comments:

Councillor Sue Craig, Chair of Planning Committee:

"I have reviewed this application and note the comments and objections from all parties. The officer has worked with the applicant and statutory parties to bring the proposal within current and emerging policies including conditions as necessary. However, given the complexity of the proposal and the number of objections raised regarding infrastructure and highways matters, I believe that the application would benefit from debate in the public forum of the planning committee".

Councillor Sally Davis, Vice Chair of Planning Committee:

"I have read through this application and related information including comments from all statutory and third party consultees. I also note the Ward Cllr request that this application be determined by the Planning Committee.

The plans have been modified as it has progressed through the planning process to address issues raised and the Officer has assessed the proposal against relevant planning policies including the LPPU.

The impact on the area remains controversial for reasons given by third party consultees. Therefore, I recommend the application would benefit from debate in the public arena so all views can be considered before a decision is made".

Description & Application

The application relates to an undeveloped parcel of land at the former Polestar Purnell printworks factory site in Paulton. As set out in the planning history beneath, the wider printworks site now accommodates approximately 600 homes which have been developed in phases over the last 15 years.

The site is situated to the north west of the former printworks site, adjacent to the open countryside. Historically the land accommodated some industrial plant relating to the printing factory as well as access roads and open grassland. A well-established tree line and hedge row runs to the northern and western boundaries. The 2010 masterplan permission for the entire estate gave outline planning permission for use of the site as a 'Continuing Care Retirement Community' (use class C2). However this use has not materialised and the site is presently vacant, cleared and surfaced with bare earth.

Caxton Close bounds the eastern side of the site and Oxleaze Way bounds the southern side. Caxton Close has recently been completed and comprises a series of two storey houses which received full planning permission in 2015 under application: 15/00293/FUL. The southern side of Oxleaze Way remains under construction and will comprise series of three storey houses which also received full planning permission in 2015 under application: 14/03142/FUL.

The site is within the Paulton settlement Housing Development Boundary as reflected by Policy SV1 (Somer Valley Spatial Strategy) of the Placemaking Plan. The site is within

Flood Zone 1 (at low probability of flooding). Cam Brook Site of Nature Conservation Interest is located approximately 150m north of the site. Policy SSV22 (Former Paulton Printworks) of the Local Plan Partial Update also relates to the site.

The current application seeks full planning permission for development of 72 dwellinghouses (use class C3), associated access roads, footpaths, open space and comprehensive landscaping of the site.

The homes would include 54 no. 2 and 3 bedroom houses as well as 18 no. 1 bedroom flats. A minimum of 30% are proposed as affordable housing, with the Applicant proposing to increase this to 100% through grant funding. The homes would be two storeys, with pitched gable roofs constructed from a combination of roughcast render, grey reconstituted stone, slate and clay style roof tiles. All homes would include a private garden, car parking with EV charging and x2 cycle parking spaces (total 144 cycle parking spaces). There are a total of 126 off street car parking spaces proposed for residents in addition to 9 visitor parking spaces. The development will include roof mounted solar photovoltaic panels for renewable energy generation.

The proposed layout includes a green buffer area adjacent to the tree line and hedgerow at the northern and western boundaries. A footpath is proposed providing access to and through the site following the northern edge of the development. A further green space is proposed to the eastern side of the site aligning with Caxton Close including tree planting and a north/south footpath. The north/south footpath would run from Oxleaze Way, adjacent to the Burnett Close footpath and join the northern end of Caxton Close. Plots fronting Oxleaze Way include frontage tree planting and this continues within parking and landscaped areas within the site.

History

The former Polestar Purnell printworks site has extensive history of applications for development following closure of the printing business. This relates to phased re-development of the site over a period of approximately 15 years. The key permissions are as follows:

99/02662/OUT - Demolition of existing buildings and structures and erection of residential development served by access from new roundabout at the junction of Hallatrow Road and Church Street. - APPROVED - 02.12.2003

05/00088/RES - Submission of reserved matters pursuant to Conditions 1 and 2 (siting, design and external appearance) and 8 (Urban Design Statement) of Outline Planning Permission 99/02662/OUT for the erection of 217 residential units, open space and associated works - REFUSED - 07.04.2005

05/01282/OUT - Residential development after demolition of existing structure - REFUSED - 30.06.2005

05/03445/RES - Submission of reserved matters pursuant to Conditions 1 and 2 (siting, design and external appearance) of outline planning permission 99/02662/OUT for the erection of 197 residential units, open space and associated works (Resubmission) - REFUSED - 12.01.2006

07/00174/RES - Erection of 161 dwellings with associated works and infrastructure - PERMIT - 28.09.2007

07/02424/EOUT - Mixed use redevelopment of former printworks comprising offices, industrial, residential, continuing care retirement community, pub/restaurant, community building, open space, associated infrastructure, landscaping and access roads - APPROVE - 01.07.2010

11/00800/RES - Approval of reserved matters with regard to outline application 07/02424/EOUT for Mixed use redevelopment of former printworks comprising offices, industrial, residential, continuing care retirement community, pub/restaurant, community building, open space, associated infrastructure, landscaping and access roads - PERMIT - 02.08.2011
11/03783/RES - Approval of reserved matters with regard to outline application 07/02424/EOUT (Mixed use redevelopment of former printworks comprising offices, industrial, residential, continuing care retirement community, pub/restaurant, community building, open space, associated infrastructure, landscaping and access roads) - PERMIT - 21.03.2012

13/03177/ERES - Approval of reserved matters with regard to outline application 07/02424/EOUT for Phase 2A of the development comprising 82 dwellings including 24 affordable homes, and associated roads, parking, footpaths and landscaping. - PERMIT - 20.12.2013

14/03142/FUL - Erection of 86 residential dwellings (Use Class C3), areas of public open space, landscaping and associated access and infrastructure. - PERMIT - 02.04.2015

15/00293/FUL - Erection of 205 residential dwellings (Use Class C3), areas of public open space, landscaping and associated access and infrastructure. - PERMIT - 02.04.2015

16/04889/OUT - Erection of up to 74 residential dwellings - REFUSED - 30.06.2017

16/04891/FUL - Erection of building to accommodate a childrens nursery with associated works - PERMIT - 17.04.2018

22/01348/FUL - Construction of a 48 place early years nursery facility and outdoor play area (Class E); public open space village green; residential development of 8no. dwellings (Class C3); vehicular and pedestrian accesses from Paper Lane and Oxleaze Way; landscaping and other associated ancillary works - PERMIT - 09.12.2022

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

of Consultation

Public Consultation

The public consultation process involved notification letters being sent to 97 neighbouring addresses, a site notice posted at the site and press advert published in the local newspaper. The application was also advertised at the planning section of the Council website.

Neighbours were notified of the application on 17th March 2022 and subsequently again on 24th October 2022 following the submission of revised proposals by the Applicant.

Following the public consultation process, a total of 93 responses have been received. 91 comments raise objections to the development and 2 comments are made in support of the development.

A summary of the grounds of objection is as follows:

- o Insufficient school places to accommodate demand associated with proposed houses
- o Insufficient health care facilities to accommodate demand associated with proposed houses
- o Insufficient dental care in the local area to accommodate demand associated with proposed houses
- o Emergency service response times to reach the area are inadequate
- o Inadequate shops in the village to serve the existing housing or cater for additional housing
- o There are existing parking issues on the estate, roads on the estate are dangerous, narrow and winding
- o There are insufficient parking spaces, constant parking disputes, speeding and damage to vehicles
- o The site needs a new access so that the Oxleaze Way road can connect to Paulton Road as Purnell Way cannot handle more traffic
- o Roads in the village are too narrow to handle increased population, particularly around schools
- o There are no green spaces on Oxleaze Way for children to play
- o Residents concerns have not been addressed
- o The village infrastructure is insufficient for increased population
- o The existing estate experiences anti-social behaviour and crime, and the proposed development will add to this
- o Strongly disagree with assertions that there is lack of demand for care facilities
- o The difficulties local hospitals experience discharging patients demonstrates the demand for care facilities
- o Demand for retirement/elderly housing will only grow in the near future
- o No evidence has been provided to show the site was actively marketed at a realistic price for the intended use
- o The area already has many affordable homes and there is no need for more houses

- o Local employment is in short supply with many residents needing to commute outwards demonstrating lack of need for more housing
- o Loss of the approved continued care retirement community will result in loss of jobs detrimental to local economy in contrast to the intent of the outline permission
- o Residents will need to commute to Bath/Bristol for work, undermining the Council's sustainable transport ambitions and climate emergency targets
- o Proposed houses would block the views of existing houses
- o There is only one bin for dog waste on the estate and owners do not clear up mess
- o Continuing to diverge from the original mixed-use planning intent of 07/02424/EOUT is at the detriment to the local community
- o Previous application in 2016 (16/04889/OUT) for housing on this site was refused
- o Residents have already experienced 5 years of noise and air pollution relating to the existing development and further pollution relating to the proposals would be intolerable
- o Danger of river pollution from this site
- o The countryside should be protected and there are plenty of derelict sites waiting to be used
- o Insufficient footpaths and play areas for children
- o More parks and green space are required
- o Please make sure the hedges are protected during development
- o Nature must be considered in the development given habitat and species in close proximity of the site

A summary of the grounds of support is as follows:

- o Need more houses in Paulton for local families

External Consultation

Paulton Parish Council:

At the Paulton Parish Council meeting 12th April Council Resolved - To object:

"The NPPF, paragraph 95, says it is important to have a sufficient choice of school places to be available to the local community. However, there are insufficient Early Year school places and year 7 Secondary School places are predicted to be unavailable in local schools from 2026".

"Local infrastructure concerns, in particular doctors and dentists, with no access to a dentist in the local area. Insufficient parking and high traffic volume with only one route in and out of Oxleaze Way. The NPPF, paragraph 113, that for an application of this size, a travel plan is necessary. One has been provided, but it doesn't address the problems caused as for example on Oxleaze Way. A previous planning application for a residential development on the same site in 2016 with almost the same number of flats and houses was refused. The same principle of too many homes is still current. Mixed use development was given for this site, with reserved planning permission in 2007, mainly for a continuing care home retirement community. The developer states there is no demand for this. However, no evidence is put forward to substantiate this. Twenty seven% of patients currently waiting to be discharged from the RUH, but are unable to do. One of the

reasons being the lack of Care Home places. Sixty one objections have been received from Paulton residents objecting to this development, with just two in favour."

Paulton ward member, Councillor Liz Hardman:

"I am aware this application forms part of the Local Plan Partial Update, but never the less, I owe it to my residents who are overwhelmingly against this development to get it heard in a public forum".

My statement:

"I would like to object to the planning application for the former Purnell Factory site for the following reasons: An extra 73 homes which will be added to the 500+ homes already built on the old Purnells' site is a disproportionate amount of housing compared to Paulton's size. These homes will add to an already overstretched infrastructure. There are concerns about the local surgery dealing with extra patients and all local dental practices are currently full".

"Sufficient choice of school places with any new development must be available according to the NPPF, paragraph 95. Yet the report states there are insufficient Early Years places. Also year seven places in local secondary schools will be full by 2026, only four years away. Both the Infant and Junior Schools have been expanded to full capacity and will be unable to take many more pupils".

"Once again, there will be an extra strain on the local infrastructure which is already struggling with the increased volume of traffic. The parking proposals for 130 parking spaces won't be sufficient to meet demand and with only one route in and out of Oxleaze Way, the extra 130 + cars will result in increased traffic movements, with resulting environmental problems. The NPPF paragraph 113, states that all developments that will generate sufficient amounts of movement should be required to provide a travel plan, supported by a transport statement. The one provided by the developer is unconvincing as it doesn't address the problems caused as for example on Oxleaze Way".

"A previous planning application for a residential development on the same site in 2016 with almost the same mix of flats and houses was refused. The same principle of too many homes is still current".

"Mixed use development for this site was given reserved planning permission in 2007 mainly for a continuing care home retirement community. The developer states there is no demand for this. However, no evidence is put forward to substantiate this assertion. There are currently 27% of patients waiting to be discharged from the RUH, but are unable to do so. One of the reasons being lack of Care Home places. The overwhelming response from local residents, over 60 comments is to reject this proposal on the basis of over development on an already stretched infrastructure and the impact on our local community".

"It is good to see that all the homes will be affordable homes, with much needed homes for social renting. However, I am sure these homes could be built in more sustainable locations in either Bath or Keynsham."

Internal Consultation

Planning Policy, Bath & North East Somerset Council:

The site is located within Paulton's Housing Development Boundary.

Saved policy V3 in the Local Plan 2007 allocates this area of a wider site for a mixed-use scheme, to include employment development. A masterplan for the wider site was approved in 2010 (permission 07/02424/EOUT), proposing a care home development on the land currently in discussion. The care home development would have contributed to the mix of uses across the wider site, and a contribution in terms of employment. We understand that the applicant has provided marketing information to evidence lack of demand for such a use over an extended period.

It is acknowledged that the scheme proposes 100% affordable housing. The general policy direction for this site is to allocate it for housing (use class C3) in the LPPU. Although the LPPU cannot be given weight at this time, on balance, taking the proposal for 100% affordable housing into account, along with the direction of travel for the site allocation, the policy team do not object to the proposal in principle.

Early Years Provision

Placemaking Plan policy CP13 requires new development to be supported by the timely delivery of required infrastructure to provide balanced and more self-contained communities. Paulton is an area of childcare insufficiency, where any further residential development would exacerbate the existing shortfall. Correspondence with education officers has highlighted that no existing facility in the settlement could be expanded through funding via S106 contributions from new development. As such, provision of a new facility is required prior to the occupation of the proposed dwellings.

It is our understanding that a separate planning application has been submitted for the provision of a 48-place early years facility (application 22/01348/FUL), which, if permitted, will provide sufficient early years spaces required by the proposed development. In order to ensure provision, a Grampian condition should be attached to the permission, ensuring that early years provision is provided prior to occupation of the dwellings.

This approach has also been taken in preparing Local Plan Partial Update site allocation SSV22, whereby the draft policy requires provision of an early years facility prior to occupation of any new dwellings.

Primary and Secondary School Provision

It is our understanding from correspondence with education officers that there is currently projected to be sufficient primary and secondary school capacity available to accommodate the pupils calculated to be generated from the proposed development.

Green Infrastructure / Trees

There is a shortage of good quality open space and green infrastructure in this part of the settlement. An existing strategic Green Infrastructure (GI) network runs 200m north of the site's northern boundary.

Policies CP7 and NE1 in the Placemaking Plan relate to Green Infrastructure. Policy CP7 states that the integrity, multi-functionality, quality and connectivity of the strategic GI network will be protected, enhanced and managed, and that opportunities will be taken to connect with, improve and extend the network. Existing and new GI must be planned, delivered and managed as an integral part of creating sustainable communities.

Policy NE1 relates to development and GI. It states that (1) within the context of Policy CP7 development will be permitted provided:

- a. it can be demonstrated that opportunities have been maximised to design Green Infrastructure (GI) into the proposed development;
- b. it does not adversely affect the integrity and value of strategic GI corridors;
- c. the scheme makes a positive contribution to the GI network through the creation, enhancement and management of new, and existing GI assets.

It also states that (2) proposals for major developments should also be accompanied by:

- a. a plan of the existing green infrastructure assets within and around the development site;
and
- b. a GI "proposal" demonstrating how GI has been incorporated into the scheme in order to increase function and improve connectivity of GI assets including links to existing the local and strategic networks.

3 Developers will be required to address GI in any submitted site Masterplan which as a minimum fulfils the requirements of clauses 1) and 2) above.

An existing strategic Green Infrastructure network runs 200m north of the site's northern boundary. The current site plan shows retention of trees along the northern boundary, and provides some additional landscaping. However, we would ask the applicant to revisit this boundary to provide a more significant and enhanced green buffer, and provide details on how the proposals will seek to connect into the existing strategic GI network to the north of the site. We would also ask the applicant to consider enhancing the proposed GI throughout the site, to meet the requirements of policy CP7 and NE1. Proposals should be provided on a plan showing existing GI assets within and around the development site, and how site specific GI will connect into these.

Saved policy V3 in the Local Plan 2007 requires the provision of major landscaping along the northern boundary of the site, to reduce the impact on the Cam Valley (requirement 6). It also requires development to be designed to relate well to the open countryside to the north (requirement 11). As stated previously, the current site plan shows retention of trees along the northern boundary, which is welcomed, and provides some additional landscaping. However, we would ask the applicant to revisit this boundary to provide a

more significant green buffer, preferably in line with the requirements of the draft Local Plan Partial Update policy described below, to ensure that the development sensitively defines the site's edge of settlement location, and the transition between town and country.

The shortage of good quality green infrastructure in the area is sought to be addressed through draft site allocation SSV22 in the Local Plan Partial Update. The draft site allocation requires significant landscaping and tree planting across the site, with specific policy requirements requiring a 20m wide north to south green infrastructure link, retention and enhancement of existing green infrastructure and habitats along the northern boundary, a 10m buffer to all boundary hedgerows, creating an area of grassland within the buffer, and rows of large growing trees fronting Oxleaze Way, with houses sufficiently set back to allow for future tree growth. It also requires the delivery of a strong street tree infrastructure throughout, including large growing species with room for future growth.

The proposed development provides a 10m wide north to south link, a small buffer to boundary hedges in places, and does not set back houses along Oxleaze Way providing space for trees.

Although draft Policy SSV22 cannot be given weight at this time, we would ask the applicant to reconsider the proposed layout to take the draft requirements into account, to ensure that the scheme provides stronger green infrastructure provision throughout the site, and meets the requirements of adopted policies CP7, NE1 and V3.

Conclusion

The planning policy team have no objection in principle to the development of the site for residential use, subject to the requirements for early years provision and green infrastructure above.

Education Services, Bath & North East Somerset Council:

This proposed development contains 72 dwellings with a dwelling mix of 18 no. 1 bed flats, 29. no. 2 bed houses and 25 no. 3 bed houses, which is calculated to generate the following children and pupils:

Early Years age 0-1 - 1.363

Early Years age 2 - 1.193

Early Years age 3-4 - 5.112

Primary - 11.01

Secondary - 4.79

Sixth Form - 1.13

Young people aged 13-19 - 8.55

Primary age pupils

The Polestar Bovis development of 450 dwellings currently under construction is calculated to generate 86.98 primary school pupils in total. It is estimated that the final 177 of these 450 dwellings will generate a total of approximately 34.2 pupils, divided by 7 school year groups = 4.88 per year group (pyg).

The latest pupil projection figures for Paulton Infant/Junior school Reception pupils up to 2026 admissions are as follows:

2022 - 77
2023 - 80
2024 - 81
2025 - 83
2026 - 81

The school has 90 places per year group.

Plus approximately 4.88 pupils pyg still to come from Polestar Bovis.

Plus 1.5 pupils pyg from this proposed development (11.01 divided by 7 = 1.5 pyg).

Total 6.38 pupils pyg.

2026 Reception $81 + 6.38 = 87.38$ pupils

There is therefore currently projected to be sufficient primary school capacity available to accommodate the pupils calculated to be generated from this proposed development.

Secondary age pupils

The Polestar Bovis development is calculated to generate 40.87 secondary age pupils in total, with approximately 16.07 of these still to come, divided by 5 school year groups = 3.2 pyg.

Paulton is in the catchment area of Somervale school. Current projections for Year 7 pupils up to 2026 admissions indicate that the school will be full. The school has 141 places per year group.

Plus 3.2 pupils pyg still to come from Polestar Bovis.

Plus 0.95 pupils pyg from this proposed development (4.79 divided by 5 = 0.95 pyg).

Total 4.15 pupils pyg.

2026 Year 7 $141 + 4.15 = 145.15$ pupils

However, it is expected that 5 pupils per year group could be displaced to other secondary schools closer to where they live and which are projected to have spare capacity and therefore there is currently projected to be sufficient secondary school capacity available to accommodate the pupils calculated to be generated from this proposed development.

The Education Services team have highlighted the current insufficiency of provision for Childcare and Early Years Education as an issue within Paulton. Children in the Early Years age group may require Childcare and Early Years Education to enable their family or carers to work. When they reach the age of 3, they are entitled to a statutory Early

Years Entitlement place. The Primary age children may require before school, after school and/or holiday childcare provision. The Childcare Sufficiency Assessment reports that there are already insufficient places to be able to accommodate these additional children. It is however noted that planning permission was recently granted (application: 22/01348/FUL - permitted 9th December 2022) for development of a new 48 place early years nursery facility in Paulton as part of the Polestar redevelopment. It is recommended that a condition is attached to any planning permission for new housing in the area requiring no occupation of further housing prior to first operation of the early years nursery.

Housing Services, Bath & North East Somerset Council:

The application has been brought forward with the engagement and support of B&NES Housing Services.

The submitted Affordable Housing Statement is detailed and confirms CP9 core policy requirements of:

- 100% of the dwellings (72) will all be affordable dwellings. This is acceptable.
- Local Housing needs. This information was supplied by Housing Services and thus considered robust.
- The range & type of dwellings. has been informed as a direct result of Local Housing needs information supplied by Housing Services and thus acceptable.
- Design Standards. The proposed dwellings meet and, in some cases, exceed the Nationally Described Space Standards (NDSS) and will be compliant with Building Regulation Approved Document M including, 2 no. of the properties being designed to a wheelchair accessible standard (M4(3)). This is acceptable.
- Ownership. All 72 dwellings will be owned & managed by LiveWest (the Registered Provider) upon completion of the development. This is acceptable.
- Tenure. Housing Services have received, under separate correspondence, conformation the tenure split will be 53 homes for social rent and 20 homes for shared ownership. This is acceptable.

The submitted Draft Heads of Terms state the provision of affordable housing to be secured on the following basis:

- Scenario A: LiveWest is a Strategic Partner of Homes England and Homes England Strategic Partnerships grant funding is available for the project, therefore LiveWest will apportion grant funding to deliver the entirety of the scheme as affordable housing (100% provision), thereby providing 'additionality' and complying with the conditionality of the grant funding.
- Scenario B (fallback position): to provide appropriate security for the local authority a Policy CP9 compliant level of 30% provision to be provided on a nil-grant basis will be secured as a fallback position.

This is acceptable and in keeping with normal Housing Service procedures.

Conclusion

This application to deliver 100% affordable housing exceeds the policy CP9 obligation to deliver 30% affordable housing. The application accords with local affordable housing policy requirements in regards mix, tenure & design. Housing Services fully support this application.

Transportation & Highways, Bath & North East Somerset Council:

The applicant has submitted revised documents that have been reviewed to inform this updated Highways response.

There is a need to ensure that suitable access to the adopted public highway will be available before the development is occupied. The new roundabout to B3355 Paulton Road to the west will need to be complete prior to occupation. We understand that the S278 agreement for the new roundabout will be completed shortly which will enable construction of the roundabout on Paulton Road to be scheduled. We understand from planning that the requirement could be dealt with by condition.

There may need to be controls in place in the event that the adjacent roads are not adopted prior to occupation of the development. The revised plans do not change this requirement which can be secured by condition.

The layout of the path has changed significantly, however there is still a gradient of 1:10 which would exceed the maximum desirable gradient for accessibility reasons. The path adjacent to Plot 72 has been amended so that it is no steeper than 1:15. While this is still greater than the preferred maximum footway gradient, we note this section of path is not proposed to be adopted and there are alternative routes available therefore we would not sustain an objection.

Revised street lighting proposals to comply with BANES specification; and BS5489-1:2020. The submitted lighting plan has been updated to meet B&NES specification this will be subject to detailed agreement at technical approval stage.

The submitted Cambria drainage strategy drawing shows the proposed extent of adoption. The footpaths not adjacent to estate road will be maintained privately by a management company also responsible for the open space and this is acceptable.

Cambria Vehicle Tracking drawing which also shows visibility splays on site accesses shows these points have now been factored into the design. The B&NES standard refused vehicle is now used and the adoptable roads are now designed for 20mph forward visibility and splays. The Tracking drawing does not identify any areas that would require waiting restrictions where necessary to maintain free movement in addition to the junctions, this will be subject to agreement at technical approval stage. A Traffic Regulation Order (TRO) fee could be secured through a planning obligation to be used if required.

A stage 1 road safety audit of the revised layout is provided together with the designer's response to each of the 7 no. problems identified. The remaining responses either accept or partially accept the auditor's recommendation. The only exception is problem 3.1 where the designer provides reasons why this problem is unlikely to occur. Should it be required we suggest securing a TRO fee through a planning obligation to be used if required.

The submitted technical note reviews the proposed parking against the existing adopted parking standards and the emerging draft Transport & Development SPD.

The 126 allocated parking spaces is compliant with current B&NES standards. The proposal includes 9 visitor spaces which is a shortfall from the policy requirement of 15, however informal 4 spaces have been identified within the carriageway adjacent to Plot 22-25 whilst still allowing for a refuse or emergency vehicle to pass.

The technical note calculates a total of 112 allocated car parking spaces should be provided in accordance with the emerging SPD standards, in addition a total of 15 (14.4) visitor parking spaces should be provided. The difference between the allocated parking provision required (112 spaces) and the proposed parking provision for the development based on the current standards (126 spaces), is 14 spaces. While visitor parking should be unallocated, the proposed car parking spaces meet required quantity for the emerging SPD and would provide a level of visitor parking. It therefore would be difficult to sustain an objection on this basis.

The 18 no. 1 bedroom flats have been amended to ensure that they have 2 spaces per dwelling for cycle parking in accordance with the B&NES standards.

The revised plans have addressed the comments in our previous responses subject to the following suggested conditions and obligations:

- A Traffic Regulation Order (TRO) fee
- Legal agreement securing delivery of the proposed travel plan together with monitoring fee and bond/deposit to in line with Transport & Developments SPD guidance.

It is acknowledged that the above requirement stems from new guidance in the emerging Local Plan Partial Update and Transport and Developments SPD. Given the advanced stage in the plan making process we understand that they should be given significant weight. However, if they have been adopted at the time the application is determined they will be given full weight.

- A bespoke condition/legal agreement requiring the roundabout junction at the intersection of the main estate road (Oxleaze Way) and Hallatrow Road (B3355) (as required by section 106 agreement dated 17th June 2010 secured under application: 07/02424/EOUT) to be completed to the satisfaction of the Local Highways Authority prior to occupation.

Conditions are recommended relating to Junction Visibility Splays, Construction Management Plan, Waste Containers Delivery and Collection, Highway Works, Implementation of Access, Implementation of Cycle Parking, Implementation of Car Parking, Residents Welcome Pack and EV Charging Points.

Arboriculture, Bath & North East Somerset Council:

The substation has been moved to avoid the root protection areas of retained trees which is welcomed.

The arboricultural method statement and tree protection plan should be reviewed and refreshed to accommodate the revisions. This can be secured by conditions relating to submission of a Detailed Arboricultural Method Statement with Tree Protection Plan prior to commencement and compliance with this.

Parks, Bath & North East Somerset Council:

The Parks & Green Spaces Service have assessed green space demand generated from the proposal. Please find below comments and financial contributions.

Green Space Demand Assessment

The Service previously undertook a green space demand assessment for a development comprising of 73 dwellings, which was estimated to be occupied by 168 residents. The revised scheme now comprises 72 dwellings. This quantum of development can be estimated to be occupied by 166 residents (72 units * 2.3) and will generate demand for the following quantities of green space:

The total demand for greenspace equates to 5432m².

On-site Provision

The development proposal does not deliver on Principle 7 of LPPU Policy SSV22 (former Paulton printworks), although, the proposal does provide a green infrastructure link within the land parcel. This meets the 20m minimum width at the southern end and narrows to a minimum of approximately 15m at the northern end. In total this will provide approximately 1300m² of amenity green space. The buffer area around the north and west of the site will provide an additional 1800m². In total the proposal is expected to include approximately 3100m² of amenity green space.

Principle 7 - Provide a central north to south green infrastructure link within land parcel 1, with a minimum width of 20m. This should also provide a pedestrian link through the site.

Remaining Unmet Demand for Greenspace Typologies

The total demand for greenspace equates to 5431.68m² and there is an unmet deficit of 1,065.26m². 3100m² of amenity green space has been provided within this land parcel and 1,266.42m² of green space has been provided on a separate parcel of land within the estate. Planning permission was recently granted for application 22/01348/FUL which included 1794.50 m² of green space. 1,266.42m² of this was surplus to requirements and on this occasion the Service support using this to help balance the unmet demand.

S106 Green Space Project Contribution

Placemaking Plan Policy LCR6 stipulates 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.

The development site is in the parish of Paulton, and the Green Space Strategy (2015) has assessed the existing supply of Park and Recreation Ground to be in deficit of 1.78 ha. The development proposal is reliant on existing off-site provision and the area has an insufficient capacity to accommodate the demands of additional residents.

The development can be made acceptable in planning terms and compliant with Policy LCR6 through a financial contribution in scale with the development. The CIL Regulations requires that S106 contributions are used for an identified project directly related to the development.

The development site is in the vicinity of two parks that with funding could meet the recreational demands. These are Miners Recreational Park and the Wallenge Open Space.

Capital Cost of greenspace enhancement (Green Space Strategy 2015 pg. 87)

Park & Recreation Grounds £72 per sq.m

£72 * 1,065 = £76,680.

Total S106 Greenspace Contribution £76,680.

Ecology, Bath & North East Somerset Council:

Revised layout plans and additional information has been provided to address previous ecological comments dated 25 May 2022, 19 October 2022 and 28 November 2022. The information mostly addresses previous queries as follows:

- Landscape plans to be updated to show retention of grassland habitats on north and northwest boundaries rather than reseeding.

The retention of grassland habitats along the north and west boundaries which supports reptiles and other wildlife is now shown on soft landscaping proposals. This information is welcomed. However, the Landscape Management Plan Revision D (Pegasus Group, November 2022) still refers to wildflower seeding, establishment and management. I would have no objection to consent being granted, providing this document is not approved and a Landscape and Ecological Management Plan, providing appropriate management for retained habitats along the north and west boundary (with reference to protected species), is secured by condition. The removal of proposals for reseeding within 15m of the badger sett means that it is likely that the exclusion zone can be retained without disturbance.

- Final street lighting layout (subject to Highways approval) to be subject to ecological consultation and revisions to footpath lighting/use of part-night lighting requested.

An updated lighting plan Drawing 44769/PJ/F has been provided. This only includes very minor changes and does not address previous ecological comments which stated:

'It is requested that an alternative to column mounted lighting be considered for private footpaths. In accordance with Policy D8 and ILP 2018 guidance, lighting must only be used where absolutely necessary, particularly where it will result in light spill onto ecologically valuable habitats. An alternative such as bollard lighting would be preferred and/or part-night lighting considered for footpaths. Use by light-sensitive bats is likely to be greatest in summer months, so seasonal use would also be supported.'

The Highways Team have confirmed that footpaths will not be adopted, so the request remains. However, in this instance, I am satisfied that with additional measures such as seasonal use and dimming/part-night lighting of footpath lighting, impacts on wildlife can be minimised. Therefore, full and final details can be secured by condition.

- Indicative security lighting mounted on properties proposed to be confirmed.

No information has been provided. This is still requested, ideally before determination. Otherwise, it is feasible that low-level PIR lighting can be used and details will need to be secured by condition.

- Updated biodiversity net gain calculations based on the final layout will be required.

An updated biodiversity net gain calculation must be provided to reflect the changes in the landscaping proposals. This information is still requested before determination in accordance with Policy NE3a. Justification for habitat target condition will need to be provided (with reference to the Defra Metric Technical Supplement). A full and final biodiversity gain plan could be secured through a condition for a LEMP if it is demonstrated that at least 10% net gain is feasible.

Drainage & Flooding (Local Lead Flood Authority), Bath & North East Somerset Council:

The Council's Drainage Engineer has been involved regularly in the evolving proposals for the site. Following the latest redesign, a revised drainage strategy has been submitted also. This has been confirmed acceptable on the basis that the development will connect to the existing infrastructure and not exceed capacity provided for this site in the estate masterplan.

Environmental Protection, Bath & North East Somerset Council:

If the application is recommended for approval, I would suggest a condition relating to submission and approval of a site specific Construction Environmental Management Plan prior to commencement of development in order to ensure construction impacts are adequately managed and impact to amenity of existing residents minimised during construction.

Contaminated Land, Bath & North East Somerset Council:

The application has been submitted with the following report:

- Geotechnical and Geoenvironmental Report Site: Oxleaze, Paulton. Terra Firma Ltd. Prepared For: Engie Regeneration Limited / LiveWest Homes Limited Issue Date: March 2021 Job No: 16405 (TF Report)

As detailed in the TF Report the site was historically part of the Polestar Printworks with various print work tanks and other infrastructure previously occupying the southeast half of the site. It is understood that various methods of remedial works were completed across different phases of the wider site, including groundwater remediation relating to toluene contamination within the site area. It is also understood that during development of the adjacent site that re-worked soils from print works land were deposited on site to create a level platform for development.

I have the following comments regarding the TF Report:

The Site Layout Plan should include the location of Area 5, as this is referred to in the report but not marked on the plan.

The Trial Pit and Borehole logs are not visible within the appendices.

The soil sampling analysis undertaken has focussed mainly on the top 600mm and top 1m of soils. Very little soil analysis has been undertaken on deeper soils, with only 4 soil samples tested between 1m and 2m inclusive and 1No. samples tested deeper at 3.1m. As detailed above, more recent made ground has been placed above the original development levels and historical contamination had been previously identified in this area. It is reported in the recent investigation that hydrocarbon contamination/odours were noted in some of the deeper soils, including those below 2.2m. Taking account of the potential deeper source of contamination, identified in historical investigations and recorded in the few soil samples as part of this investigation, I consider that the TF Report has not adequately investigated or assessed the risks to human health of Controlled Waters with respect to contamination, particularly potential deeper organic type contamination including toluene.

The TF report has not included a groundwater investigation and risk assessment nor vapour investigation and risk assessment.

The TF report has included only 1No. round of gas monitoring and this event was undertaken at a relatively high atmospheric pressure. The gas monitoring therefore falls below the typical guidance for quantity and duration of gas monitoring for a site of this nature and for the sensitivity of the development.

It is noted that any historical risk assessment and/or remedial works completed on or in relation to this area of the Site were in relation to the then proposed use as Public Open Space.

A reported pollution incident of sheens/contamination in the drain approximately 75m the north of the site was reported in 2012 and remedial actions within the drain were undertaken.

The TF Report has recommended a remedial capping layer in the southwest area of the Site, based on shallow soil contamination identified, it is noted that the physical contents

of the made ground material on site are unlikely to be suitable for garden use. As the TF report notes that "Various waste materials are present in the made ground, such as brick, wire, metal, concrete and rebar, but not typically significant amounts. However, made ground within the northeast section of the site (TP12 - TP15) had notable greater waste content. In TP14 rare timber and some buried tree roots/branches were retrieved."

Taking account of the sensitive nature of the development (i.e. residential dwellings), the potentially contaminative historical use of the site as a print works with oil and solvent storage, the findings of historical investigations and the limitations of the TF report submitted (highlighted above), I advise that further Investigation and Risk Assessment, Remediation and Verification are required. This can be secured by conditions applied to any permission if granted.

Economic Development, Bath & North East Somerset Council:

B&NES Planning Obligations SPD (April 2015) has a requirement for developers to provide targeted recruitment and training (TR&T) opportunities and contribution for residential developments over 10 units and commercial developments over 1000sqm.

Should the application be approved a S106 Site Specific Targeted Recruitment and Training in Construction Obligation should therefore be applied. This is estimated to be the following targeted recruitment and training outcomes:

- Work Placements: 10
- Apprenticeship Starts: 2
- New jobs advertised through DWP: 2
- Contribution: £6,380

It is a requirement of the developer to provide a method statement following a template and guidance produced in partnership with the B&NES Learning Partnership that will outline the delivery of the TR&T target outcomes. The developer will also be required to participate and contribute to a TR&T Management Board supported by the B&NES Learning Partnership that will have the overall responsibility of monitoring the outcomes.

POLICIES/LEGISLATION

National Planning Policy and National Planning Practice Guidance

The National Planning Policy Framework ("NPPF") and National Planning Practice Guidance ("NPPG") are material considerations in preparation of the development plan containing the Council's adopted planning policies and determination of the current application.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that that applications for planning permission are determined in accordance with the development plan, unless material considerations indicate otherwise.

The Development Plan for Bath & 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

Bath & North East Somerset Core Strategy (2014)

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
 CP2 Sustainable Construction
 CP5 Flood Risk Management
 CP6 Environmental Quality
 CP7 Green Infrastructure
 CP9 Affordable Housing
 CP10 Housing Mix
 CP13 Infrastructure Provision

Bath & North East Somerset Placemaking Plan (2017)

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:

RA1 Development in the Villages Meeting the Listed Criteria
 SCR1 On-site Renewable Energy Requirement
 SCR5 Water Efficiency
 SU1 Sustainable Drainage
 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
 NE5 Ecological Networks
 NE6 Trees and Woodland Conservation
 PCS1 Pollution and Nuisances
 PCS2 Noise and Vibration
 PCS3 Air Quality
 PSC5 Contamination

PCS6 Unstable Land
PCS7A Foul Sewage Infrastructure
LCR3A Primary School Capacity
LCR6 New and Replacement Sports and Recreational Facilities
LCR7B Broadband
LCR9 Increasing the Provision of Local Food Growing
H7 Housing Accessibility
RE4 Essential dwellings for rural workers
CP12 Centres and Retailing
ST1 Promoting Sustainable Travel
ST2 Sustainable Travel Routes
ST2A Recreational Routes
ST3 Transport Infrastructure
ST7 Transport Requirements for Managing Development
SV1 Somer Valley Spatial Strategy

Local Plan Partial Update (2023)

On 19th January 2023, the Council adopted a schedule of changes to the currently adopted Core Strategy & Placemaking Plan. This comprised the Local Plan Partial Update (LPPU) which will combine with the currently adopted Core Strategy & Placemaking Plan form a combined and up-to-date development plan for the district. The draft LPPU was submitted to the Secretary of State for examination in December 2021 and examination hearings took place in June/July 2022. Initial feedback from the Inspector was received in August 2022, following which the Council undertook further consultation on a series of Main Modifications proposed to the plan. In December 2022, the Council received the Inspector's recommendation that subject to the Main Modifications, the Council has met obligations to cooperate and the plan is legally sound and capable of adoption. On 19th January 2023, the Council voted to accept the Inspector's recommendation and formally adopted the LPPU.

The following LPPU policies are relevant to the current application:

DW1 District Wide Spatial Strategy
SCR6 Sustainable Construction Policy for New Build Residential
SCR8 Embodied Carbon
SCR9 Electric vehicles charging infrastructure
NE1 Development and Green Infrastructure
NE2 Conserving and Enhancing the Landscape and Landscape Character
NE3 Sites, Habitats and Species
NE3a Biodiversity Net Gain
NE5 Ecological Networks and Nature Recovery
CP7 Green Infrastructure
PCS5 Contamination
H7 Housing Accessibility
ST1 Promoting Sustainable Travel and Healthy Streets
ST2a Active Travel Routes
ST3 Transport Infrastructure
ST7 Transport Requirements for Managing Development
SSV22 Former Paulton Printworks

Low Carbon and Sustainability Issues

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.

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

Assessment

As required by planning law, applications for planning permission must be assessed and determined in accordance with the development plan, unless material considerations indicate otherwise. The following key issues are considered to result from review of the development against national and local planning policy as well as adopted planning guidance.

Strategic Principles of Development

The application relates to an undeveloped parcel of land at the former Polestar Purnell printworks factory development site in Paulton. As set out in the planning history above, the wider residential estate has been developed on the former printing factory site over approximately the last 15 years.

The main outline permission (07/02424/EOUT) dates from 2010 and gave consent for 421 dwellings, as well as office space (2415m²), light industrial units (3158m²), a Continuing Care Retirement Home (16744m²), a public house/restaurant, community building with nursery and police station as well as open space and allotments. Subsequent permissions have been given relating to various individual phases of residential development as well as the nursery.

Including the earliest permission for 161 dwellings (07/00174/RES), it is understood that permission has been granted for a total of 611 dwellings to date on the overall site. The last permission known as Phase 3 relating to 205 dwellings was granted in 2015 under application: 15/00293/FUL. The majority of the non-residential uses which were part of the original masterplan outline permission have not materialised.

The current application relates to a piece of land known as land parcel 1 (LP1) or the 'CCRC' (Continuing Care Retirement Community) site. The estate masterplan

(07/02424/EOUT) approved in 2010 gave outline permission for development of a 'Continuing Care Retirement Community' (CCRC) (use class C2) at the site. This was a significant scale 16,744m² development comprising up to 210 CCRC beds/units. The accommodation would be for occupation by residents 55 years or over combining retirement residences and care. However, this use has not successfully progressed since outline permission was given in 2010. No firm market interest in taking on this use and development at this site has emerged and no applications for approval of matters reserved from the 2010 outline permission have been made. The current proposals would result in loss of the previously permitted 2010 CCRC use.

Loss of the Continuing Care Retirement Community use

The original masterplan uses were given outline permission in 2010 (application: 07/02424/EOUT) relating to an allocation for the site under Policy GDS.1 V3 of the Local Plan 2007 (Saved Policies). The 2007 site allocation required:

"Development for residential and business use. Residential development beyond the south eastern part of the site to take place only as part of a mixed use scheme which includes employment development."

"About 350 dwellings to be accommodated within the factory site, with no more than 150 to be constructed unless linked to a scheme for the development of employment floorspace."

The parcels are now subject of an updated site allocation in the recently adopted Local Plan Partial Update (LPPU).

LPPU Policy SSV22 (Former Paulton Printworks) states: "Five parcels of land within the wider site remain undeveloped. These parcels are referenced on the concept diagram as LP1 - LP5. Some of these land parcels were previously allocated in the 2007 Local Plan for a mix of uses, and an outline planning permission secured all of the sites for various uses including continuing care retirement housing, commercial uses and light industrial floorspace."

Policy SSV22 is being introduced to supersede Saved policy V3 from the Bath & North East Somerset Local Plan 2007 (as listed above) and provides updated development requirements for the remaining parcels of land.

It is stated that: "An opportunity has arisen for land parcel 1 to provide development of circa 70 affordable dwellings within the area. In order to bring this forward, an existing deficiency of early years places in Paulton must be addressed. As such, provision of an early years facility is required as part of this allocation, not only to meet the need of occupiers of the new dwellings, but also create provision to meet the existing deficit in the area."

"There is also a shortage of good quality open space and green infrastructure in this part of the village, which will also be addressed through this allocation."

LPPU Policy SSV22 states that: "further development proposals for the Former Paulton Printworks will:

Deliver a mixed-use development across the five land parcels identified on the concept plan, comprising:

- o Residential development of around 80 new homes across land parcels 1 and 2.
- o An early years facility on land parcel 3, with provision to meet the existing deficit in the area, plus provision for any additional housing proposed on land parcels 1 and 2. The early years facility must be secured prior to the occupation of any of the dwellings proposed on land parcels 1 and 2.
- o Light industrial floorspace on land parcels 4 and 5."

The current application seeks full planning permission for development of 72 houses on land parcel 1.

It is highlighted that full planning permission (under application: 22/01348/FUL) was granted by the Council for development of 8 houses, a 48 place early years nursery and 1800m2 of open green space on land parcels 2 and 3 on 9th December 2022.

Whilst the proposed residential development and associated loss of the previously consented CCRC facility conflicts with the retained 2007 site allocation, it accords with the newly adopted Policy SSV22 which can be afforded significant weight given it directly relates to development of this site.

With regard to loss of the CCRC use, this would be associated with loss of 16,744m2 development comprising up to 210 CCRC units for occupation by residents 55 years or over for combined retirement residential accommodation including care to those in need. It was previously estimated that this use could have generated approximately 160 jobs.

Policy SV1 (Somer Valley Spatial Strategy) (Vol 4) of the Placemaking Plan states the strategy for the Somer Valley is to:

2) Prioritise development on brownfield sites focussing on Midsomer Norton and Radstock Centres (See Policies SV2 and SV3) and the redevelopment of vacant and underused industrial land and factories.

3) A) Enable the delivery of around 900 net additional jobs between 2011 and 2029 and facilitate further jobs if economic circumstances allow.

B) Encourage the retention and expansion of local companies and the growth of new businesses by making provision for the changes in employment floorspace. New employment floorspace will be focussed at:

- the Westfield Industrial Estates,
- Midsomer Enterprise Park and Bath Business Park in Peasedown St John
- Old Mills in Paulton (Policy SSV9)
- Midsomer Norton and Radstock Town Centres

C) Protect land in existing business use and, consider alternative use where there is no reasonable prospect of a site being used for that purpose and it does not lead to an unacceptable loss of employment land.

By way of background to the existing CCRC land use, this was originally envisioned prior to submission of the masterplan outline permission in 2007. This was notably prior to the global financial crisis of 2009. A resolution to permit was reached by the Council's Planning Committee in May 2008. However, the outline permission was not granted until 2010 due to negotiation and completion of the s.106 agreement. By this point, national and local economic conditions were materially different to the point when the outline application was made.

The Applicant has submitted a Marketing Report with the current application. This explains that following the grant of outline permission in 2010, marketing of the CCRC use was undertaken. This was undertaken by Savills and the process included personal approaches, online listing and advertisement hoardings at the site entrance on Paulton Road. Direct approaches were made to a range of local and national care operators. The marketing report sets out that a variety of initial interest was received between April 2011 and May 2019, however this ultimately failed to materialise into a contractual agreement or submission of reserved matters planning application. A variety of reasons are provided for this including: the consented 'CCRC' use failing to fit established care providers models; the site not meeting minimum size requirements; the location not being attractive; as well as not achieving care operators financial valuations. The Marketing Report contains evidence of approaches to multiple relevant care providers.

The Marketing Report also includes advice from a specialist healthcare surveyor who concludes that the use is unlikely to be attractive to care providers due to combination of retirement living dwellings and care provision which are typically provided by separate developers/operators. As well as this, they note that property values in Paulton are below the national average and there is an existing 102 bed care home (Bloomfield Care Centre) in the village. Some interest is reported in a strictly retirement living scheme however this would lack care and would be different to the consented CCRC use. However even this ultimately did not materialise into a firm agreement with any developer and associated planning application for such development.

The Local Planning Authority notes that the consented use is a very specialist land use which differs from a traditional care home. CCRC remains a relatively recent introduction to the UK, with few developers/providers operating in this market and small number of completed retirement and care communities. The Local Planning Authority finds no issue with the methodology or legitimacy of the marketing report and accepts the conclusion of absence of market interest for the CCRC use at this site. There have clearly been efforts to market the use, with approaches to multiple developers and care providers and over a significant period. More than 12 years has elapsed since permission was granted for the CCRC use at the site. It is therefore accepted that there is no reasonable prospect of the site being used for the approved CCRC purpose.

Granting permission for residential development at the site in place of the existing CCRC use would result in the loss of employment land. It was originally estimated that this use could have generated approximately 160 jobs, although the exact number of jobs resulting would have been dependent on an eventual care provider and their model. As discussed

above, marketing has not resulted in any genuine interest in progressing a care use at the site and therefore this employment is only theoretical. The employment uses and the mixed use development originally envisioned has not materialised in the 10 years since permission was granted.

There remains some potential for employment on the wider former printworks site. This would be associated with the nursery recently granted full planning permission on land parcel 3. LPPU Policy SSV22 redistributes employment generating light industrial uses to land parcels 4 and 5. These have better access to Paulton Road (B3355) and are sited further from pollution sensitive residential uses. Policy SV1 (Somer Valley Spatial Strategy) notably identifies that new employment floorspace in the Somer Valley will be focussed at Old Mills in Paulton (see Policy SSV9) as well as the Westfield Industrial Estates, Midsomer Enterprise Park and Bath Business Park in Peasedown St John and Midsomer Norton and Radstock Town Centres. In this context, it is not considered that loss of employment associated with change of course with the CCRC use would represent an unacceptable loss of employment land. The proposals are not considered to significantly prejudice achievement of the economic development objectives set out in Policy SV1.

It is therefore accepted that the proposals comply with the requirements of Policy SV1 insofar as the development will introduce an alternative use (residential housing) in a scenario where it is accepted that there is no reasonable prospect of the site being used for the employment use (in this case Continuing Care Retirement Community as granted in 2010), and the proposals would not cause an unacceptable loss of employment land.

Acceptability of proposed residential use

With regards to the acceptability of residential development of the site, it is highlighted that LPPU Policy SSV22 expects 80 new homes across land parcels 1 and 2. The development would create 72 houses on land parcel 1 and 8 houses have been permitted on land parcel 2 (under application: 22/01348/FUL). The development therefore accords with the recently adopted policy which must be given significant weight as it directly relates to the site.

The site is located within the established Paulton Housing Development Boundary and is a previously developed brownfield site. Residential development of the site therefore accords with the requirements in Policy SV1 which targets around 2,470 new homes to be built at Midsomer Norton, Radstock, Westfield, Paulton and Peasedown St John within the housing development boundary, prioritising development on brownfield sites including redevelopment of vacant and underused industrial land and factories. The proposed development would meet these objectives of the current Placemaking Plan. Development in this location would benefit from proximity to facilities within the Paulton settlement including shops, services, employment, education and public transport. The proposals would create 72 homes on a previously developed brownfield site in a sustainable location in respect of the wider settlement.

In respect of Policy RA1, Paulton meets the policy requirements for village facilities including having a primary school, post office, shop(s) and village hall as well as a bus services to adjacent centres including Bath. The proposals meet Placemaking Plan

requirements for residential development within the Housing Development Boundary for rural villages such as Paulton.

The proposed housing includes 18 no. one bedroom flats, 29 no. two bedroom houses and 25 no. three bedroom houses. Census data (2011) indicates that in the Paulton ward, 8.1% of households have 1 bedroom, 23% have 2 bedrooms, 49.7% have 3 bedrooms, 15.8% have 4 bedrooms and 3.3% have 5 or more bedrooms. 93% of households in Paulton are houses and 7% of households are flats. The development will provide a mix of housing types, including both flats and houses. It is noted that the area lacks many flats and therefore the provision of 18 flats is particularly welcome, providing a housing type for which there is likely need in the area. The housing proposed comprises a variety of smaller dwellings which will be more affordable and attractive to different types of households. The development will contribute choice to the existing mix of dwellings found in the Paulton area and contribute positively to meeting the needs of the local community in accordance with Core Strategy Policy CP10.

As highlighted in consultation responses from Education Services and Planning Policy as well as within the LPPU Policy SSV22, that Paulton experiences an identified deficiency in early years provision. Policies and consultees outline this must be resolved to meet the needs of both the existing community but also the need generated by the development itself. As referenced previously, full planning permission (under application: 22/01348/FUL) has been granted by the Council for development of a 48 place early years nursery on land parcel 3 on 9th December 2022. It is a condition of the planning permission that the nursery must be delivered in the first phase of the adjacent development and operational prior to any housing being occupied.

It is proposed that a similar restriction will be applied to the current development to ensure compliance with Placemaking Plan Policy CP13. This requires timely delivery of required infrastructure to provide more self-contained communities and prevent the need to travel for childcare. LPPU Policy SSV22 also requires that the early years facility on LP3 must be secured prior to the occupation of any of the dwellings proposed on land parcels 1 and 2. The early years facility is required to be delivered by the original estate masterplan outline permission s.106 agreement also. It is suggested to include a condition with this permission to ensure no further dwellings are occupied and further need for childcare be generated, prior to further provision being available in the area. Subject to such a condition, no undue pressure will be placed on existing infrastructure and the need for travel will be avoided.

The Education Services team have confirmed that they project sufficient primary and secondary capacity exists in the area to accommodate children associated with the proposed development. Therefore, the development will meet the requirements of Policy LCR3A of the Placemaking Plan in respect of primary school capacity.

Concerns have been raised through public consultation in relation to access to health and dental care in the local area. Whilst this is a relevant material consideration, there are no development plan policies which require certain levels of health and dental care in the district. The site is within the boundary of the Elm Hayes Surgery in Paulton, which is understood to be accepting new patients. The site is also within the boundary for the Somerton House Surgery and the St Chad's Surgery in adjacent Midsomer Norton. These surgeries would provide primary health care to cover the site. Urgent, routine care and minor injuries facilities are available at Paulton Hospital on Salisbury Road. Funding for

NHS health care services is provided through established national channels and includes community infrastructure levy contributions associated with new development secured through the planning system. There are also multiple dental practices in Paulton, operating within the two-tier NHS/private system which has established nationally. Dental services in Bath & North East Somerset benchmark high against the vital signs quality indicators. Local level access to NHS dental services is not an issue unique to Paulton and is a much wider circumstance. Refusal of planning permission for housing due to lack of access to NHS dental services cannot be justified. It is concluded that the existing healthcare services can accommodate the healthcare needs generated by the proposed development.

Strategic Principles Conclusion

Overall, it is accepted there is no reasonable prospect of the site being used for the Continuing Care Retirement Community purpose granted in 2010. It is considered that there is little value in protecting and persevering with a land use for which there is no market demand and there is little reasonable likelihood of delivery. The loss of the Continuing Care Retirement Community use is not found to lead to an unacceptable loss of employment land given employment uses have been redistributed elsewhere on the former printworks site as well as at Old Mills in Paulton and other strategic employment sites in the Somer Valley. The land is a previously developed brownfield site within the housing development boundary. It therefore represents an accessible, sustainable and policy compliant location for residential development. The residential development proposed includes a mix of housing types and sizes which include types not widely available in the area, therefore meeting local needs. The development will make a positive contribution to overall housing supply. Whilst adopted policy from 2007 sought a mixed use scheme with certain levels of employment floorspace linked to delivery of certain numbers of dwellings, this has not been delivered. The proposals are considered compliant with current Placemaking Plan policy which allows alternative use where there is no reasonable prospect of a site being used for employment purposes and there is not unacceptable loss of employment land. Furthermore, the proposals are fully in accordance with the recently adopted LPPU policy which allows for residential development of the site.

Considering these points, on balance it is found that loss of the consented use and the proposed residential use is acceptable in principle, subject to a condition safeguarding delivery of the nursery prior to first occupation of the proposed housing.

Affordable Housing

Section 5 of the NPPF sets out that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies including those who require affordable housing. Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site. Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.

Policy CP9 of the Core Strategy requires that affordable housing is provided on-site with a 30% target for developments in the Paulton area. Policy CP9 also states that the quantity, tenure balance and type/size mix of the affordable housing will be agreed with the Council's Housing Enabling Team, or equivalent, through the development management process.

It is noted that the Council's Homeseach register for the district demonstrates that 127 no. local households have a currently need for affordable housing within the parish of Paulton as their first-choice area. For example, only 3 no. 2 bed properties became available in the parish in the year 2020/21 and each received an average of 197 no. bids; 5 no. 3 bed properties became available and each received an average of 218 no. bids, all representing significant pent-up demand and need. It is understood that across the district, approximately 330 no. households have formally registered an interest in shared ownership housing.

The Applicant seeking permission for the current development is LiveWest, a registered provider of social housing operating in the west of England. In accordance with Policy CP9, the proposal is for at minimum 22 no. affordable homes (30% of overall provision). However, LiveWest intends to allocate national government grant funding to the development to ensure all 72 homes (100%) are delivered and managed as affordable housing, thereby providing additionality beyond policy requirements.

All the proposed housing will meet the Building Regulations Part M4 (1) accessibility standards. The proposals include 2 no. properties which are designed to an improved wheelchair accessible standard (M4(3) compliant with reference to Approved Document M of Building Regulations). All proposed dwellings accord with the nationally described space standards for their respective accommodation size. These details would be secured by a s.106 Agreement negotiated in the event of a resolution to permit.

Following consultation, the Council's Housing Services team has expressed strong support for the scheme. They note that 52 homes will be for social rent and 20 homes for shared ownership which is found acceptable. The Applicant's draft heads of terms set out two scenarios, including 100% route with grant funding and 30% policy compliant route. This is found acceptable and in keeping with normal procedure. The affordable housing proposals would be secured through s.106 Agreement negotiated following resolution to grant permission. Subject to this measure, the development will either deliver 100% affordable housing which would be a significant benefit to the area and District, or policy compliant 30% provision. In either scenario, the development accords with national and local policy and is supported based on affordable housing.

Appearance, Character & Design

Paragraph 126 of the NPPF outlines that: "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

Paragraph 130 of the NPPF requires that planning decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁹; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policies D1-D5 of the Placemaking Plan guide high quality design in the district; they have regard to the character and appearance of a development and its impact on the character and appearance of the wider area.

LPPU Policy SSV22 (Former Paulton Printworks) expects a residential development of around 80 new homes across land parcels 1 and 2. The policy states that development will:

- o Retain and enhance existing green infrastructure and habitats along the northern boundary of land parcel 1 and the southern boundary of land parcel 3, including all trees, hedgerows and planting. A 10m buffer to all boundary hedgerows is required, creating an area of grassland within the buffer.
- o Provide rows of large growing trees fronting Oxleaze Way on land parcels 1 and 2, with houses sufficiently set back to allow for future tree growth.
- o Deliver strong street tree infrastructure throughout each of the land parcels, including large growing species with room for future growth.
- o Provide a central north to south green infrastructure link within land parcel 1, with a minimum width of 20m. This should also provide a pedestrian link through the site.
- o Provide a positive relationship with all publicly accessible routes and in the case of land parcel 1, face outwards towards the open countryside, adopting a perimeter block layout, with a clear distinction between the fronts and backs of properties.

- o Provide walking and cycling routes through each of the land parcels, allowing access to surrounding homes, and to the countryside to the north.
- o Ensure that development does not detract from views over the site from the countryside to the north, with development designed to sensitively define the site's edge of settlement location, and the transition between town and country.

The Paulton Village Design Statement (2001) is adopted by the Council as a supplementary planning guidance document. The Village Design Statement describes the village and its surrounding countryside at the turn of the millennium and points out those features of local character that are worth safeguarding for future generations. It also sets out the criteria which should govern any future development in the village.

The Village Design Statement outlines that the early development of the village a concentration of cottages, shops and public houses around the High Street. With the development of the coal mining industry in the area there was a demand for more cheap houses and these were usually built in terraces using local stone. Many had slate roofs as the slate could be easily transported on the canals and railways. The Village Design Statement highlights that it is these types of development that many claim gives Paulton it's distinctiveness.

The Village Design Statement notes that the 20th century saw mining replaced by manufacturing and specifically printing as Paulton's main industry. 20th century housing developments in the village are implied to have eroded local distinctiveness by being built to standardised formulas. It is noted that estates like those at Valley View and Brookside in Paulton provide perfectly acceptable homes and are much sought after, but their layout and materials owe nothing to building traditions in Paulton.

The Village Design Statement states it is naive to suggest that all new- housing in Paulton should be built in terraces of white lias stone. However more recognition the character and quality of the local architecture could be offered, by adapting the layout of new developments, materials and architectural features so that any new building looks as if it "belongs" to Paulton.

The Village Design Statement also highlights the importance of the countryside, wildlife and landscape in defining character within the village.

The Village Design Statement identifies terraced house types to be positive typologies based upon their higher densities and in-keepingness with the historic layout of the settlement. White and grey stone are encouraged over yellow tones. It is noted that the character of buildings in the village is very simple, including subtle stone for window surrounds and decoration. It is noted that brick soldier courses are not typical of Paulton. Roofs should typically be slate or clay tiles.

The proposed development would comprise 72 two storey houses of a variety of terraced, semi-detached and detached forms. The houses would be arranged in three main banks. These would either address Oxleaze Way to the south of the site, Caxton Close to the east or the countryside to the north. There would also be a smaller number of houses addressing streets within the site. In the most part, the development is found to proactively address the existing public realm and routes surrounding the site. The proposals include a

form of perimeter block layout, with three main built elements facing the perimeter of the site as well as distinct fronts and backs as sought by Policy SSV22.

The proposed layout would retain and enhance existing green infrastructure and habitats along the northern boundary. The development would be set back at minimum 10m from the vegetation at the northern boundary, increasing to 20m in some sections. This would create a green buffer between the housing and existing treeline and hedgerow. It is proposed to retain the existing vegetation in full and introduce new grass planting adjacent which will provide enhancement on existing vegetation. A footpath would follow the northern perimeter of the development, providing an east/west route through the site and differentiating the housing development from the adjacent green space and countryside. These proposals meet the requirements of Policy SSV22.

With regards to the 'central north to south green infrastructure link' referenced in Policy SSV22, this has been integrated at the eastern side of the site. It is recognised that the policy suggests this is located centrally. However in the application process, it was identified that the position at the east of the site would connect with the existing green corridor through the wider estate to the south. The proposed position on the eastern side of the site is found to achieve improved connectivity and legibility for pedestrians, as well as a more continuous and direct green infrastructure asset connecting with the adjacent countryside. The position at the east of the site is found to offer more value for connectivity and green infrastructure. It has also accommodated a wider and larger green area than the original submission, meeting the 20m width requirement stated in the recently adopted policy. This proposal is found to achieve better value for green infrastructure and public realm, and is therefore supported despite deviating from the central position referenced in Policy SSV22.

During assessment of the application, the proposals were revised to provide a larger separation between the houses and the street on Oxleaze Way. The revised layout is now found to offer sufficient area for trees to establish and achieve the tree-lined street identified in policy for Oxleaze Way. A detailed landscaping plan has been provided specifying rows of large growing species such as Acers which are found appropriate to achieve policy aims.

The development will provide a variety of quality walking and cycling routes through and around the site. These include the treelined environment on Oxleaze Way which will include continuous pavements with vehicle crossovers at junctions, the perimeter pedestrian route around the northern side of the site and the north/south green corridor at the eastern side, adjoining with the pedestrian route south through the wider estate to the south. This would also adjoin the public right of way running to the north into the countryside. As a result, the development is found to achieve the policy requirements in respect of providing high quality walking and cycling routes through and around the site.

The houses themselves would follow consistent and coherent building lines, simple and traditional rectilinear forms, and pitched roofs. The houses would be two storey in scale and be constructed with either grey reconstituted stonework or cream roughcast render, slate or clay style pantiles. The scale, form, materials and design are found in-keeping with both the wider estate and the Paulton area where simple stone fronted terraced dwellings prevail.

As a result of retention of the existing vegetation to the north, comprehensive landscaping scheme including green corridor and extensive tree planting as well as sensitive and inkeeping design, the proposals are found to ensure that the development does not detract from views over the site from the countryside to the north. The development is found to have an acceptable impact in landscape views from the adjacent countryside. The development will achieve an acceptable transition between town and country in accordance with the requirements referenced in Policy SSV22.

Overall, the proposed development is found to provide a coherent and high quality response to the character of the existing estate which would be inkeeping within the surrounding area. Positive public realm and landscaping proposals have been incorporated to ensure the development establishes a pleasant green character which reflects the village and surrounding countryside. The proposals are found compatible with the spirit of the Village Design Statement SPD and requirements of relevant national and local planning policy including LPPU Policy SSV22 for the site.

Green Infrastructure

Paragraph 98 of the NPPF outlines that: "Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate."

Policy LCR6 of the Placemaking Plan 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."

LPPU Policy SSV22 (Former Paulton Printworks) of the Local Plan Partial Updates states that "there is also a shortage of good quality open space and green infrastructure in this part of the village, which will also be addressed through this allocation."

"Early years provision shall be provided on land parcel 3, along with good quality public open green space for use by the facility and occupiers of the surrounding housing developments."

"Provide a central north to south green infrastructure link within land parcel 1, with a minimum width of 20m. This should also provide a pedestrian link through the site."

The Green Space Strategy (2015) has assessed the existing supply of amenity green space in the Paulton area to be in deficit of -1.46ha (14600m²) and parks and recreation ground in deficit of -1.86ha (18600m²). There is a shortage of good quality open space for recreation and green infrastructure in the village, which will partially be addressed through allocation SSV22.

The Council's Parks team have recommended that total demand for greenspace resulting from the proposed housing equates to 5432m². It is highlighted that the proposals granted planning permission by the Council on 9th December 2022 (application: 22/01348/FUL) for land parcel 3 included 1800m² open space, of which 1,266.42m² of was surplus to requirements of that development. These proposals will partially address the needs of the development as well as the identified shortfall of open space in the village.

The development of land parcel 1 includes approximately 1300m² open space in the green corridor at the eastern side. A further 1800m² open space is in the green buffer to the north of the site, although this would not be recreational space. When the adjacent LP3 green space surplus and on site green space are combined, these developments will deliver approx. 4366m² of green space. Therefore, providing close to the level of open space demand calculated to be generated by the development.

The Local Planning Authority proposes to seek a financial contribution towards improvement and maintenance of existing green spaces in the area, accounting for the unmet demand generated by the proposed housing. This has been calculated to amount to 1065m². The capital cost for provision of open space stipulated within the Council's Green Space Strategy is £72 per m². It is therefore proposed that a financial contribution totalling £76,680 is sought for improvement of existing open spaces within the Paulton area. The Applicant has agreed to this financial contribution in writing. This will offer mitigation for the shortfall in open space provision associated with the development. In correspondence with Paulton Parish Council it was noted that there is need for improvements to both Miners Recreational Park and the Wallenge Open Space, with both parks including limited play equipment and wildlife areas. It is likely that the contribution may be used for improvements to these existing parks. Subject to this contribution, the development is considered to make an acceptable contribution to meeting the needs of residents for open space in the local area.

Ecology

Paragraph 174 of the NPPF outlines that planning decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Policy NE3 (Sites, Habitats and Species) of the LPPU states that: "Development resulting in significant harm to biodiversity will not be permitted. Harm to biodiversity must always first be avoided and minimised. Where avoidance of harm is not possible, mitigation, and as a last resort, compensation must be provided, to at least equivalent ecological value."

Policy NE3A (Biodiversity Net Gain) of the LPPU states that: "Development will only be permitted for major developments where a Biodiversity Net Gain of a minimum of 10% is demonstrated and secured in perpetuity (at least 30 years) subject to the following requirements:

- a) The latest DEFRA metric or agreed equivalent is used to quantify the biodiversity value of the site predevelopment, post-development after application of the mitigation hierarchy and for any off-site areas proposed for habitat creation or enhancement both pre- and post development.
- b) That the assessment be undertaken by a suitably qualified and/or experience ecologist and is submitted together with baseline and proposed habitat mapping in a digital format with the application.
- c) A management plan will be required, detailing how the post-development biodiversity values of the site and any supporting off-site provision will be secured, managed and monitored in perpetuity.
- d) Any off-site habitats created or enhanced are well located to maximise opportunities for local nature recovery.

The Council's Ecologist has been consulted throughout the application process in relation to the evolving proposals. The site does not include any specific ecological designations and the nearest designated site is the Cam Brook Site of Nature Conservation Interest located 150m north. The ecological value of the land is relatively low given it's former industrial use and cleared current state surfaced with bare earth. The tree line and hedgerow at the northern and western boundaries are the only significant habitat features on site. There is a badger sett located to the south west of the site in this habitat. A 15m fenced exclusion zone will be designated surrounding this during construction and is shown on plans. The habitat are proposed to be retained in full with some planting of further grassland adjacent as enhancement. The development is set back between 10 and 20m from the habitat to minimise impact on it. The Council's Ecologist has confirmed the strategy including full retention and adjacent enhancement planting is acceptable.

With regards to lighting, a strategy for street lighting has been submitted including sensitive low luminance (2700k) fittings. These will not result in light above 0.5lux onto the

adjacent retained habitat to the north and west. The Council's Ecologist has encouraged use of bollard lighting in these areas to minimise light spill further on the northern perimeter footpath. However, they note this could also be achieved through dimming/part-night lighting of proposed lighting on the footpath. Given that the lighting proposed is sensitive low luminance type, resulting in 0.5lux onto adjacent habitat for the most part, this is considered acceptable. A strategy for securing lighting management could be secured if necessary in the event of permission being granted. Irrespectively, the development is found to minimise its impact on adjacent habitat through sensitive design.

The Council's Ecologist raised concerns regarding the potential future introduction of additional lighting to private dwellings such as security lighting. It is therefore proposed that a planning condition is imposed requiring no further external lighting be installed at the site, without first being approved by the Local Planning Authority. This will ensure that any further light fittings are positioned and fittings specified in order to ensure acceptable light impacts to adjacent habitat.

In relation to biodiversity net gain, the application has been submitted with a net-gain assessment which demonstrates that the development can deliver 34% biodiversity net-gain as well as 100% hedgerow gain. This is based on a habitat net gain of 0.88 units and a hedgerow gain of 0.79 units. This has not been updated following the revised landscaping scheme for the site. However given the current condition of the site which is predominantly bare earth and the contents of the net-gain assessment originally submitted, the Local Planning Authority is satisfied that the development can at minimum meet the policy compliant 10% net gain requirement for biodiversity. Therefore, a condition is proposed to secure a Landscape Ecological Management Plan demonstrating a minimum 10% net-gain for biodiversity.

Subject to these conditions, the development will minimise ecological impacts to acceptable levels and achieve policy compliance.

Arboriculture

Paragraph 131 of the NPPF states that: "Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users."

Policy NE6 (Trees and Woodland Conservation) of the Placemaking Plan states that development will only be permitted where:

- a) it seeks to avoid any adverse impact on trees and woodlands of wildlife, landscape, historic, amenity, productive or cultural value; and

- b) it includes the appropriate retention and new planting of trees and woodlands; and

The site includes a well established tree line at the northern and western boundaries which is made up of approximately 18 trees. The Tree Survey accompanying the application records these as a variety of native species including lime, hazel, oak, ash and maple. Of the trees, 7 are recorded as moderate quality category B trees and 11 recorded as low quality category trees. All the trees are proposed for retention following development.

The existing trees will be protected by tree protection fencing positioned lining the northern and western perimeter during construction. A proposed electricity substation on the site has been relocated during the application process to avoid root protection areas of trees. The Council's Arboricultural Officer has been consulted and agreed the proposed protection measures will be adequate to protect the existing trees at the site. However, an updated tree protection plan is required following amendments to the proposals. This is proposed to be sought via condition in the event of permission being granted. Subject to such a condition, it is found that the development will preserve all existing trees in compliance with national and local planning policy.

The proposals include comprehensive landscaping of the site. This includes proposals to plant 40 trees including 20 maple/acer and 15 rowan. The planting specifications, layout and rooting areas are considered acceptable to provide the proposed trees a good chance of establishment to eventual maturity. The layout will provide a tree lined townscape which will offer benefits for wildlife, air quality, drainage and appearance. The tree planting proposals are found to comply with the requirements of national and local planning policy and are therefore acceptable. The proposals will be required to be implemented within the first planting season following first occupation of the development or in accordance with a schedule agreed by the Local Planning Authority. These details will be secured by condition in the event of permission being granted.

Neighbouring Amenity

Paragraph 130 of the NPPF requires that: "planning decisions ensure that developments... create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience".

Policy D6 (Amenity) of the Placemaking Plan requires that development must provide for appropriate levels of amenity and must:

- a) Allow existing and proposed development to achieve appropriate levels of privacy, outlook and natural light;
- b) Not cause significant harm to the amenities of existing or proposed occupiers of, or visitors to, residential or other sensitive premises by reason of loss of light, increased noise, smell, overlooking, traffic or other disturbance;
- c) Allow for provision of adequate and usable private or communal amenity space and defensible space.;

- d) Include adequate storage and functional arrangements for refuse and recycling; and
- e) Ensure communal refuse and recycling provision is appropriately designed, located and sized.

Due to the position of the site at the far north of the former printworks site, the development would be separated from many neighbouring properties on the residential estate.

The nearest neighbouring properties would be those to the south of the site on Oxleaze Way. These are currently under construction relating to planning permission: 14/03142/FUL permitted in 2015. These adjacent houses would be sited to the opposite side of Oxleaze Way which would provide a significant separation between opposing dwellings. At minimum 18m would separate the consented houses on the southern side of the street, from those now proposed to the north. The proposed layout involving development to the north of neighbouring homes would ensure no harm through overshadowing is caused. The proposed development would be a sufficient distance from neighbouring homes to ensure no significant harm would result due to loss of outlook or loss of privacy. The development is found to safeguard acceptable amenity for adjacent homes currently being built on Oxleaze Way.

There are existing neighbouring properties to the eastern side of the site on Caxton Close. These are two storey houses which were permitted in 2015 under application: 15/00293/FUL and recently completed. Due to the green corridor proposed to the eastern side of the development site, the proposed housing would be significantly separated from adjacent dwellings on Caxton Close. This would total 25m at the northern end, increasing to 30m at the southern end. This area would be planted with trees and act as a soft boundary between existing and proposed development. The layout is found to safeguard acceptable amenity for the existing homes on Caxton Close based on impact to outlook, light and privacy.

The open countryside is adjacent to the north and west of the site. The Housing Development Boundary also follows these boundaries of the site. Therefore, the development will not impact either existing or proposed residential amenity in these orientations.

The position of occupied neighbouring dwellings are nearby the site such that construction noise and emissions may impact amenity and living conditions experienced by adjacent residents. Therefore, a Construction Management Plan and Construction Environmental Management Plan for the development will be secured by condition to ensure that disruption and disturbance to neighbours is managed and mitigated to acceptable levels. Some construction disturbance is inevitable and would be temporary in nature.

Overall, the proposals are found compatible with the requirements of relevant national and local planning policy and would preserve acceptable standards of amenity and living conditions for all neighbouring occupiers.

Proposed Residents Amenity

Paragraph 130 of the NPPF requires that planning decisions ensure that developments create places: "with a high standard of amenity for existing and future users". Planning policies for housing should make use of the Government's optional technical standards for accessible and adaptable housing, where this would address an identified need for such properties. Policies may also make use of the nationally described space standard, where the need for an internal space standard can be justified.

Policy D6 also requires assessment of amenity relating to proposed development in respect of achieving appropriate levels of privacy, outlook, natural light, noise, odour, traffic and other disturbances for future occupiers of developments.

The proposed houses and flats would all meet or exceed the requirements of the Nationally Described Space Standards and offer sufficient space for everyday living. This will be secured by a clause within an eventual s.106 Agreement should a resolution to permit be reached. All houses and flats include some form of private outdoor garden area, providing opportunity for private outdoor amenity. All houses would be dual aspect and receive good levels of light, outlook and natural ventilation. Overall, the development will achieve acceptable standards of amenity and living conditions for future residents in accordance with national and local policy requirements.

Transport, Highways & Access

Paragraph 110 of the NPPF requires that 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;
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Paragraph 111 of the NPPF states that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

Policy ST1 (Promoting Sustainable Travel) of the Placemaking Plan requires that planning permission is permitted for developments which reduce the growth and the overall level of traffic and congestion through reducing private car dependency and giving priority to active and low carbon modes of transport such as walking and cycling.

Policy ST7 (Transport Requirements for Managing Development) of the Placemaking Plan requires that development avoids prejudicing highway safety, provides safe and

convenient access, suitable vehicle access, avoids excessive traffic impact and provides adequate mitigation and improvements.

The Council's Transport & Development SPD provides detailed local requirements for transport and highways issues relating to development, including access standards, parking standards and travel plans.

The Council's Highways and Transportation officers have been consulted and involved in design progression throughout the application process. Revised proposals have been submitted in response to multiple rounds of highways feedback. The latest comments from Highways officers are provided above.

A major highways issue for the site relates to the construction and completion of wider estate roads including Oxleaze Way and the proposed roundabout upgrade to the junction between Oxleaze Way and Paulton Road (B3355). These works were part of the original estate masterplan granted in 2010 (reference: 07/02424/EOUT) and required by s.106 Agreement. The Transport Assessment submitted with the current application has been prepared based on the Paulton Road access being available. Given that work on this access has not yet commenced, to ensure construction traffic does not need to travel through the estate and the proposed housing has acceptable vehicular access, it will be required that Oxleaze Way and the upgraded junction with Paulton Road (B3355) are complete and have a signed S278 legal agreement prior to commencement of this development. This is proposed to be secured by condition attached to the permission. It is understood that approval for these highways works under S278 of the Highways Act has nearly been reached which will enable these works to commence in the near future. The access along Oxleaze Way and junction with Paulton Road (B3355) must be completed to basecourse level with footways finished prior to first residential occupation of any home. This is to allow residents safe access to the development on foot and by vehicle via Oxleaze Way/Paulton Road. This is proposed to be secured by condition and subject to this measure, the development will achieve acceptable highways access.

Highways officers have reviewed the proposed road layout within the site and confirmed its acceptability. The layout achieves acceptable tracking for manoeuvring of Council refuse vehicles and 20mph forward visibility and splays have been demonstrated. It has been noted that areas for parking restrictions such as at junctions have not been identified at this stage. Therefore, a fee for Traffic Regulation Order will be required by s.106 Agreement to secure these measures. The Applicant has agreed to this fee and a s.106 Agreement will be prepared in the event the resolution to permit is reached.

With regards to pedestrian accessibility, the proposed roads will include adjacent pavements which are proposed for adoption by the Council. These will include continuous raised pedestrian crossings at junctions. Access to driveways will be via crossover of the pavement to provide a level pedestrian footway. The site also includes pedestrian footpaths through the green corridor and around the northern perimeter. These are not proposed for adoption and will be maintained privately by or on behalf of the Applicant. The gradient of certain sections of these paths is 1:15 which is greater than the preferred level, however not significantly greater and given alternative adopted routes will be available, this is not deemed to offer unacceptable accessibility.

With regards to car parking, a total of 126 allocated car parking spaces and 9 visitor parking spaces are proposed. All proposed dwellings will include at least one electric vehicle charging point. This level of allocated on-site car parking is compliant with current parking standards. The level of proposed visitor car parking falls 6 spaces below current parking standards, however space for a further 4 informal visitor parking spaces is available on street, whilst still allowing space required for refuse and emergency vehicle manoeuvring. It is noted that the new parking standards from the Transport & Development SPD require 112 allocated parking spaces and 15 visitor parking spaces. This is 14 spaces fewer than the current standards and proposed parking level. There remains a slight shortfall of a single visitor car parking space however following consideration, Highways officers do not find that this would cause significant highways issues and do not object to the scheme on this basis. Overall, the level of proposed residents car parking is compliant with current standards and visitor parking levels are also found to be sufficient. The development will include acceptable levels of car parking to meet the needs of residents and avoid detrimental impact to the safe and free flow of the surrounding road network.

In relation to cycle parking, all dwellings both flats and houses are proposed to include cycle parking for x2 bikes. This is typically located within fenced rear gardens and accessed by gates. The locations proposed achieve level and direct accessibility from the proposed highways. It is unclear exactly what form of enclosure, stand and security measures are proposed. These details will therefore be sought via condition in the event of resolution to permit. The level and location of cycle parking proposed meet policy requirements and therefore subject to detail, the development will facilitate travel by bike.

A Travel Plan has been submitted which includes a review of existing accessibility, objectives for sustainable travel to/from the site, travel surveys and targets, an action plan and proposals for monitoring and review. Following review, Highways officers have confirmed they consider the Travel Plan is appropriate for the development and its implementation should be secured by a legal agreement. A monitoring fee and bond/deposit for travel plan implementation in accordance with the Council's Transport & Developments SPD is also required. This has been agreed by the Applicant and would be secured by s.106 Agreement in the event of resolution to permit.

Subject to conditions and completion of s.106 Agreement, the development would facilitate sustainable and active travel, as well as avoid detrimental impacts to the surrounding highway network.

Sustainable Construction

Section 14 of the NPPF requires that new development should be planned for in ways that: "can help to reduce greenhouse gas emissions, such as through its location, orientation and design."

Paragraph 157 of the NPPF requires that in determining planning applications, local planning authorities should expect new development to:

- a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and

b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

Policy CP2 (Sustainable Construction) of the Placemaking Plan requires that all planning applications should include evidence that the standards below will be addressed:

- o Maximising energy efficiency and integrating the use of renewable and low-carbon energy (i.e. in the form of an energy strategy with reference to Policy CP4 as necessary);
- o Minimisation of waste and maximising of recycling of any waste generated during construction and in operation;
- o Conserving water resources and minimising vulnerability to flooding;
- o Efficiency in materials use, including the type, life cycle and source of materials to be used;
- o Flexibility and adaptability, allowing future modification of use or layout, facilitating future refurbishment and retrofitting;
- o Consideration of climate change adaptation.

Applications for all development will need to be accompanied by a B&NES Sustainable Construction Checklist.

LPPU Policy SCR6 (Sustainable Construction Policy for New Build Residential Development) states new build residential development will be required to meet the standards set out below.

New build residential development will aim to achieve zero operational emissions by reducing heat and power demand then supplying all energy demand through onsite renewables. Through the submission of a sustainable construction checklist, proposed new dwellings will demonstrate the following;

- o Space heating demand less than 30kWh/m²/annum;
- o Total energy use less than 40kWh/m²/annum; and
- o On site renewable energy generation to match the total energy use, with a preference for roof mounted solar PV

The application is accompanied by a Sustainable Construction Checklist confirming compliance with Track 1 of the Sustainable Construction Checklist SPD. This requires an overall 19% reduction in regulated CO₂ emissions as outlined in Policy CP2, with a minimum 10% reduction achieved through onsite renewable energy generation as outlined in Policy SCR1.

The submitted Sustainable Construction Checklist details proposals for a 19% reduction in CO₂ emissions with an 11% reduction achieved through renewable energy. The overall reduction in CO₂ emissions will be achieved through energy efficiency measures including high efficiency gas boilers, high air tightness levels of 5m³/m²/hr, low energy lighting and building fabric beyond Building Regulations levels. The reduction in CO₂ emissions by renewables will be achieved through solar PV with a capacity of 24kWp, although it is stated the Applicant may install further equipment beyond this.

It is noted that the Sustainable Construction Checklist does not demonstrate on site renewable energy generation to match the total energy use in accordance with the new policy requirements. However, the application was submitted in April 2022 far in advance of these requirements gaining weight. It is considered reasonable in these circumstances to demonstrate compliance with the Placemaking Plan standards adopted at the point the application was submitted. The application has been advertised as a departure from the development as a consequence.

These proposals will be secured by condition in the event of permission being granted. Subject to this measure, the development will make an acceptable contribution to reducing the effects of climate change through sustainable construction and renewable energy.

Drainage & Flooding

Policy CP5 (Flood Risk Management) of the Placemaking Plan requires that: "Development in the District will follow a sequential approach to flood risk management, avoiding inappropriate development in areas at risk of flooding and directing development away from areas at highest risk in line with Government policy NPPF).

Policy SU1 (Sustainable Drainage) of the Placemaking Plan requires that: "Sustainable Urban Drainage Systems (SuDs) are to be employed for the management of runoff from both major development (as defined by the Town and Country Planning (Development Management Procedure) (England) Order 2015) and for minor development in an area at risk of flooding (from any source up to and including the 1 in 100year+ climate change event)."

"SuDS are to comply with the "Non-statutory technical standards for sustainable drainage systems" published by the Department for Environment, Food and Rural Affairs (DEFRA) and the standards/requirements contained in the West of England Sustainable Drainage Developer Guide (2015), or successor guidance."

The site is in Flood Zone 1 which is an area with a low probability of flooding. The development is major development and therefore must employ sustainable urban drainage systems to reduce surface water flood risk.

The wider printworks redevelopment involved installation of both surface water and foul drainage systems which the current proposals can connect to. The submitted drainage strategy includes confirmation from Wessex Water that there is capacity in the existing network to accept the proposed domestic type flows into the public foul sewer network. It is proposed to drain surface water to the wider site drainage network which includes a balancing pond and a wetland/treatment pond prior to discharge to Cam Brook. The proposals involve on site attenuation prior to discharge into the off site network in order to restrict flow to acceptable levels. The surface water system has been designed accounting for climate change tolerance of 40%.

The Council's Drainage Engineer has reviewed the drainage scheme for the site. They have confirmed that the proposals will remain within the original drainage masterplan for the estate. They have reviewed the submitted drainage strategy and confirm this accords with these requirements. The proposals demonstrate acceptable capacity, water quality improvements and will avoid increasing the risk of surface water flooding, utilising

sustainable drainage practices in accordance with the requirements of national and local policies and adopted guidance. The drainage scheme is therefore acceptable, it will be required to be implemented prior to first occupation and then maintained in accordance with the submitted details which will be secured by condition.

Planning Obligations

A series of obligations including financial contributions were secured with the original outline permission (07/02424/EOUT) for the wider site. These include financial contributions relating to: Traffic Management Scheme (£139,491.21); Traffic Management Study (£22,904.24); Hallatrow Road bus stop and bus shelter contribution (£11,452.12); Highway Safety Contribution (£58,723.75); Public Rights of Way Contribution (£17,823.10); Old Mills Contribution (£20,000); Construction Training Places Contribution (£51,002.02); Whitecross and Hallatrow Contribution A37/A39 and A39/B3355 Junction Improvement Works (£117,447.50); Youth Centre Contribution (£10,000); Children's Services Contribution (£1,063,006.91); Bus Services Contribution (£525,251.63); and Play Areas Contribution (£22,733.00).

These obligations were calculated accounting for the previously approved 210 Continuing Care Retirement Community units on the site. For the most part, these obligations are transferrable to the current residential proposals and would continue to provide sufficient infrastructure and mitigation for the current development.

However, there are some further requirements for planning obligations resulting from currently adopted policy and the proposed residential development. These include:

- o Affordable housing contribution with 30% and 100% scenarios
- o Affordable housing requirements for tenure and design
- o Off-site public open space enhancement financial contribution (£76,680)
- o Travel plan implementation and monitoring (£4,775)
- o Travel plan bond (£55,880 - refundable upon successful completion of the travel plan)
- o Traffic Regulation Order for highways waiting restrictions (£4,351)
- o Fire Hydrant Contribution x3 new hydrants (£4,500 plus VAT)
- o S.106 Monitoring Fee of £400 per obligation

The obligations are found to be necessary to make the development acceptable in accordance with relevant policies, directly related to the development proposed and reasonable accounting for the scale of development. These will be secured by s.106 Agreement prepared in the event of a resolution to permit the development.

Conclusion

Loss of the Continuing Care Retirement Community use permitted in 2010 and associated potential for employment is deemed acceptable on the basis that it has been demonstrated there is no market demand for this use at this site and therefore little prospect of this materialising. The proposals would not result in unacceptable loss of employment use as these are redistributed elsewhere on the former printworks site, at Old Mills in Paulton as well as other strategic employment sites in the Somer Valley. The site is a vacant, previously developed, brownfield site within the Housing Development

Boundary. The proposals would deliver 72 dwellings which would make a positive contribution towards housing supply at a sustainable and policy compliant location. The housing includes 54 no. 2 and 3 bedroom homes as well as 18 no. 1 bedroom flats. A minimum of 30% will be affordable housing, likely increasing to 100% through grant funding. The design of the development is found to respond positively to both village character and the green character of the adjacent countryside. The development would include a comprehensive landscaping scheme with tree planting, green corridor and green buffer to existing preserved tree line and hedgerow. Conditions are proposed to ensure that necessary infrastructure including secondary highways access and local nursery are operational prior to occupation of the proposed housing. Conditions will also secure a minimum 10% biodiversity net-gain, ecological enhancements and 19% reduction in CO2 emissions in comparison to Building Regulations including on site renewable energy. Overall, the application is found consistent with the Local Plan Partial Update allocation for the site. On balance, the benefits associated with the development are found to outweigh any harm resulting from loss of the previously consented use. The development is found largely compliant with national policy and no material considerations have been identified which would warrant refusal. The officers recommendation is therefore that the application is permitted subject to completion of s.106 Agreement and conditions.

RECOMMENDATION

Delegate to PERMIT

CONDITIONS

0 A) Authorise the Director of Legal and Democratic Services to enter into a Section 106 Agreement to secure the terms outlined:

1. Affordable housing contribution with 30% and 100% scenarios
2. Affordable housing requirements for tenure and design
3. Off-site public open space enhancement financial contribution (£76,680)
4. Travel plan implementation and monitoring (£4,775)
5. Travel plan bond (£55,880 - refundable upon successful completion of the travel plan)
6. Traffic Regulation Order for highways waiting restrictions (£4,351)
7. Fire Hydrant Contribution x3 new hydrants (£4,500 plus VAT)
8. S.106 Monitoring Fee of £400 per obligation

B) Subject to the prior completion of the above agreement authorise the Head of Planning to PERMIT subject to the following 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 Construction Environmental Management Plan (Pre-commencement)

No development (except for ground investigations and remediation) shall take place until a site specific Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:

1. Procedures for maintaining good public relations including complaint management, public consultation, and liaison;
2. Arrangements for liaison with the Council's Environmental Protection Team;
3. All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours:
 - o 08 00 Hours and 18 00 Hours on Mondays to Fridays;
 - o and 08 00 and 13 00 Hours on Saturdays;
 - o and at no time on Sundays and Bank Holidays.
4. Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
5. Mitigation measures as defined in BS 5528: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
6. Procedures for emergency deviation of the agreed working hours.
7. Control measures for dust and other air-borne pollutants. This must also take into account the need to protect any local resident who may have a particular susceptibility to air-borne pollutants.
8. Measures for controlling the use of site lighting whether required for safe working or for security purposes

The approved Construction Environmental Management Plan must then be adhered to throughout development unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the health and amenity of neighbouring residents from potential impacts and nuisance associated with construction activity in accordance with the requirements of the NPPF and Policies D6, PCS1, PCS2 and PCS3 of the Placemaking Plan.

3 Construction Management Plan (Pre-commencement)

No development (except for ground investigations and remediation) shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. This must 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;

The construction of the development shall thereafter be undertaken in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

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.

4 Ground Investigation and Risk Assessment (Pre-commencement)

No development (except for ground investigations and remediation) shall commence 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:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - 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 section 11 and 15 of the National Planning Policy Framework. This is a condition precedent because the works comprising the development have the potential to uncover harmful contamination. Therefore these details need to be agreed before work commences.

5 Remediation Scheme (Pre-commencement)

No development (except for ground investigations and remediation) shall commence 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 section 11 and 15 of the National Planning Policy Framework. This is a condition precedent because the works comprising the development have the potential to uncover harmful contamination. Therefore these details need to be agreed before work commences.

6 Highway Works (Pre-commencement)

No development (except for ground investigations, remediation and site preparatory works) shall commence until detailed general arrangement drawings of the proposed highway and access works have been submitted to and approved in writing by the Local Planning Authority.

The detailed design of the highway works must be subject to an independent Stage 2 Road Safety Audit (RSA) in accordance with the requirements of GG 119 and the completed works must be subject to a Stage 3 RSA.

First use and occupation of the dwellings hereby permitted shall not commence until the approved works are completed to the satisfaction of the Highway Authority, unless otherwise agreed in writing by the Local Planning Authority.

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.

7 Wildlife Protection & Enhancement Scheme (Pre-commencement)

No development (except for ground investigations and remediation) shall take place until full and final details of a Wildlife Protection and Enhancement Scheme, consistent with but not limited to the recommendations in Section 4 of the Ecological Appraisal (Ecological Appraisal by All Ecology, December 2021), Ecological Mitigation and Enhancement Scheme Drawings P21-2790_010 and P21-2790_020, Section 6 of the Reptile Survey Report (All Ecology, August 2022) and the letter from All Ecology dated 27th November 2022, have been submitted to and approved in writing by the Local Planning Authority. These details must include:

- (i) Method statement for pre-construction and construction phases to provide full details of all necessary protection and mitigation measures, including, where applicable, proposed pre-commencement checks and update surveys, for the avoidance of harm to badger, reptiles, nesting birds, bats and other wildlife, and proposed reporting of findings to the LPA prior to commencement of works; and
- (ii) Detailed specification and location plan for ecological enhancement measures including wildlife friendly planting / landscape details, provision of bat and bird boxes, provision of habitat features for invertebrates and reptiles and connectivity measures through garden boundaries.

Development must then be carried out in accordance with the approved details and completed in accordance with specified timescales, prior to first occupation of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: To comply with the Wildlife and Countryside Act 1981 (as amended) and the Protection of Badgers Act 1992 as well as Policy NE3 of the Placemaking Plan.

8 Biodiversity Net Gain Assessment & Biodiversity Gain Plan (Pre-commencement)

No development (except for ground investigations and remediation) shall take until an updated Biodiversity Net Gain Assessment is submitted to and approved in writing by the Local Planning Authority. This must demonstrate a minimum 10% net gain will be achieved on site using the latest DEFRA metric. The Assessment must be accompanied by an Biodiversity Gain Plan which identifies necessary enhancement measures to deliver the net gain and habitat units stipulated within the approved Biodiversity Net Gain Assessment. The Biodiversity Gain Plan must be prepared in accordance with the approved Biodiversity Net Gain Assessment, landscaping scheme (drawings: P21-

2790_01F and P21-2790_02F) and with current best practice guidelines and shall at minimum include the following:

- a) An updated BNG habitat map for on-site proposed habitats.
- b) Habitat Management Plan- long-term management and protection measures for all retained habitats and species, including fencing and boundary details.
- c) Long term aims and objectives for habitats (extents, quality) and species.
- d) Detailed prescription methods and specifications for the management of habitats and achievement of stated objectives.
- e) Details of any management requirements for species-specific habitat enhancements.
- f) Annual work schedule for at least a 30 year period.
- g) Detailed monitoring strategy for habitats and species, particularly medium distinctiveness habitats, and methods of measuring progress towards and achievement of stated objectives.
- h) Details of proposed reporting to the Local Planning Authority and LA Ecologist, and proposed review and remediation mechanism.
- i) Proposed costs and resourcing, and legal responsibilities.

The approved Biodiversity Gain Plan must be implemented in full prior to occupation of the final dwelling or in accordance with an alternative timescale agreed in writing with the Local Planning Authority. Following implementation, the Ecological Enhancement Plan shall be retained and maintained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure that the development will achieve measurable net gains for biodiversity which is integral to achieving sustainable development as required by paragraph 174 of the NPPF and Bath & North East Somerset Local Plan Partial Update Policies NE3 (Sites, Habitats and Species) and NE3A (Biodiversity Net Gain).

9 Arboricultural Method Statement & Tree Protection Plan (Pre-commencement)

No development (except for ground investigations and remediation) shall take place 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 method statement shall incorporate:

- 1. A provisional programme of works;
- 2. Supervision and monitoring details by an Arboricultural Consultant;

3. Provision of site visit records and compliance statements to the Local Planning Authority for their review and approval;
4. Details relating to control of potentially harmful operations such as the storage, handling and mixing of materials on site, burning, location of site office, service run locations including soakaway locations and movement of people and machinery;
5. Wording for all measures required must state what will happen and use committal language that is enforceable (eg "shall" instead of "should");

The approved Arboricultural Method Statement & Tree Protection Plan must then be adhered to throughout development unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that no excavation, tipping, burning, storing of materials or any other activity takes place which would adversely affect the trees to be retained in accordance with the NPPF and Policy NE6 of the Placemaking Plan. This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore, these details need to be agreed before work commences.

10 Offsite Highway Works - Oxleaze Way/Paulton Road B3355 (Bespoke Trigger)

No development (except ground investigations, remediation and site preparatory works) shall take place until an agreement or agreements has or have been entered into with the Council acting as Local Highway Authority (under section 278 and/or section 38 of the Highways Act 1980 and/or any other relevant power) that together or alone:

- 1) expressly appoint another party or parties to the agreement or agreements to act as agent of the Local Highway Authority and in that role require them to carry out the parts of the 'Offsite Highway Works' relating to Oxleaze Way/Paulton Road B3355 access and associated roundabout that are to be constructed on the existing public highway, and
- 2) expressly require another party or parties to the agreement or agreements to carry out the parts of the 'Offsite Highway Works' relating to Oxleaze Way/Paulton Road B3355 access and associated roundabout that are to be constructed on any land other than the existing public highway and for the dedication and adoption of those works as highway maintainable at the public expense on completion.

Reason: To ensure a safe and direct access to the site which prevents the need for construction vehicles using adjacent accesses and travelling through the rest of the estate in accordance with the NPPF and Policy ST7 of the Placemaking Plan.

11 Unexpected Contamination (Bespoke Trigger)

In the event that contamination which was not previously identified is found at any time when carrying out the approved development, 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 section 11 and 15 of the National Planning Policy Framework.

12 Submission of External Materials (Bespoke Trigger)

Prior to construction of the external walls of the development, further details of proposed external building materials including detailed specifications, images and samples (as necessary) of the following elements shall be submitted to and approved in writing by the Local Planning Authority.

1. Roughcast render
2. Grey reconstituted stonework
3. Buff reconstituted stone heads, cills and window surrounds
4. Fibre cement slates
5. Clay style red concrete pantiles
6. Front and rear doors
7. Windows
8. Rainwater goods, fascia and soffits
9. Meter boxes
10. Garden fencing
11. Retaining walls
12. Driveway block paving
13. Paving slabs for footpaths

Development must then be completed in accordance with the agreed specifications prior to first commencement of the use hereby approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order that the finished appearance of the development is to a high standard, respectful of the character and appearance of the site and surrounding area in accordance with the NPPF and Policies D2 and NE1 of the Placemaking Plan.

13 External Lighting (Bespoke Trigger)

No new external lighting shall be installed until full details of the proposed lighting design, consistent with but providing a betterment to the framework in Drawing 44769/PJ/F, have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- 1) Lamp models and manufacturer's specifications, positions, numbers and heights;
- 2) Predicted lux levels and light spill; and
- 3) Measures to limit use of lights when not required including dimming, seasonal use or part-night lighting to prevent light spill onto nearby vegetation and adjacent land.

The lighting shall be installed and operated thereafter in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid harm to bats and wildlife and prevent harmful light pollution in accordance with the NPPF, Bath & North East Somerset Placemaking Plan Policies D6, D8 and PCS1 as well as Local Plan Partial Update Policies NE3 (Sites, Habitats and Species) and NE3A (Biodiversity Net Gain).

14 Arboricultural Compliance (Bespoke Trigger)

No later than 28 days following completion of the final dwelling, a compliance statement prepared and signed by the appointed Arboriculturalist shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the approved arboricultural method statement and all tree protection measures are complied with for the duration of the development to protect the retained trees as required by the NPPF and Policy NE6 of the Placemaking Plan.

15 Implementation of Landscaping Scheme (Bespoke Trigger)

All hard and soft landscape works hereby approved must be carried out in accordance with the approved details. The works must be carried out prior to the occupation of any part of the development or in accordance with an alternative 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, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the landscape works are implemented and maintained to ensure the continued provision of amenity and environmental quality in accordance with the

NPPF and Policies D1, D2 and NE2 of the Bath and North East Somerset Placemaking Plan.

16 Offsite Works - Early Years Nursery (Pre-occupation)

No dwelling which forms part of the development hereby permitted shall be occupied until operation of the 'Early Years Nursery' has commenced.

Reason: 'Early Years Nursery' relates to the development permitted on the adjacent LP3 site under planning application reference: 22/01348/FUL. Paulton is identified to have insufficient places for both Childcare and Early Years Education as reported in the Bath & North East Somerset Childcare Sufficiency Assessment. It is therefore essential that the adjacent early years nursery facility is delivered ahead of any further housing development and associated increase in demand for early years places in the area. This is required to meet local needs and achieve a self-contained community which reduces the need to travel as outlined in Policies LCR2 (New or Replacement Community Facilities) of the Core Strategy & Placemaking Plan (2017) as well as Policy SSV22 of the Local Plan Partial Update.

17 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 section 11 and 15 of the National Planning Policy Framework.

18 Ecological and Biodiversity Compliance Report (Pre-occupation)

Prior to occupation of the final dwelling at the site, an Ecological and Biodiversity Compliance Report produced by a suitably experienced professional ecologist based on post construction site visit and inspection shall be submitted to and approved in writing by the Local Planning Authority. This must confirm and demonstrate using photographs, completion and implementation of ecological mitigation and enhancement measures as detailed in the approved Wildlife Protection and Enhancement Scheme, Biodiversity Net Gain Assessment and Biodiversity Gain Plan. These details shall include:

- 1) Findings of any necessary pre-commencement or update survey for protected species and mitigation measures implemented;
- 2) Confirmation of compliance with the method statements referenced above including dates and evidence of any measures undertaken to protect site biodiversity; and
- 3) Confirmation that proposed measures to enhance the value of the site for target species and habitats have been implemented. All measures within the scheme shall be retained, monitored, and maintained in accordance with the approved details.

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with NPPF and Bath & North East Somerset Local Plan Partial Update Policies NE3 (Sites, Habitats and Species) and NE3A (Biodiversity Net Gain).

19 Renewable Energy (Pre-Occupation)

The development hereby approved shall incorporate sufficient renewable energy generation (solar PV) such that carbon emissions from anticipated (regulated) energy use in the development shall be reduced by at least 19% calculated against DER/BER Baseline emissions. Prior to first occupation of the development the matters listed below shall be submitted to and approved in writing by the Local Planning Authority:

- o A completed copy of Energy Table 1 (of the Local Planning Authority's Sustainable Construction Checklist). This shall be completed to reflect the actual technologies installed as part of the development hereby approved;
- o A completed copy of Energy Table 3 (of the local planning authority's Sustainable Construction Checklist). This shall be completed to reflect the actual renewable energy systems installed as part of the development hereby approved;
- o Manufacturers specifications of proposed renewables energy generation equipment (solar PV); and
- o Evidence documentation (e.g. commissioning certificates, Feed in Tariff certificates or receipts) relating to those installed technologies listed in Energy Table 3 demonstrating to the Local Planning Authority's satisfaction that they have been installed correctly and are generating energy in line with the assumptions set out in Energy Table 1.

The approved renewable energy systems (Solar PV) shall be installed and fully operational in accordance with the approved Energy Tables 1 and 3 and the approved evidence documents prior to first occupation of the development hereby approved and shall be retained as such thereafter as an integral part of the development hereby approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: Reason: To ensure that carbon emissions (from anticipated regulated energy use) associated with the development are reduced by at least 19% by means of sufficient renewable energy generation, in accordance with Policy SCR1 of the Bath & North East Somerset Placemaking Plan.

20 Sustainable Drainage Strategy (Pre-occupation)

No occupation of the development shall commence until the approved Drainage Strategy (Paulton Residential Development - Flood Risk Assessment and Drainage Strategy Report, by Cambria, ref: CB2207-CAM-ZZ-XX-RP-C-0001 P05, 19 January 2023) has been implemented in full. The site drainage scheme shall thereafter be operated and maintained in accordance with the approved details for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

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.

21 Dwelling Access (Pre-occupation)

Prior to first occupation of each dwelling, the dwelling must be 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.

22 Junction Visibility Splay (Pre-occupation)

No occupation of the development shall commence until the visibility splay shown on drawing number CB2207 CAM XX ZZ GA C 0100 P06 HIGHWAYS - VEHICLE TRACKING / VISIBILITY has been provided. There shall be no on-site obstruction exceeding 600mm above ground level within the visibility splay. The visibility splay shall be retained permanently thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure sufficient visibility is provided in the interests of highways safety in accordance with the NPPF and Policy ST7 of the Bath and North East Somerset Placemaking Plan.

23 Waste Containers Delivery and Collection (Pre-occupation)

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

1. A joint risk assessment undertaken in association with the Council's Waste Operations team;
2. Identification of a suitable interim refuse and recycling collection point;
3. If a suitable interim collection point cannot be identified, details on the alternative arrangements for the private collection of refuse and recycling from occupied properties during construction;
4. A scheduled occupation plan including a requirement to notify the waste team 2 weeks prior to the first occupation; and
5. Delivery point and dates for the distribution of waste and recycling containers.

Collection of householder refuse, and recycling must then be undertaken in accordance with the approved Waste Management Plan in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

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.

24 Rainwater Harvesting Scheme (Pre-occupation)

No occupation of the approved development shall commence until proposals for a Rainwater Harvesting Scheme for each dwelling is submitted to and approved in writing by the Local Planning Authority. At minimum, this will include one 200 litre rain water butt per dwelling identified on a site plan, including details of proposed specification, capacity, stand and tap. The approved Rainwater Harvesting Scheme shall then be implemented prior to first residential occupation of each respective dwelling, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To reduce water consumption within the development taking account of the predicted effects of climate change including warmer summers and reduced rainfall in accordance with the NPPF and Policy SCR5 (Water Efficiency) of the Placemaking Plan.

25 Residents Welcome Pack (Pre-occupation)

No occupation of the approved development shall commence until a new resident's welcome pack has been issued to the first occupier/purchaser of each residential unit of accommodation. The new resident's welcome pack shall have previously been submitted to and approved in writing by the Local Planning Authority and shall include information of bus and train timetable information, examples of fares/ticket options, information on cycle routes, car share, car club information etc., to encourage residents to try sustainable transport.

Reason: To encourage the use of sustainable transport in the interests of sustainable development in accordance with Policy ST1 of the Bath and North East Somerset Placemaking Plan.

26 Electric Vehicle Charging Points (Pre-occupation)

No building or use hereby permitted shall be occupied or use commenced until details of the total number of car parking spaces, the number/type/location/specification/means of operation and a programme for the installation and maintenance of Electric Vehicle Charging Points has been submitted to and approved in writing by the Local Planning Authority prior to construction of the above ground works. The Electric Vehicle Charging Points as approved shall be installed prior to occupation and retained in that form thereafter for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: To promote sustainable travel, aid in the reduction of air pollution levels and help mitigate climate change in accordance with Policy ST1 of the Bath and North East Somerset Placemaking Plan.

27 Bicycle Storage (Pre-occupation)

No occupation of any dwelling hereby permitted shall commence until full details for proposed cycle parking has been submitted to and approved in writing by the Local Planning Authority. This must include parking for 2 bicycles per dwelling and demonstrate means of storage, weathertightness, illumination and security further to the proposals which have been submitted to and approved in writing by the Local Planning Authority. The bicycle storage shall be retained permanently thereafter unless otherwise agreed in writing by the Local Planning Authority.

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

28 Car Parking (Compliance)

The areas allocated for parking and turning, as indicated on submitted plan '20060 / 01 REV P15 PROPOSED SITE PLAN' shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

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

29 Water Efficiency (Compliance)

The dwellings hereby permitted must be constructed to meet the optional national Building Regulations requirement for water efficiency of 110 litres per person per day, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of water efficiency in accordance with Policy SCR5 of the 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 This decision has been based on the following list of plans and reports:

Plans List:

Architectural

20060 / 01 REV P17 Site Plan 5 January 2023

20060 / 02 REV P9 Site Plan - Building Materials

5 January 2023

20060 / 03 REV P10	Site Plan - Refuse Strategy	5 January 2023
20060 / 04 REV P7	Site Plan - Colour	5 January 2023
20060 / 06 REV P4	Site Sections / Elevations	5 December 2022
20060 / 10 REV B	Haldon House Type Plans	24 October 2022
20060 / 11 REV C	Haldon House Type Elevations	24 October 2022
20060 / 15 REV B	Exmoor House Type Plans	24 October 2022
20060 / 16 REV C	Exmoor House Type Elevations	24 October 2022
20060 / 20 REV B	Exmoor Side House Type Plans	24 October 2022
20060 / 21 REV C	Exmoor Side House Type Elevations	24 October 2022
20060 / 25 REV C	2 Bedroom Wheelchair House Type Plans	24 October 2022
20060 / 26 REV C	2 Bedroom Wheelchair House Type Elevations	24 October 2022
20060 / 30 REV C	1 Bedroom Flat House Type Plans	24 October 2022
20060 / 31 REV C	1 Bedroom Flat House Type Elevations	24 October 2022
20060 / 35 REV C	1 Bedroom Flat Wheelchair House Type Plans	24 October 2022
20060 / 36 REV C	1 Bedroom Flat Wheelchair House Type Elevations	24 October 2022
20060 / 40 REV B	Exmoor Side Alternate House Type Plans	24 October 2022
20060 / 41 REV C	Exmoor Side Alternate House Type Elevations	24 October 2022
20060 / 00 REV B	Location Plan	10 March 2022

Landscape

P21-2790_01F	Proposed Soft Landscape Plan (Sheet 1 of 2 - West)	3 January 2023
P21-2790_02F	Proposed Soft Landscape Plan (Sheet 2 of 2 - East)	3 January 2023
P21-2790_03F	Proposed Hard Landscape Plan (Sheet 1 of 2 - West)	3 January 2023
P21-2790_04F	Proposed Hard Landscape Plan (Sheet 2 of 2 - East)	3 January 2023
P21-2790_10	Proposed Tree Protection Plan	5 December 2022

Ecology

Ecology Statement, 27 November 2022, by All Ecology
 Badger Survey, 3 August 2022, by All Ecology
 Great Crested Newt eDNA Analysis, 3 August 2022, by All Ecology
 Reptile Survey, 3 August 2022, by All Ecology
 Ecological Appraisal, 16 December 2021, by All Ecology

Highways/Engineering

CB2207 CAM XX ZZ GA C 1101 P09	Drainage Strategy (Sheet 1 of 2 - West)	18 January 2023
CB2207 CAM XX ZZ GA C 1102 P09	Drainage Strategy (Sheet 2 of 2 - East)	18 January 2023
CB2207 CAM XX ZZ DE C 1105 P01	Drainage Details (Sheet 1)	18 January 2023
CB2207 CAM XX ZZ DE C 1120 P03	Attenuation Tank Details	18 January 2023
44769/PJ/F	Proposed Lighting Layout	5 December 2022
CB2207-CAM-XX-ZZ-GA-C-0105 P01	Surfacing Plan (Sheet 1 of 2 - West)	23 December 2022
CB2207-CAM-XX-ZZ-GA-C-0106 P01	Surfacing Plan (Sheet 2 of 2 - East)	23 December 2022
CB2207 CAM XX ZZ GA C 0100 P06	Vehicle Tracking	5 December 2022

CB2207 CAM XX ZZ GA C 0101 P14	External Levels (Sheet 1 of 2 - West)	5
December 2022		
CB2207 CAM XX ZZ GA C 0102 P13	External Levels (Sheet 2 of 2 - East)	5
December 2022		
Paulton Residential Development - Flood Risk Assessment and Drainage Strategy Report, reference: CB2207, revision: P05, by Cambria, 19 January 2023		
Former Printworks, Paulton - Technical Note, 21-0225, issue 01, by Rappor, 5 December 2022		
Geotechnical and Geoenvironmental Report, reference: 16405, March 2021, by Terra Firma		
Residential Travel Plan - Former Printworks, Paulton, December 2021, received: 10 March 2022		
Transport Assessment - Former Printworks, Paulton, January 2022, received: 10 March 2022		
Sustainable Construction Checklist, by Jonathan Lewis, JS Lewis Ltd. received: 10 March 2022		

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 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.

5 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.

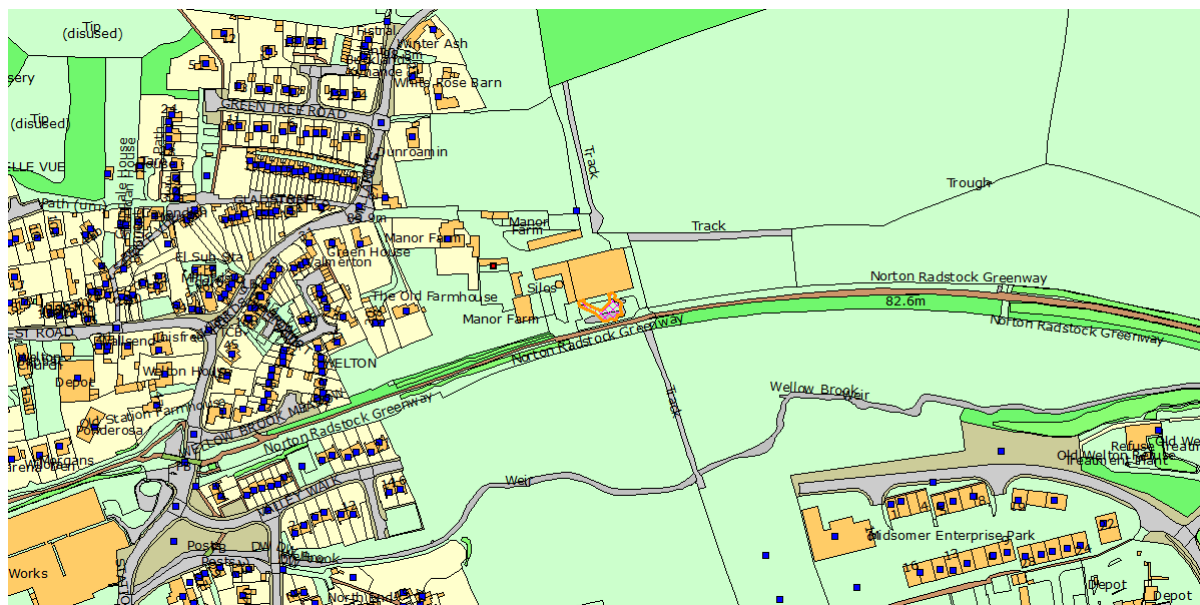
Community Infrastructure Levy - Exemptions and Reliefs Claims

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

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

Item No: 02
Application No: 22/02863/FUL
Site Location: Mill Barn Millards Hill Welton Midsomer Norton Bath And North East Somerset



Ward: Midsomer Norton North **Parish:** Midsomer Norton **LB Grade:** II

Ward Members: Councillor Michael Evans Councillor Shaun Hughes

Application Type: Full Application

Proposal: Erection of a new external classroom; consisting of natural rendered clay bricks to form landscaping wall, pizza oven & rainwater collection with arrayed valleyed roof.

Constraints: Agric Land Class 3b,4,5, Coal - Standing Advice Area, Conservation Area, Contaminated Land, Policy CP9 Affordable Housing Zones, Policy NE1 Green Infrastructure Network, Neighbourhood Plan, SSSI - Impact Risk Zones,

Applicant: Free Rangers

Expiry Date: 13th January 2023

Case Officer: Danielle Milsom

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

REPORT

Reason for going to committee:

The application was referred to the Committee Chair and Vice Chair in accordance with the Council's scheme of delegation. Cllr Shaun Hughes, ward member of Midsomer Norton North, requested that should officers be minded to permit the application, then it should be considered by the Planning Committee. Planning policy reasons were given by the ward councillor, regarding impact on traffic, contrary to officer recommendation to permit.

The Chair has considered the application and decided that the application will be determined by the Planning Committee, commenting as follows:

I have reviewed this application and note the comments from statutory consultees and third parties. The officer and applicant have worked together to address the issues raised and conditions have been incorporated as necessary. However, due to the comments from Conservation and the sensitivity of the site, I believe that the proposal should be debated in public by the Planning Committee.

The Vice Chair commented as follows:

"I have read through this application including all comments from both third party & statutory consultees including the Ward Cllr reasons for requesting the application be heard by the planning committee.

The Officer has worked with the applicants to address concerns raised & further information has been provided & suggested conditions proposed to mitigate the impact this proposal will have on the area however it is controversial & I recommend the application be determined by the planning committee so all issues can be debated in the public arena."

This application relates to Mill Barn. The site is set within the wider 'Free Rangers' school nursery, situated within Midsomer Norton, which falls within a Conservation Area. The land subject to this application is situated to the south-east of the site.

Planning permission is sought for the erection of a new external classroom; consisting of natural rendered clay bricks to form landscaping wall, pizza oven & rainwater collection with arrayed valleyed roof.

Relevant Planning History:

06/02033/FUL - permit - Demolitions, external and internal alterations in connection with change of use from agricultural to office use of two-storey barn. Restoration of pigsty within site boundary, not used for agricultural purposes

06/02034/LBA - consent - Conversion of barn and lean-to, to offices. Internal and external alterations including new staircase, new partitions, windows and doors including works to former pigsty

08/01809/FUL - permit - Change of use from agricultural use to office/workshop use

08/01810/LBA - consent - Internal and external alterations to convert from agricultural use to office/workshop use

11/02871/REN - permit - Renewal of application 08/01809/FUL (Change of use from agricultural use to office/workshop use)

11/02872/LBR - consent - Renewal of application 08/01810/LBA (Internal and external alterations to convert from agricultural use to office/workshop use)

09/01417/FUL - permit - Change of use of Mill Barn from agriculture to childrens nursery and creche to include extension of lean-to and reconstructing the loggia

09/01420/LBA - consent - Internal and external alterations for the change of use of Mill Barn from agriculture to childrens nursery and creche to include extension of lean-to and reconstructing the loggia

15/05436/FUL - permit - Change of use of ground floor accommodation within existing Farmhouse to D1 nursery use ancillary to main nursery within Mill Barn.

16/04912/FUL - permit - Erection of extension to Mill Barn, expansion of car park, conversion of the bull pen to nursery accommodation and re-cladding and alteration of redundant barn to form covered external play area.

16/04913/LBA - consent - External alterations to include conversion of the existing bull pen to form additional nursery accommodation; Extension of existing Mill Barn Loggia to form a new boot room and play garden entrance; re-cladding and alteration of a redundant barn to form a covered external play area and expansion of the existing car park.

16/05100/LBA - consent - Demolition of concrete block extension to the existing Bull Pen building, internal and external alterations for the erection of a new oak framed extension to the existing Bull Pen building and alterations to the derelict pig sty

16/05099/FUL - permit - Demolition of concrete block extension to the existing Bull Pen building, erection of a new oak framed extension to the existing Bull Pen building; and alterations to the derelict pig sty

21/03073/FUL - permit - Erection of 2 no. yurts, 3 no. compost toilets, canopy structure, timber shed, and timber fence to the western boundary (retrospective)

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

Conservation team: Objection

Highways: No objection subject to condition

Midsomer Norton Town Council: No comment

Education Services: comment

- o Welcome provision of facilities

Representations Received :

Cllr Shaun Hughes: Call to committee:

- o Appreciate the benefits of the nursery and the community facilities, it is important to maintain balance and harmony with the adjacent area, infrastructure and residents
- o Facility has grown significantly which has had an impact on traffic levels

- o Millards Hill suffered with a number of highways issues including speeding vehicles, parking, poor visibility and excessive vehicle movements, poor provision for pedestrians and cyclists which results in a high risk of accidents
 - o Mention of further increase through introduction of a café and community growing space
 - o Although I fully support this business, this application should be considered by committee to fully explore the impact that further growth will bring.
- Three objection comments received. A summary is as follows:
- o The 5 year plan of growth hides a continues increase in traffic
 - o Once the school is complete this would lead to a 107% increase in traffic movement
 - o Traffic survey is limited
 - o Concern is with wider road network
 - o Fear of subsequent applications
 - o Assessment must be made on the road network now
 - o If the application was for the full development it would be assessed very differently
 - o Millards Hill already causes traffic conflicts, it is not current safe as stated
 - o Speed of vehicles causes danger
 - o Any further expansion will cause a great risk to safety
 - o Traffic survey does not take into account further down Millards Hill
 - o A full traffic survey should be conducted

Three support comments received. A summary is as follows:

- o As a pedestrian I feel safe when walking to and from the site
- o There is a large car park
- o The proposal would benefit the community
- o There is a huge need for educational provision in this area
- o The development is sympathetic to the land
- o There is minimal disruption and issues with parking in comparison to other primary schools
- o There is ample parking

The above provides a summary only. Due to length of comments, it is not possible for all to be detailed within this report. Full comments can be viewed on the public website.

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

D3: Urban fabric

D5: Building design

D6: Amenity

HE1: Historic environment

ST7: Transport requirements for managing development

LOCAL PLAN PARTIAL UPDATE:

Bath and North East Somerset Council have recently updated a number of local planning policies through the introduction of the Local Plan Partial Update (LPPU). The following policies have been introduced through the LPPU and are relevant to this proposal:

Policy NE3a (Biodiversity Net Gain)

The following policies have been updated as part of the LPPU and are relevant to the proposal:

Policy DW1 (District-wide Spatial Strategy)

Policy NE3 (Sites, Habitats and Species)

Policy ST1 (Promoting sustainable travel and healthy streets)

Policy 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).

Conservation Areas:

In addition, there is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character 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

This application proposes the erection of a new external classroom; consisting of natural rendered clay bricks to form landscaping wall, pizza oven & rainwater collection with arrayed valleyed roof.

The site is set within the wider 'Free Rangers' school nursery. The school opened in 2011 following the initial planning application on 2009. Facilities currently support 72 children and 28 staff. Existing permissions, extant but not complete could see an increase of up to 105 children. This proposal would facilitate an increase of 8 pupils and 2 full time members of staff. This is the scale of change that has been assessed under this application.

Concern has been made with regard to future development beyond this application. This arose through the mention within this application of a master plan of the site. However, this application only proposes the outdoor classroom, increasing the number of students within Free Rangers by 8. All references on the plans to future proposals have been removed. This assessment can only consider the merits of this application, as presented. Further expansion of Free Rangers would be subject to additional planning permissions which would be assessed at that stage. Minimal weight is given to future applications as part of this application.

PRINCIPLE OF DEVELOPMENT:

The area of works has been used informally by Free Rangers since the site first opened in 2011. For over 10 years, the area has been used to facilitate some educational activities associated with the agricultural use, adjacent to the existing barns. The barns, and land adjacent which is subject to this applications primary use if considered to be educational, ancillary to Free Rangers School, with associated agricultural function, including the keeping of several small farm animals. It is therefore considered that the construction of an outdoor class room in this area would not entail a change of use of the land. The land would continue to be primarily in educational use with ancillary agricultural function.

The expansion of the school is regarded as a community facility. Policy RA3 of the B&NES Placemaking Plan is therefore considered to be relevant in this instance. Proposals for the development of community facilities will be acceptable within and

adjoining all villages, provided they are of a scale and character appropriate to the village and meets the needs of the parish and adjoining parishes.

Considering that the proposed area for development sits within the larger ownership of Free Rangers, and as the area is already in use for some educational activities it is considered that it is of a scale suitable for the school and wider area. A statement from the educational services team has also stated that the provision of this facility in this area would be welcomed and would as such support a need within the immediate area. The proposal is as such considered to be compliant with policy RA3.

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.

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.

The proposed development site is part of an historic farmstead, which is now used as a Free Rangers School. It is the setting of numerous listed and curtilage listed structures. The site also makes an important contribution to the character and appearance of the Midsomer Norton & Welton Conservation Area. The historic farmstead is of historic rural vernacular architecture and sits within an open countryside setting.

Manor Farm was part of a medieval settlement with associated hollow way. To the northwest of the site there is Welton Manor House, a Grade II* house, which is dated 1620. There is a large barn immediately southeast of Welton Manor which is Grade II listed in its own right. There is group of curtilage structures, which make a positive contribution to the setting and character of the grade II* listed farmhouse and the grade II listed barn. A large modern barn has been erected between this grouping and the proposed development site, which due to its scale is harmful to the historic farmstead. There is a site is bordered by the route of the former railway line, which is now used a cycle way and footpath known as the Norton Radstock Greenway. It is also included in character zone 2 of the conservation area. The character of this zone stems in part from its adjoining open countryside setting. While the large, modern shed barn has restricted some of the views in and out of the historic farmstead to the proposed development site, there remains a historic relationship between the two. Historic map layers show that it was open farmland.

It is proposed to erect an outdoor classroom with a finned roof form, which will fan out of a central point. There will be a separate structure housing a pizza oven. The structures will have polycarbonate and corrugated metal roofs. Further information has been provided regarding the materials used in the construction of the walls which will include clay, silt, sand and gravel. The clay is to be excavated on site.

There is conserved over the impact of the proposed structures in relation to the historic farmstead a views from the foot path. This is an area which historically has been left open, development would as such lead to harm. It is considered that the structures would diminish the open natures of the countryside around the farm, subsequently causing harm to the character of the Conservation Area. The spread of development from the listed buildings is also considered to be harmful to their setting.

The works would cause less than substantial harm to the character of the Conservations Area, and the setting of the listed buildings.

Where a proposed development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use.

This application would support the expansion of the Free Rangers Forestry School, enabling growth to cater for 8 additional students. Paragraph 95 of the NPPF states:

It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications

The expansion of the Free Rangers Forestry school is therefore given significant weight within the consideration of public benefit. In addition, a consultation response has been received from the B&NES Education Inclusion Team. Advise received states freeing up places in special schools within the district by offering alternatives is one way to increase the sufficiency of places in B&NES and prevent out of county placements. Whilst the SEND team do look to place within a maintained school (mainstream of special) in the first instance, due to the lack of local capacity this is not always possible which can result in placing at independent out of county placements which can be costly due to the requirement of transport. This is also not always within the best interests of the child. Therefore, it is always much the best for the child to keep them in their local community. As such, any increase in provision in the locality is welcomed and would support one of the major outcomes outlines within the SEND strategy SPD.

Due to the above, it can therefore be demonstrated that the expansion of the Free Rangers Forestry School would provide an alternative place for children within the district, helping to reduce the pressure on mainstream and special schools. Great weight is as such given to this public benefit. The harm identified to the Conservation Area and setting of the Listed Building is considered to fall at the lower end of less than substantial. It is therefore considered that in this instance, the public benefit identified would be sufficient enough to outweigh the less than substantial harm and is as such considered to be complaint with part 16 of the NPPF and HE1 of the B&NES Placemaking Plan.

Conditions are attached to secure samples of all materials proposed as part of the construction. This would ensure that all materials are suitable to the rural setting.

There is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character 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 result in less than substantial harm to the Conservation Area. However, the provision of educational facilities in this instance is considered to be a public benefit which would outweigh the harm identified. 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 12 of the NPPF.

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:

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.

Upon request a Transport Statement has been provided. The statement provides a summary of the site history, and sets out the potential implications of the permitted expansion to the existing nursery (see applications 16/04912/FUL and 16/05099/FUL), a review of the possible transport impacts associated with the current application, and an overview of potential future masterplan proposals. In terms of current site use, the document confirms that the existing permissions could allow 105 children to be registered at the nurse, however, the current number does not exceed 70 children.

The Statement confirms that the current application would result in eight additional children attending the site, with two full-time equivalent members of staff. This is the scale of change that has been considered as part of the application assessment. Further traffic surveys were undertaken in October 2022, and comparisons made with the data collected as part of the 2016 planning process. A count of pedestrian movements was also completed. The traffic data enables the Statement to present a summary of trips associated with the existing site throughout the day, and this also allows a parking accumulation to be calculated. Finally, the flows have been used to review the operation of the Millard's Hill / Gladstone St / site access junction, and a traffic model has been used to review the peak periods.

The Transport Statement presents pedestrian counts for Millard's Hill, and this shows that there is a moderate use of the access across the day. It is also likely that the Greenway connection will be associated with a number of these movements.

Whilst site visit observations confirm that traffic flows on Millard's Hill can be fairly constant at peak times (which is also evidenced by the traffic counts), the traffic modelling demonstrates that the Millard's Hill / Gladstone St / site access junction operates well within capacity limits at all times. The scale of the proposed development and associated vehicle movements would not have a significant impact on the operation of the junction, nor on traffic movements along Millard's Hill. The Transport Statement notes that it may be possible to stagger the school start times, and it is also noted that the end of the school day would not coincide with nursey changeover times. A condition would be attached to secure the submission of a travel plan, to detail the staggered start times. This would ensure that any impacts would be minimised.

The Transport Statement considers the future parking impacts associated with the scheme, and the parking accumulation results do indicate that there would be sufficient capacity at this time to accommodate a small increase in parking demand. Over time there will be a requirement for the previously approved parking layout to be implemented, however, this change does not need to be associated with the current proposals.

The current proposals for the expansion of 8 students and 2 members of staff are therefore considered to not result in significant harm to the highway in terms of safety.

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) as updated by the Local Plan Partial Update 2023, and part 4 of the NPPF.

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.

ECOLOGY:

The Council have now adopted the policies which were part of the Local Plan Partial Update (LPPU). The LPPU policies now include the requirement for measurable Biodiversity Net Gain (BNG) on site (Policy NE3a). The 'small sites metric' required by policy NE3a has not been submitted within this application and therefore the application presents insufficient information to be compliant with policy NE3a. It is considered that it is not reasonable to require this information or require BNG as part of this application, due to the time passed from validation (June 2022). This application has also been delayed by 1 month for reasons beyond the applicants control, the application could reasonably have been determined prior to the adoption of the LPPU. It is therefore considered that this

presents a material consideration to depart from the Development Plan. This application as such has been advertised as a departure and does not require the submission of information regarding BNG.

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 Travel Plan (Pre-occupation)

No occupation of the development shall commence until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with the approved Travel Plan.

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

3 Materials - Submission of Material Samples (Bespoke Trigger)

No construction of the external walls of the development shall commence until details and samples of the following list of materials and finishes have been submitted to and approved in writing by the Local Planning Authority:

1. Corrugated metal and polycarbonate roof
2. Gutters/rainwater collection
3. Chimney flue
4. Sample panel of 'landscape walls reusing site materials'
5. Timber/oriel window
6. Compost loo material

The development shall thereafter be carried out only 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.

4 Plans List (Compliance)

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

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

PLANS LIST:

1 This decision relates to the following plans:

Drawing submitted 21 Dec 2022:

FR02_GA_100

FR02_GA_101

FR02_GA_102

FR02_GA_120

FR02_GA_121

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 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.

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

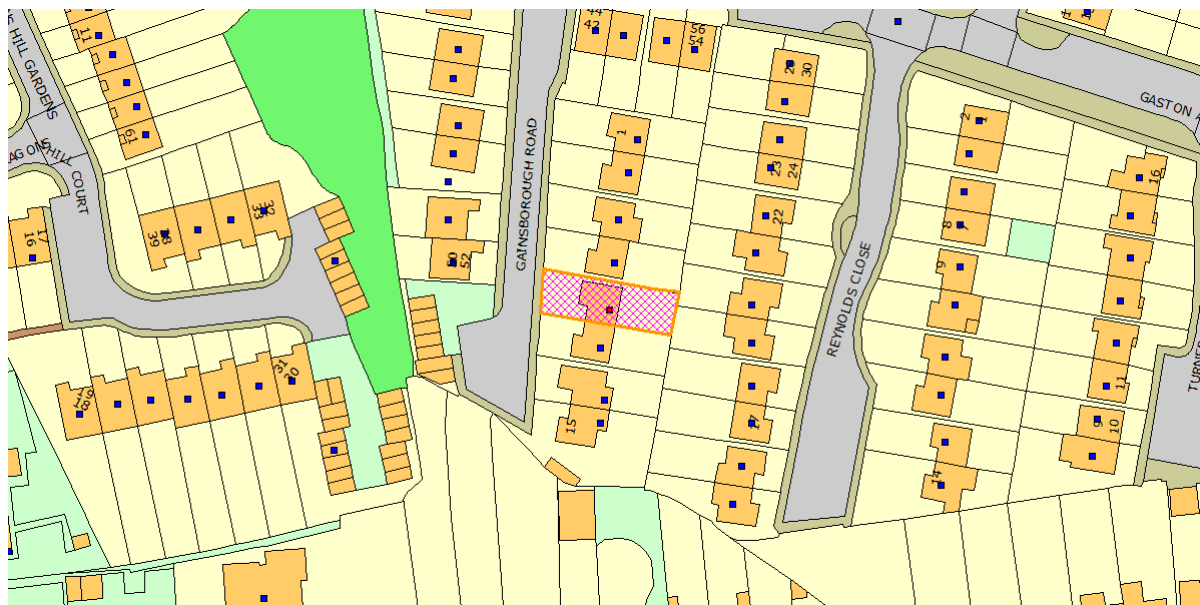
The CIL regulations are non-discretionary in respect of exemption claims. If you are intending to claim a relief or exemption from CIL (such as a "self-build relief") it is important that you understand and follow the correct procedure **before** commencing **any** development on site. You must apply 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: 22/03945/FUL
Site Location: 9 Gainsborough Road Keynsham Bristol Bath And North East Somerset BS31 1LS



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

Ward Members: Councillor Hal McFie Councillor Andy Wait

Application Type: Full Application

Proposal: Proposed Front Extension

Constraints: Saltford Airfield 3km buffer, Agricultural Land Classification, Neighbourhood Plan, SSSI - Impact Risk Zones,

Applicant: Mr Andrew Shaw

Expiry Date: 30th November 2022

Case Officer: Paige Moseley

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

REPORT

REASON FOR REPORTING TO COMMITTEE

Keynsham Town Council have objected to the application, contrary to the officer's recommendation to grant permission. 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:

Chair's comments:

"I have reviewed this application and note the comments and objections raised. The officer has addressed those comments in the report above however, given the concern raised regarding the loss of light in the living room of the adjoining house in the pair, I believe that this would benefit from debate at committee."

Vice Chair's comment:

"I have looked at this application noting the reasons for objecting from third party and KTC, the issues raised have been addressed in the assessment of the application against relevant planning policies and I recommend the application be delegated to Officers for decision as it is policy compliant."

The application refers to 9 Gainsborough Road, a two-storey semi-detached dwelling with the Keynsham housing development boundary.

Planning permission is sought for the erection of a front extension.

Relevant Planning History:

16/03268/HPD - APPROVED - 5 September 2016 - Prior approval request for single storey rear extension that would 1) extend beyond the rear wall of the original house by 4 metres, 2) have a maximum height of 3.325 metres and 3) have eaves that are 2.6 metres high.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

Keynsham Town Council - Object

The proposal is inappropriate on the front of the building changing the shape and style of the existing house and spoiling the street scene. The proposal is contrary to BaNES Council Placemaking Policy D1b and does not contribute to the distinctiveness and identity of this street.

Representations Received:

1no. objection was received -

- The exterior frontage to the semi-detached pair will become asymmetrical and the aesthetic and visual amenity of the property will be detrimentally affected.
- The front doors currently face each other. The door of no.11 will face the wall of the extension and natural surveillance will be reduced, causing safety and security issues.
- Proposed extension will reduce light and create a reduction to outlook of no.11.
- Plans indicate construction up to the party wall boundary. Excavation for foundations will be in the zone of influence of no.11 and drawings appear to show foundations extending onto land owned by no.11. An eccentric foundation is required.
- Access for construction and maintenance will be an invasion of privacy to no.11. Suitable respite periods and notifications of invasive or noisy works should be provided to the occupier.

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

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

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).

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

9 Gainsborough Road is a two-storey house and part of a semi-detached pair. Approximately 1/3 of the frontage from the shared boundary is recessed containing first-floor and ground-floor windows. The remainder of the frontage is a catslide roof which extends past the first-floor window and protrudes further towards the street, meeting the eaves just above the ground-floor window. This is mirrored in the other house belonging to the pair (no.11 Gainsborough Road), and in 3 other pairs along the street.

The proposal would extend across the front ground floor of the house, continuing the line of protruding frontage and the existing roof pitch. The entrance door will be relocated to the front elevation and the first floor window adjusted to allow for the continuation of the roofslope.

CHARACTER AND APPEARANCE

Policy D1, D2, D3 and D5 of the Placemaking Plan and Policy CP6 of the Core Strategy have regard to the character and appearance of a development and its impact on the character and appearance of the host dwelling 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 be supported where it responds to the local context in terms of appearance, materials, siting, spacing and layout.

The proposed single-storey front extension would integrate successfully with the host building by continuing existing building lines. It is recognized that the symmetry of the semi-detached pair would be reduced however it is considered that this would not have an unacceptable impact on the street-scape. A similar development has been approved at 22 Reynolds Close (reference 18/02390/FUL), a property in the street immediately to the rear of the application site which was part of a symmetrical semi-detached pair. The design is considered appropriate, proportionate and responds well to the host dwelling.

The materials are proposed to match the existing and a condition would be recommended to secure this.

The main entrance door would be repositioned from the side elevation of the original front projection to the front elevation facing the street. Whilst the existing arrangement is typical of this house type on Gainsborough Road, the relocation would not have an unacceptable impact on the character or appearance of the street scene where other house types, including those directly opposite the site, have street-facing entranceways.

Overall the proposed development would complement the original building and be in keeping with the character and appearance of the street scene and general locality. The proposal accords with policy CP6 of the Core Strategy, policies D1, D2, D3 and D5 of the Placemaking Plan and the aims of the NPPF.

RESIDENTIAL AMENITY

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

The proposed extension would extend 1.95m beyond the existing elevation and the closest ground floor window at no.11. Given the modest depth, single storey height and siting to the north of no.11, it is considered that the proposed porch would not have an unacceptable impact on the residential amenities of the occupiers at no.21 through loss of daylight or sunlight, overbearing visual impact, loss of outlook or overshadowing.

The proposal is not considered to 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 is therefore in accordance with Policy D6 and Part 12 of the NPPF.

With regards to concerns raised in objection comments regarding invasion of privacy and noise during construction, a degree of disruption is to be expected from any construction project. Whilst conditions can be imposed on permissions for large developments to manage the construction process, given the scale of the proposed works it is not considered reasonable or necessary to impose such conditions in this case. It is expected that applicants/contractors carry out construction within appropriate hours to avoid noise nuisance in line with environmental protection legislation.

HIGHWAYS SAFETY AND PARKING

Policy ST7 of the Placemaking Plan 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 is not considered to result in increase demand for on-street parking or to detract from highways safety and is therefore considered to be in accordance with Policy ST7.

OTHER MATTERS

Objection comments received raised concerns about reduction in natural surveillance for the front door at no.11. Whilst it is acknowledged that there may be some reduction in natural surveillance, due to the modest depth of the proposed extension, the front door of no.11 would still be visible from houses on the opposite side of the street and when approaching from the north. It is considered that the impact would not be significant enough to warrant refusal of the application.

With regards to concerns regarding construction up to the boundary wall and the footprint of the foundations, the proposed extension is located approximately 0.15m from the boundary. Regardless, boundary matters are not a material consideration as long as the proposed development is within the red line boundary on the location plan provided. Any

disputes regarding boundaries or ownership must be dealt with as a civil matter, as is the case for matters relating to access for construction.

CONCLUSION

Given the considerations above, the application 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 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 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.

3 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 GAI9/22/001 SITE LOCATION AND BLOCK PLANS
GAI9/22/101 PROPOSED ELEVATIONS
GAI9/22/51 PROPOSED GROUND FLOOR 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 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.