

Bath & North East Somerset Council

MEETING: **Planning Committee**

MEETING DATE: **20th November 2024**

AGENDA
ITEM
NUMBER

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RESPONSIBLE OFFICER: Louise Morris - Head of Planning & Building Control

TITLE: **APPLICATIONS FOR PLANNING PERMISSION**

WARDS: ALL

BACKGROUND PAPERS:

AN OPEN PUBLIC ITEM

BACKGROUND PAPERS

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

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

The following notes are for information only:-

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

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

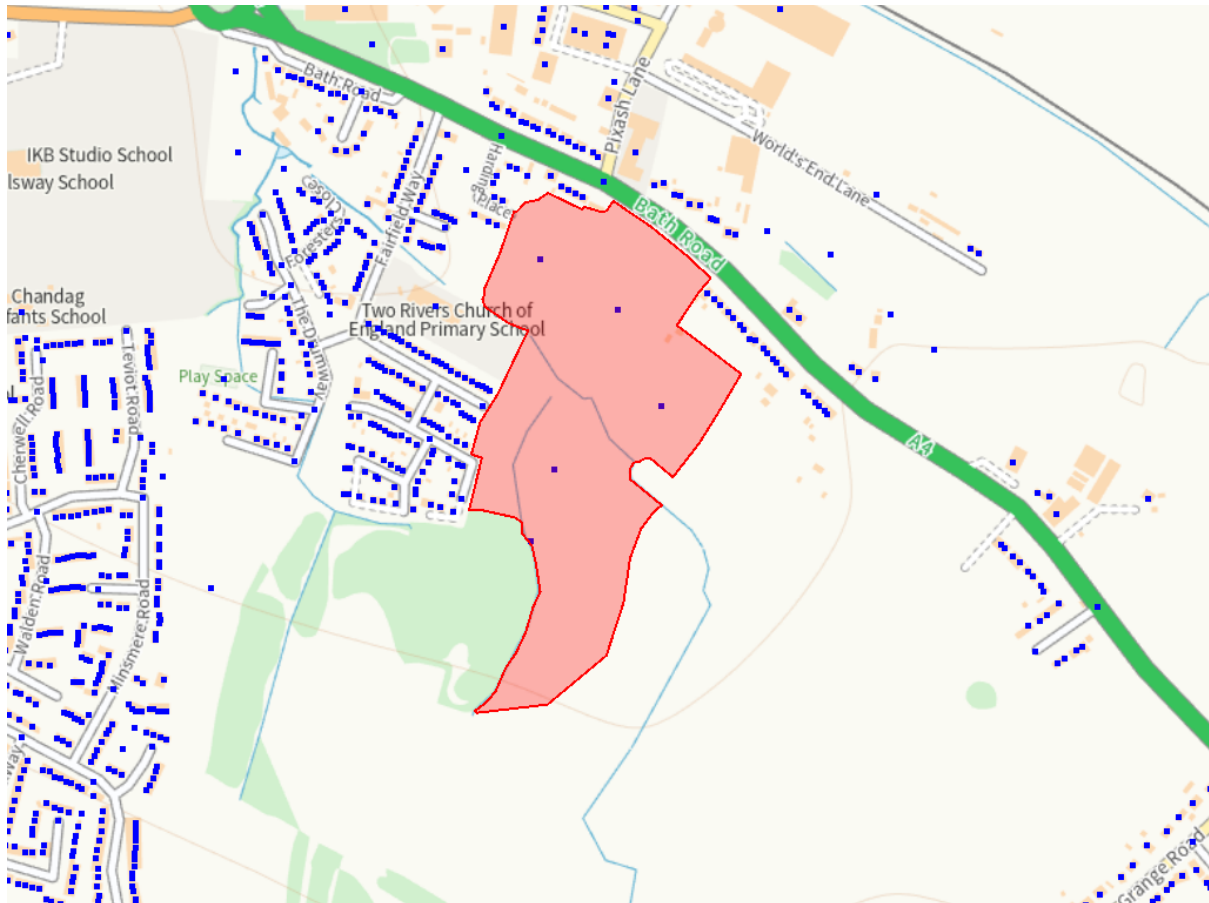
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ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	24/00155/RES 7 June 2024	Curo Enterprise Ltd Land Parcel 0005, Bath Road, Keynsham, Bath And North East Somerset, Reserved Matters for the development of 208 homes, replacement sports pitch to facilitate expanded primary school, open space, landscaping and all associated infrastructure pursuant to planning permission ref: 20/02673/OUT.	Keynsham East	Isabel Daone	Delegate to PERMIT
02	24/00768/FUL 29 November 2024	Chewton Place Developments Ltd Former Keynsham Fire Station, Temple Street, Keynsham, Bath And North East Somerset, BS31 1EL Erection of 21no. apartments (Over 55's) with ground floor space for Class E use, parking, associated landscaping and public realm improvements, to follow demolition of existing former Keynsham Fire Station building.	Keynsham North	Isabel Daone	Delegate to PERMIT
03	24/02198/FUL 22 November 2024	Go Karting For Fun Ltd Ij McGill Transport Ltd, Unity Road Northern Part, Keynsham, Bath And North East Somerset, BS31 1FU Change of use of the existing building to provide an indoor electric go-karting centre (sui generis use) with associated installation of plant, and signage.	Keynsham East	Isabel Daone	Delegate to PERMIT
04	24/01360/FUL 21 November 2024	Mr R Brindle 14 Kenilworth Close, Keynsham, Bath And North East Somerset, BS31 2PB, Erection of three bedroom house to follow removal of existing two storey extension.	Keynsham South	Ed Allsop	PERMIT
05	24/01202/FUL 14 August 2024	Mr Samuel Miller The Hollies, Hillcrest, Pensford, Bristol, Bath And North East Somerset Erection of 3 bedroom bungalow on the gardens of The Hollies.	Publow And Whitchurch	Ed Allsop	REFUSE

06	24/01826/FUL 21 November 2024	Dr Charlie Vivian 14 Manor Road, Saltford, Bath And North East Somerset, BS31 3DL, Erection of a 2-bed dormer bungalow adjacent to No.14 Manor Road, including forming a new access onto Claverton Road.	Saltford	Ben Burke	PERMIT
07	24/02425/VAR 24 October 2024	Kingley Properties Ltd 2 Mayfields, Keynsham, Bath And North East Somerset, BS31 1BW, Variation of condition 11 (Plans List (Compliance)) of application 21/05172/VAR (Variation of condition 11 (Plans List) of application 19/00590/FUL (Erection of 4no flats on land adjacent to 2 Mayfields)).	Keynsham North	Ben Burke	PERMIT
08	24/01371/FUL 1 August 2024	Mrs Frances Box 37 Gaston Avenue, Keynsham, Bath And North East Somerset, BS31 1LR, Erection of new fencing and replacement gates.	Keynsham East	Paige Moseley	PERMIT

REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

Item No: 01
Application No: 24/00155/RES
Site Location: Land Parcel 0005 Bath Road Keynsham Bath And North East Somerset



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

Ward Members: Councillor Hal McFie Councillor Andy Wait

Application Type: PI Permission (Approval Reserved Matters)

Proposal: Reserved Matters for the development of 208 homes, replacement sports pitch to facilitate expanded primary school, open space, landscaping and all associated infrastructure pursuant to planning permission ref: 20/02673/OUT.

Constraints: Colerne Airfield Buffer, Saltford Airfield 3km buffer, Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Policy CP3 Solar and Wind Landscape Pote, Policy CP8 Green Belt, Policy CP9 Affordable Housing, Housing Development Boundary, Policy LCR5 Safeguarded existg sport & R, Policy LR6A Local Green Spaces, LLFA - Flood Risk Management, LPPU Site Allocations, MOD Safeguarded Areas, Policy NE2A Landscapes and the green set, Policy NE3 Local Nature Reserve, Ecological Networks Policy NE5, NRN Woodland Core Existing Policy NE5, NRN Woodland Strategic Networ Policy NE5,

Other Please specify, All Public Rights of Way Records, Strategic Site Allocations, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodrome,

Applicant: Curo Enterprise Ltd

Expiry Date: 7th June 2024

Case Officer: Isabel Daone

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

REPORT

The application site comprises approximately 10.26 hectares of greenfield land at the eastern extent of Keynsham just south of the A4 Bath Road. The site consists of four improved grassland field compartments bound by hedgerows and woodland edges which generally sloped down to the south, away from the A4. A small watercourse bisects the site between the upper and lower fields.

The Hygge Park development, including a newly constructed primary schools, lies immediately to the west of the site. Manor Road Community Woodland lies to the south-west of the site. A public right of way (BA27/27) runs East-West across the lower field and a number of other informal paths are visible across the site.

In February 2023, outline planning permission (20/02673/OUT) was granted for residential development of approximately 213 dwellings, a replacement sports pitch to facilitate an expanded primary school, and associated open space landscaping, access roads, footways/cycles and infrastructure works. All matters were reserved except for access.

The current application is a reserved matters application pursuant to the above. 208 dwellings are proposed.

REASON FOR COMMITTEE:

The application has been referred to the Chair and Vice Chair of the Planning Committee in line with the Council's Planning Scheme of Delegation. Both have concluded that the application should be decided by Committee.

Relevant Planning History:

18/01509/OUT

RF - 28 December 2018

Residential and related development comprising approximately 200 dwellings, replacement Sports Pitch to facilitate expanded Primary School, means of access thereto, associated open space, landscaping, access roads, footways/cycleways and infrastructure works.

20/02673/OUT

PERMIT - 23 February 2023

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

23/02107/AR

CON - 3 August 2023

Display of Land Acquired V-sign advertisement boards, mounted on poles.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

ACTIVE TRAVEL ENGLAND:

Standing advice provided.

ARBORICULTURE:

8th February 2024 -

Scope for revision

18th March 2024 -

Scope for revision

12th September 2024 -

Scope for revision

CONTAMINATED LAND:

30th January 2024 -

No objection subject to conditions

DESIGNING OUT CRIME:

14th March 2024 -

Not acceptable in its current form

30th September 2024 -

Not acceptable in its current form

DRAINAGE AND FLOODING:

18th March 2024 -

Scope for revision

18th October 2024 -

No objection

ECOLOGY:

29th May 2024 -

Further information required/object

11th July 2024 -

Further information required

27th September 2024 -
No objection

ENVIRONMENTAL PROTECTION:

7th February 2024 -
No objection subject to conditions

HIGHWAYS:

2nd February 2024 -
Scope for revision

27th September 2024 -
No objection, subject to conditions.

HOUSING:

29th January 2024 -
No objection.

KEYNSHAM TOWN COUNCIL:

6th February 2024 -

RESOLVED:

To COMMENT ONLY as follows: -

- Disappointment and concerns were raised that the Community Centre shown on previous plans had been removed for the proposal presented under reserved matters.
- Flooding incidents that have recently occurred on the new estates of the Hygge have highlighted to the Town Council that it is essential that both the Developer and B&NES Council's Flooding and Drainage Team, to check and re-check matters relating to surface and run off water, attenuation tank capacities, swale courses and the capacity of historic streams and ponds to cope with future rainfall and discharge water.
- In respect of highways infrastructure improvements, it is very important that the exit and egress point of this development is designed to create a safe, easy to navigate junction for residents and visitors to the estate. The A4 is currently a busy, often congested route with very difficult feeder roads that have junctions that are often backed up due to being unable to access the main road.
- It is very important that the Developer takes all steps to ensure that the ecology and habitats within the development are enhanced for the future and that targets set by B&NES Council are met. Keeping wildlife corridors open between the development, nearby woodland and green spaces is essential.

1st October 2024 -

RESOLVED:

To COMMENT ONLY on the following grounds:

In respect of this applications Keynsham Town Council comments that there are some key issues to be addressed.

- The inclusion of football pitches within the development without the provision of a facility pavilion/community hub would be detrimental to the development and could hinder the communities potential to flourish. Keynsham Town Council support Sport England's comment that further layout and design amendments as per their recommendations should be made. The isolated pitch to the south of the development does not have provision close to the pitch for parking close other than the spaces proposed for the allotment holders, which will encourage on road parking on the estate roads, especially as it is reached by a no through road. From a commercial viability point of view locating the pitches close to each other with facilities would be far more beneficial for the community.
- Keynsham Town Council encourages the applicant to ensure that drainage will be sufficient to avoid the incidents of flooding that have occurred on the Hygge development.
- Concerns are raised as the point of egress and ingress to the development on the A4 that will have vehicular movements crossing an existing cycle lane (which is a cycle route to school) and footpath. A right of way should be given to cyclists over motorists. Keynsham Town Council supports B&NES Council's Transport and Highways recommended conditions.
- Keynsham Town Council supports B&NES Council's Arboriculture Team's revisions to the plans as specified in their response to the application.
- Active travel links throughout the site should be of a high quality and cater for all users.

The application therefore is not currently in accordance with Policies ST1 and ST7 of the Bath and North East Somerset Council Local Plan Partial Update and Transport and Development Supplementary Planning Document which states that plans should in the interest of enabling as genuine choice of travel mode.

NATURAL ENGLAND:

1st February 2024 -
No comment to make

PARKS AND GREEN SPACES:

12th April 2024 -
Scope for revision.

1st November 2024 -
No objection subject to widening of path into Manor Road, inclusion of a bridge and conditions.

PUBLIC RIGHTS OF WAY:

8th February 2024 -

Object

19th September 2024 -
Object

SALTFORD PARISH COUNCIL:

7th February 2024 -
Objection sustained and no further comments to add beyond those provided under 20/02673/OUT

SPORT ENGLAND:

5th February 2024 - Do not support and encourage design and layout amendments. The absence of an objection to this application, in the context of the Town and Country Planning Act, cannot be taken as formal support or consent from Sport England or any National Governing Body of Sport to any related funding

SUSTAINABLE CONSTRUCTION:

8th February 2024 -
Scope for revision

27th September 2024 -
Scope for revision

5th November 2024 -
No objection subject to commitments to further measures for apartment buildings and financial contribution

URBAN DESIGN AND LANDSCAPE:

28th February 2024 -
Scope for revision

25th March 2024 -
Scope for revision

7th May 2024 -
Scope for revision

2nd July 2024 -
Scope for revision

18th September 2024 -
Scope for revision - In respect of landscape design, the choice of tree species should be reviewed, and the proportion of larger long-lived species increased, taking account of the 20% canopy cover target identified by the arboricultural officer.

Representations Received :

27 third-parties have objected to the proposals, and 3 have provided general comment. The comments have been summarised below:

OBJECTIONS:

- Increase in traffic volumes, particularly on the A4 corridor
- Increased congestion
- More parking spaces are required
- Staggered junction will cause safety issues
- Loss of green space not mitigated
- Woodland buffer has been reduced since outline layout
- Good drainage infrastructure is required
- Historic streams need to be cleared
- Impact to air quality
- Healthcare infrastructure insufficient to accommodate new residents
- Insufficient number of secondary school places
- Green belt land should not be used for this development

COMMENTS:

- Road between the new estate and Hygge Park should not be open to vehicles to prevent "rat running"
- Sufficient parking space for construction traffic is required
- How will existing properties on the boundary with the site be protected from flooding and be separated from the proposed houses?

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

- o Bath & North East Somerset Core Strategy (July 2014)
- o Bath & North East Somerset Placemaking Plan (July 2017)
- o Bath & North East Somerset Local Plan Partial Update (2023)
- o West of England Joint Waste Core Strategy (2011)
- 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:

- CP5: Flood Risk Management
- CP6: Environmental Quality
- CP8: Green Belt
- CP9: Affordable Housing
- CP10: Housing Mix
- CP13: Infrastructure provision
- 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
D4: Streets and spaces
D6: Amenity
D10: Public realm
GB1: Visual amenities of the Green Belt
LCR3: Land safeguarded for primary school use
LCR3A: Primary school capacity
LCR5: Safeguarding existing sport and recreational facilities
LCR6a: Local green spaces
LCR7B: Broadband
LCR9: Increasing the provision of local food growing
NE2A: Landscape setting of settlements
PCS1: Pollution and nuisance
PCS2: Noise and vibration
PCS3: Air quality
SCR2: Roof-mounted/ building integrated scale solar PV
SCR5: Water efficiency
SU1: Sustainable drainage policy

LOCAL PLAN PARTIAL UPDATE:

The Local Plan Partial Update for Bath and North East Somerset Council was adopted on 19th January 2023. The Local Plan Partial Update has introduced a number of new policies and updated some of the policies contained with the Core Strategy and Placemaking Plan. The following policies of the Local Plan Partial Update are relevant to this proposal:

KE3C: East of Keynsham - Former Safeguarded Land
DW1: District Wide Spatial Strategy
KE1: Keynsham spatial strategy
CP3: Renewable Energy
CP4: District Heating
CP7: Green infrastructure
D5: Building design
D8: Lighting
H7: Housing accessibility
LCR6: New and replacement sports and recreational facilities
NE1: Development and green infrastructure
NE2: Conserving and enhancing the landscape and landscape character
NE3: Sites, species, and habitats
NE3a: Biodiversity Net Gain
NE5: Ecological networks
NE6: Trees and woodland conservation
PCS5: Contamination

SCR6: Sustainable Construction Policy for New Build Residential Development
SCR8: Embodied Carbon
SCR9: Electric Vehicles Charging Infrastructure
ST1: Promoting Sustainable Travel
ST2A: Recreational routes
ST7: Transport requirements for managing development

SUPPLEMENTARY PLANNING DOCUMENTS:

The following Supplementary Planning Documents (SPDs) are relevant to the determination of this application:

Sustainable Construction Checklist Supplementary Planning Document (January 2023)

Transport and Development Supplementary Planning Document (January 2023)

Planning Obligations Supplementary Planning Document (January 2023)

NATIONAL POLICY:

The National Planning Policy Framework (NPPF) was published in July 2021 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.

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT

The main issues to consider are:

1. Principle of development
2. Landscape impact
3. Design and character
4. Residential amenity
5. Highway safety and parking
6. Drainage and flooding
7. Trees

8. Ecology
9. Education
10. Playing pitches
11. Parks and recreation
12. Housing accessibility
13. Affordable housing
14. Sustainable construction
15. Public sector equality duty

PRINCIPLE OF DEVELOPMENT:

Site Allocation

The majority of the site is allocated under Local Plan Partial Update (LPPU) policy KE3C. The principle of residential development for "approximately 213 dwellings" has been established through the granting of outline planning permission 20/02673/OUT in 2023. The reserved matters application proposed 208 dwellings which is considered to be within the parameters of "approximately 213 dwellings". A number of third-party comments relate to the principle of the loss of green fields in this location, however this has been established via the outline consent.

Green Belt

Whilst the majority of the site forms part of allocation KE3C, which is land removed from the Green Belt by the Core Strategy (CS) Planning Inspector, the southern portion of the site remains within the Bristol and Bath Green Belt.

New buildings in the Green Belt are to be considered to be inappropriate development, unless they meet one of the exceptions set out in paragraphs 154 and 155 of the National Planning Policy Framework (NPPF).

The parameter plans presented during the outline planning application showed that new buildings would be limited to the area of safeguarded land and that there would be no new buildings within the Green Belt. Instead, a playing field, allotments and an orchard were illustratively shown in this area of the site. Exception e) of paragraph 154 of the NPPF sets out that material changes of use of the land (such as changes of use for outdoor sport or recreation) can be appropriate provided that they preserve the openness of the Green Belt and do not conflict with the purposes of containing land within it. The officer report concluded that "Whilst the detail of these uses has not yet been determined due to this being an outline application, the nature of these proposed uses as playing fields, allotments and orchards means that they will be capable of preserving the openness of the Green Belt and not conflicting with its purposes." This conclusion would be subject to a detailed assessment at reserved matters stage. Compliance with the parameter plans were secured by Condition 4 of the outline consent, thus restricting the developable area for buildings to the allocated portion of the site.

The submitted plans for these reserved matters application demonstrate compliance with the agreed parameters. Within the Green Belt, a grass playing pitch, children's play area and allotments are proposed, as well as 12 vehicle parking spaces. The grass playing pitch will be surrounded by a pedestrian footpath for access. No fencing is proposed around the perimeter and there are no spectator stands proposed. It is considered that the

grass pitch area will preserve the openness of the Green Belt in this location as it will still appear as an open grassed area, with a footpath surrounding which will not impact upon openness; footpaths are a common occurrence in open Green Belt land.

The proposed children's play area will introduce play paraphernalia into this part of the site. Openness is undefined within the national and local policy contexts; however, case law dictates that whether it is affected by a proposal should be based on a spatial and visual assessment. Spatially, the play area will clearly introduce built form into a currently undeveloped area. This includes the play equipment, low level fencing, cycle stands and access road/path to the east. The play area has been deliberately positioned so that it is located close to the edge of the Green Belt, adjacent to the housing development area. This is considered to limit any impact upon the openness of the Green Belt, through containing the built form as much as possible and reducing the spread southward. Details of the play equipment proposed has been provided and this demonstrates that much of the equipment is low level, with the higher climbing frames featuring rope and timber elements which are considered to less their visual impact. There is proposed tree planting which will screen the play equipment from view, particularly in views from the west of the site. Whilst the provision of the play equipment, road and vehicle parking will clearly have a spatial impact upon the openness of the Green Belt, the visual impacts must also be accounted for. The deliberate siting of the play area, with the housing behind and tree planting to the west means that, visually, it is not considered that the proposed development would have an impact upon the openness of the Green Belt in this regard. Therefore, on balance, officers conclude that this part of the development would comply with exception e) of paragraph 154 of the NPPF in this regard.

Moving to the allotments, 14 plots are shown. Each plot features a small shed for the storage of tools and gardening materials. The allotments will be surrounded by a 1.8m high anti-climb gate and fence for security purposes. It can be expected that some small-scale structures such as bamboo cane frames for the purposes of food growing can also be expected in this location. Again, this is likely to have a spatial impact on the openness of the Green Belt by way of introducing paraphernalia and built form into this part of the site. It is important to note that allotments can be considered to fall under "agricultural use" which is the current use of this part of the site. Agricultural development is accepted in the Green Belt as appropriate and therefore the use in itself is not considered to be inappropriate in this location. The provision of the fencing and small sheds is the key consideration. The fencing will be welded mesh which will allow views through it and from wider views, is likely to be difficult to discern when viewed in the context of the proposed housing. The sheds are likely to be small, given the limited plot size and only six are proposed. Planning conditions can be used to secured further details, so that the scale can be fully assessed, and to restrict the erection of further buildings in this location. It is therefore considered that visually, the allotments in this location (adjacent to the built form of the housing development) will not have a visual impact upon the openness of the Green Belt and on balance it is concluded that they are appropriate and comply with exception e) of paragraph 154 of the NPPF in this regard.

Exception e) also requires that development should not conflict with the purposes of included land within the Green Belt.

The Green Belt serves five purposes;

a) to check the unrestricted sprawl of large built-up areas;

- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The siting of the housing within land excluded for the Green Belt helps to check the unrestricted sprawl of large built-up areas in this location. The provision of recreational uses within the area of site within the Green Belt is considered to create a transition from the built-up element of the site into the open countryside. It is considered that the development would not conflict with this purpose. The development is contained to the south of the allocated site and works hard to not push further west toward Saltford. It is therefore considered that it does not conflict with purpose b). Whilst the proposal does involve development within the Green Belt, the principle of this has been accepted at outline planning application stage. The conscious decision to exclude built housing from the Green Belt within the parameters plan seeks to limit and prevent encroachment into the countryside. Whilst the proposal will introduce a play area, allotments and a play field into the Green Belt, these are very much contained to the urban edge of the proposed housing site. It is considered that the development complies with purpose c). It is not considered that the development conflicts with purposes d) and e) which are of lesser relevancy to this specific planning case.

Overall, having had regard to the nature of the proposed element of development within the Green Belt, it is considered that the proposals would comply with exception e) of Paragraph 154 of the NPPF and can be considered to be appropriate development within the Green Belt.

The development is therefore considered to be compliant with policy CP8 of the Core Strategy, and part 13 of the NPPF. The development is found to be acceptable in principle within the Green Belt.

LANDSCAPE IMPACT:

Local Plan Partial Update policy NE2 has regard to conserving and enhancing the landscape and landscape character. The policy notes a number of criteria which should be met in order for the development to be considered acceptable in landscape terms, including conserving the local landscape character and conserving. The policy also states that development should seek to avoid or should adequately mitigate any adverse impacts on the landscape. Proposals with the potential to impact on the landscape/townscape character of an area or on views should be accompanied by a Landscape and Visual Impact Assessment undertaken by a qualified practitioner to inform the design and location of any new development.

Policy KE3C also considers the landscape impacts of the development and seeks to ensure that the skyline views of the Cotswold AONB are not interrupted.

Following a series of comments from the Council's Landscape Officer, the Landscape Visual Impact Assessment (LVIA) has been revised and a final version (P6, dated 4th June) has been provided. This corrects a number of errors and inconsistencies in previous versions. The summary assessment tables (Tables 6.1 and 6.2 for landscape character

effects, and Tables 7.1 and 7.2 for visual effects) are now considered to provide a reliable source of information for the anticipated effects of the development.

In summary, the LVIA indicates that in respect of the effects on landscape character:

- The principal effects would be local;
- Initial effects on the site would be "major" adverse, reducing to "moderate" adverse after 15 years;
- Initial and long-term effects on the relevant Landscape Character Area and Landscape Character Type would be "minor" adverse;
- There would be a range of other adverse effects on elements, features and attributes including some at the "major" level, and some but not all would reduce to a degree after 15 years.

The LVIA assessment indicates that in respect of visual effects:

- The principal effects would be local;
- There would be no significant adverse effects on the AONB or no long-distance views;
- There would initially be "substantial" adverse effects from some local viewpoints ((Viewpoint 1 (View west from public footpath BA 27/27 on the eastern site edge) and Viewpoint 2 (View east from public footpath BA 27/27 on the western site edge))
- From additional local viewpoints ((Viewpoint 3 (View south from edge of Bath Road) and Viewpoint 4 (View north from public footpath BA 27/30 on the edge of Manor Road Community Woodland)) there would initially be adverse effects at the "major" and "moderate-major" level, reducing to "moderate" and "moderate-minor" after 15 years.

Some of the conclusions set out within the LVIA are disputed by the Council. It is stated at paragraph 8.12 that "it has been demonstrated that the relevant Landscape Character Area and Landscape Character Type can be reinforced", but Table 6.2 clearly identifies long term adverse impacts upon both. Additionally, paragraph 8.12 also sets out that "visual receptors in the surrounding area will not be harmed", but Table 7.2 identifies long terms adverse visual effects in relation to a number of local viewpoints.

The avoidance of adverse impacts to landscape character is acknowledged to be extremely challenging, given the inevitable consequence of residential development on what are open, green fields. However, the site is allocated for this purpose and therefore officers accept the degree of harm which has been identified.

The applicant has stated that they intend to minimise and mitigate the adverse effects as far as reasonable possible and this is supported. Policy NE2 sets out that development should adequately mitigate adverse impacts. The management of landscaping is clearly imperative to the overall success of the scheme, in terms of mitigating landscape harm. The submission of a Landscape Ecological Management Plan is required under Condition 17 of the outline planning permission. A draft LEMP has been provided (Rev 3, dated 26th June), which is welcomed given the importance of appropriate management of new and existing Green Infrastructure assets.

The scope, objectives and general approach of the LEMP are supported. The main body of the LEMP primarily addresses landscape matters and is considered to be appropriate for that purpose. The management plan is set out in three phases: short term (years 1-3), medium term (years 3-10) and long term (years 10-25+). The provision for an annual

management and maintenance review to be undertaken with the Local Planning Authority throughout all phases of the management plan is strongly supported.

The LEMP can be finalised by way of agreeing the matters secured by Condition 17.

It is therefore considered that, subject to the management of landscaping within the site which is secured via the LEMP condition, the adverse impacts can be successfully mitigated to an acceptable level, having a degree of acceptance that there will be adverse impacts by nature of the allocation.

DESIGN AND CHARACTER:

Design and character policy context

Allocation policy KE3C sets out a number of design related requirements for development within this allocated site. In summary, the development must deliver the following:

- Complement the housing style, character and density of the adjacent Hygge Park development
- Incorporate natural lias limestone
- Generally, limit building heights to 2/2.5 storeys
- Adopt a perimeter block layout
- Face outwards toward the countryside
- Prioritise pedestrians over cyclists
- Incorporate species rich verges and habitat within public space and footpaths

In addition, the general development management design policies CP6 and D1-D5 are also applicable. Core Strategy policy CP6 is the overarching policy which deals with environmental quality; this seeks to secure, amongst other things, high quality inclusive design. Policies D1-D4 of the Placemaking Plan and D5 of the Local Plan Partial Update set out the detailed design policies which collectively seek to secure high quality design appropriate to the context. Particularly, policy D2 supports development which contributes positively to and does not harm local character and distinctiveness.

Layout

The policy allocation (KE3C) seeks development which generally follows a perimeter block layout, where there is a clear distinction between the fronts and rears of dwellings. Development should face outward to the open countryside. The layout also needs to clearly prioritise the pedestrian and cyclist, over the motorised vehicle.

The main site entrance is from the A4 Bath Road. The inclusion of an oak tree on the corner of the site entrance has been negotiated by officers (further detail in the Tree section of this report). This "feature tree" is considered to be appropriate on the entrance to the site. Beyond this, the main Avenue of the site runs north-south with a strong building line on the eastern side of the road. The western side is bounded by street trees. These trees are proposed to be *Alnus Spaethii*, a type of Alder. For street trees to have the greatest impact, they need to be of a meaningful scale and species. This needs to be balanced with potential for future conflict with dwellings. This type of tree is a medium sized, fast growing tree, with a conical habit. It grows to a height of 12+ metres. It is

considered that this is an appropriate tree type for the location to the front of dwelling houses and will create a tree lined avenue which creates the spine of the development. This echoes the approach on the adjacent Hygge Park and is supported.

Generally, the layout of the scheme follows a perimeter block approach, with rear elevations of dwellings backing onto private garden areas. The development has outward facing dwellings, particularly along the eastern edge, which looks toward the countryside which divides Keynsham and Saltford. This approach is supported and considered to be in accordance with policy KE3C.

As detailed within the submitted Design Compliance Statement, the proposals were subject to pre-application prior to submission. At pre-application stage, officers commented that there were a number of areas of shared space which were car dominant. Policy D4(c) specifically sets out that car parking should not dominate development. The applicant has sought to address this through the submitted layout. Whilst it is disappointing that there is still an area of shared space specifically highlighted at pre-application which is dominated by vehicular parking (in the north-eastern corner, plots 10-21), effort has clearly been made to reduce this across the site. The inclusion of street trees in this area will reduce the dominance of the parking somewhat. As such, officers consider that when taking the scheme as a whole, car parking does not dominate the site. Much of the off-street parking is within the curtilages of dwellings and internal parking courtyards have been utilised in the northern part of the site. Overall, therefore, the scheme is in accordance with policy D4 in this regard.

The Designing Out Crime Officer has raised concern with regard to the "excessive levels of permeability within the site" and considers that the "open layout with through footpaths" will erode "the privacy of frontages". They have set out that there are no true cul-de-sacs and that this provides opportunity for criminals to escape with ease. The proposed layout does have high levels of permeability. There are a number of footpaths, walkways and a limited number of cul-de-sacs. Paragraph 6 of policy KE3C states that development must:

"Prioritise pedestrians and cyclists over private vehicles, and provide an attractive, low-speed environment throughout. The development should integrate well with the surrounding residential areas and provide a comprehensive network of pedestrian and cycle routes, including enabling the creation of a public footpath between KE3C and KE3D, connecting at Manor Road Community Woodland."

The proposed layout is considered to provide a high number of pedestrian/cycle walking routes which is a clear aspiration of the site allocation policy. This ensures that the development is not segregated from the neighbouring Hygge Park Site and also provides walking and cycling opportunities to access public transport infrastructure on the A4. There is clearly some conflict between the policy aspirations and comments of the Designing Out Crime Officer. It has been requested that the path which runs along the western edge of the site, terminating on the A4 be removed as this provides an escape route. In response, the parking area which runs along this path has been amended so that it has increased levels of natural surveillance. This pedestrian route is considered to provide a route toward the bus stop at the front of the site, which does not involve walking along the main vehicular route; it prioritises the pedestrian in line with policy. Officers have therefore not requested its removal.

The Designing Out Crime officer has raised concern with other aspects of the layout which have been addressed as follows:

- Courtyard parking for plots 182-201 vulnerable to attack - the applicant has revised the plans to show a post and rail fence along the pathway which will hinder escape routes to the A4
- Street bays 157-177 vulnerable to attack - the applicant has revised the plans to show a post and rail fence along the pathway which will hinder escape routes to the A4
- Cycle parking next to allotments are vulnerable to attack due to lack of surveillance
- the cycle spaces are now adjacent to the play park as advised

The comments with regard to permeability have been carefully considered by officers. Given the orientation of dwellings within the layout, there is generally good natural surveillance of the site as a whole in the view of officers. The permeability through the site is considered to meet the aspirations of policy KE3C and therefore, it is not considered that this presents sufficient reason to refuse the development on this basis.

Internal Landscaping

An overall landscaping plan and more detailed soft work plans for sections of the site have been provided. The retention of existing hedgerows and the incorporation of these into the design is supported. Street trees along the main avenue into the estate are considered to be of an appropriate scale; this is further assessed in the tree section of this report. Additional tree planting is pepper-potted throughout the development. An additional oak tree has been negotiated by officers to be located at the entrance of the estate, which will provide a visual enhancement to this area.

The tree strategy is further assessed in the Tree section of this report, however overall, the case officer is satisfied with the internal landscape strategy.

Housing Design

Policy KE3C specifies that "building heights will generally be limited to 2/2.5 storeys". The Building Heights Layout Plan shows that buildings will range from 2 storeys to 3 storeys. The 3 storey buildings include the apartment blocks to the front of the site, the apartments in the middle of the site and a number of dwellings along the spine road (house types Bruton and Nailsea). The majority of dwellings will be 2-storey, with some 2.5 storey dwellings pepper-potted throughout the southern portion of the development. Whilst the policy seeks a general limitation to 2/2.5 storey dwellings, it does not specifically exclude 3 storey dwellings. Skyline views of the AONB must be maintained. The Landscape section of this report sets out that the LVIA demonstrates that the adverse impacts in respect of views will be localized and therefore 3 storeys in this location is acceptable. Generally, the dwellings are within the 2/2.5 storey limit specified by the policy. As such, the building heights as specified are accepted.

Elevation and plan drawings have been provided for the various house types proposed within the development. The frontage building is proposed to be an apartment block, which will have a modern design. It features gable ends, with flat roof elements at different heights which adds design interest. Dark timber cladding, pale brick and lias stone is proposed for the materials; policy KE3C requires the development to feature an element of natural lias, and this is supported. The building will create a bold entrance to the site

and echoes the modern design of dwellings at Hygge Park to the west. The variety of dwellings across the site proposed will add design interest. All feature gable-ended, pitched roofs which establishes a character across the site. The roofs are generally artificial slate, though elements of red pantile are also proposed throughout. Elements of blue lias stone are proposed, in accordance with policy KE3C, mixed with timber cladding, pale buff brick and white/grey brick. A materials schedule and samples are secured by way of condition on the outline planning permission.

The overall approach to housing design is supported. The design is considered to reflect the adjacent Hygge Park, though establishes its own identity by use of the dark stain timber and paler brick colours.

Design conclusion

It is considered that the overall design strategy for the estate complies with the aspirations and requirements of policy KE3C, which seeks a layout that prioritises sustainable travel, complements the adjacent Hygge Park and has an outward facing relationship with the countryside. Whilst there are some areas which the Designing Out Crime Officer has raised as being problematic from a safety and security perspective, the planning officer considers that given the requirements of the policy that the proposed layout is acceptable as set out above.

As such, the scheme is considered to comply with policies D1-D5, KE3C and CP6 in this regard.

RESIDENTIAL AMENITY:

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

Neighbouring and surrounding occupiers

There are two key groups of existing residents who could potentially be impacted by the proposed development. These are those who live on Bath Road to the front of the site, behind the plots 10-21 as proposed, and those who reside in Hygge park, immediately adjacent to the western boundary of the site.

The properties on Bath Road benefit from long gardens. The distances from the rear elevations for the proposed dwellings to the existing varies but is on average more than 40m. The proposal will, inevitably introduce some overlooking impact for these properties, however, given the length of the gardens it is not considered that this will be significant. The materials layout plan is a little unclear in terms of the boundary treatment between these dwellings and the amenity land and therefore, further detail will be secured by way of planning condition to ensure sufficient privacy and security for the existing residents.

The application site connects to the easternmost boundary of Hygge Park, to the west. Due to the separation from the dwellings here, by vegetation, and the orientation of the dwellings, it is not considered that the proposed development will harm the residential amenities of these occupants.

The potential for noise, dust and disturbance during construction will be managed by way of a Construction Management Plan which is secured by Condition 10 of the outline planning permission.

Future site occupiers

The accommodation schedule for the site is set out on page 22 of the Design Compliance Statement which accompanies the submission. All but three house types conform to the Nationally Described Space Standards (NDSS). Compliance with the NDSS is not enshrined in B&NES Local Planning Policy, however policy D6 seeks to ensure that a good standard of amenity is provided for future residents.

The three non-NDSS complaint properties are Westonbirt, Avebury and Cotswold and these have been examined in more detail by the case officer. Westonbirt and Avebury are two-storey, three-bedroom dwellinghouses and Cotswold are two-storey 4 bedroom dwellings with a room in the roof space. Whilst these do not conform with the NDSS, each habitable room is afforded sufficient levels of natural light and ventilation. It is not considered that the standard of amenity in these dwellings is of a standard which would justify a refusal of the application on this basis.

Looking at the site as a whole, it is considered that the orientation and layout of dwellings is such that each occupancy will be afforded sufficient levels of privacy, given the proposed density of the estate. There is outdoor space afforded to the houses and the site has areas of open space for those residing in apartment buildings.

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 and part 12 of the NPPF.

HIGHWAYS SAFETY AND PARKING:

Highway network implications

A number of third party comments raise concern with regard to the potential for increase in traffic along the A4 corridor. Similarly, Councillor Wait has raised concerns that the vehicles from the additional housing will result in increased congestion.

The trips generated by the development were forecast at outline stage on the basis of those previously agreed for the Hygge Park development. This was accepted by officers. The forecast trips were based on an indicative mix of 117 houses and 96 flats. The officer report for the outline application stated that any future revision to this mix may result in an increase in trips and therefore, a new Transport Assessment would be required to address any such increase.

The housing mix presented within the reserved matters application is 40 flats and 168 houses. Whilst the overall number of dwellings has reduced, the mix has been altered so that a greater proportion of the properties will be houses and therefore, a change to the

mix has the potential to impact the traffic trip generation for the development. To consider this further, the Highway Authority have undertaken a review of the potential difference in trip generation. The potential increase in trip generation amounts to an increase of 10 vehicle movements in the peak AM hour, and 10 additional vehicle movements in the peak PM hour. This potential increase is not considered to have a material impact upon the operation of the access junctions or local highway network.

Furthermore, it is noted that the original trip rate calculations do not make an allowance for the influence of the proposed affordable housing, in either the Phase 1 or Phase 2 calculations. Affordable homes generally generate a lesser trip generation than market dwellings. 30% of the homes on the site are affordable and this is likely to have a material reduction impact on overall traffic generation.

Overall, therefore, the Local Highway Authority are satisfied that the amended housing mix will not result in a material increase in the number of trips generated by the development.

Site access junction

Third party comments have raised concern with regard to the site access.

It is critical to note that the site access is not a reserved matter, and the arrangements were approved at the outline planning permission stage, and the majority of the proposed junction lies outside of the current red line boundary. Objections in respect of the access were assessed at the outline planning stage. The junction will deliver the active improvements across the site frontage, and alterations to the bus stop provision. The outline planning permission secured that these improvements and works would be secured by way of a Section 278 agreement. It is understood that the site access arrangements are currently being reviewed as part of the Section 278 agreement technical approval process, and the design is now being finalised. The Local Highway Authority have confirmed that there are no significant concerns with regard to this, and that this should not influence the reserved matters application.

General internal highway layout

As originally submitted, the Local Highway Authority raised concern in terms of the proposed site layout, largely due to the proposed pedestrian and cycle routes.

The site allocation policy, KE3C, focusses development to ensure that it prioritises "pedestrians and cyclists over private vehicles, and provide an attractive, low-speed environment throughout". The proximity to the A4 corridor means that active travel routes through the site are high quality and cater for all users.

The Highway Authority highlighted several areas of concern in their original comments including:

- Inclusion of raised crossings along the pedestrian route that crosses the north-south highway;
- Amendments required to the shared cycle route on the eastern side of the main north-south route to ensure that the route was continuous;

- Amendment required to the "dog leg" alignment along one of the pedestrian routes;
- Pedestrian connection to the site boundary route to Plots 33 and 34 required.

In response, the site layout has been revised. Raised crossings are now included along the pedestrian route which crosses the north-south highway, and the cycle route has also been amended in line with the Highway Authority comments. The pedestrian footpath around the site boundary has been amended so that there is a smoother transition, with the "dog leg" arrangement removed. Plots 33 and 34 now have pedestrian connection points.

It is considered that, following the submission of revised plans, the amended layout improves the active travel routes across the site. The detail of crossing arrangements will need to be agreed via a Section 38 agreement, separate to the planning process and this is accepted by the applicant. The site layout, therefore, presents a layout which prioritises the pedestrian and cyclist over private vehicle users and meets the requirements of policy KE3C in this regard.

Parking

The requirements for vehicle and cycle parking are set out in the Transport and Development Supplementary Planning Document (SPD), pages 66 and 67 for C3 dwellinghouses. These are maximum standards.

The Highway Authority requested that a comprehensive parking schedule was submitted to assist in the review of the number spaces being proposed, including any visitor spaces. It was also raised that, in the originally proposed layout, a significant number of dwellings have overly long driveways which would result in parking provision above the maximum standards and there were examples where driveway design could encourage parking encroachment onto the adjacent footway and cycle routes.

A car parking schedule was provided in response to the above comments, and this demonstrates that the overall parking provision would be in accordance with the adopted Transport and Development SPD. This includes a total number of 41 visitor car parking spaces. Whilst there is no objection to this overall number of parking spaces, as previously raised, there are still some instances where areas of driveway which are not specifically allocated to spaces on the plans but in practice could be used as additional parking opportunities. This needs to be balanced against the risk of uncontrolled overspill parking onto the main highway routes within the site, and the Transport and Development SPD allow for a balanced approach to be taken.

The Designing Out Crime Officer has raised that the visitor spaces could be unofficially adopted by residents, which could cause conflict. However, there is a requirement for visitor spaces within policy ST7 and the SPD does not specify the location. As such, the approach is accepted by the Planning Officer; the Highway Authority has raised no objection in this regard.

Electric vehicle charging arrangements are shown and this provision would be secured through Building Regulation requirements.

In terms of cycle parking, many of the dwellings have garages which, as specified in the Transport and Development SPD can be used for the parking of cycles. A planning

condition can secure details of cycle parking for those plots where it has not been allocated.

The car parking area which would serve the proposed allotments and southern sports pitch has been revised, and there is no objection to the layout proposed. The Designing Out Crime Officer has commented that there are no management plans for the parking spaces adjacent to the pitch; however, this has not been requested by the Highway Authority who are satisfied with the revised layout. It has also been raised that there are no anti-vehicle measures to stop vehicles entering the sports pitch area. A post and rail fence is now proposed along the entrance to the footpath and this is accepted.

Overall, the parking arrangements are acceptable and maintain highway safety standards. The proposal accords with policy ST7 of the Local Plan Partial Update, the Transport and Development Supplementary Planning Document (2023), and part 9 of the NPPF.

Service vehicles

Swept path analysis has been provided which confirms that the proposed turning heads would be able to accommodate larger vehicles that would regularly visit the site. This includes necessary access for refuse vehicles.

Construction phase impacts

The potential impacts during the construction phase were assessed at outline planning stage and, consequently, a Construction Management Plan was secured on the outline permission, to be submitted and agreed prior to the commencement of development.

Highways and parking conclusions

The Highway Authority raises no objection to the reserved matters planning application, subject to a condition which secures cycle storage details. There are a number of highway related planning conditions and obligations attached to the outline planning permission which will need to be complied with going forward. The development is therefore considered to comply with policies KE3C in respect of highways, ST1, ST7 and the Transport and Development SPD.

DRAINAGE AND FLOODING:

Policy CP5 of the Core Strategy has regard to Flood Risk Management. It states that all development will be expected to incorporate sustainable drainage systems to reduce surface water run-off and minimise its contribution to flood risks elsewhere. All development should be informed by the information and recommendations of the B&NES Strategic Flood Risk Assessments and Flood Risk Management Strategy.

Policy SU1 states that for 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 100 year event+ climate change event) Sustainable Urban Drainage Systems (SuDs) are to be employed for the management of water runoff.

The Drainage and Flooding Team requested further information with regard to the drainage strategy as originally submitted. Their queries related to the route of the proposed culvert beneath the highway and adoption of the swale.

In response, a revised Surface Water Drainage Statement was submitted (PFA consulting). The Lead Local Flood Authority have confirmed that the proposed drainage strategy as set out in this document is acceptable and have no objection to the proposals.

As such, the proposed development is considered to comply with policy CP5 of the Core strategy in regard to flooding and drainage matters, as well as part 14 of the NPPF.

TREES:

Local Plan Partial Update policy NE6 has regard to trees and woodland conservation. Development should seek to avoid adverse impacts on trees and woodlands of wildlife, landscape, historic, amenity and productive or cultural value, as well as appropriately retaining trees and providing new tree planting. Development will only be permitted where it can be demonstrated that adverse impacts on trees are unavoidable to allow for development and that compensatory provision will be made in accordance with guidance within the Planning Obligations Supplementary Planning Document (2023). Development proposals which directly or indirectly affect ancient woodland, and ancient or veteran trees will not be permitted.

At outline application stage, the loss of trees along the frontage to enable the main access to the site were accepted. The submission is supported by an Arboricultural Impact Assessment (AIA), Tree Survey, Constraints Plan, Tree Bat Roost report and Tree Protection Plan (TPP). The AIA identifies the proposed loss of sections within seven hedges, partial felling of two tree groups and the felling of six individual trees.

There is no overall arboricultural objection to the proposed losses, subject to mitigation planting on site.

The AIA highlights the retention of T16 with precautionary measures, however the loss of this tree is anticipated as a result Ash Die Back; the assessment of this tree is accepted.

The application initially proposed to remove T9 due to safety concerns; the tree has a number of dead limbs and a crack on the main stem. T9 is a known bat roost. The Council's Tree Officer accepted the loss of T9 within her comments dated 18th March 2024. Following discussions with the Council's Ecologist and Planning Officer, it has been agreed that this tree will be retained, with management and pruning to make it safe, so that the bat roost can remain on site. This is detailed further in the Ecology section of this report. The Council's Tree Officer, in her comments dated 12th September 2024 welcomes the retention of the tree but has concerns that the proposed layout has not been influenced by its retention and there is concern that there will be conflict with nearby residents (overshadowing, perception of nuisance etc.,) due to the close proximity of the tree with plots 59 and 60. The tree is located within a hedgerow which spans the rear gardens of plots 52 to 60. The existing canopy spread will overhang plots 59 and 60. The root protection zone is within plots 59, 60 and 42. The tree is being retained due to it being a known bat roost, its loss was accepted in the Tree Officer's comments on 18th March. The tree will need to be pruned and managed for safety reasons; the management of this

can be clearly set out within the LEMP and Bat Mitigation Scheme required by conditions 8 and 9. Given the acceptance that this tree was going to be removed, and the necessity for it to be carefully managed for bat roosting purposes, it is not considered that a layout amendment in this location is required. The retention of the tree is a significant ecological gain.

Concern has also been raised by the Council's Tree Officer with regard to T8 for similar reasons. T8 was considered, at outline planning stage, to be a Veteran Oak Tree. This has been re-assessed to a Mature Oak which is accepted. The trunk of the tree is located within the hedgerow which spans the rears of plots 1 to 9 (H7). The layout has been designed so that there is a landscaped buffer to the east, between the tree and plot 10 and this approach is strongly supported. T8 has a fairly significant canopy spread which overhangs into the gardens of plots 8 and 9. There is concern from the Council's Tree Officer that due to the proximity to the garden areas, there will be conflict with future occupants as a result of shading, seasonal droppings of debris and perceptions of danger from tree branches. A Tree Preservation Order has been considered for this tree but is inadequate because, having regard to paragraph 090 of Planning Practice Guidance for Tree Preservation Orders (TPO) and trees in conservation areas, an application to prune or remove a protected tree which is stated to be causing an adverse impact on the living conditions and use of gardens; causing apprehension, inconvenience and nuisance may be hard to resist in the future.

The Planning Officer has considered the potential conflict with this tree. One possible solution explored would be to shorten the garden areas of plots 8 and 9 to increase the distance between the garden areas and these trees. However, due to the location of the existing hedge, which is to be retained (and this is supported), this would result in an odd arrangement and area of underutilised land in this location. The arrangement of plots 1 to 9 provides a strong building line along the main avenue into the development. The removal of plots 8 and 9 would, in the planning officer's view, be detrimental to this strong building line, which echoes the adjacent Hygge Park site. The dwellings themselves have been sufficiently set back from the tree so as to not significantly impact upon the root protection zone; the dwellings themselves are outside of it.

It is impossible to confirm whether future residents will apply pressure for the pruning/removal of this tree, though anecdotal evidence suggests that there could be the potential for perception of nuisance as set out above. The Planning Officer has therefore negotiated the provision of an oak tree to be placed within the grassed area at the entrance of the site. This will have the benefit of providing visual amenity to the site frontage, but also act as mitigation in the event that the existing tree did need to be managed in the future. The applicant's landscape team has stated that Oak Trees are challenging to transplant at larger sizes and therefore a smaller tree stock is specified. This is accepted. Given the importance of this tree, in light of the layout concerns stated by the Council's Tree Officer, a condition securing its planting, and replacement should it die/become diseased within a 30 year period will be added to the decision notice. This is considered to be a reasonable compromise, which will retain the integrity of the proposed building line but also provide mitigation for any future works which may, or may not, need to occur to T8 in the future.

The Council's Tree Officer, supported by the Landscape Officer, has raised comments with regard to the tree species proposed across the site and the requirement for larger

tree specimens. In an email set out to the Planning Officer, the applicant's landscape team sets out that the opportunities for the inclusion of larger tree species have been explored across the site and larger species have been included where they will not result in conflict with dwellings in the future. 66no. of the 276no. Trees are larger species, including Oak, Common Walnut and Small Leaved Lime. This represents around a quarter of proposed trees across the site. These are mixed with faster growing species (such as birch). The Planning Officer considers that, with the inclusion of an additional Oak tree at the front of the site which will provide significant value as it matures, the proposed tree planting is acceptable.

ECOLOGY:

The site spans 7.97ha of farmland made up of four improved grassland field compartments bound by hedgerows and woodland edges of varying ecological value. The highest value habitats within the site consist of hedgerows, woodland, mature trees, and water courses. Following initial comments from the Council's Ecologist

Bat Tree Roost

Following discussion with the Council's Ecologist, the applicant has indicated that the retention of the tree (T9) is possible, despite initial indications from the applicant that due to safety concerns it would need to be removed, and this is supported by officers. The tree is a confirmed bat roost, and its retention is therefore considered important. The applicant's Arborist and Ecologist have confirmed that it can be made safe with some tree works. A Method Statement for the management of the retained tree submitted with the Landscape Ecological Management Plan (LEMP) is noted. The retention should include retention of deadwood habitat where this is not essential to be removed for safety reasons, and the gradual development of increased deadwood should be encouraged with associated deadwood ecology, including fungi deadwood specialist invertebrates and other species. These can take many years to establish and are increasingly ecologically valuable and area, due to being frequently undervalued and removed. Condition 16 of the outline permission secures the submission of a LEMP and therefore, a revised LEMP can be submitted through condition approval with these details.

The works proposed to the tree in order to ensure safety will, in the view of the Council's Ecologist, still require a bat licence (EPS licence). The Local Planning Authority must be confident, prior to issuing approval for any planning application involving the destruction or disturbance of the roost, that the "three tests" of the Habitats Regulations will be met.

Test 1 - Does the development meet a purpose of preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance to the environment?

The proposed development will delivery a significant number of dwellings with the Bath and North East Somerset district, on a site allocated for such a development. These dwellings will have a significant social benefit in that they will house a large number of people (with 30% of the dwellings being affordable) and also an economic benefit in terms of delivering housing supply and creating construction jobs. As such, test 1 is considered passed.

Test 2 - There is no satisfactory alternative.

The retention of the tree is considered to be the ecologically preferable solution, compared to removal. The tree will require works so that it can be made safe for the surrounding site occupiers, and these works will enable its retention. As such, the Local Planning Authority are satisfied that there is no satisfactory alternative.

Test 3 - The action authorised will not be detrimental to the maintenance of the population of the species.

It is considered that by retaining the tree, the bat roost can be retained on site. The management of this tree, secured by a LEMP, can ensure that sufficient deadwood is retained for the species. Therefore, the works will not be detrimental to the maintenance of the population of the species.

Officers therefore consider that the "three tests" of the Habitats Regulations are passed in this case.

Final details of the bat mitigation and roost retention and/or compensation for the retained tree are not yet provided and agreed. However, Conditions 8 and 9 secure details of bat/ecological mitigation prior to the commencement of the development. The Council consider that the information submitted within the reserved matters application is not sufficient to discharge this condition, however, it can be submitted for later discharge prior to the commencement of development.

Biodiversity Net Gain

When the outline planning application was submitted, metric version 2.0 was used to calculate the biodiversity net gain existing habitat values and proposed habitat values. When these reserved matters application was submitted, the Council's Ecologist request that the most up-to-date version of the metric was used (version 4.0), because the use of version 2.0 may have undervalued the existing habitat on site.

In response to this request, the applicant has sought an opinion from Natural England on this matter. In correspondence dated 11th June 2024, Nicholas White of Natural England has confirmed:

"We have always stated on the metric download page that our advice is not to swap between metrics mid-project due to the likelihood of different outcomes being generated and being in a situation at outline where the LPA accepted the use of metric 2.0 but now require the statutory metric will definitely generate different outcomes, likely both + and - due to intervening changes in calculation methodologies and habitat scores."

The Council's Ecologist has deferred to the case officer's judgement on this matter, and the case officer accepts that given the view of Natural England on this matter that the use of metric 2.0 is, on balance, acceptable in this case given the use of this at outline permission stage.

The submitted metric demonstrates that the development will deliver a 15.71% biodiversity net gain in habitat units and a 11.27% biodiversity net gain in hedgerow units. Policy

NE3a, which is applicable to this scheme states that, in the case of major developments, a BNG of a minimum of 10% must be demonstrated using the latest DEFRA metric (or agreed equivalent), by a suitably qualified and/or experienced ecologist. The scheme demonstrates that more than 10% biodiversity net gain will be achieved for both Hedgerow and Habitat units which is policy compliant. A Landscape and Ecological Management Plan (secured by Condition 16 of the outline permission) secures details of the long-term management of the biodiversity net gain habitat.

The submitted drainage plans show that the watercourses and associated habitat will be retained and the BNG assessment also contain these details. This was requested by the Council's Ecologist and has been accepted.

The scheme is not required to deliver "mandatory" biodiversity net gain, due to the application being submitted prior to the date that mandatory BNG came into effect. Policy NE3a specifies that the "latest DEFRA metric of agreed equivalent" should be used to demonstrate adherence to this policy. For the reason set out above, the Council agrees the use of version 2.0 in this case, due to the use at outline stage and the necessity for continuation to ensure the figures track appropriately as detailed by Natural England. The scheme is considered to, therefore, comply with the general aims of policy NE3a.

Lighting

Light spill contour plans and a lighting statement were submitted with the initial application. Condition 19 of the outline planning consent requires the submission of external lighting details prior to any installation. The Reserved Matters application seeks to discharge this condition with the details submitted, though it remains in force for any future external lighting which may be installed on the site.

In response to the Council's Ecologist comments, the applicant's lighting engineer has liaised with the Council directly on this matter. Additional vertical lighting plots have been submitted and minor revision made to the lighting scheme. The submitted scheme demonstrates very low light spill levels onto ecologically sensitive features and identified bat flight routes which was committed to at outline application stage. The lighting scheme is considered to meet the requirements of Condition 19 and must be adhered to. As above, Condition 19 remains in force for any new lighting at the site, not shown within this application.

Ecological conclusion

The scheme is considered to be ecologically acceptable. The Council's Ecologist has raised that if considered necessary by the Case Officer, a compliance condition securing adherence to the bat mitigation scheme and proposed tree management measures could be added to the decision notice. However, these matters are secured by conditions 8 and 9 of the outline consent and it is not considered that repetition on the reserved matters decision is necessary.

EDUCATION:

A contribution to school places is secured through the Section 106 agreement attached to the outline planning permission.

The Two Rivers C of E Primary school building has been constructed as a two form entry school, contained entirely on land within the Hygge Park development site. In the longer term, in order to be fully appointed and completed, the school will require a sports pitch/playing field. The land for these sports pitch/playing field is identified as part of the application site in the allocation policy KE3C. As a result, the playing pitch in the north-western corner of the site was secured through the Section 106 agreement to be transferred to the Council, at nil-cost, to facilitate the expansion of the school.

The position and size of the pitch, as well as the area of land to be transferred was set out in the S106 agreement attached to the outline planning permission. The proposed layout shows a smaller pitch with a reduced land area to be transferred.

The Education team have discussed the amended layout and have concluded that even though the size of the area to be transferred has been reduced, it will still meet the needs of the school. As such, the layout is accepted. A Deed of Variation to the S106 agreement will need to be completed to amend the plan which shows the pitch within the S106. Such an application has been submitted to the Council and is ongoing; this does not prevent the granting of this reserved matters application.

PLAYING PITCHES:

Sport England have commented on the application; they do not support it and encourage layout changes and amendments. However, they have not formally objected. Their comments have not changed since the outline permission, and they have sought views from the Football Foundation and Somerset FA. They advise that the size of the proposed pitches are appropriate and note that given the granting of the outline permission, there may be limited scope for major alterations.

Sports England have requests that the playing pitch to be provided for the primary school expansion and the proposed community football pitch be provided in the same location to minimise operation, management and maintenance output. They have stated that one "Sports Hub" would be preferable. However, as clearly set out and established at outline planning stage, these two pitches are serving quite different functions and are intended to be operated and managed separately. One of the playing fields will be owned and managed by the primary school to meet their needs whereas the community football pitch will be to serve the wider community. The operation and management of the community pitch is secured by Condition 24 of the outline permission.

Sports England have also requested that the pitches be accompanied by a changing pavilion, catering facilities, toilets and officials' accommodation. Again, as set out at outline stage, whilst this might be desirable in the longer term, there is no policy requirement for this to be provided as part of the community football pitch and the introduction of these facilities is not part of the current planning application. Such facilities would therefore require a separate planning application and be able to demonstrate that they are appropriate in a Green Belt location.

It has also been raised that there is not any information with regard to the feasibility, design, construction and quality of the proposed pitches. These details are secured by Condition 23 of the outline permission.

PARKS AND RECREATION:

The S106 agreement attached to the outline planning permission states that the development shall provide no less than 4.26 hectares of public open space and goes on to list a number of typologies which need to be delivered, including a community orchard and play areas. The scheme is delivering on the required typologies.

Following discussion with officers, the applicant has submitted a revised Public Open Space (POS) Typology Plan which demonstrates that the scheme can deliver 4.26 hectares of POS. The plan demonstrates that 4.29 hectares is being delivered, which is a significant amount. Whilst some of this is not usable, as it contains the drainage channels it is accepted. The 4.26 hectare figure required by the S106 agreement was based on the indicative layout submitted at outline stage and does not account for the relocated pitch discussed above. The relocation of this pitch, which allows for less re-levelling works and the retention of hedgerow means that the opportunity for the delivery of additional POS in this area is reduced. Notwithstanding, the scheme is still offering a significant amount of POS for a development of this scale and the provision is in excess of what would normally be committed for such a development. Therefore, the areas shown as POS are accepted and considered to be in line with the S106 agreement.

The parks team remain concerned with regard to the internal layout of the allotments, specifically in relation to the water troughs and sheds. Details of this can be secured by condition.

They have also raised that the entrance to Manor Wood in the south western corner of the development could benefit from a redesign to allow for council machinery to enter at this point of the site. A significant financial contribution was provided by the applicant via the outline S106 for the Council to undertake improvements to the woodland. Notwithstanding, this amendment has been requested by the Council. However, the applicant has not been willing to make this change. The path into Manor wood is considered to be of sufficient width for users (2m), including wheelchair users. Additionally, whilst a bridge across the drainage channel in this location has also been requested, the applicant is concerned that this may give rise to maintenance issues and raises that there is already a viable pathway and route to the woodland. Whilst the decision not to offer a better layout in this location is regrettable, officers do not consider that this would be reason for refusal, nor contrary to policy and therefore, accept the scheme in its current form.

Overall, the scheme is considered to be accepted with regard to Public Open Space and recreation.

PUBLIC RIGHTS OF WAY:

The PROW team have objected to the proposals. However, they have stated that once an acceptable Public Path Diversion Order has been received by the PROW Team, they will remove their objection.

The PROW has now been incorporated into the design and the planning officer is informed that a Public Path Diversion Order has been received. This is a separate process to planning and the fact that this has not yet been agreed should not delay the planning

application decision. If the diversion were not agreed and the new PROW route could not be delivered, the applicant would need to amend the planning consent accordingly via a S73 application or new full permission, as appropriate.

HOUSING ACCESSIBILITY:

Local Plan Partial Update policy H7 requires 5.6% of market dwellings to be built to Building Regulation M4(3)(2a) standard (wheelchair adaptable housing). There are 146 market dwellings proposed and 8 of these must be M4(3)(2a) compliant. The submitted schedule indicates that 5 will be constructed to M4(3)(2a).

The policy also states that 48% of the remainder of market housing, after the M4(3)(2a) figure has been accounted for, must meet the M4(2) accessible and adaptable dwellings standard. Therefore, 66 dwellings must meet enhanced accessibility standards. 85 dwellings are proposed to meet these standards, and this in excess of the policy requirement.

For affordable housing, 7.8% of dwellings should be constructed to meet Building Regulation M4(3)(2b) standard (wheelchair accessible housing) and the remainder to M4(2) accessible and adaptable dwellings standard within houses, ground floor flats and upper floor flats where a lift is installed, and age restricted homes. This equates to 5 of the 62 affordable dwellings meeting M4(3)(2b) standard and the 57 remaining affordable dwellings meeting M4(2) standards. The submission demonstrates that 9 of the proposed dwellings will be M4(3)(2b) compliant and the remaining will be part M4(2) compliant.

The proposed number of M4(3)(2a) units on the open market is less than the policy requirement by 3 dwellings. However, there is an over provision of market dwellings of M4(2) standard (19 more than the policy requirement) and an excess of M4(3)(2b) affordable units (4 more than the policy requirement) being provided. Policy H7 sets out that in exceptional circumstances a reduced requirement may be determined. It states factors which may influence this but does not preclude officers from considering other factors. In this case, due to the overprovision of market dwellings at M4(2) standard, by a significant figure, and the overprovision of affordable units at M4(3)(2b) standard, the under provision of market dwellings at M4(3)(2a) standard is considered to be acceptable. The aim of the policy is to provide housing which meets the needs of different groups; the proposed mix is considered to achieve this. Policy H7 is considered to be met.

AFFORDABLE HOUSING:

Policy CP9 has regard to affordable housing. It states that affordable housing will be required as on-site provision in developments of 10 dwellings or 0.5 hectare and above (the lower threshold applies).

The submitted affordable housing statement sets out that 62 affordable housing units will be provided, in accordance with the 30% requirement for this site. The tenure split complies with the Council's preferred tenure mix, as set out in the Planning Obligations SPD. 47 of the dwellings will be social rent units, and 15 will be shared ownership. The Council's Housing Team has no objection.

The proposed affordable housing mix encompasses a varied range of units, included apartments and dwellings of differing scales. This is considered to cater to local need and reflects the mix sought by the Affordable Housing Enabling Team.

The submitted affordable housing statement confirms at paragraph 2.7 that "The distribution maintaining clusters of no more than 8 dwellings other than one block comprising 12 affordable apartments in the norther section of the site, which has been necessary in order to accommodate the general needs flats within a single stair core". This ensures a mix of tenures throughout the site as is supported.

The scheme is compliant with policy CP9.

SUSTAINABLE CONSTRUCTION AND RENEWABLE ENERGY:

Policy SCR6 of the Local Plan Partial Update has regard to Sustainable Construction for New Build Residential Development. The policy requires new residential development to achieve zero operational emissions by reducing heat and power demand, then supplying all energy demand through on-site renewables. A sustainable construction checklist (SCC) is submitted with an application, evidencing that the prescribed standards have been met.

There have been significant levels of negotiation between officers and the applicant with regard to the Sustainable Construction Information that has been submitted.

The majority of the house are now compliant with policy SCR6. However, a small number (38) are over the policy requirement for the predicted total energy use (house types Avebury detached, Avebury semi-detached, Milsom semi-detached, Thomas semi-detached, Thomas TER and Westonbirt semi-detached). However, the renewable energy generation for these dwellings matches the predicted total energy use and therefore, the Council accept this.

There are 39 houses that quality for a carbon offsetting contribution as they meet the space heating demand and the total energy use, but the renewable energy generation does not meet the energy use.

The apartments are not policy compliant. At the request of officers, the applicant has committed to providing triple glazing and reviewing the air permeability in order to further improve the buildings. This is welcomed. It is accepted that it is challenging for larger apartment blocks to meet SCR6 standards and therefore a contribution can be sought for the non-complaint units.

The contribution sought by the Council is £82, 892 and this has been agreed by the application. This can be secured by way of a Deed of Variation to the original S106 agreement attached to the outline permission.

As such, officers are satisfied that the scheme meets the general requirements of policy SCR6.

Policy SCR8 of the Local Plan Partial Update relates only to large scale new-build development (a minimum of 50 dwellings or a minimum of 5000m2 of commercial floor space). Such developments are required to submit an Embodied Carbon Assessment,

having regard to the SCC SPD, which demonstrates a score of less than 900kgCO₂e/m² can be achieved within the development for the substructure, superstructure and finished.

An Embodied Carbon Assessment has been submitted and shows the Whole Life Carbon total for each dwelling type. The scheme confirms a total embodied carbon by floor area of less than 900kg CO₂e/m².

Therefore, the proposed development is compliant with Local Plan Partial Update policy SCR8.

Policy SCR5 of the Placemaking Plan requires that all dwellings meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day. This is secured by Condition 29 of the outline planning permission.

Policy SCR5 also requires all residential development to include a scheme for rainwater harvesting or other method of capturing rainwater for use by residents (e.g., water butts). These matters can be secured by a relevant planning condition.

Policy LCR9 states that all residential development will be expected to incorporate opportunities for local food growing (e.g., border planting, window boxes, vertical planting, raised beds etc.). Allotments are to be provided as part of the development and there is space in gardens for planting. As such, LCR9 is met.

PUBLIC SECTOR EQUALITY DUTY:

In reaching its decision on a planning application the Council is required to have regard to the duties contained in section 149 of the Equality Act 2010, known collectively as the public sector equality duty.

Section 149 provides that the Council must have due regard to the need to—

- (a) eliminate discrimination, harassment, victimisation
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Officers have had due regard to these matters when assessing this application and have concluded that neither the granting nor the refusal of this application would be likely to have an impact on protected groups and, therefore, that these considerations would not weigh in favour of or against this application.

CONCLUSION:

"Section 70(2) of the Town and Country Planning Act (1990) makes clear that a Local Planning Authority must have regard to "the provisions of the development plan, so far as material to the application" and "ant other material considerations". Further, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that "where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise"."

The scheme is considered to comply with the development plan as a whole and is therefore recommended for permission.

RECOMMENDATION

Delegate to PERMIT

CONDITIONS

0 A). Authorise the Head of Legal and Democratic Services to complete a Legal Agreement to secure:

1. A financial contribution of £82,892 towards the Council's Carbon Offsetting Fund

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

1 Bicycle Storage (Pre-occupation)

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

Reason: In the interest of enabling cycling as genuine choice of travel mode, in accordance with Policies ST1 and ST7 of the Bath and North East Somerset Local Plan Partial Update and the Transport and Development Supplementary Planning Document.

2 Oak Tree Planting (Bespoke trigger)

The Oak Tree located on the Public Open Space adjacent to the site access as shown on plan reference DR-5000 S4-P14 shall be planted prior to the first occupation of the site or in accordance with a programme of implementation agreed in writing by the Local Planning Authority.

In the event that the Oak Tree, within a period of 30 years from the date of the development being completed, die, be removed or become seriously damaged or diseased, it shall be replaced during the current or first available planting season with another oak tree of a size to be agreed in writing by the Local Planning Authority.

Reason: To ensure satisfactory tree replacement and mitigation and provide visual amenity to the site frontage in accordance with policy CP6 of the Bath and North East Somerset Core Strategy, policies D1 and D2 of the Bath and North East Somerset Placemaking Plan and policies NE1, NE2 and NE6 of the Bath and North East Somerset Local Plan Partial Update.

3 Boundary Treatments (Bespoke trigger)

Notwithstanding the approved plans, no construction of plots 10-21 shall commence until full details of the rear boundary treatments for these dwellings and the amenity land located directly adjacent to plot 10 has been submitted to and approved in writing by the

Local Planning Authority. Details shall include a specification and a plan shown the boundary treatments to be provided.

Reason: To protect the residential amenity of neighbouring occupiers in accordance with policy D6 of the Bath and North East Somerset Placemaking Plan.

4 Allotments (Bespoke trigger)

Notwithstanding the approved plans, prior to the laying out the allotments, details of the layout and associated structures shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of the proposed plot sizes, locations of any water troughs, locations and design (including scaled plan and elevation drawings) of any storage shed(s).

Reason: To ensure a satisfactory allotment provision and to ensure that openness to the Green Belt is maintained, in accordance with policy CP8 of the Bath and North East Somerset Core Strategy, policy GB1 of the Bath and North East Somerset Placemaking Plan and policy LCR6 of the Bath and North East Somerset Local Plan Partial Update.

5 SCR6 Residential Properties (Pre-occupation)

Prior to occupation of the development hereby approved, the following tables (as set out in the Council's Sustainable Construction Checklist Supplementary Planning Document) shall be completed in respect of the completed development and submitted to and approved in writing by the Local Planning Authority together with the further documentation listed below. The development must comply with the requirements of SCR6.

PHPP/SAP calculations are to be updated with as-built performance values. The following are to be completed using the updated as-built values for energy performance:

1. Energy Summary Tool 2
2. Table 2.1 or 2.2 (if proposal has more than one dwelling type)
3. Table 5 (updated)
4. Building Regulations Part L post-completion documents for renewables;
5. Building Regulations Part L post-completion documents for energy efficiency;
6. Final as-built full data report from Passive House Planning Package or SAP
7. Microgeneration Certification Scheme (MCS) Certificate/s

Reason: To ensure that the approved development complies with Policy SCR6 of the Bath and North East Somerset Local Plan Partial Update

6 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:

DR-5703-S4-P9 S106 POS TYPOLOGY.

Received 4th November 2024

HT.NEW.PE F HOUSE TYPE NEWTON - FLOOR PLANS & ELEVATIONS.

HT.HOL.PE F HOUSE TYPE HOLBOURNE - FLOOR PLANS & ELEVATIONS.

Received 1st November 2024

SL.01.E SITE LAYOUT.

ML.01.F MATERIALS LAYOUT

EVC.01.E ELECTRIC VEHICLE CHARGING POINT LAYOUT

DR-5100-S4-P9 RESIDENTIAL HARD SURFACE & STREET FURNITURE PROPOSALS

DR-5006-S4-P8 SOFTWARES PROPOSALS - RESIDENTIAL

DR-5004-S4-P7 SOFTWARES PROPOSALS - RESIDENTIAL

DR-5000-S4-P14 LANDSCAPE MASTERPLAN

CSP.01.A CYCLE STRATEGY PLAN

C863/04 REV F SWEEP PATH ANALYSIS PLAN

C863/03 REV E PROPOSED MAIN DRAINAGE PLAN

C863/02 REV F PROPOSED LEVELS AND CONTOURS PLAN

C863/01 REV E GENERAL ARRANGEMENT PLAN

BHP.01.E BUILDING HEIGHT LAYOUT

AHL.01.F AFFORDABLE HOUSING LAYOUT

Received 30th October 2024

SL.01.D PROW PLAN

Received 24th October 2024

CSL.01 D COLOURED SITE LAYOUT

Received 5th September 2024

RS.01.D REFUSE STRATEGY LAYOUT

P23708-03-P05 LIGHTING CALCULATION MAINTENANCE FACTOR

P23708-02-P05 PRIVATE LIGHTING CALCULATION

HT.WESTONBIRT.PE D HT.WESTONBIRT FLOOR PLANS & ELEVATIONS

HT.THO.PE1_D HT.THOMAS FLOOR PLANS & ELEVATIONS

HT.THO.PE_E HT.THOMAS FLOOR PLANS & ELEVATIONS

HT.NAI.PE1_D HT.NAILSEA- DETACHED FLOOR PLANS & ELEVATIONS

HT.NAI.PE_D HT.NAILSEA- DETACHED FLOOR PLANS & ELEVATIONS

HT.MIL.PE1_C HT.MILSOM FLOOR PLANS & ELEVATIONS

HT.MIL.PE_D HT.MILSOM FLOOR PLANS & ELEVATIONS

HT.MENDIP.PE2_D HT.MENDIP-CORNER VARIATION FLOOR PLANS & ELEVATIONS

HT.MENDIP.PE1_E HT.MENDIP FLOOR PLANS & ELEVATIONS

HT.MENDIP.PE_E HT.MENDIP FLOOR PLANS & ELEVATIONS

HT.KEN.PE_D HT. KENSINGTON FLOOR PLANS & ELEVATIONS

HT.COTSWOLD.PE1_E HT. COTSWOLD FLOOR PLANS & ELEVATIONS

HT.COTSOLD.PE_E HT. COTSWOLD FLOOR PLANS & ELEVATIONS

HT.CLIF.PE_D HT.CLIFTON FLOOR PLANS & ELEVATIONS

HT.BRU.PE1_D HT.BRUTON FLOOR PLANS & ELEVATIONS

HT.BRU.PE_D HT.BRUTON FLOOR PLANS & ELEVATIONS

HT.AVON.PE1_D HT.AVON PLANS & ELEVATIONS

HT.AVON.PE_E HT.AVON PLANS & ELEVATIONS

HT.AVE.PE1_C HT.AVEBURY FLOOR PLANS & EVELATIONS
HT.AVE.PE_E HT.AVEBURY FLOOR PLANS & ELEVATIONS
HT.ASH.PE2_C HT. ASHTON V2 FLOOR PLANS & ELEVATIONS
HT.ASH.PE1_C HT. ASHTON V2 FLOOR PLANS & ELEVATIONS
HT.ASH.PE_D HT. ASHTON V1 FLOOR PLANS & ELEVATIONS
HT.3B.M4-2.PE_D HT.3B.M4(2) PLANS AND ELEVATIONS
HT.2B.WCH.PE_D HT.2B.WCH FLOOR PLANS & ELEVATIONS
GAR_05.PE A TRIPLE GARAGE - EAVES FRONTED FLOOR PLAN & ELEVATIONS
GAR_04.PE.B DOUBLE GARAGE - EAVES FRONTED FLOOR PLANS & ELEVATIONS
GAR_03.PE.B. LARGE GARAGE /SALES FLOOR PLANS & ELEVATIONS
GAR_02.PE. B TWIN GARAGE - EAVES FRONTED FLOOR PLANS & ELEVATIONS
GAR_01.PE C SINGLE GARAGE - EAVES FRONTED FLOOR PLAN & ELEVATIONS
DR-5010-S4-P7 SOFTWORKS PROPOSALS - SOUTHERN POS
DR-5101-S4-P8 LAP, LEAP & ALLOTMENT PROPOSALS
HT.2B.WCH.PE_D HT.2B.WCH FLOOR PLANS & ELEVATIONS
DR-5008-S4-P7 SOFTWORKS PROPOSALS - SOUTHERN POS
DR-5009-S4-P7 SOFTWORKS PROPOSALS - SOUTHERN POS
DR-5003-S4-P7 SOFTWORKS PROPOSALS - RESIDENTIAL
DR-5007-S4-P7 SOFTWORKS PROPOSALS - RESIDENTIAL
DR-5002-S4-P6 SOFTWORKS PROPOSALS - RESIDENTIAL
DR-5005-S4-P6 SOFTWORKS PROPOSALS - RESIDENTIAL
DR-5001-S4-P7 SOFTWORKS PROPOSALS - RESIDENTIAL
C863-05 A LONGITUDINAL SECTIONS (SHEET 1 OF 3)
05983 TPP 19.08.24 TREE PROTECTION PLAN (SHEET 1 OF 3)
05983 TPP 19.08.24 TREE PROTECTION PLAN (SHEET 2 OF 3)
05983 TPP 19.08.24 TREE PROTECTION PLAN (SHEET 3 OF 3)
DR-5704-S4-P1 SCHOOL FOOTBALL PITCH OWNERSHIP EXTENTS
Received 2nd September 2024

05983 TCP TREE CONSTRAINTS PLAN (SHEET 1 OF 3)
05983 TCP TREE CONSTRAINTS PLAN (SHEET 2 OF 3)
05983 TCP TREE CONSTRAINTS PLAN (SHEET 3 OF 3)
Received 27th February 2024

FB.194-201.P C194-201 PLANS
FB.88-93.P C 88-93 PLANS
FB.61-74.P.C 61-74 PLANS
FB.61-74.E C 61-74 ELEVATIONS
FB.88-93.E C 88-93 ELEVATIONS
FB.182-201.E C 182-201 ELEVATIONS
FB.182-193.P C 182-193 PLANS
3195-5-DR-5605-S5-P2 COMPOSTING BAYS
3195-5-DR-5600-S5-P2 1.8M HIGH ANTI-CLIMB FENCE & GATE
Received 18th January 2024

C863-09 ADOPTABLE CONSTRUCTION DETAILS
CS.PE A CYCLE STORE PLANS & ELEVATIONS
C863-07 LONGITUDINAL SECTION (SHEET 3 OF 3)
C863-08 ADOPTABLE DRAINAGE DETAIL
C863-06 LONGITUDINAL SECTION (SHEET 2 OF 3)

ES.01 A SITE SECTIONS EXISTING & PROPOSED
SLP 01 A SITE LOCATION PLAN
Received 15th January 2024

2 Permit/Consent Decision Making Statement

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

3 Condition Categories

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

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

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

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

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

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

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

4 Community Infrastructure Levy - General Note for all Development

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. CIL may apply to new developments granted by way of planning permission as well as by general consent (permitted development) and may apply to change of use permissions and certain extensions. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council **before any development commences**.

Do not commence development until you 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

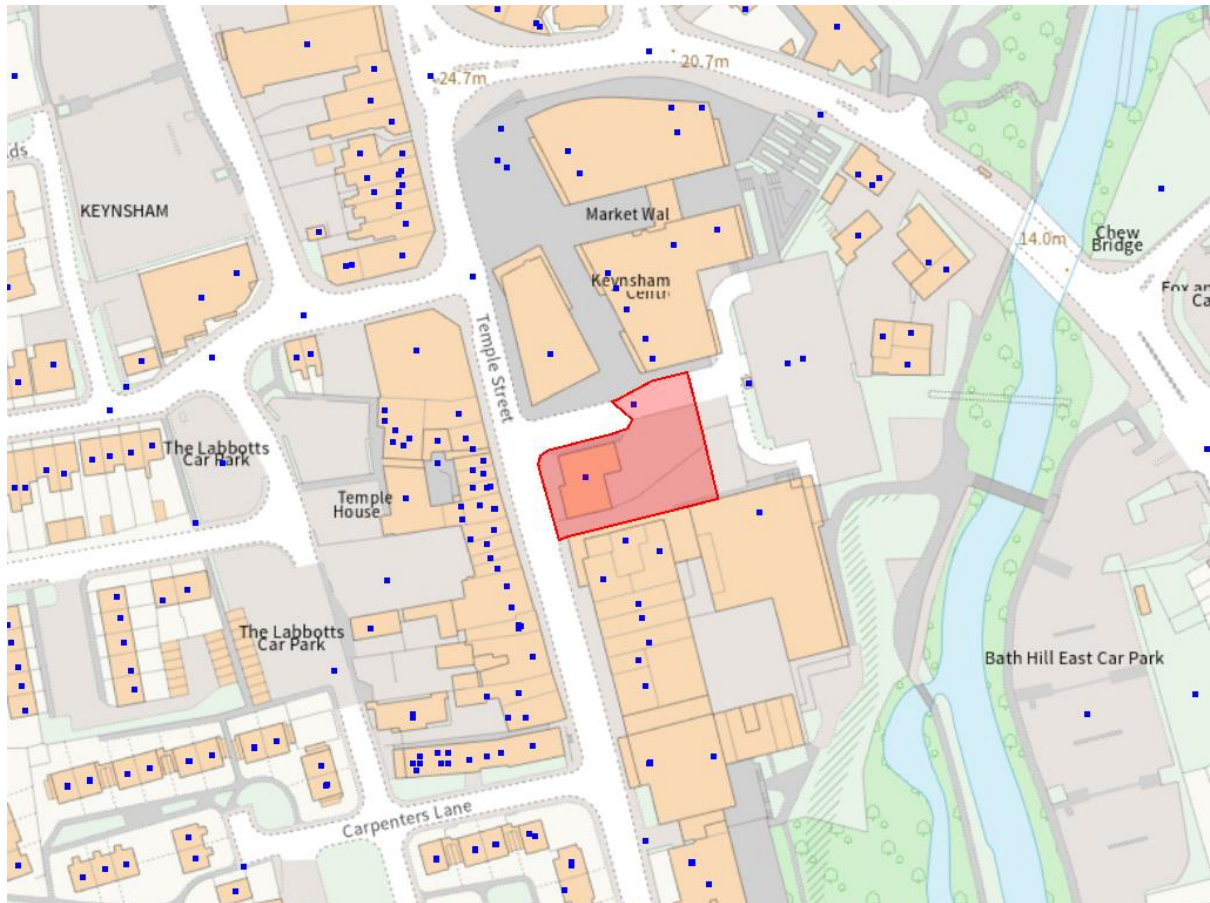
The CIL regulations are non-discretionary in respect of exemption claims. If you are intending to claim a relief or exemption from CIL (such as a "self-build relief") it is important that you understand and follow the correct procedure **before** commencing **any** development on site. You must apply 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: 02
Application No: 24/00768/FUL
Site Location: Former Keynsham Fire Station Temple Street Keynsham Bath And North East Somerset BS31 1EL



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

Ward Members: Councillor Alex Beaumont Councillor George Leach

Application Type: Full Application

Proposal: Erection of 21no. apartments (Over 55's) with ground floor space for Class E use, parking, associated landscaping and public realm improvements, to follow demolition of existing former Keynsham Fire Station building.

Constraints: Agric Land Class 3b,4,5, Air Quality Management Area, Conservation Area, Policy CP12 Centres and Retail, Policy CP9 Affordable Housing, Policy CR3 Primary Shopping Areas, District Heating Priority Area, Housing Development Boundary, LLFA - Flood Risk Management, LPPU Site Allocations, Policy NE1 Green Infrastructure Network, NRN Woodland Strategic Network Policy NE5, NRN Wetland Strategic Network Policy NE5, Placemaking Plan Allocated Sites, All Public Rights of Way Records, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,

Applicant: Chewton Place Developments Ltd

Expiry Date: 29th November 2024

Case Officer: Isabel Daone

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

REPORT

The application site forms part of Local Plan Partial Update (LPPU) allocation KE2B (Riverside and Fire Station Site). As existing the site, which measures 0.0735 hectares is occupied by the former fire station building, with two fire-engine bays to the rear. The site fronts onto Temple Street, with Keynsham Library located to the north and the Riverside building to the South.

Planning permission is sought for the demolition of the existing building and the erection of 21 no over-55s apartments, with ground floor space for Class E use, parking, associated landscaping and public realm improvements.

REASON FOR COMMITTEE:

The application is accompanied by a Viability Assessment and in accordance with the scheme of delegation, must be decided by Planning Committee.

Relevant Planning History:

04/00754/AR

CON - 22 April 2004

Internally illuminated front fascia sign as amplified by drawing received on 8 April 2004

99/02830/REG03

PER - 25 November 1999

Installation of mesh clad metal frame with roof for cycle storage within existing parking area

19/04405/FUL

WITHDRAWN - 28 January 2020 - Development of a Boutique Hotel, nine Residential Apartments, two Retail Units, a Restaurant, Office Accommodation and new Public Space to follow demolition of the Old Fire Station.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

AVON AND SOMERSET POLICE:

28th March 2024 - Not acceptable in its current format.

CONSERVATION:

17th June 2024 - Object

22nd October 2024 - Object

CONTAMINATED LAND:

28th March 2024 - No objection, subject to conditions.

DRAINAGE AND FLOODING:

4th April 2024 - Further information required.

ECOLOGY:

No objection, subject to conditions.

ENVIRONMENTAL PROTECTION:

28th March 2024 -

Request confirmation of hours of use and deliveries for commercial uses. Recommend conditions.

HIGHWAYS:

5th April 2024 - Scope for revision.

4th November 2024 - No objection, subject to conditions.

HOUSING:

23rd April 2024 - Holding objection until viability assessment had been independently assessed

5th August 2024 - No objection subject to a late stage review secured in the S106 agreement

KEYNSHAM TOWN COUNCIL:

27th March 2024 - Objection on the following grounds:

- Materials and design are unsatisfactory and incongruous
- Does not contribute to the Conservation Area (contrary to policy D1b)
- Site plans are inaccurate
- Does not address the need for affordable housing
- Does not meet the needs of a mixed development, catering for one section of the community

31st October 2024 - Objection on the following grounds:

(i) To reiterate the previous objection of Keynsham Town Council that the development does not address the need for affordable housing in the centre of town. Also, the proposal does not meet the needs of a mixed development, catering for only one section of the community.

(ii) That the lack of parking will put stresses on other local parking areas especially as future owners will have visitors and deliveries requiring parking.

- (iii) That there is no provision for residents loading and unloading in the vicinity of this proposed development. Movement of loading bays on Temple Street and constant use of the loading bays near Market Walk could cause congestion in this area.
- (iv) The removal of two of the regularly used designated disabled parking bays close to the Leisure Centre could have a detrimental impact of the users of this facility.
- (v) Concerns are raised in respect of the impact that the buildings will have in respect of creating wind tunnels. Market Walk is already severely affected by the impact of wind tunnelling.
- (vi) The proposed walk way between Market Walk and River Terrace raises concerns in respect of criminal activity and safety of users.
- (vii) Concerns are raised in respect of the overlooking from the windows on the southern elevation and those directly opposite on the existing riverside apartments above the Leisure Centre.
- (viii) Keynsham Town Council notes the objection of Transition Bath in respect of the Solar PV proposal.

MORE COMMENTS RECEIVED

LANDSCAPE AND URBAN DESIGN:

18th April 2024 - Scope for revision

4th November - Scope for revision/recommends conditions

PARKING SERVICES:

18th March 2024 - It is important that the development does not impact the Council's asset and public use of it during operation or construction.

PARKS AND GREEN SPACES:

30th April 2024 - No objection subject to conditions.

PLANNING POLICY:

4th April 2024 - No objection subject to conditions.

PUBLIC RIGHT OF WAY:

26th March 2024 - No objection subject to conditions.

SUSTAINABLE CONSTRUCTION:

10th April 2024 - No objection subject to conditions.

WESSEX WATER:

14th August 2024 - Holding objection

Representations Received :

TRANSITION BATH:

- Objection
- Flat solar PV is a concern and will likely result in poor yield and maintenance concerns
- New calculations to accord with new PV layout should be provided.
- PV panel yield is incorrect
- Heat pumps not shown on the plans
- No information regarding how PV is distributed across the scheme

17 comments of objection have been received and they are summarised as follows:

- Impact to road access between Temple Street and existing underground residential car park to the east, particularly during construction
- Impact to traffic during construction
- Overbearing to Temple Street
- Lack of parking
- Highway safety concerns
- Older people will not use cycles
- Additional vehicles will impact upon shopping parking provision
- Block sunlight to Riverside block
- Scale of the proposed building is overbearing
- Compete with the architectural prominence of the Civic Centre
- Cause overshadowing to low rise buildings on Temple Street
- Balconies are visually intrusive
- Impact to Conservation Area
- Extensive use of grey metal cladding on Temple Street elevation is excessive
- Absence of disabled parking

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

- o Bath & North East Somerset Core Strategy (July 2014)
- o Bath & North East Somerset Placemaking Plan (July 2017)
- o Bath & North East Somerset Local Plan Partial Update (2023)
- o West of England Joint Waste Core Strategy (2011)
- 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:

CP5: Flood Risk Management

CP6: Environmental Quality

CP9: Affordable Housing

CP10: Housing Mix

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
D4: Streets and spaces
D6: Amenity
D10: Public realm
H1: Housing facilities for the elderly, people with other supported housing or care needs
HE1: Historic environment
LCR1: Safeguarding local community facilities
LCR9: Increasing the provision of local food growing
SCR2: Roof-mounted/ building integrated scale solar PV
SCR5: Water efficiency
SU1: Sustainable drainage policy

LOCAL PLAN PARTIAL UPDATE:

The Local Plan Partial Update for Bath and North East Somerset Council was adopted on 19th January 2023. The Local Plan Partial Update has introduced a number of new policies and updated some of the policies contained with the Core Strategy and Placemaking Plan. The following policies of the Local Plan Partial Update are relevant to this proposal:

DW1: District Wide Spatial Strategy
KE1: Keynsham spatial strategy
KE2B: Riverside and Fire Station Site
CP3: Renewable Energy
CP7: Green infrastructure
D5: Building design
D8: Lighting
H7: Housing accessibility
NE1: Development and green infrastructure
NE2: Conserving and enhancing the landscape and landscape character
NE3: Sites, species, and habitats
NE5: Ecological networks
NE6: Trees and woodland conservation
PCS5: Contamination
SCR6: Sustainable Construction Policy for New Build Residential Development
ST1: Promoting Sustainable Travel
ST2A: Recreational routes
ST7: Transport requirements for managing development

SUPPLEMENTARY PLANNING DOCUMENTS:

The following Supplementary Planning Documents (SPDs) are relevant to the determination of this application:

Sustainable Construction Checklist Supplementary Planning Document (January 2023)

Transport and Development Supplementary Planning Document (January 2023)

Planning Obligations Supplementary Planning Document (January 2023)

NATIONAL POLICY:

The National Planning Policy Framework (NPPF) 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 and appearance of the surrounding Conservation Area.

LISTED BUILDINGS:

In addition, there is a duty placed on the Council under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 'In considering whether to grant planning permission for development which affects a listed building or its setting' to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

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.

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT

The main issues to consider are:

1. Principle of development
2. Affordable housing

3. Design, appearance and impact to townscape character
4. Heritage Assets
5. Residential amenity
6. Highways
7. Ecology
8. Parks and green spaces
9. Drainage and flooding
10. Contaminated Land
11. Housing accessibility
12. Housing mix
13. Sustainable Construction
14. Public Rights of Way
15. Designing out crime
16. Planning obligations
17. Public sector equality duty
18. Conclusion

1. PRINCIPLE OF DEVELOPMENT:

Loss of the former fire station

The proposed development will result in the loss of the disused fire station. Policy LCR1 of the Placemaking Plan relates to the loss of local community facilities. The policy states that development will only be permitted provided the following criteria is met.

- 1) there is adequate existing local provision of facilities of equivalent community value; or
 - 2) alternative facilities of equivalent local community value will be provided in the locality;
- or
- 3) the proposed loss is an integral part of changes by a public service provider which will improve the overall quality or accessibility of public services in the locality.

The existing building is no longer used as a fire station and a new fire station now exists at the Hicks Gate Roundabout in Keynsham. The new fire station was constructed to improve the response times of the fire service and to improve access to major incidents. As such, an alternative facility has been provided and the loss of the existing facility is accepted in principle.

Principle of residential and Class E development

The application forms part of the adopted site allocation KE2b, which applies to the land at Keynsham Riverside and the Fire Station Site. The site allocation (clause 1) requires the provision of residential development (use class C3) and office (Class E(g)(i)) floorspace.

The proposal seeks to provide 21no. over-55s apartments. There would not be the provision of care on the site, and these are considered to be within Class C3 use. The proposal also includes the provision of commercial floorspace which fronts Temple Street. Clause 2 of policy KE2b requires that the development "provide an active frontage to Temple Street". The inclusion of commercial floorspace in this location will result in an active frontage. A condition can be added to the decision notice to ensure that this space

is retained for Class E(g)(i) use and for no other purpose within Class E, so as to ensure the provision of office space in accordance with the allocation policy.

In so far as it relates to the principle of development, the scheme complies with policy KE2b, and the principle of development is supported.

2. AFFORDABLE HOUSING:

Policy CP9 has regard to affordable housing. It states that affordable housing will be required as on-site provision in developments of 10 dwellings or 0.5 hectare and above (the lower threshold applies). In Keynsham 30% of dwellings on qualifying sites should be affordable.

Policy CP9 goes onto set out that the viability of the proposed development should be taken into account, including;

- Whether grant or another public subsidy is available;
- Whether there are exceptional build or other development costs;
- The achievement of other planning objectives; and
- The tenure and size mix of the affordable housing to be provided.

A Financial Viability Appraisal (JLL, February 2024) was submitted with the application. This was reviewed by the Council's Independent Viability Assessors, Dixon Searle Partnership (DSP) in July 2023.

The Planning Practice Guidance (PPG) sets out the main principles for undertaking viability assessments. It sets out that a "Viability assessment is a process of assessing whether a site is financially viable, by looking at whether the value generated by a development is more than the cost of developing it. This includes looking at the key elements of gross development value, costs, land value, landowner premium, and developer return...Any viability assessment should follow the government's recommended approach to assessing viability as set out in this National Planning Guidance and be proportionate, simple, transparent and publicly available. Improving transparency of data associated with viability assessment will, over time, improve the data available for future assessment as well as provide more accountability regarding how viability informs decision making...In plan making and decision making viability helps to strike a balance between the aspirations of developers and landowners, in terms of returns against risk, and the aims of the planning system to secure maximum benefits in the public interest through the granting of planning permission."

Benchmark Land Value

The Benchmark Land Value (BLV) has been calculated by the developer's viability team as £464,979, being based on the existing use value (EUV) of the vacant fire station. Existing value is not the price paid for the site and should disregard "hope value", which is an element of market values in excess of the existing value which reflects the prospect of future development. JLL have used a number of other sales of "blue light" sites to help reach their conclusions on the EUV. However, DSP note that several of these sites have gone on to be developed into residential sites and therefore, it is difficult to ascertain whether the sales of these sites included "hope value".

The value of the existing former fire station in its current use is low; the building does not readily lend itself to conversion without alteration and any change of use would require planning permission. The BLV is likely to be made up to the premium added to incentive the release of the site. DSP carried out their own research into "blue light" sites and most sites of a similar nature have been sold for between £300,000 and £500,000. A BLV of not less than £300,000 has been applied by DSP.

Acquisition Cost:

The submitted appraisal includes the acquisition costs including agency and legal fees and stamp duty. These are accepted as being within typical values.

Gross Development Value

The JLL viability appraisal sets out that sales values have been assumed for market housing, based on the premise of a 1-bedroom retirement (over 55s) apartment being priced at 75% of the value of a typical semi-detached property in the given location and a 2-bedroom apartment being priced at 100% of that value. This is a commonly used formula.

DSP have calculated the Gross Development Value (GDV) for a 100% market housing scheme at this site to be £6,395,618. The GDV for a 30% affordable housing scheme, with 70% market housing has been calculated at £5,441,500. The submitted appraisal (JLL) calculates a slightly higher GDV for the 30% affordable scheme at £5,603,467.

The submitted appraisal (JLL) is considered to potentially underestimate the value of £270,000 for a 1-bed apartment and £360,000 for a 2-bed apartment. The submitted average unit value by JLL is £304,544. DSP have calculated this to be £314,530.

Similarly, the submitted assumptions for the commercial unit are considered to be overly cautious. DSP have had regard to local evidence and have therefore assumed a GDV of £350,805 for the proposed commercial unit (£186/ft²).

Construction Costs

The construction/build costs have been reviewed independently by MWA quantity surveyors. There was a difference of opinion on some of the build costs and MWA consider that the submitted appraisal overestimates the build costs by £200,000. DSP have therefore applied MWA's figures of their appraisal, rather than that supplied by the developer.

Profit

The submitted appraisal gives the level of profit as included a fixed input at 20% of the GDV on market housing.

The PPG makes clear that "Potential risk is accounted for in the assumed return for developers at the plan making stage. It is the role of developers, not plan makers or decision makers, to mitigate these risks. The cost of fully complying with policy requirements should be accounted for in benchmark land value. Under no circumstances

will the price paid for land be relevant justification for failing to accord with relevant policies in the plan'. It goes on to state: 'For the purpose of plan making an assumption of 15-20% of gross development value (GDV) may be considered a suitable return to developers in order to establish the viability of plan policies. Plan makers may choose to apply alternative figures where there is evidence to support this according to the type, scale and risk profile of planned development. A lower figure may be more appropriate in consideration of delivery of affordable housing in circumstances where this guarantees an end sale at a known value and reduces risk. Alternative figures may also be appropriate for different development types".

DSP have tested a profit level of 17.5%, which is in the middle of the range given within the PPG. For the commercial premises, a 15% profit has been applied and for the affordable housing, the standard 6% profit has been applied. This leads to an overall profit allowance within the 100% market housing appraisal of £1,208,518 and £899,563 in the 30% affordable housing appraisal.

Conclusions

Using the assumptions put forward by DSP in regard to BLV, GDV, Costs and profits, the following results are concluded:

Scheme with 30% affordable housing: Deficit of -£425,941

Scheme with 0% affordable housing (100% market): +£78,939

A 100% market scheme indicates a residual land value of £78,939 which is below what the minimum BLV for the site is considered to be (£300,000). DSP therefore conclude that "whilst we consider that the submission likely understates the scheme viability to some degree and it can be seen how the scheme is deliverable as 100% market housing, in our view the scheme does not show scope to support a contribution to affordable housing alongside a reasonable level of land value and profit."

As such, officers do not consider that the provision of affordable housing at this site is viable, and this has been accepted by the Council's Housing Team. A late-stage viability review mechanism will be secured via a S106 agreement. This is because a viability appraisal cannot accurately reflect costs and values until a scheme is built and sold. The late-stage review allows for a re-assessment of the viability to reflect the built scheme. This may allow the Council to secure a commuted sum, if the viability of the scheme is substantially different at this late stage review.

Overall, the proposal accords with policy CP9 of the Core Strategy.

3. DESIGN, APPEARANCE AND IMPACT TO TOWNSCAPE:

Core Strategy policy CP6 is the overarching policy which deals with environmental quality; this seeks to secure, amongst other things, high quality inclusive design. Policies D1-D4 of the Placemaking Plan and D5 of the Local Plan Partial Update set out the detailed design policies which collectively seek to secure high quality design appropriate to the context. Particularly, policy D2 supports development which contributes positively to and does not harm local character and distinctiveness; development is expected to positively respond to site context and improve areas of poor design. D2 also requires design to respond

appropriately to urban morphology, including amongst other things block and plot patterns; mix of uses, building heights, massing and scale, and local vernacular. In respect of density, policy D2 is clear that the density of new schemes must be compatible with the character of the area but equally the policy encourages higher densities in accessible locations with good local facilities, on order to make an efficient use of land.

In response to comments provided by the Council's Urban Design and Landscape Officer, a Revised Town and Visual Impact Assessment (TVIA) (Greenhalgh Landscape Architecture, September 2024) has been provided. It is accompanied by 5 Appendices as follows:

Appendix A - Visual baseline

Appendix B - Assessment of character effects

Appendix C - Assessment of visual effects

Appendix D - Methodology

Appendix E - Accurate Visual Representations (AVRs)

The 16 viewpoints which are now included have been agreed with the Council and are considered to provide a good coverage of representative views and allow the likely effects of the proposals on character and views to be reliably predicted. The selection of viewpoints taken forward to AVR is appropriate.

The height of the proposed building reaches four storeys. Third parties have raised that the scheme detracts from the "focal" Civic Centre Building located to the north of the application site. The proposed height would be significantly less than the Civic Centre Building, which is around 5m taller than the proposed development, and the adjacent Riverside View building by around 5.5m. This is confirmed by the submitted elevation drawings and AVRs.

In relation to assessment of effects on character, the baseline analysis of townscape character in the TVIA is generally clear. The principal character zones affected by the development are identified as Area 3 "Civic Centre", Area 4 "Temple Street" and Area A "Leisure Centre Complex"; this is agreed with by the Council.

The TVIA concludes that the effects of the development on townscape character would be beneficial overall, with the level of effect being "minor to moderate" in respect of Area 3 and "minor" in respect of Area 4 and Area A. Subject to refinement and agreement of external finishes, as set out below, this is considered to be an acceptable and reasonable degree of impact.

With regard to visual effects, the assessments for Viewpoints 1a, 1b, 1c and 2-13 are agreed with by the Council. It is considered that the effects from Viewpoints 14-16 which are the elevated medium-range views from the east have been slightly underestimated, in that the sensitivity of receptors for Viewpoints 15 and 16 (users of pocket park and adjoining amenity spaces) would be "medium" rather than "low", and the magnitude of change for all three viewpoints would be "minor" rather than "negligible". The TVIA acknowledges that in all three cases the new building would be visible on the skyline, and for Viewpoint 15 the upper three storeys would be visible in Winter. However, even taking into account these differences, the resultant level of effect would still only be "minor", applying the methodology set out in the TVIA Appendix D. Overall, therefore, the majority

of visual effects would be beneficial (subject to materials) or neutral, and there would be very few adverse visual effects, and these would be no more than minor in significance. It is therefore concluded that the development would not cause significant adverse impacts to the townscape character and is acceptable in this regard.

A number of comments have been made with regard to the visual appearance of the building stating that the scale and massing are inappropriate and that it does not reflect the character of the locality. Keynsham Town Council raise that it would be an incongruous addition.

The site is located between the Keynsham Library building and Civic Centre (to the north) and the Riverside View Block to the south. To the east is the double storey civic centre car park. The site as existing features the existing fire station, which is clearly disused and an area of hardstanding to the rear which is being used to store miscellaneous items and features evidence of fly tipping. There is clearly an opportunity to enhance the visual appearance of the site. The Riverside View Building, Library and Civic Centre are modern in their built character. Riverside View features white render as its prominent material, with contrasting metal cladding. The Civic Centre and Library feature lias stone, which is a traditional, natural material characteristic of the historic core of Keynsham. Metal cladding also features prominently on the Civic Centre buildings in Bronze tones. Contrastingly, to the west of the site on the opposite side of Temple Street are two storey, traditional terraced buildings which house commercial premises.

The proposed building follows a modern design which clearly takes design cues from the Riverside View block, Civic Centre and Library. The building will have a flat roof which, in the context of the varying roof forms in the locality (which include flat roofs) is accepted. The solar PV has been amended so that it now lies flat; policy SCR6 can still be met with this arrangement, and this is discussed further in this report. This is supported as it vastly improved the overall visual appearance and cohesion of the roof within the design of the scheme. The facades of the development are well articulated, which provides design interest, in accordance with policy KE2b(4).

The materials have been amended since the original submission following discussion with officers. Lias stone is now more heavily featured, and this is strongly supported and accords with policy KE2b(5). The metal cladding now appears from the visuals to be a Bronze colour, similar to the adjacent Civic Centre and the amount of render has been reduced. This has the advantage of reducing the visual prominence of the building; the white render used on the adjacent Riverside View block demonstrates the harm of vast expanses of stark render in this location. Subject to a condition securing details of the materials, the material palette is considered to be appropriate and responsive to the setting.

Concern has been raised with regard to the balconies, which are not considered to be reflective of the local vernacular. The adjacent Riverside View block features inset balconies and there are examples further south on St Ladoc House. Given the changes to the scheme with regard to the materials, officers consider that the inclusion of the balconies is acceptable; they are small and do not visually intrude to a significant extent in regard to the design of the facades.

The building is set back within the site, behind the building line of Riverside View. This allows for a generous area of pavement to the front of the site and the planting of a street tree. There is considered to be sufficient space here for this tree to be of a meaningful scale. A Landscape Ecological Management Plan can secure management of this tree. One of the key requirements of the allocation policy KE2b is that an active frontage is provided on Temple Street. The inclusion of the street tree and benches in this location is therefore supported. Additionally, the commercial unit has been sited at ground floor facing onto Temple Street which is also considered to activate this frontage.

Another essential requirement of the allocation policy is the delivery of Market Walk through the site. The scheme proposes a double height walkway through the site, which is aligned with the current Market Walk to the north and south. The Designing Out Crime Officer raised some concern with this arrangement, which is similar to the covered walkway at the Riverside View site, in terms of surveillance and security. In response, the applicant has proposed windows which look onto the walkway and planters to enable separation between the residential units and pedestrians. It is considered that the number of planters could be increased, which would improve the public realm. The landscaping can be secured by way of condition.

Overall, it is considered that the scale and massing of the building is appropriate and responds to the neighbouring developments, whilst ensuring that the Civic Centre building remains the focal building in this location. The use of materials has been amended to better reflect the local material palette and has a greater focus on the use of lias stone which is strongly supported. The public realm and Market Walk has been successfully designed into the scheme, with the exception of the planters which can be secured by way of condition. The facades are well articulated across the development.

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 Core Strategy, policies D1, D2, D3, D4 and D5 of the Placemaking Plan and Local Plan Partial Update and part 12 of the NPPF.

4. IMPACT TO HERITAGE ASSETS:

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.

Conservation Area

The application site sits on the edge of the Keynsham Conservation Area. The boundary of the Conservation Area is the northern elevation of the Riverside View block to the south, and it encompasses the Civic Centre Car Park to the East, Civic Centre and Library to the north and the buildings on the opposite side of Temple Street to the west.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out that when deciding whether to grant planning permission relating to "buildings or other land in a Conservation Area" "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".

The Council's Conservation Officer raised an objection to the scheme as originally submitted. Revised plans were submitted in October 2024 to try and address these concerns. It is considered that some of the matters raised have been addressed, as follows:

- Removal of fibreglass boulders on the green roof
- Solar panels being angled flat so as to reduce the impact of the building in longer range views from of the Conservation Area
- Angling of solar panels also removes some of the additional bulk of the building

However, there are a number of concerns with the scheme. One of the principal reservations relates to the overall height and long linear form of the building, which has not been addressed through the revised plans. The strong linear form is emphasised by the long, narrow nature of the plot. The building will be significantly taller than the smaller scale commercial buildings on the opposite side of Temple Street, which are also within the Conservation Area. Whilst the design of the building is accepted from an urban design perspective, it is considered to be visually jarring with these more historic buildings and will result in less than substantial harm to the character and appearance of the Conservation Area.

The use of lias stone is supported and the increase in the amount of lias now proposed is welcomed. The use of metal cladding is also considered to be acceptable by the Conservation Officer, subject to details of colour being secured by condition. There is some concern with regard to the use of render and this resulting in a greater prominence of the building in longer range views. Nevertheless, a condition can be used to secure details of the render colour, and it is noted that a render colour could be chosen which sits harmoniously with the cladding and stone. Details of the louvres can also be secured by way of planning condition.

The use of bolt on balconies are also not characteristic of this part of the Conservation Area.

Overall, whilst design changes have been made to the scheme which has limited the level of impact, the scheme is considered to cause less than substantial harm to the character and appearance of the Conservation Area. Paragraph 208 of the NPPF sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. This is set out in the Planning Balance section of this report.

Listed Buildings

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that "In considering whether to grant planning permission in principle for development which affects a listed building or its setting, the Local Planning Authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural interests which it possesses".

The setting of a heritage asset (as set out in the NPPF Annex 2: Glossary) is 'the surroundings in which a heritage asset is experienced. Its extent is not fixed and may

change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.' PPG advises that 'when assessing any application for development which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change.'

The proposal is considered to be within the setting of a Grade II listed building known as the Trout Tavern, located to the southwest of the site on the opposite side of Temple Street. The site will be visible from the Trout Tavern, and both have shared views from differing points along Temple Street and the surrounding area. Notwithstanding, whilst the height and design of the scheme is considered to cause less than substantial harm to the character and appearance of the Conservation Area, due to the degree of separation and intervening Riverside View block, it is not considered that the same harm applies to the Grade II listed building. It is considered that the proposals preserve the setting of this listed building.

5. RESIDENTIAL AMENITY:

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

A number of third parties have raised concern with regard to the impact of the development with regard to the residential properties on the opposite side of Temple Street and those located immediately to the south within the Riverside View apartments.

The residential properties located on the opposite side of Temple Street are located some distance from the site, with Council mapping indicating that the closest residential property is no.45 to the south. The buildings opposite the site are in commercial use. It is not considered that the proposal would have a significant impact on the residential amenity of the occupiers of no.45 Temple Street in terms of overlooking, overbearing or overshadowing due to the separation distance between the two sites.

The development has the potential to impact upon the residents of the adjacent Riverside View apartments to the south. The site is adjacent, separated by single-width access road which runs directly south of the application site. At the closest point, the proposed building is located approximately 4.7 metres from the northern elevation of Riverside View. At a depth of around 11m measured from the western elevation of the proposed building, the south elevation kinks and bends away from Riverside View. The proposed building is around 10.5m from Riverside View measured at the point the Market Walk walkway is located. This further increases to around 16m at the easternmost extent of the building at the rear of the site. Whilst the development site is shaped so that the distance between the buildings increases as they site moves east, there is clearly a close relationship between the two sites and therefore the potential impacts need to be carefully considered and assessed.

Overlooking

As above, the proposed building will have a close relationship with the dwellings located in the Riverside View block to the south. The closest point is the western end of the building

which fronts Temple Street. At this point, the two sites are separated by an access road, and are approximately 4.7m apart. At the western end of the building, there is a small single storey element which then steps up to a four storey element. No windows are placed on the southern elevation, which is supported. Balconies are proposed to the front elevation but given their siting, set away from Riverside View and the proposed building line, these are not considered to result in significant levels of overlooking to the residents to the south.

As the building moved eastwards towards the rear, the single storey element widens to feature a green roof. It is important to note that this roof is not proposed to be accessible, and this will be secured by condition to protect the residential amenity of the neighbour occupiers. Adjoining this, the building increases to four storeys and a small, terraced area is proposed to each floor. Windows are proposed on this part of the building. This element of the building is located around 14m from the Riverside block and the windows proposed serve storage areas and hallways - they do not serve primary living accommodation. Whilst there is access to the small, decked area, the louvres and planting will obscure some views from this area. Details of the louvres can be secured by condition. The site is in a central location in a built-up urban area and some overlooking is to be expected given the likelihood of higher density development in such locations. The scheme has been designed so as to maximise the separation distance between the decked area and neighbouring residents and the inclusion of louvres will help to obscure some of the views. As such, officers do not consider that the impact to these residents is significant in this regard.

At the eastern end of the building, windows which serve primary living spaces are proposed and these do face the Riverside Building. However, these windows are set on a slight angle to help reduce direct lines of site. Additionally, they are located around 12-15m from the adjacent building. Given the fact that the windows are angled and the built-up location, this distance is considered to be acceptable. Balconies are proposed to the rear elevation. Notwithstanding the plans, it is considered that details of privacy screens to be signed on the First, Second and Third Floor balconies on the southern elevation can be secured by condition.

It is considered that, the impact in terms of overlooking will be significant to existing and future occupiers.

Overshadowing and loss of light

Concern has been raised with regard to the overshadowing of the Riverside View block to the south and loss of light to these properties, largely due to the proximity to these dwellings to the application site. A Daylight and Sunlight Report (Rapleys, February 2024) accompanies the submission.

B&NES Local Planning Policy does not specify daylight and sunlight requirements for properties, though policy D6 does make clear that development must allow existing and proposed schemes to achieve adequate amounts of natural light. The Building Research Establishment's (BRE) Report 209 "Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice (2022) 3rd Edition is widely recognised as an appropriate way of undertaking a daylight/sunlight assessment and has been applied in the submitted report.

The BRE guidance sets out that primary living room windows should be assessed, and secondary rooms such as bathrooms and storage rooms do not need to be analysed. This is supported.

There are a number of terms within the daylight/sunlight report which are defined on page 6. Given the importance of these in the context of the report, a summary is provided below:

Vertical Sky Component (VSC)

The VSC is a measure of the amount of light which falls on a window. The maximum possible is just under 40% for a completely unobstructed vertical wall. The target recommended is 27%, however if the VSC is less than 27% in a given scenario but more than 0.8x times its former value then daylight levels may still be deemed sufficient. This equates to a 20% reduction in light being acceptable.

Annual Probably Sunlight Hours (APSH)

The BRE Report recommends that when considering sunlight in the northern hemisphere, it is only those windows that face within 90 degrees due south which will enjoy direct sunlight. The BRE report limits the extent of assessment only to these windows. Sunlight amenity is measured in APSH.

Daylight Distribution (DD)

The DD is also now as "no skyline" and looks at daylight penetration within a room. development is complete, the area of a room with visible sky should, ideally be 0.8 times or more of the former area on the working plane prior to the development.

The Daylight and Sunlight report considers the existing and proposed conditions and undertakes a "mirror-massing" study which considers the impact of the proposed building form on the north facing windows of the existing Riverside View block.

The VSC results of the study show that 64/71 of the windows assessed meet the target values set in the BRE guidance; this equates to 90.1%. The windows which do not meet the targets are located at first floor level and serve bedrooms and living/kitchen/dining spaces. These are noted in the report as follows:

- Room 25 Window 11 Bedroom
- Room 26 Window 12 Bedroom
- Room 27 Window 13 Bedroom
- Room 28 Window 14 Bedroom
- Room 29 Window 15 Living/Kitchen/Diner
- Room 30 Window 16 Bedroom
- Room 31 Window 17 Living/Kitchen/Diner

Room 31 is located at the first floor, to the front of the building. The Living/Kitchen/Diner is served by windows on the front elevation of the building facing onto Temple Street. The north facing window retains a VSC of 25.54% which is only marginally below the BRE target, and there are other windows to this room. Therefore, it is considered that this room will still receive adequate levels of natural light overall.

The remaining windows retain a VSC ratio of around 0.63x (against the aforementioned target of 0.8x set out in the BRE guidance.) The bedroom windows (11-14 and 16) will continue to receive between 25.15%-26.75% light levels, which is marginally below the target set by the BRE. The BRE does assert that bedrooms have a lesser expectation of daylight. Window 15 will receive 24.28% VSC, which is 0.65x of its former value.

The BRE guidance is not policy and is guidance. The BRE guidance also stems from a suburban, low rise setting and does warn that caution must be taken when applying the guidance on a case by case basis. The site's location is in a town centre, which is naturally a denser form of development than a suburban setting.

It is clear that there will be an impact in terms of loss of light to the aforementioned windows when compared against the BRE guidance. Other windows will also experience loss of light even though they are within BRE guidance parameters, by the nature of the development itself and the fact that the site features a low rise building as existing. Policy D6 requires decision makers to assess whether the impacts would be significant and therefore justify the refusal of development on that basis. Given that the remaining light levels are only marginally below that which the BRE guidance says is acceptable in a suburban setting (rather than urban) and the majority of windows are within the guidance limits, officers do not think that there would be justifiable grounds to refuse the application on this basis.

The APSH results show that adequate levels of sunlight will continue to reach the assessed windows - many of the windows on the northern elevation are not afforded direct sunlight by nature of their orientation as existing.

The DD results tested 56 rooms. 52 of these rooms meet the target values for DD which equates to 92.8%. One bedroom and three living/kitchen/dining areas will fall below target as follows:

Room 23 Living/Kitchen/Dining
Room 24 Living/Kitchen/Dining
Room 25 Bedroom
Room 29 Living/Kitchen/Dining

Again, these rooms are located at first floor level. However, the rooms are deep and therefore, natural light penetrating the southernmost extremities of these rooms is hindered by this. Officers have had regard to this, coupled with the VSC results. It is clear that the development will impact upon the residents of these properties, though the number of residents affected to a greater extent is low across the whole Riverside View Block. Given the urban setting and the fact that part of the affected rooms will retain sufficient DD levels, officers do not consider that the scheme would be refusable on this basis.

Overall, it is considered that the development will not have a significant impact in respect of loss of light and overshadowing.

Overbearing and loss of outlook

As existing, residents of Riverside View are afforded good levels of outlook to the north, given that the existing fire station building is 1-1.5 storeys in height. The outlook from the windows facing onto the site will inevitably change and will be reduced somewhat. However, the scheme has been designed so that the immediate building form adjacent to Riverside View is retained largely at single storey, with a Green Roof and Green Wall Louvres proposed. This helps to soften the development and add design interest. Whilst the view from these windows will, inevitably, change as a result of the development, it is not considered that there would be a significant loss of outlook.

The overbearing impact must also be considered. Again, the introduction of taller built form to the site does have the potential to feel overbearing to the residents of the Riverside View block. Again, the proposals set the taller elements further away from these windows and officers are satisfied that the scheme will not appear overly overbearing. The breaking up of the massing on the southern elevation of the scheme helps to reduce the effects of potential overbearing.

Commercial unit

The proposed commercial unit has the potential to bring about noise and disturbance, though this will be conditioned to office use and therefore noise and disturbance can be minimised. The Environmental Protection Team have requested the proposed hours of use and hours of deliveries for the unit. It is considered that details of this can be secured via Condition. Conditions requiring a noise impact assessment can also be secured.

Residential amenity conclusion

Officers have considered the comments of third parties and acknowledge that the proposed development will result in impacts to the residential amenity of the neighbouring occupiers. However, for the reasons set out above, it is not considered that the impacts would be significant and therefore, in accordance with policy D6, the scheme is not refusable on this basis. A Construction Management Plan will be secured by condition to ensure that the residential amenity of occupiers is maintained during the construction phase.

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 and part 12 of the NPPF.

6. HIGHWAYS SAFETY AND PARKING:

Policy ST7 of the Local Plan Partial Update has regard to transport requirements for managing development. It sets out the policy framework for considering the requirements and the implications of development for the highway, transport systems and their users. The Transport and Development Supplementary Planning Document expands upon policy ST7 and includes the parking standards for development.

Parking

The layout of the proposals incorporates 2 residential vehicle parking spaces, with electric vehicle charging facilities, and 1 motorcycle parking space. Given the significant reduction in the number of car parking spaces, below the maximum standards, justification is required as to the number selected. A number of third party comments raise concern with the lack of parking.

The site is located within Zone B of the Transport and Development SPD. The SPD sets out that an Accessibility Assessment can be used to provide flexibility from the maximum parking standards set out in the SPD. Such an assessment has been submitted.

The results of the Accessibility Assessment are required to fall between 50-100% to allow suitable flexibility with the parking requirements. The results of the assessment provided over 93% for active travel (which includes walking and cycling) and 87% for public transport. The evaluation of the Accessibility Assessment is accepted and the significant reduction in the number of parking spaces required is acceptable. The site is clearly in a very sustainable location. Whilst comments raised relating to the age of occupants and the unlikelihood of them walking and cycling are noted, the age of occupants is over 55, which will be secured in the S106 agreement. There is therefore likelihood that occupants will be active enough to be able to walk the short distance to the local convenience store (Sainsburys, approximately a 3min walk), pharmacy (approximately a 7min walk) or other offerings of the High Street Close by. The Council seeks to encourage active travel, and it is considered that this scheme is compliant in this regard. Prospective occupiers will be aware of the parking arrangements and Highways have not raised concern with regard to overspill parking in nearby streets.

The north of the site contains the two proposed parking spaces. A swept path analysis shows that access to the site can be achieved without detriment to the parking bays or cycle parking on the site. Pedestrian visibility has also been incorporated to the new parking arrangement which allows highway safety to continue along the pedestrian route.

Blue badge spaces

As existing, there are 4no. blue badge spaces within the site. 1no. is located to the east of the building, which will be retained. There is also a blue badge space located to the south of the building which will be retained, though slightly relocated to allow for service vehicle access.

The proposal will result in the removal of 2no. blue badge spaces to accommodate the pedestrian link through Market Walk which is required by the allocation policy KE2b:

"13) Deliver the 'Market Walk' through the site. Whilst its alignment may be slightly deflected to enable practical development parcels to come forward, there must be a direct visual connection along its route from the Civic Centre to the Riverside development."

Queries have been raised by the Council's Parking Services Team with regard to the land ownership on the site, particularly in relation to the access road to the south which is owned by the Council. The Town of Keynsham have raised an objection in this regard. The applicant has clarified that though this road is within the red line boundary of the site, it is not owned by the applicant. Notice has been served on the Council (landowner) and

there is nothing preventing the applicant applying for planning permission on land that they do not own.

The Parking Services Team have raised objection to the removal of the 2no. disabled bays in this location. However, this is clearly in direct conflict with the allocation policy (also a Council policy). The delivery of Market Walk is a key requirement and essential to the delivery of a planned active travel route through the centre of Keynsham. The applicant has agreed to pay a financial contribution toward the burning off of the existing bays and also for their relocation elsewhere on Temple Street. This is accepted and the details will need to be agreed with the Parking Team. This can be secured by way of the S106 agreement. In this regard, there would be no overall net loss of disabled bays within this area, and Market Walk can be delivered.

Dropped kerb

The footway along the site frontage would need to be reinstated as currently it provides vehicular access to the fire station building. The applicant will need to enter into a highway licence agreement to facilitate these works. This requirement can be secured by way of condition.

Trip generation

Point 1.9 of the Transport Statement shows the trip analysis of the proposal would likely result in around 11 vehicles during the busiest peak hour going to and from the site. This is deemed acceptable and would be unlikely to cause issue to the local highway network.

Cycle parking

The proposals include residential and commercial cycle parking for the development. The residential cycle parking is shown within a secure location with 42 double stacked spaces and 8 commercial spaces. A number of cycle spaces are shown to accommodate non standard cycles, which follows the guidelines set out in the SPD. There is also suitable visitor provision.

Refuse collection and storage

The commercial and residential waste storage areas are shown to be provided in separate storage facilities with collection stated to be from the adopted highway. It is noted that the residential waste storage area is over 12m from Temple Street. The southern retained disabled parking bay has been repositioned to allow for service vehicle access and this is accepted.

Travel plan

A comprehensive Travel Plan has been provided for the residential aspect of the proposal. The information provided within the Travel Information Pack can be secured by way of condition.

The measures set out in the Travel Plan are suitable for a development of this size. The commercial aspect of the scheme would also benefit from a Travel plan to promote sustainable travel for employees and an updated travel plan can be secured by condition.

The means of access and parking arrangements are acceptable and maintain highway safety standards. The proposal accords with policy ST7 of the Local Plan Partial Update, the Transport and Development Supplementary Planning Document (2023), and part 9 of the NPPF.

7. ECOLOGY:

There are no semi-natural habitats on the site. The River Chew and Adjacent Lane Site of Nature Conservation Interest (SNCI) is 30m east of the site. It is unlikely that the proposals will impact on this designation, given that the Civic Centre Multi-Storey Car Park sites between it and the site. However, care must be taken to ensure that there are no direct impacts on the SNCI as a result of pollution. Appropriate waste management measures, vehicle access arrangements and site storage facilities will need to be implemented and can be secured by way of a Construction Management Plan condition.

Lighting will also need to be sensitively designed to minimise light spill onto the River Chew, where Daubenton's and Pipistrelle Bats have been recorded. Details of external lighting to be installed can be secured by way of condition.

Ecological surveys are required if there is "reasonable likelihood" of protected species being present and impacted. In this instance, it is considered that there is negligible potential for protected species to be impacted because:

- There are no semi-natural habitats within the site;
- The building is unlikely to support roosting bats as it is of modern construction, located in a well-lit and built-up area, and does not appear to contain suitable features for roosting bats (such as undisturbed voids, pitched roofs or suitable crevices in the external fabric); and
- The site has low likelihood of supporting nesting birds as the structure appears to be in good condition. The area is likely to be regularly disturbed and relatively unlikely to support nesting birds such as gulls on the flat-roofed structure given its modest size.

An informative is recommended on the decision notice with regard to action that must be taken if protected species or nesting birds are found during construction.

Whilst the site does not qualify for mandatory biodiversity net gain, due to less than 25m² of habitat being affected, policy NE3a and KE2b require that this site delivers a 10% biodiversity net gain. The application is accompanied by a Biodiversity Net Gain metric and assessment (Ethos Ecology, February 2024). This sets out that a tree will be planted at the site frontage, and a green roof will be included. This will provide 0.05 habitat units. As the baseline biodiversity value of the site is 0% (there is no habitat), a percentage net gain cannot be calculated. However, it is clear that there will be a significant uplift in biodiversity net gain, and it is considered that the scheme will achieve the aspirations of these policies. A condition can secure details of the green roof and its maintenance.

Further, details of bat and bird boxes which are required as part of policy KE2b can be secured by way of planning condition.

Overall, the scheme is considered to comply with policies NE3, NE3a, D5e and KE2b of the Local Plan Partial Update, in so far as these policies relate to ecological matters.

8. PARKS AND GREEN SPACES:

The Planning Obligations SPD (2023) includes Green Infrastructure, Green Space and Recreational Facilities. The Green Space Strategy (2015) provides the evidence base for the supply of recreational green space in the area of the development related to the existing and projected population. Policies KE2b and LCR6 are also relevant, as these have regard to parks and green spaces. Specifically, paragraph 13 of policy KE2b sets out that development proposals will "enhance the Memorial Park and provide links with Temple Street to include planting in order to improve links, views and green infrastructure. Opportunities for providing terraced public open space overlooking the park will be encouraged, as will reinstatement of the orchard. The provision of SUDS (excluding infiltration techniques) is required."

Green space demand

The quantum of development for the submitted proposals can be estimated to be occupied by around 48 residents. These residents will generate the demand for the following quantities of green space:

- Amenity Green Space: 144.9m²
- Parks and Recreation Grounds: 627.9m²
- Natural Green Space: 627.9m²

This equates to a total of 1400.7m² of green space.

On-site green space provision

The proposals include public realm improvements which will provide some recreational amenity but will not provide the opportunities for multi-functional public recreation equivalent to that of green space. A green roof is also proposed; however, this area has been designed for wildlife and will not be accessible to residents.

Remaining unmet demand for green space typologies

The development proposal is reliant on existing off-site green space provision. The Green Space Strategy has identified a deficit in parks & recreation grounds within Keynsham and this existing provision will have to meet the demands of additional residents.

Policy LCR6 provides that where new development generates a need 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 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.

Projects and capital costs

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 a green space improvement project that with funding could meet the remaining demands and make the development acceptable in planning terms and compliant with policy LCR6. The project is the Keynsham Park improvement project which is referenced in paragraph 13 of Policy KE2b.

A contribution of £53,340.11 has been requested by the Parks Team and this has been agreed in principle by the applicant, despite initial challenge. This can be secured in a S106 agreement.

As such the proposed development accords with the Green Space Strategy, and policies KE2b and LCR6 of the Local Plan Partial Update.

9. DRAINAGE AND FLOODING:

Policy CP5 of the Core Strategy has regard to Flood Risk Management. It states that all development will be expected to incorporate sustainable drainage systems to reduce surface water run-off and minimise its contribution to flood risks elsewhere. All development should be informed by the information and recommendations of the B&NES Strategic Flood Risk Assessments and Flood Risk Management Strategy.

Policy SU1 states that for 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 100 year+ climate change event) Sustainable Urban Drainage Systems (SuDs) are to be employed for the management of water runoff.

The existing site is a previously developed site which features an existing building and sealed surface. The Lead Local Flood Authority requested that a drainage scheme showing a point of connection agreed with Wessex Water was submitted, as well as drainage calculations showing the existing run off and proposed run off rates. They note that the aim should be to reduce the discharge rate as close as possible to the greenfield rate.

Wessex Water also raised a holding objection. They raised that the applicant needed to demonstrate how they propose to accommodate the required standoff distance around the public foul and surface water sewers.

The applicant has subsequently provided correspondence evidence between themselves and Wessex Water to demonstrate that they have submitted a proposal to divert the foul and surface water sewers via the northern access road. The diversion will occur within adopted land and third party land. Wessex have confirmed to the applicant that this is acceptable in principle, though have not responded to the Council's re-consultation request.

It is therefore considered that a pre-commencement condition can be used to secure details of the drainage strategy, point of connection and proof of agreement of Wessex

Water and third-party landowners. In the event that this is not secured, the applicant will need to provide an alternative drainage strategy.

10. CONTAMINATED LAND

Local Plan Partial update policy PCS5 has regard to Contamination.

Taking account of the sensitivity of the development (including residential), the former developed nature of the site including use as a fire station and the proximity of the site to a sensitive surface water receptor, conditions requiring a site investigation and risk assessment, as well as any required remediation and a follow up verification report are recommended.

Subject to these conditions, the proposal is considered to comply with policy PCS5 of the Local Plan Partial Update.

11. HOUSING ACCESSIBILITY

Local Plan Partial Update policy H7 requires 5.6% of dwellings to be built to Building Regulation M4(3)(2a) standard (wheelchair adaptable housing). Therefore, 1 of the 21 proposed dwellings must meet enhanced accessibility standards.

The policy also states that 48% of the remainder of housing, after the M4(3)(2a) figure has been accounted for, must meet the M4(2) accessible and adaptable dwellings standard. Therefore, 10 dwellings must meet enhanced accessibility standards.

None of the dwellings have been designed to meet Building Regulation M4(3)(2a) standards, which is an under provision. However, all of the dwellings have been designed to meet M4(2) accessible and adaptable dwellings standard, which is a significant over provision. Policy H7 sets out that in exceptional circumstances a reduced requirement may be determined. It states factors which may influence this but does not preclude officers from considering other factors. In this case, due to the overprovision of dwellings at M4(2) standard, by a significant figure, is considered to be acceptable and will provide good levels of housing accessibility. As such, policy H7 is considered to be met.

12. HOUSING MIX

Policy CP10 relates to housing mix and sets out that new housing development must provide for a variety of housing types and size to accommodate a range of different households, including families, single people and low income households as evidenced by local needs assessments (e.g. B&NES Residential Review, 2007) and the Strategic Housing Market Assessments or future evidence. The mix of housing should contribute to providing choice in tenure and housing type, having regard to the existing mix of dwellings in the locality and the character and accessibility of the location. Housing developments will also need to contribute to the provision of homes that are suitable for the needs of older people, disabled people and those with other special needs (including supported housing projects), in a way that integrates all households into the community.

Keynsham Town Council have raised that the scheme is unacceptable because it only caters for one part of society (over 55s). Policy CP10 specifies that housing mix should

account for housing the locality as well as specifying the homes suitable for older people should also be provided. There are a mix of dwelling types in the locality - the apartment block adjacent is not restricted to over 55s occupancy. As such, policy CP10 is considered to be met.

13. SUSTAINABLE CONSTRUCTION

Policy SCR6 of the Local Plan Partial Update has regard to Sustainable Construction for New Build Residential Development. The policy requires new residential development to achieve zero operational emissions by reducing heat and power demand, then supplying all energy demand through on-site renewables. A sustainable construction checklist (SCC) is submitted with an application, evidencing that the prescribed standards have been met.

In this case the submitted SCC shows that the proposal complies with the requirements of policy SCR6:

The predicated space heating demand is below the policy requirement of 30kWh/m²/annum at 21kWh/m²/annum. The predicted total energy use is below the policy requirement of 40 kWh/m²/annum at 39 kWh/m²/annum. The predicted on-site renewable energy generation meets the policy requirement. Additionally, air source heat pumps are proposed to supply heating and hot water and MVHR systems have been proposed. The u-values and air permeability are good and mostly meet best practice values.

Officers note that the solar panels will now be flat, and Transition Bath have raised that the calculations should be re-run on this basis. The applicant's sustainability consultant has confirmed that the development will still meet the requirements of SCR6. The updated calculations have been provided and officers are satisfied that the policy requirements are still met even with this change.

Therefore, the proposed development is compliant with Local Plan Partial Update policy SCR6 in this instance.

Policy SCR5 of the Placemaking Plan requires that all dwellings meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day. This can be secured by condition.

Policy LCR9 states that all residential development will be expected to incorporate opportunities for local food growing (e.g., border planting, window boxes, vertical planting, raised beds etc.). There is the opportunity for food growing on balconies which is supported.

14. PUBLIC RIGHTS OF WAY

There are a number of Public Rights of Way (PROW) which run around the site. Informatives will be added to the decision notice to ensure contact is made with the PROW team prior to development.

15. DESIGNING OUT CRIME

The Designing Out Crime officer for Avon and Somerset Police has raised objection to the scheme. Some comments have been addressed within the report above.

There is some concern with regard to sufficient lighting, particularly along Market Walk. A condition secures details of lighting and therefore, officers can ensure that the site is sufficiently and sensitively lit at this stage.

Whilst the comments with regard to the cycle parking being vulnerable to theft, officers consider that the cycle store complies with local policy and can be made sufficiently secure.

Comments with regard to motorcycles using Market Walk are also noted. The use of planters can deter this and are secured by the landscaping condition.

CCTV can be secured via condition.

16. PLANNING OBLIGATIONS

The following planning obligations will need to be secured via a S106 agreement in order to make the development acceptable:

1. Restriction to ensure that the building is occupied by over-55s only;
2. Contribution of £4,351 towards a Traffic Regulation Order to burn off/replace existing road markings as required
3. A contribution towards the relocation of 2no. disabled parking bays, at a cost to be agreed with the Council (based on costings prior to the commencement of development)
4. A contribution of £53,340.11 towards parks and green space
5. Targeted Training and Recruitment Contribution of £825
6. Late Stage Viability Review Mechanism

17. PUBLIC SECTOR EQUALITY DUTY

In reaching its decision on a planning application the Council is required to have regard to the duties contained in section 149 of the Equality Act 2010, known collectively as the public sector equality duty.

Section 149 provides that the Council must have due regard to the need to—

- (a) eliminate discrimination, harassment, victimisation
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

(3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—

- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;

Protected characteristics include disability.

Officers have had due regard to these matters when assessing this application. The removal of the two disabled parking bays has the potential to impact upon a protected characteristic. However, the S106 agreement can secure the replacement of these bays in another location near to the site, to be agreed with the Council and it is therefore considered that the potential impact to this protected characteristic will be mitigated. The application also restricts the occupancy of the units to over 55s only, which has the potential to discriminate against other age groups; age is a protected characteristic. The application has been considered having regard to the housing mix within the locality and it is considered that there is dwelling choice for other age groups within close proximity to the site. As such, the Council has complied with its duty under the act and officers do not consider that the permitting of this scheme will unduly discriminate against protected groups.

18. PLANNING BALANCE

As set out above, the proposed development is considered to result in less than substantial harm to the character and appearance of the Conservation Area.

Paragraph 208 of the NPPF sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Paragraph 205 makes clear that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Great weight must be given the conservation of the character and appearance of the Conservation Area.

The scheme has a number of benefits which must be attributed weight in the planning balance. Firstly, the scheme delivers a sustainable form of residential development, on an allocated, previously developed site in a town centre location and this should be attributed significant weight. The Labour Government have announced changes to the NPPF which, although not adopted and in consultation stage, will increase the number of houses that the Council need to deliver within the district by a significant amount. Whilst this can only be given limited weight at this time, due to the early stages of the proposed changes, the contribution of this site to the Council's housing targets must be considered favourably within the planning balance. The site represents an efficient use of land in this town centre location. Whilst comment has been raised that the development will only cater for a specific part of society, this does not undermine its contribution towards housing supply in the district. Housing for over 55s is necessary and required within the district.

The scheme will also create a number of construction jobs which, although temporary and relatively modest due to the scale of the scheme, can still be attributed moderate weight in the balance. Jobs will also be created in the commercial unit which also contributes to this weight.

As such, it is clear that there are a number of benefits to the scheme, some of which are significant. Officers therefore conclude that there are public benefits which outweigh the

less than substantial harm identified to the character and appearance of the Conservation Area.

19. CONCLUSION

"Section 70(2) of the Town and Country Planning Act (1990) makes clear that a Local Planning Authority must have regard to "the provisions of the development plan, so far as material to the application" and "ant other material considerations". Further, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that "where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise"."

For the reasons set out in the report above, taking into account the conclusions of the planning balance, officers consider that the proposed development complies with the development plan as a whole and is recommended for approval.

RECOMMENDATION

Delegate to PERMIT

CONDITIONS

0 A). Authorise the Head of Legal and Democratic Services to complete a Legal Agreement to secure:

1. Restriction to ensure that the building is occupied by over-55s only
2. Contribution of £4,351 towards a Traffic Regulation Order to burn off/replace existing road markings as required
3. A contribution towards the relocation of 2no. disabled parking bays, at a cost to be agreed with the Council (based on costings prior to the commencement of development)
4. A contribution of £53, 340.11 towards parks and green space
5. Targeted Training and Recruitment Contribution of £825
6. Late Stage Viability Review Mechanism for affordable housing

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

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 Flood Risk and Drainage - Surface Water Discharge Rates (Pre-commencement)

No development shall commence, except ground investigations, until drainage calculations showing the existing and proposed run off-rates and written confirmation from the sewerage company (Wessex Water) accepting the surface water discharge into their

network including point of connection and rate has been submitted to the Local Planning Authority. The proposed run-off rates will be as close as practicable to the greenfield rate.

If the sewerage company are not able to accept the proposed surface water discharge, an alternative method of surface water drainage, which has first been submitted to and approved in writing by the Local Planning Authority, shall be installed prior to the occupation of the development.

The connection to the network or other approved method of surface water drainage shall be installed prior to the occupation of the development.

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. This is a condition precedent because it is necessary to understand whether the discharge rates are appropriate prior to any initial construction works which may prejudice the surface water drainage strategy.

3 Construction Management Plan (Pre-commencement)

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

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

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

Reason: To ensure the safe operation of the highway and in the interests of protecting residential amenity in accordance with policy D6 of the Bath and North East Somerset Placemaking Plan and ST7 of the Bath and North East Somerset Local Plan Partial Update. 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 Landscape Design Proposals (Bespoke Trigger)

Notwithstanding the approved plans, no development beyond slab level shall take place until full details of both hard and soft landscape proposals and programme of implementation have been submitted to and approved by the Local Planning Authority. These details shall include, as appropriate:

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

Soft landscape details shall be consistent with the Biodiversity Net Gain Assessment Report and shall include:

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

Reason: To ensure that the landscape works are implemented and maintained to ensure the continued provision of amenity and environmental quality and to ensure appropriate biodiversity net gain is secured in accordance with Policies D1 and D2 of the Bath and North East Somerset Placemaking Plan and NE2, NE3, and NE3a of the Bath and North East Somerset Local Plan Partial Update.

5 Details of Green Roof (Bespoke Trigger)

No development beyond slab level shall commence until full details of the green roof have been submitted to and approved in writing by the Local Planning Authority. Details shall include:

1. Specifications
2. A method statement
3. The proposed seed mix
4. A long term maintenance regime for a period of at least 30 years

The green roof shall be designed to maximise ecological and habitat value. The roof shall be planted/seeded with the agreed mix of species within the first planting season following the practical completion of building works. The green roof shall be retained and maintained in accordance with the approved details for the proposed or providing ecological and habitat value.

Reason: to provide a biodiversity net gain in accordance with policies NE3, NE3a and KE2b of the Bath and North East Somerset Local Plan Partial Update.

6 CCTV Plan (Bespoke Trigger)

No development beyond slab level shall commence until a detail of the CCTV to be used on site has been submitted to and agreed in writing by the Local Planning Authority. Details shall include:

1. Specification of CCTV
2. Locations of CCTV shown on a scaled site plan

3. Details of the recording and monitoring of CCTV footage

The CCTV shall be installed prior to the first occupation of the development and permanently retained and operated in accordance with the approved details thereafter.

Reason: To ensure that the development takes account of national policy requirements to achieve safe places, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion in accordance with section 8 of the NPPF and Policy D1 of the Bath and North Somerset Local Plan Partial Update. This is required prior to construction of walls to enable secure architectural elements to be incorporated within construction of the building.

7 Materials - Submission of Schedule and Samples (Bespoke Trigger)

No construction of the external walls of the development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs and louvres, have been submitted to and approved in writing by the Local Planning Authority. The schedule shall include:

1. Detailed specification of the proposed materials (Type, size, colour, brand, quarry location, etc.);
2. Photographs of all of the proposed materials;
3. An annotated drawing showing the parts of the development using each 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 policy CP6 of the Bath and North East Somerset Core Strategy, policies D1, D2 and D3 of the Bath and North East Somerset Placemaking Plan and Policy D5 of the Bath and North Somerset Local Plan Partial Update.

8 Louvre Detail (Bespoke Trigger)

Prior to the installation of the louvres on the south elevation of the building hereby approved, detailed drawings of the proposed louvres (at no less than 1:20) shall be submitted to and approved in writing by the Local Planning Authority. The detailed drawings will provide details of the materials to be used, distance between louvre fins and any planting proposed. The louvres shall be installed in accordance with the approved details prior to the first occupation of the site and permanently retained thereafter.

Reason: To protect the residential amenity of neighbouring occupiers in accordance with policy D6 of the Bath and North East Somerset Placemaking Plan.

9 Balcony privacy screens (Bespoke Trigger)

Notwithstanding the approved plans, prior to the installation of the balconies on the first, second and third floor of the eastern elevation of the building hereby approved, details of privacy screens shall be submitted to and approved in writing by the Local Planning Authority. The privacy screens shall be installed in accordance with the approved details prior to the first occupation of the development and permanently retained thereafter.

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

10 Delivery Hours and Opening Hours (Bespoke Trigger)

Prior to the first occupation of the E(g)(i) unity hereby approved, details of the hours of delivery and opening times shall be submitted to and approved in writing by the Local Planning Authority. The unit shall be operated in accordance with the approved details.

Reason: To safeguard the amenities of nearby occupiers in accordance with policy D6 of the Bath and North East Somerset Placemaking Plan.

11 Implementation of Landscaping Scheme (Bespoke Trigger)

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

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

Reason: To ensure that the landscape works are implemented and maintained to ensure the continued provision of amenity and environmental quality and to ensure appropriate biodiversity net gain is secured in accordance with Policies D1 and D2 of the Bath and North East Somerset Placemaking Plan and NE2, NE3, and NE3a of the Bath and North East Somerset Local Plan Partial Update.

12 External Lighting (Bespoke Trigger)

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

1. Lamp models and manufacturer's specifications, positions, numbers, and heights;
2. Predicted lux levels and light spill on both the horizontal and vertical planes;
3. Measures to limit use of lights when not required, to prevent upward light spill and to prevent light spill onto nearby vegetation and adjacent land.

The lighting shall be installed and operated thereafter in accordance with the approved details.

Reason: To avoid harm to bats and wildlife in accordance with policy CP6 of the Bath and North East Somerset Core Strategy and policies NE3 and D8 of the Bath and North East Somerset Local Plan Partial Update.

13 Biodiversity Enhancement (Pre-Occupation)

No occupation of the development shall commence until full details of a Biodiversity Enhancement Scheme, produced by a suitably experienced ecologist have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

1. the location and specification for establishment and management of wildlife-friendly planting; and
2. the provision of bat and bird boxes.

The approved scheme shall be fully implemented in accordance with a submitted and agreed timescale unless otherwise agreed in writing.

Reason: To provide a biodiversity net gain in accordance with policies NE3, NE3a and KE2b of the Bath and North East Somerset Local Plan Partial Update.

14 Landscape and Ecological Management Plan (Pre-occupation)

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

1. A list of long-term wildlife conservation and landscape design aims and objectives, which, where applicable, shall be specific to named habitats, species and ecological issues of importance. They shall include (but not be limited to): delivery and long term maintenance of landscaping and habitats to achieve Biodiversity Net Gain in accordance with the approved Biodiversity Net Gain Assessment
2. Proposed management prescriptions and operations; locations, timing, frequency, durations; methods; equipment and personnel as required to meet the stated aims and objectives
3. A plan showing the boundary or boundaries of land to which the LEMP applies. All details, locations, boundaries of habitats and management areas shall also be shown on a plan.
4. A list of activities and operations that shall not take place and shall not be permitted within the LEMP Plan area (for example use of herbicides; waste disposal and disposal of arisings; inappropriate maintenance methods; storage of materials; machine or vehicle access)
6. Proposed monitoring and reporting scheme, to include a 5 year rolling programme for ongoing review and future remediation strategies
7. Proposed resourcing; funding sources and legal responsibility.

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

Reason: To ensure the long term maintenance and management of landscape and ecological features in the interests of providing net gain of biodiversity and mitigating the landscape impacts of the development in accordance with policies KE2b, NE3a and NE3 of the Bath and North East Somerset Local Plan Partial Update.

15 Travel Plan (Pre-occupation)

Prior to the first occupation/use of the development hereby approved, details of welcome packs which should include information of bus and train timetable information, information giving examples of fairs/ticket options, information on cycle routes, a copy of the Travel Smarter publication, car share and car club information and a complementary bus ticket for each household member shall be submitted to and approved in writing by the Local Planning Authority. New residents and occupiers of the commercial units shall be issued with the agreed travel pack prior to the occupation of the development.

Reason: In the interests of sustainable travel, in accordance with policies ST1 and ST7 of the Bath and North East Somerset Council Local Plan Partial Update.

16 Highway Works (Pre-occupation)

No occupation of the development shall commence until the kerb located to the east of the site, fronting Temple Street, has been re-instated in accordance with details first agreed in writing as part of a Highway Licence Agreement.

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.

17 SCR6 Residential Properties (Pre-occupation)

Prior to occupation of the development hereby approved, the following tables (as set out in the Council's Sustainable Construction Checklist Supplementary Planning Document) shall be completed in respect of the completed development and submitted to and approved in writing by the Local Planning Authority together with the further documentation listed below. The development must comply with the requirements of SCR6.

PHPP/SAP calculations are to be updated with as-built performance values. The following are to be completed using the updated as-built values for energy performance.

Major (or larger) Residential Development:

1. Energy Summary Tool 2
2. Table 2.1 or 2.2 (if proposal has more than one dwelling type)
3. Table 5 (updated)
4. Building Regulations Part L post-completion documents for renewables;
5. Building Regulations Part L post-completion documents for energy efficiency;
6. Final as-built full data report from Passive House Planning Package or SAP
7. Microgeneration Certification Scheme (MCS) Certificate/s

Reason: To ensure that the approved development complies with Policy SCR6 of the Local Plan Partial Update

18 Removal of Permitted Development Rights - Use Class (Compliance)

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, (or any order revoking and re-enacting that Order with or without modification), the ground floor commercial unit shall be used only for classes E(g)(ii) (research and development of products or processes) and E(g)(i) (offices); and for no other purpose in Class E of the schedule to that Order

Reason: In accordance with the site allocation policy KE2b of the Bath and North East Somerset Local Plan Partial Update.

19 No Terrace/Balcony Use (Compliance)

The green roof area, as shown on plan reference 23078-NP-XX-00-DR-A-1006-P5, of the development hereby approved shall not be used as a balcony, terrace, roof garden or similar amenity area.

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

20 Parking (Compliance/pre-occupation)

No occupation of the development shall commence until the vehicle, motorcycle and cycle parking has been provided in accordance with the approved details.

Reason: To ensure that satisfactory parking is provided in accordance with policy ST7 of the Bath and North East Somerset Local Plan Partial Update.

21 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:

23078 1001 P6 Ground Floor Plan
23078 1006 P5 Proposed Site Plan
23078 1002 P6 First Floor Plan
23078 1003 P6 Second Floor Plan
23078 1004 P6 Third Floor Plan
23078 2001 P5 West Elevation
23078 2002 P5 East Elevation
23078 2003 P5 North Elevation
23078 2004 P5 South Elevation
23078 2006 P2 Temple Street Elevation
23078 1005 P6 Roof Plan
23078 3001 P4 Short Sections
23078 3002 P4 Long Section
291-001_P2 Landscape Plan - Ground Floor
291-002_P2 Landscape Plan - First Floor
291-401_P1 Detail - semi-mature tree in hard landscape
291-801_P2 Illustrative Landscape Masterplan

All received 3rd October 2024

2189RKF-MET-00-00-DR-M-9001-S2-P01 Combined M and E Services Ground Floor
2189RKF-MET-00-01-DR-M-9002 -S2-P01 Combined M and E Services First Floor
2189RKF-MET-00-02-DR-M-9003 -S2-P01 Combined M and E Services Second Floor
2189RKF-MET-00-03-DR-M-9004 -S2-P01 Combined M and E Services Third Floor
2189RKF-MET-00-R1-DR-M-9005 -S2-P01 Combined M and E Services Roof
2189RKF-MET-00-ZZ-DR-M-9006 -S2-P01 Combined M and E Typical Flat
2189RKF-MET-ZZ-00-DR-E-5070 -S2 -P01 Combined Mechanical Services Schematic
2189RKF-MET-ZZ-XX-DR-E-6270-S2-P01 LV and Data Schematic
23078-XX-00-DR-A-1010-P2 Site Location Plan

All received 26th February 2024

2 Biodiversity Net Gain - Exempt/Not required

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are set out in the Biodiversity Gain Requirements (Exemptions) Regulations 2024 and The Environment Act 2021 (Commencement No. 8 and Transitional Provisions) Regulations 2024.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements is/are considered to apply.

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 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.

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 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 Civil or legal consents

This permission does not convey or imply any civil or legal consents required to undertake the works.

7 Bats and Nesting Birds

Bat roosts are protected under the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended). All wild birds (including chicks and eggs) and active nests are protected under the Wildlife and Countryside Act 1981 (as amended). The law applies independently to the planning process. If either bat roosts or nesting birds or their nests are found, all works must cease and an ecologist and/or Natural England contacted for advice.

8 Site of Nature Conservation Interest

The development site is located in close proximity to the River Chew and Adjacent Land SNCI. This must be protected from direct and indirect impacts such as physical damage, pollution and disturbance to meet Policy NE3 of the Bath and North East Somerset Local Plan Partial Update. This should be achieved through careful access to site, appropriate storage of waste and materials and protective fencing where required.

9 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: 24/02198/FUL
Site Location: Ij McGill Transport Ltd Unity Road Northern Part Keynsham Bath And North East Somerset BS31 1FU



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

Ward Members: Councillor Hal McFie Councillor Andy Wait

Application Type: Full Application

Proposal: Change of use of the existing building to provide an indoor electric go-karting centre (sui generis use) with associated installation of plant, and signage.

Constraints: Saltford Airfield 3km buffer, Agric Land Class 3b,4,5, Policy CP9 Affordable Housing, Policy ED2A Primary Industrial Estates, Flood Zone 2, LLFA - Flood Risk Management, Ecological Networks Policy NE5, Railway, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodrome,

Applicant: Go Karting For Fun Ltd

Expiry Date: 22nd November 2024

Case Officer: Isabel Daone

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

REPORT

The application refers to a commercial building located on the Unity Road Industrial Estate in Keynsham. The site is currently vacant but has a lawful B8 use. The Industrial Estate forms part of a Strategic Industrial Estate allocation (policy ED2A).

Planning permission is sought for the change of use of the existing building to provide an indoor electric go-karting centre (sui generis use) with associated installation of plant, and signage

REASON FOR COMMITTEE:

The application has been referred to the Chair and Vice Chair in accordance with the Council's Planning Scheme of Delegation and it has been concluded that the application should be decided by Planning Committee. The Chair's decision is as follows:

"The views of one of the ward members and the Town Council are acknowledged as is the mix of views both in support and against this proposed change of use. We must support the reuse of any redundant commercial space if policy allows, but mindful of the amenity and highway concerns but also the potential economic and leisure benefits, it is considered that this application would be best determined by the Committee."

Relevant Planning History:

01/00691/FUL

PERMIT - 12 July 2004

Variation of condition 2 attached to planning permission WK 5044/M dated 16/3/83 to allow use as a general warehouse within Use Class B8 of the Use Classes Order and extensions and alterations to provide improved loading

03/00316/FUL

PERMIT - 20 August 2003

Security fencing and gates in accordance with letter and plan received 1 July 2003

03/01342/FUL

PERMIT - 9 July 2004

Extension to provide covered loading bays and erection of acoustic barrier in accordance with letter, plans and statement received 2 February 2004

16/03788/FUL

PERMIT - 5 October 2016

Installation of 1no temporary single storey Portakabin Titan building to be used as office accommodation. To be hired for a period of 3 years.

19/02668/FUL

PERMIT - 1 October 2019

Change of use of part of existing warehouse B8 use to Sui Generis Builders Merchant. Demolition of Garage repair workshop and installation of new door to facilitate this including revised parking arrangements

20/00337/FUL

PERMIT - 3 March 2020 - Retention of building at front of property and installation of new door to retained building. Reduction in size of door to Unit 1 previously approved.

20/03135/FUL

PERMIT - 2 December 2020

Change of use of part of existing warehouse B8 use to Sui Generis Builders Merchant. Retention of building at front of property and installation of new door to retained building. Reduction in size of door to Unit 1 previously approved. Existing parking to be reconfigured to provide 37 spaces per unit (37 for Unit 1 and 37 for Unit 2)

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Councillor Andy Wait:

My concerns include the change to sui generis use which, as you know, could allow an even worse activity to move into the space in future as happened at The Old Railway Site in Keynsham. I have other concerns as well around the use car use which is compounded by already increasing traffic use at Broadmead roundabout caused by the new recycling centre, the proposed new Aldi store and the new Withies Park development. Despite it being electric, I think most of the users will not use Active Travel methods to get to the activity. There is also a shortage of warehouse space in the area.

I attended the Keynsham Town Council Planning Committee meeting last night and they voted unanimously to object to this development.

This is an inappropriate change of use, and should you be minded to approve it, I would like this application called in to be discussed and decided by the B&NES Planning committee.

Economic Development:

28th June 2024 - Objection

23rd July 2024 - Comment

19th September 2024 - Objection

Environmental Protection:

No objection, subject to conditions.

Highways:

10th July 2024 - Further information required

27th August 2024 - Further information required

Keynsham Town Council:

12th July 2024:

Object - The proposal is inappropriate in this locality. Keynsham Town Council have strong concerns in respect of Traffic and Highways safety implications which are not acceptable. It is envisaged that if permitted the proposal will add to the already congested

traffic issues in the part of the town with an influx of visitors to such a go-karting centre. Hence the application is contrary to policies D1 and D1b of Bath and North East Somerset adopted Placemaking Plan 2017 and Local Plan (Core Strategy) Partial Update Jan 2023. There is concern as the amenity of neighbours will be significantly affected in respect of light pollution and noise pollution, hence the application is also in contrary to planning policy D6.

1st October 2024 -

- Reiterate objection of 12th July 2024
- Support B&NES Highways request for further information
- Support comments of the Economic Development Team
- Concern about further changes of use

THIRD-PARTY REPRESENTATIONS:

10 objections, 1 general comment and 8 comments of support have been received with regard to this application. A summary of the comments is presented below, and the full comments are viewable on the Council's website.

Objections:

- Departure from policy which protection industrial/warehouse uses
- Extensive hours of operation
- Noise generation and disturbance
- Increase in traffic
- Detrimental to residential amenity
- Will create less jobs than the current use
- Congestion concerns
- Promotion of Hen Parties and Stag Do's will harm residential amenity
- Battery technology may cause fire
- Light pollution
- Comings and goings will cause disturbance
- Nothing to prevent parking in surrounding areas
- Road safety concerns

Support:

- Local children can use the facility
- Benefit to the Bristol/Bath area
- Sufficient car parking for potential users
- New leisure facility within Keynsham
- Bring jobs to the area
- Good use of empty space
- Positive addition for the local community

General comment:

- A great idea, fully support, but PV should be considered

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

- o Bath & North East Somerset Core Strategy (July 2014)

- o Bath & North East Somerset Placemaking Plan (July 2017)
- o Bath & North East Somerset Local Plan Partial Update (2023)
- o West of England Joint Waste Core Strategy (2011)
- 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:

CP5: Flood Risk Management
 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:

CP12: Centres and Retailing
 D1: General urban design principles
 D2: Local character and distinctiveness
 D3: Urban fabric
 D4: Streets and spaces
 D6: Amenity
 D9: Advertisement and outdoor street furniture
 PCS1: Pollution and nuisance
 PCS2: Noise and vibration
 SU1: Sustainable drainage policy

LOCAL PLAN PARTIAL UPDATE:

The Local Plan Partial Update for Bath and North East Somerset Council was adopted on 19th January 2023. The Local Plan Partial Update has introduced a number of new policies and updated some of the policies contained within the Core Strategy and Placemaking Plan. The following policies of the Local Plan Partial Update are relevant to this proposal:

DW1: District Wide Spatial Strategy
 KE1: Keynsham spatial strategy
 CR1: Sequential test
 CR2: Impact assessments
 CP1: Retrofitting Existing Buildings
 D5: Building design
 D8: Lighting
 ST1: Promoting Sustainable Travel
 ST7: Transport requirements for managing development

SUPPLEMENTARY PLANNING DOCUMENTS:

The following Supplementary Planning Documents (SPDs) are relevant to the determination of this application:

Transport and Development Supplementary Planning Document (January 2023)

Planning Obligations Supplementary Planning Document (January 2023)

NATIONAL POLICY:

The National Planning Policy Framework (NPPF) 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.

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

PRINCIPLE OF DEVELOPMENT:

Loss of strategic industrial premises:

The application site is located within a Strategic Industrial Estate, as identified under planning policy ED2A within the policies map; Ashmead Road & Unity Road Estate.

The policy sets out that the identification of this areas as a Strategic Industrial Estate means that there is a presumption in favour of retaining them for the E(g)(iii), B2 and B8 uses. Proposals for builder's merchants will also be accepted in these locations. There are strong economic reasons why other uses would be inappropriate because of the economic significance of these areas. Applicants seeking to challenge this presumption should provide compelling evidence that circumstances have changed to the extent that there is no reasonable prospect of land or premises being used for the allocated purpose, with reference to the following criteria:

- a) Whether existing premises are being used productively, or if not, the viability of reusing vacant premises or developing allocated land for industrial use,
- b) the level of interest in existing premises following a marketing period of 24 months, on reasonable terms, during a sustained period of UK economic growth.
- c) general market signals of demand across the District and in relation to the locality i.e. the relevant settlement(s)
- d) The availability and quality of alternative premises
- e) Whether any other evidence casts critical doubt on the validity of Policy B1, KE1 and SV1 insofar as they relate to the required supply of industrial space

A marketing report has been submitted with the application which has been assessed by the Planning Officer and Economic Development Team. The marketing report sets out that the property has been marketed for a period of 25 months (since April 2022) and has been vacant since October 2022. The unit has been marketed as being available immediately. The Economic Development Team have not objected to the marketing information or methodology, and it is therefore accepted that the site has been marketed for a period of at least 24 months on reasonable terms.

The Planning Officer challenged the applicant on addressing criterion (a) of ED2A, in that the marketing report appears to demonstrate that there had been interest in the unit, but that factors such as the size of the unit and the number of roller doors had dissuaded potential tenants from utilizing the unit. In order for the change of use to be accepted in principle the applicant is required to demonstrate that there is no "reasonable prospect of the premises being used for the allocated purpose".

In response, the applicant has provided more information in respect of addressing the matters raised by potential tenants/purchasers.

The sub-division of the unit has been considered. The unit has already been sub-divided (granted consent in 2019); unit 1 is the subject of this application and unit 2 sits immediately adjacent to the east. A letter (Savills August 2024) sets out that the unit cannot be subdivided further due to spatial constraints. The site can only be accessed from the north by larger vehicles and therefore if the unit were to be divided, it would need to be done so north south, creating two long units. Due to the existing arrangement, retaining wall and ramped access, there would not be sufficient space within the site for vehicles for two units to turn. This is accepted.

As part of the refurbishment of the building, the landlord has widened the roller loading door. The letter sets out that the option of a second loading door was given to all prospective tenants. However, this did not lead to any additional offers. Examples are set out in the marketing report - for example, Space Engineering did not make an offer because they required an additional loading door, and this would have impacted upon external vehicle circulation and parking. It is therefore accepted that, even with the offer of an additional door, this would lead to logistical and circulation issues on the site.

Officers therefore accept that the site has been marketed for a period of 2 years, using methodology accepted by the Economic Development Team and that a number of alterations to the building to make it more viable for prospective tenants have been explored. This has not resulted in any offers. As such, criteria (a) and (b) of ED2A are considered to be satisfied.

The Economic Development Team, despite accepting the marketing report, have objected to the proposals. Their comments set out that the Core Strategy Plans for the increase in industrial floorspace within Keynsham (of 8,300m²) have not been achieved and a net loss for the period of 2011 and 2022 has occurred. They highlight that the retention of allocated industrial land is important for meeting the Core Strategy target. The HJA Employment Needs Assessment also sets out that whilst there is a "healthy level of supply at Keynsham relative to anticipated requirements...given documented constraints within Bath City, the Keynsham sub-area is likely to need to play a role in meeting some demand". The Economic Development Team conclude that "Whilst the marketing information appears to be in order it doesn't address the broader losses issue. Whilst each application is of course assessed by its own merits buildings do not exist in isolation and the broader policy goals to retain industrial space within Keynsham both now and in the future should still be honoured. Again, were this to be approved then this should be limited to this occupier only and revert back to its original use class."

It is accepted that there has been a loss of industrial premises across the B&NES district and that, in regard to supply issues in Bath, sites in Keynsham, the Somer Valley and other parts of the district will need to be utilised to accommodate demand. Policy ED2A does require the wider market signals to be considered, but also (as detailed in criterion (c)) in relation to the local settlement. The HJA Employment Needs Assessment notes that there is a healthy level of supply within Keynsham. Whilst it is likely that Keynsham will need to absorb some demand due to pressures within the city of Bath, the marketing report (which has not been challenged by the Economic Development Team) clearly demonstrates that the local market signals demonstrate that the unit is not fit for purpose, despite interest and has been vacant for a significant time period. This must be given weight in the consideration.

As such, officers consider that the applicant has responded to comments and challenge made by the Planning Officer in respect of their submitted evidence which is now considered compelling. It is considered that the circumstances have changed to the extent that there is no reasonable prospect of land or premises being used for the allocated purpose.

The Economic Development Team have requested that a condition be attached to the permission to ensure that the use reverts to B8 if the occupier vacates the unit. The Town Council have also raised concern about the sui generis use. The sui generis use is specific to Go Kart racing. Whilst another Go Kart occupier could use the site, any other use on the site would require a change of use and therefore, any further change of use would need to be assessed against the relevant policies at that time (including ED2A if relevant).

As such, the planning officer is satisfied that policy ED2A is met given the evidence put forward and the principle of the change of use in respect of this policy is accepted.

Sequential test:

The proposed use can be considered a commercial leisure use.

Policy CP12 of the Core Strategy states that "Retail development, offices, leisure and entertainment uses, markets, community facilities, arts, culture, and tourism uses will be primarily located within, or where appropriate, adjoining the centres in the identified hierarchy of centres as required by Policy CR1". The site is not located within or adjoining a centre as defined by the hierarchy.

Policy CR1 has regard to the sequential test. It makes clear that "Retail and other main town centre uses (including commercial leisure) should be located within the centres identified on the Policies Map and in Core Strategy Policy CP12." It goes on to confirm that "out of centre development of main town centre uses will only be acceptable where:

i) no suitable of viable centre or edge of centre sites are available, and the proposal would be in a location readily accessible on foot, by cycle and by public transport, with preference given to sites that are well connected to the town centre; or

ii) the proposal is of a small scale (less than 280 sqm gross floorspace), located within the existing urban area of Bath or a settlement with a Housing Development Boundary, and aimed at providing for local needs (refer to Policy CR4)."

Policy CR1 also sets out that sequential tests should be proportionate and appropriate for the given proposal. The applicant did not originally submit a sequential test. They concluded that, given the nature of the proposed use which required significant levels of floorspace, that the development could not be accommodated in an identified centre. The majority of TeamSport's other karting sites around the country are located out of centre. However, following discussion with officers and the comments of the Policy Team, a sequential test has been provided.

The applicant has set an area of search across the whole district. However, they have noted that Midsomer Norton and Radstock are not considered to be a great enough catchment area for a business to be viable. Notwithstanding, they have considered units in these areas.

The applicant has carried out their search using an EGI search engine, which is used by the vast majority of industrial and commercial landlords to advertise available space.

The applicant notes that, as a result of spatial requirements of the site and type of development, the site size must be at least 2,500-3000 square metres.

The search parameters are accepted.

Applying the search parameters, four sites were identified within the district including the application site. Of the remaining three sites, two of these (Unit 4, Ashmead Road, Keynsham) and Unit 1, Westfield Trading Estate are also out of centre and not sequentially preferable. Ashmead Road is also not of sufficient size and height to accommodate a karting track.

The Former Welton Factory, which is available, is an edge of centre location. However, it is considered to be too small internally to accommodate a karting track.

Given the requirements of the proposed development, which are specific in terms of scale, it is not considered that there are any other sequentially preferable sites within the district and as such, officers are satisfied that the sequential test is passed.

Impact Test:

Policy CR2 relates to Impact Assessments and states that commercial and retail development outside of the centres will not be permitted if:

- i. It would be liable to have a significant adverse impact on the vitality, viability and diversity of existing centres; or
- ii. It would have a significant adverse impact on existing, committed or planned investment in a centre or centres in the catchment area of the proposal.

For commercial leisure proposals anywhere in the District, an Impact Assessment (IA) is required for schemes over 1,000sqm which are located outside of a designated town centre.

The policy confirms that the application of the impact test should be proportionate and appropriate for the given proposal. The Planning Practice Guidance is also explicit on this point.

Impact on Existing Commercial Leisure Uses:

The submitted Impact Assessment (Savills, November 2024) sets out that there are no other karting facilities within the B&NES District. Avon Valley Adventure and Wildlife Park (also out of centre) has pedal karts and some motorised mini electric quad bikes; these facilities are primarily aimed at children. It is clear that there would be a different consumer market for the karting track.

The nearest comparable facilities are located in Clay Hill, Bristol and Avonmouth. Given the location of the proposals within Keynsham which is in the northern part of the district and some distance from other Town local centres (such as Midsomer Norton), it is considered proportionate to primarily consider the impact to Keynsham as a local centre. Whilst Bath is fairly close to Keynsham to the east (around 15mins by car), given the varied offering of Bath as a historic, shopping and leisure destination, it is not considered that the proposal would impact upon Bath and its designated local centres.

The commercial leisure offering in Keynsham Town Centre is relatively limited and it is not considered that there is a comparable offering within the designated local centre or on the edge of the centre. Keynsham has a series of sporting facilities including the Better Health Leisure Centre which offers a pool, racquet sports, gym fitness studios and soft play. There are also small scale studios within the High Street, for activities such as Pilates.

On the edge of the defined local centre, is Keynsham Memorial Park. This is an outdoor park which offers a play area and skate park.

The PPG states that "as a guiding principle impact should be assessed on a like-for-like basis in respect of that particular sector (e.g. it may not be appropriate to compare the impact of an out of centre DIY store with small scale town-centre stores as they would normally not compete directly). Retail uses tend to compete with their most comparable competitive facilities."

It is not considered that there is a like-for-like or even similar facility within Keynsham that the development would compete with. Similarly, within neighbouring authorities, primarily considering Longwell Green and Brislington there is no similar offering inside their local centres, or at out of centre retail parks.

As such, it can be concluded that the proposal would not have a significant adverse impact on the existing nearby centres.

Emerging Uses:

Policy CR2 is clear that IAs should assess the impact to any committed or planned investments in the catchment area.

There are no sites identified for commercial leisure uses within the emerging Local Plan.

Overall, it is concluded that the development passes the impact test and complies with policy CR2.

DESIGN, CHARACTER AND APPEARANCE:

The external works proposed to the building are minimal. The main changes are proposed on the northern elevation, which faces the front of the site. The existing roller shutter door will be removed and replaced with an entrance door, which will comprise of an aluminum sliding door, with new cladding to match the existing. Additionally, following discussion with the Planning Officer, the plant (2no. air conditioning units) have been relocated to the northern elevation. The units are small scale and given the existing appearance of the building, are acceptable.

The proposed works to the building is considered to reflect the character of the existing building and the locality.

Some minor works are proposed to the area surrounding to the building, which includes the provision of a 2m high timber bin store, the retention of 5no. covered cycle stands and the inclusion of 2no. disabled parking bays. New parking spaces and motorcycle bays are also proposed. Given the context of the existing site, these works will not harm the visual amenities of the area, and this is acceptable.

Details of the proposed signage have been included with this application. However, these are subject to a separate advertisement consent (24/02199/AR) and the visual impacts of the signage will be assessed as part of this application.

Overall, it is considered that the scheme complies with policies D1, D2 and D5 of the B&NES Placemaking Plan and Local Plan Partial Update.

RESIDENTIAL AMENITY:

A number of concerns have been raised in respect of residential amenity and largely relate to the potential for noise and disturbance as a result of the development. The main issues raised can be summarised as:

- Noise from karting track and vehicles
- Noise from vehicles coming and going from the site
- Noise from people (specifically hen/stag parties)

The application site is located on a large industrial estate. The nearest residential properties are located approximately 35m to the west of the site (Unity Road). The properties have the existing Keynsham Bypass immediately to the south, and another commercial unit located to the north-west.

An Acoustic Letter (Quantum Acoustics, 23 May 2024) was submitted with the application. The Noise Assessment utilises noise data from an existing Team Sport karting site near Tower Bridge which establishes the internal noise levels of an operational track. Third parties have questioned the appropriateness of the use of data from another centre. The centre used operate the same karts proposed to be used at the application site. A follow-up letter from Quantum Acoustics (16 August 2024) confirms that the noise measurements taken internally were a "reverberant noise level in a large reverberant warehouse type building, similar in size and construction to the building on the application site". Officers agree that this data is entirely appropriate to use as a measure of proposed noise levels and there is no objection from the Environmental Protection Team in this regard.

The background noise survey was undertaken on Sunday 19th May 2024 between 20:00 and 23:00 outside the nearest residential receptors located on Unity Road. The time and date of the survey is considered appropriate. Given that traffic levels were likely to have been less during these times than at 'rush hour', the background noise levels are likely to have been lower than during many parts of the day. The background noise levels were dominated by traffic noise; it has been confirmed that noise from tree foliage would not have affected the measurements taken. The background noise levels have been measured as:

Position 1:

47dB 20:00-21:00

46dB 21:00-22:00

41dB 22:00-23

Position 2:

42dB 20:00-21:00

42dB 21:00-22:00

37dB 22:00-23:00

The internal noise levels for the proposed track have been subjected to an equation which allows for a sound reduction from inside to outside levels. This accounts for the composite sound reduction of the roof, the distance from the roof and the area of roof over track. This has been done for the eastern and western halves of the roof. It has been raised by third parties that this equation is overly simplistic. In response, the applicant's noise consultants have stated that although simplistic, it provides a good level of accuracy. To demonstrate

this, their follow up letter utilises a widely used acoustic package called Cadna-A. Their letter confirms that this "software predicts noise in accordance with BS EN ISO 9613-2:1996 'Acoustics - Attenuation of sound during propagation outdoors. Part 2: General method of calculation'. The software demonstrates that there is good agreement (+ or - 1.6dB) in the predicted noise at the closest receptors. This is accepted.

The predicted noise level from the equation at the nearest residential receptor is 36.4dB. Using the software, this is 38dB at the southern end and 37dB at the northern end. The predicted noise levels account for the fact that races on the track will be intermittent and therefore include a correction of +3dB. Taking the lowest background noise level as a representation (37dB), the noise levels are shown to not increase above the background noise level at the southern end, and a 1dB increase at the northern end against the lowest recorded background noise level.

The noise assessment demonstrates that the increase in noise level from the track racing will be barely perceptible, given the background noise levels. This has been accepted by the Council's Environmental Protection Team and there is no objection in this regard.

The noise from any associated plant material must be taken into account. As the karts are electric, ventilation equipment which would be necessary for petrol vehicles will not be required. The plant (air conditioning units) has been relocated to the northern elevation so as to face away from the residential dwellings and reduce any potential noise and disturbance as a result of operation.

A condition is recommended by the Environmental Protection Team that will ensure that no ventilation and extraction for the kitchen will be installed without the detail first being agreed by the Local Planning Authority. This condition is supported and will ensure that this element of the scheme does not harm residential amenity in this regard.

A number of residents have raised concerns with regard to people entering and leaving the site and this having the potential to cause noise and disturbance. The number of customers entering and leaving the site will be limited by the number of people which can occupy the track at any one time (16 drivers). The number of drivers entering and existing the site is estimated to be one every 2-4 minutes during peak periods. A condition can secure the opening times of 8am until 11pm. The submitted management statement confirms that the last session which can be booked is 10pm which will limit the number of visitors at the site after 9:30pm. The last session finishes at 10:30pm and a condition can secure that all customers have left the premises by 11pm.

Accounting for the existing noise levels, much of which is generated from traffic noise from the adjacent bypass, it is not considered that the comings and goings would cause significant harm to the residential amenity of the neighbouring occupiers in terms of noise and disturbance. It is important to consider the existing lawful use of the site, which is B8 storage. Although this site has been vacant for some time, the lawful use would allow an unrestricted number of vehicular movements to and from the site (including HGVs), 24 hours a day. Conditions restrict the use of forklift trucks and vehicle reversing alarms during certain hours under applications 20/00337/FUL and 20/03135/FUL, but do not restrict the hours of operation of the site.

Overall, given the existing site context and the submitted acoustic report, it is considered that the scheme will not cause significant levels of noise and disturbance to residents, in accordance with policy D6.

HIGHWAYS:

Access:

The site is proposed to utilise the existing access from Broadmead Lane, which contains pedestrian footways leading to the nearest bus stop along Bath Road. A small residential cul-de-sac is located to the west of the site. There is no objection to the existing site access being utilised for the proposals.

Parking:

The external layout of the building is shown on drawing number, 14391-PL-007 Rev B. The drawing demonstrates the parking arrangement for the site to contain 45 parking spaces with 2 blue badge parking bays. The plan now shows the disabled parking as requested by Highways.

Trip generation and business operation:

In response to comments raised by the Highway Authority, survey data was provided to the Council with regard to trip generation from the proposed development. The survey was taken at 16 sites which are run by the applicant, 10 which were found to be the most comparable with the proposed site along Unity Road.

The previous supporting information provided shows that the scheme would have a reduction in vehicle movement during the weekday and will remove the heavy goods vehicle activity from the site. The number of vehicle arrival trip rate to the site was shown to be around 123 trips during the course of the operational hours of a Saturday, which coincided with the peak traffic times of the existing nearby retail attractions. Much consideration was given to the potential impacts associated with an application for a nearby discount food store which would impact the highway and nearby roundabout. Consequently, further survey data was requested by and subsequently provided to the Council.

The data provides the trip rate to each site and includes the number of passengers, and travel to the site taken by train, bus, on foot, by bicycle or taxi, which is valuable to give a full understanding of the anticipated modes of travel.

Although there was some discrepancy with the totals contained within the survey data, these discrepancies have been resolved by Mayer Brown, as rounding issues however, the survey data has been recorded correctly. The data provided shows that the vehicle trips to the other sites are significantly lower than the first comparable site at Reading, and although the site gives a slight increase to the weekday evening peak period this would unlikely result in a significant operational impact on the local highway network. The highway authority is satisfied that the updated data demonstrates that the proposal is unlikely to have a material impact on the operation of the A4 Broadmead Roundabout on a Saturday.

Cycle storage:

The proposed development will retain 10no. existing cycle spaces which are located to the west of the building. It is considered that this is sufficient to serve the proposed use and their retention is supported.

Highway conclusion:

The scheme is considered to comply with policies ST1 and ST7.

PUBLIC SECTOR EQUALITY DUTY:

Section 149 provides that the Council must have due regard to the need to—

- (a) eliminate discrimination, harassment, victimisation
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Officers have had due regard to these matters when assessing this application and have concluded that neither the granting nor the refusal of this application would be likely to have an impact on protected groups and, therefore, that these considerations would not weigh in favour of or against this application.

CONCLUSION:

"Section 70(2) of the Town and Country Planning Act (1990) makes clear that a Local Planning Authority must have regard to "the provisions of the development plan, so far as material to the application" and "any other material considerations". Further, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that "where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise"."

The matters raised by third parties and consultees have been assessed and considered as part of this application. It is considered that the applicant has submitted sufficient evidence to challenge the presumption of policy ED1A and the loss of this industrial unit is accepted. The scheme will introduce a new leisure offering to the district, and particularly to Keynsham. A S106 contribution toward Targeted Training and Recruitment will be secured and a number of conditions can be used to ensure that residential amenity is maintained for those who reside on Unity Road. Overall, the scheme is considered to comply with the development plan as a whole.

RECOMMENDATION

Delegate to PERMIT

CONDITIONS

0 A). Authorise the Head of Legal and Democratic Services to complete a Legal Agreement to secure:

1. A financial contribution of £1320 towards Targeted Training and Recruitment

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

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 Management Plan (Pre-commencement)

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

1. Deliveries (including storage arrangements and timings);
2. Contractor parking;
3. Traffic management;
4. Working hours;
5. Site opening times;
6. Site compound arrangements;

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

Reason: To ensure the safe operation of the highway and in the interests of protecting residential amenity in accordance with policy D6 of the Bath and North East Somerset Placemaking Plan and ST7 of the Bath and North East Somerset Local Plan Partial Update. 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.

3 Ventilation and Extraction Details (Bespoke Trigger)

Prior to the installation of any ventilation and extraction equipment within the site, a detailed scheme for the ventilation and extraction of fumes/cooking smells will be submitted to and approved in writing by the Local Planning Authority. The scheme shall specify the precise details of the flue extraction equipment to be used, including:

1. The stack height;
2. The design and position of all ductwork and filters;
3. The noise/power levels of the fan(s);
4. The number, type and attenuation characteristics of any silencers;
5. Details of anti-vibration mounts and jointing arrangements in the ductwork;

6. The number of air changes per hour and the efflux velocity.

The scheme shall be installed in accordance with the approved details prior to the first use of the kitchen/equipment and thereafter maintained as such.

Reason: In the interests controlling odours and protecting residential amenity in accordance with policy PCS2 of the Bath and North East Somerset Placemaking Plan.

4 Noise Levels (Compliance)

The Rating Level of sound associated with the proposed development must not exceed the typical background noise levels within the nearest residential windows by more than the amounts provided in the approved Noise Report (Quantum Acoustics, 23 May 2024) when assessed in accordance with BS4142 Methods for rating and assessing industrial and commercial sound.

Reason: To protect neighbouring residents from exposure to environmental noise, in accordance with policy D6 of the Bath and North East Somerset Local Plan Partial Update.

5 Hours of Use - Commercial (Compliance)

The use hereby approved shall not be carried on and no customer shall be served or remain on the premises outside the hours of 8:00 and 23:00. No employee shall remain on the site outside of the hours of 7:00 and 23:15.

Reason: To safeguard the amenities of nearby occupiers in accordance with policy D6 of the Bath and North East Somerset Placemaking Plan.

6 Delivery Hours (Compliance)

No vehicular deliveries shall arrive, be received or despatched from the site outside the hours of 07:30 and 22:00.

Reason: To safeguard the amenities of nearby occupiers in accordance with policy D6 of the Bath and North East Somerset Placemaking Plan.

7 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:

10 Jun 2024 14391-PL-009 PROPOSED MEZZANINE FLOOR PLAN
10 Jun 2024 14391-PL-011 PROPOSED MEZZANINE FLOOR BLOCK PLAN
30 Aug 2024 L(00)005 G&S KEYNSHAM- PROPOSED ELEVATIONS
30 Oct 2024 14391-PL-007 B PROPOSED SITE PLAN
30 Oct 2024 14391-PL-010 B PROPOSED GROUND FLOOR BLOCK PLAN
30 Oct 2024 14391-PL-008 A PROPOSED GROUND FLOOR PLAN

30 Oct 2024 14391-PL-013 A PROPOSED ELEVATIONS
30 Oct 2024 14391-PL-014 A PROPOSED ELEVATIONS SIGNAGE
30 Oct 2024 14391-PL-013 A PROPOSED ELEVATIONS

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 Biodiversity Net Gain - Exempt/Not required

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are set out in the Biodiversity Gain Requirements (Exemptions) Regulations 2024 and The Environment Act 2021 (Commencement No. 8 and Transitional Provisions) Regulations 2024.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements is/are considered to apply.

4 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.

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 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 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: 04
Application No: 24/01360/FUL
Site Location: 14 Kenilworth Close Keynsham Bath And North East Somerset BS31 2PB



Ward: Keynsham South **Parish:** Keynsham Town Council **LB Grade:** N/A
Ward Members: Councillor Alan Hale Councillor David Biddleston
Application Type: Full Application
Proposal: Erection of three bedroom house to follow removal of existing two storey extension.
Constraints: Bristol Airport Safeguarding, Agric Land Class 3b,4,5, Policy CP9 Affordable Housing, Housing Development Boundary, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,
Applicant: Mr R Brindle
Expiry Date: 21st November 2024
Case Officer: Ed Allsop
To view the case click on the link [here](#).

REPORT

This application was referred to the Chair and Vice Chair following an objection from Keynsham Town Council, contrary to the officer recommendation to permit the application.

Cllr Lucy Hodge: 'Noting the objection of Keynsham Town Council and objection comments, I recommend that this application is determined by the Planning Committee to consider whether the proposal represents overdevelopment of the site..'

Cllr Ian Halsall: 'Noting the objection of Keynsham Town Council and those twelve other objections, whilst the volume of objections is no reason in itself to refer the application to committee, it will be of interest to members of the committee to discuss whether despite the advice that the replacement building will maintain the existing character or whether by virtue of the fact the development would form a new dwelling that it could constitute overdevelopment.'

This application relates to a semi-detached residential house at the end of a cul-de-sac in the built-up urban area of Keynsham. Planning permission is sought for erection of a three bedroom house to follow removal of existing two storey extension.

Relevant Planning History:

21/05347/FUL- Erection of a first floor extension- Permit

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation responses:

Keynsham Town Council: Object due to it being inappropriate in this locality and resulting in overdevelopment.

Highways: No objection.

Sustainable construction: No objection.

Representations:

11no. objections have been received, which all relate to parking concerns. 1no. other objection from Transition Bath objected based on non-compliance with the sustainable construction policy.

Officer note:

Subsequent revisions were made to the sustainable construction parts of the scheme, they now have support from the sustainable construction officer.

POLICIES/LEGISLATION

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

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

Core Strategy:

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

B1: Bath Spatial Strategy
 CP5: Flood Risk Management
 CP6: Environmental Quality
 DW1: District Wide Spatial Strategy
 SD1: Presumption in favour of sustainable development

Placemaking Plan:

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

D1: General urban design principles
 D2: Local character and distinctiveness
 D.3: Urban fabric
 D.4: Streets and spaces
 D.5: Building design
 D.6: Amenity
 SCR5: Water efficiency
 SCR6: Sustainable construction policy for new residential development
 ST7: Transport requirements for managing development

Local Plan Partial Update (LPPU):

On the 19th January 2023, Bath and North East Somerset Council updated a number of local planning policies through the introduction of the Local Plan Partial Update (LPPU).

National Policy:

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

Public Sector Equality Duty:

In reaching its decision on a planning application the Council is required to have regard to the duties contained in section 149 of the Equality Act 2010, known collectively as the public sector equality duty Section 149 provides that the Council must have due regard to the need to—

(a) eliminate discrimination, harassment, victimisation

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard in particular, to the need to—

(a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;

(b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;

Due to the nature of the proposals, the development would not have any negative effects upon those with protected characteristics.

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.

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

Principle of development:

The site is located within the housing development boundary of Keynsham, the site is sustainable and such sites are sought for new housing as part of the Council's housing strategy. The principle of development is acceptable in accordance with policy KE1.

Character and appearance:

The site previously received planning permission for a first storey side extension, this increased the two-storey width of the building. The proposals result in the two-storey width of the building increasing by approximately 1.2m. This will have little change on the area's character and appearance, officers consider it would preserve what character already exists. The new built works would be finished in matching walling and roofing materials.

The proposals would result in architectural and visual improvements to what currently exists. This is because the two-storey built form will receive more positive and proportioned detailing which is required for a use of this space as a house, rather than the current elongated two storey side extension. This includes features such as the front door, porch over hang and more appropriate window detailing on both the front and rear elevations. The changes would make this built form respond more positively to the character and appearance of the area, appearing as a well-proportioned house in a cul-de-sac, rather than the existing.

There are examples of small single storey projections from the front elevation in the street. Officers accept that the proposed single storey element of the scheme is larger than these examples, however, its overall scale is still relatively modest. The pitched roof design helps further to reduce visual impacts, the site also benefits from being located at the end of the cul-de-sac.

Considering that the built form remains relatively unchanged from existing, that policy compliant parking is achieved, in addition to suitable bicycle storage, bin storage and an appropriately sized amenity area are achieved; officers do not consider that overdevelopment of the site results.

Residential amenity:

The resultant development is broadly similar to what already exists. The depth of the existing building is not increasing to the rear. The two-storey built form extends 1.2m in width. However, the footpath to the side of the dwelling, and the siting of the built form in from the boundary separates the proposals from nearby occupiers to an extent where no adverse impacts result. The re-siting and or new windows do not provide any material difference, in relation to overlooking that may already exist.

Highways:

Having reviewed the application, the highway authority raises no objection to the proposal.

It is noted that plan 2238-1 A shows no change to the existing access, and this access will be used by the existing and proposed dwelling. The latest Transport & Development Supplementary Planning Document (SPD) now requires that residential development should provide a maximum level of car parking.

The proposal includes two parking spaces for each of the dwellings. There is no objection to the parking being retained for the existing dwelling, however, the proposed parking for the new three-bedroom dwelling has to be reviewed against the LPPU and SPD policy requirements.

The site is located within "Zone B" of the SPD parking standards policy and this requires that a three bedroom dwelling should be provided by a maximum of 1.5 spaces per dwelling. However, the SPD also recognises that inappropriate overspill parking should also be avoided, and this is a risk where on-street parking controls are not widely in place.

This is the case in this instance, and the proposed two spaces are not considered to be in conflict with the policy as a whole. To accord with the requirements of the Transport & Development SPD there is a need to provide cycle parking as part of any residential proposal. This is presented as part of the current application, and there is no objection to the proposal. An area for waste and recycling storage is also shown.

In summary, the highway authority raises no objection to the proposal.

Sustainable Construction:

The space heating demand, total energy use and renewable energy generation requirements of Policy SCR6 have been proposed to be met. The 110 litre per person per day requirement of Policy SCR5 has been proposed to be met and rainwater harvesting methods which have been included.

Biodiversity Net Gain:

The proposals are exempt from biodiversity net gain because the proposals are self build.

Trees:

There are no trees to be lost or impacted by the proposals.

Conclusion:

The proposals would provide a new home in a sustainable location, within the housing development boundary with policy compliant car parking. The house would also be policy compliant in relation to sustainable construction. The scheme provides adequate private amenity space for a built up urban area, with bicycle storage and refuse storage and officers consider there are no harmful impacts on neighbours through loss of privacy and or loss of light. Therefore, officers recommend that the application is supported.

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 and colour.

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 SCR6 Residential Properties (Pre-occupation)

Prior to occupation of the development hereby approved, the following tables (as set out in the Council's Sustainable Construction Checklist Supplementary Planning Document) shall be completed in respect of the completed development and submitted for approval to the Local Planning Authority together with the further documentation listed below. The development must comply with the requirements of SCR6.

PHPP/SAP calculations are to be updated with as-built performance values. The following are to be completed using the updated as-built values for energy performance.

Minor Residential Development:

1. Energy Summary Tool 1 or 2
2. Tables 1.1 or 1.2 (if proposal has more than one dwelling type)

Major (or larger) Residential Development:

1. Energy Summary Tool 2
2. Table 2.1 or 2.2 (if proposal has more than one dwelling type)

All Residential Development:

3. Table 5 (updated)
4. Building Regulations Part L post-completion documents for renewables;
5. Building Regulations Part L post-completion documents for energy efficiency;
6. Final as-built full data report from Passive House Planning Package or SAP
7. Microgeneration Certification Scheme (MCS) Certificate/s

Reason: To ensure that the approved development complies with Policy SCR6 of the Local Plan Partial Update.

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:

Site plans- 1A

Existing and proposed elevations- 2A

Existing and proposed plans- 2A

2 Biodiversity Net Gain - Exempt/Not required

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are set out in the Biodiversity Gain Requirements (Exemptions) Regulations 2024 and The Environment Act 2021 (Commencement No. 8 and Transitional Provisions) Regulations 2024.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements is/are considered to apply.

3 Condition Categories

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

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

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

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

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

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

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

4 Community Infrastructure Levy - General Note for all Development

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. CIL may apply to new developments granted by way of planning permission as well as by general consent (permitted development) and may apply to change of use permissions and certain extensions. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council **before any development commences**.

Do not commence development until you 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

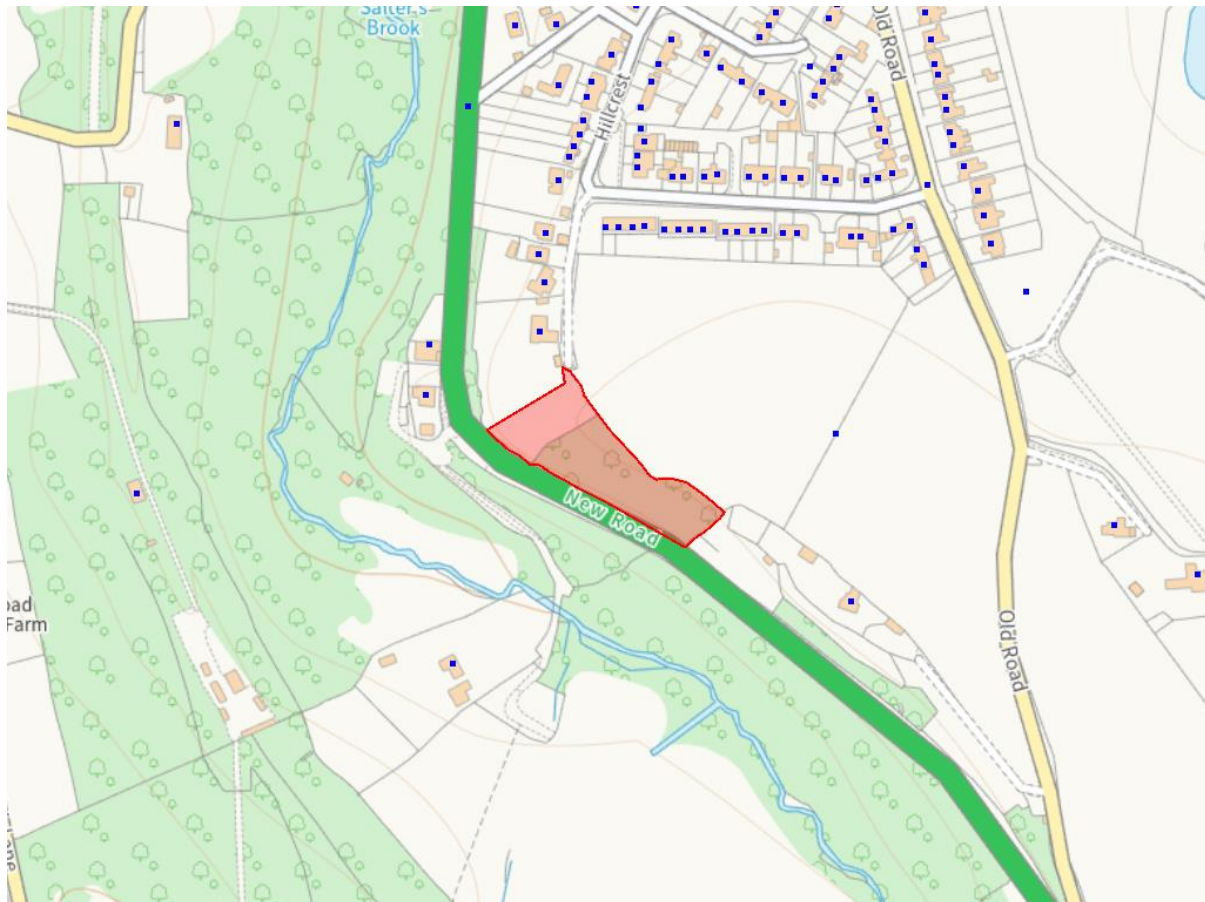
5 Responding to Climate Change (Informative):

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.

6 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.

Item No: 05
Application No: 24/01202/FUL
Site Location: The Hollies Hillcrest Pensford Bristol Bath And North East Somerset



Ward: Publow And Whitchurch **Parish:** Publow **LB Grade:** N/A

Ward Members: Councillor Paul May

Application Type: Full Application

Proposal: Erection of 3 bedroom bungalow on the gardens of The Hollies.

Constraints: Bristol Airport Safeguarding, Norton Malreward Unlicensed Airstrip, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Policy CP3 Solar and Wind Landscape Pote, Policy CP8 Green Belt, Policy CP9 Affordable Housing, Policy M1 Minerals Safeguarding Area, Policy NE1 Green Infrastructure Network, Policy NE3 SNCl 200m Buffer, NRN Woodland Strategic Networ Policy NE5, Neighbourhood Plan, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,

Applicant: Mr Samuel Miller

Expiry Date: 14th August 2024

Case Officer: Ed Allsop

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

REPORT

This application was referred to the Chair and Vice Chair following support from the Parish Council, contrary to the officer recommendation to refuse the application.

Cllr Lucy Hodge: 'Appreciating the Officer's decision to refuse this development primarily because it is located outside the housing development boundary and represents inappropriate development in the Green Belt in the absence of very special circumstances, I note the support from the Parish Council and twelve third party consultees.'

Cllr Ian Halsall: 'The Officer's recommendation is noted, but this application has generated significant public interest and has the support of the Parish Council. Whilst no demonstrable special circumstances appear to justify a new dwelling in the greenbelt, it is noted that the site abuts the housing boundary for Pensford and would warrant discussion to consider the sustainability of the proposal both in terms of the heating system and location.'

This application relates to the garden area of an existing detached residential house. The existing house is located outside of the Green Belt, and within the housing development boundary.

The proposed house would however be located within the Green Belt and outside of the housing development boundary. Planning permission is sought for erection of a 3 bedroom bungalow.

Relevant Planning History:

None.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation responses:

Publow and Pensford Parish Council: Support. Even though the site is in greenbelt and outside the housing development boundary, it was agreed that the innovative heating system meant that it could be considered as an exceptional development as if successful it could provide an eco-friendly way to heat domestic homes, outweighing the harm caused by building in greenbelt. Even though the site is outside the HDB, it is in the garden of a house that is within the HDB and the building will not be visible from the surrounding area and so will have limited impact on the greenbelt. The development is supported by a number of the neighbours close to the site.

Sustainable construction: No objection in principle, but there is no evidence to suggest the sustainability benefits set out actually work in practice.

Representations:

2no. objections and 12no. support comments have been received.

Objection comments are based on the sites location in Green Belt and outside of the housing boundary. The support comments note an appropriate siting in the plot, pleasant design, the need for housing and sustainable construction benefits.

POLICIES/LEGISLATION

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

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

Core Strategy:

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

B1: Bath Spatial Strategy
CP5: Flood Risk Management
CP6: Environmental Quality
DW1: District Wide Spatial Strategy
SD1: Presumption in favour of sustainable development
CP8: Green Belt

Placemaking Plan:

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

D1: General urban design principles
D2: Local character and distinctiveness
D.3: Urban fabric
D.4: Streets and spaces
D.5: Building design
D.6: Amenity
SCR6: Sustainable construction policy for new residential development
ST7: Transport requirements for managing development

GB1: Visual amenities of the Green Belt

Local Plan Partial Update (LPPU):

On the 19th January 2023, Bath and North East Somerset Council updated a number of local planning policies through the introduction of the Local Plan Partial Update (LPPU).

Neighbourhood plan:

Publow with Pensford Pensford Neighbourhood Development Plan 2016-2035

National Policy:

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

Public Sector Equality Duty:

In reaching its decision on a planning application the Council is required to have regard to the duties contained in section 149 of the Equality Act 2010, known collectively as the public sector equality duty Section 149 provides that the Council must have due regard to the need to—

(a) eliminate discrimination, harassment, victimisation

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard in particular, to the need to—

(a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;

(b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;

Due to the nature of the proposals, the development would not have any negative effects upon those with protected characteristics.

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.

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

Principle of development:

The site is located outside of, but adjacent to the housing development boundary of Pensford. Such locations are not primarily sought for new residential development and would be contrary to the Council's housing strategy. Therefore, officers would recommend that sites outside of a defined settlement boundary, such as this application site, should not be supported. The Council also have a 5 year housing land supply.

Green Belt:

The development of new housing within the Green Belt is an inappropriate form of development. The NPPF states that inappropriate development, is by definition harmful, and should not be approved except in very special circumstances.

The applicant considers that this application presents special circumstances because of the sustainability benefits proposed from the build. This is primarily focussed around a experimental new heating system (fuel free system, provide winter heating without a boiler) which would go beyond the Council's typical sustainable construction requirements.

However, the applicant isn't able prove this with any data, due to it being a new/experimental system. The applicant has stated 'there is no pre existing data on the way such systems perform'. The applicant has also stated that there is no current solution to the zero carbon heating of Britain's homes and certainly not through energy captured and stored on site. In order for this to be achieved something new and by definition untested is required.'

In summary, the only way to know whether the system works as well as predicted, is to build it and run it, as confirmed by the applicant.

Officers accept that the benefits would be positive and innovative in regards to sustainable construction.

However, officers cannot rely upon an unknown probability as presenting very special circumstances for allowing inappropriate development in the Green Belt. It should also be noted that should permission be given and the heating system doesn't work as predicted, then the LPA have given planning permission for new residential development in the Green Belt and won't be able to remove that from the land.

Therefore, officers do not consider the application benefits from very special circumstances to allow inappropriate development in the Green Belt and would recommend this application is refused.

Character and appearance:

The design of the bungalow is relatively typical, it would respond positively to the character and appearance of the area by reason of its size, scale and external materials.

Residential amenity:

The size, scale and siting of the bungalow in relation to surrounding development demonstrates that there would be no adverse impact on surrounding neighbours through shadowing, presence of development and or overlooking.

Highways:

The proposals would utilise an existing access with good visibility which is considered acceptable. The applicant proposes 3no. parking spaces, which is 1no. over the maximum parking standards. Officers have not sought a revision in this regard due to the reasons for refusal relating to the principle of development.

Biodiversity Net Gain:

The proposals are exempt from providing BNG due to it being a self-build development.

Ecology:

The proposals would provide typical ecological enhancements through the use of bird and bat boxes. These enhancements, along with the recommendations of the submitted ecology report would have been conditioned if officers were recommending approval.

Trees:

There are no trees on site protected through a TPO or siting within a Conservation Area. There are also no proposals to remove any trees on site.

Conclusion:

The application would result in a new dwelling outside of the defined housing development boundary and present inappropriate development in the Green Belt. Inappropriate development, is by definition harmful. These proposals also include an overprovision of parking spaces contrary to ST7. There are no very special circumstances that clearly outweigh this harm. Therefore, the application is contrary to policies DW1 and GB1 of the Placemaking Plan and part 13 of the NPPF.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposals present inappropriate development in the Green Belt. Inappropriate development, is by definition harmful. There are no very special circumstances that clearly outweigh this harm. Therefore, the proposals are contrary to policies CP8 and GB1 of the Placemaking Plan for Bath and North East Somerset Council and part 13 of the NPPF.

2 The proposals would result in a new dwelling outside of the housing development boundary for Pensford. Therefore, the application is contrary to policy DW1 of the Placemaking Plan for Bath and North East Somerset Council.

3 The application proposal includes an excessive number of car parking spaces. The proposal is therefore considered to be contrary to Policy ST7 of the Bath & North East Somerset Local Plan Partial Update and the Transport and Development Supplementary Planning Document, which seeks to ensure that developments reduce the convenience of unnecessary car usage and make sustainable transport a more attractive choice.

PLANS LIST:

1 This decision relates to the following plans:

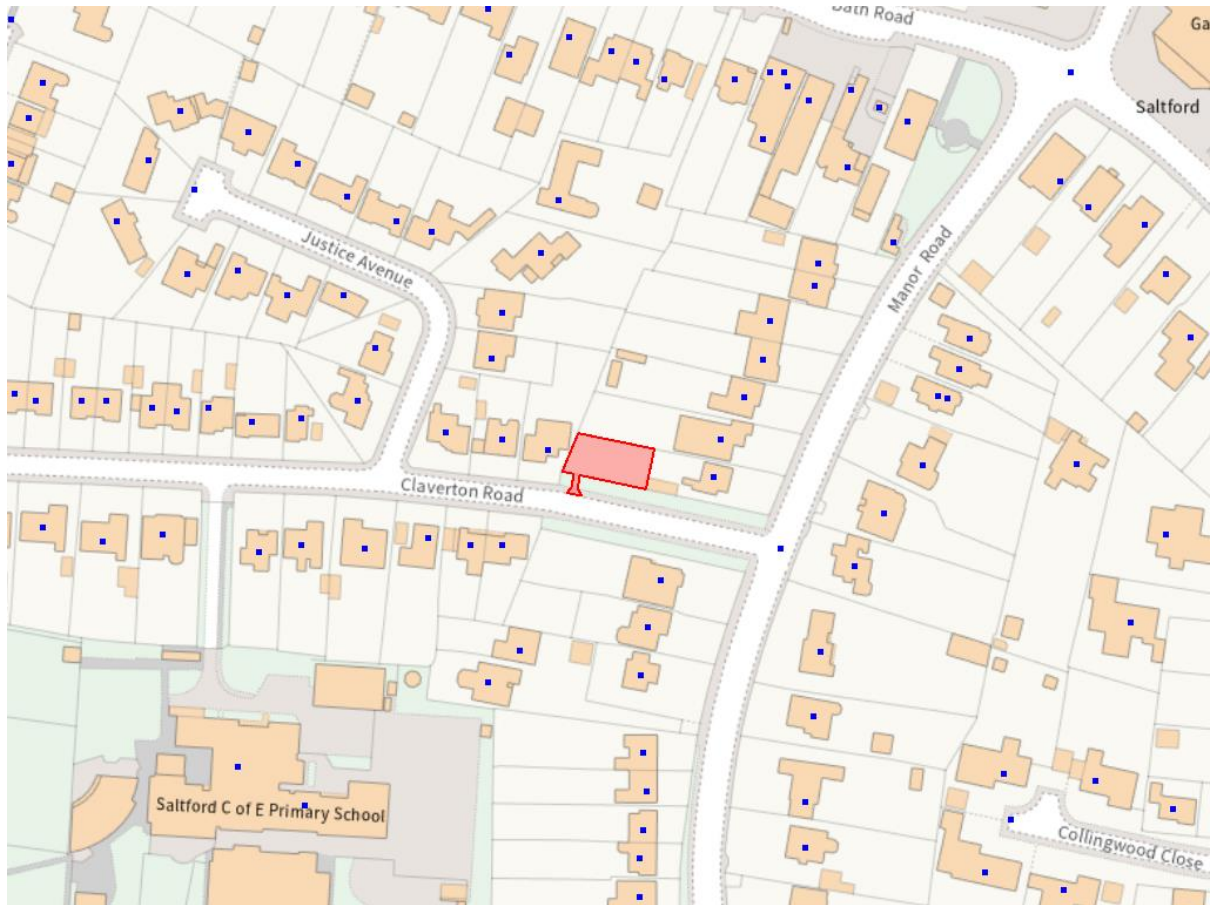
Block plan as existing
Block plan as proposed
Joinery details
Frame and insulation details
Landscaping plan
Layout of ventilation ducts and water pipes
Proposed north east and north west elevations
Proposed south east and south west elevations
Solar panel detail
Solar ray details
Top down plan and floor plans- proposed
Topographical cross sections
Site location plan

3 Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority please note that CIL applies to all relevant planning permissions granted on or after this date. Thus any successful appeal against this decision may become subject to CIL. Full details are available on the Council's website www.bathnes.gov.uk/cil

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

Item No: 06
Application No: 24/01826/FUL
Site Location: 14 Manor Road Saltford Bath And North East Somerset BS31 3DL



Ward: Saltford **Parish:** Saltford **LB Grade:** N/A
Ward Members: Councillor Duncan Hounsell Councillor Alison Streatfeild-James

Application Type: Full Application

Proposal: Erection of a 2-bed dormer bungalow adjacent to No.14 Manor Road, including forming a new access onto Claverton Road.

Constraints: Colerne Airfield Buffer, Saltford Airfield 3km buffer, Agric Land Class 1,2,3a, Policy CP3 Solar and Wind Landscape Pote, Policy CP9 Affordable Housing, Housing Development Boundary, MOD Safeguarded Areas, SSSI - Impact Risk Zones,

Applicant: Dr Charlie Vivian

Expiry Date: 21st November 2024

Case Officer: Ben Burke

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

REPORT

Committee Call-In Reason:

Following the call-in made by Councillor Duncan Hounsell and Saltford Parish Council, the application was referred to the Chair and Vice Chair of the Planning Committee. It was determined that the application be decided at committee for the following reasons:

Cllr Ian Halsall:

The site is within the housing policy boundary of Saltford but not just given the level of public interest and the views of the Parish Council, it is considered that this application should be considered and debated in public to discuss what impact this proposed dwelling may have on the character of the surrounding area.

Details of location and proposal and Relevant History:

The site falls within a suburban residential area. Proposal is for erection of a 2-bed dormer bungalow adjacent to No.14 Manor Road, including forming a new access onto Claverton Road across a grassed highway verge.

Relevant Planning History:

There is no relevant planning history on this site.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses:

Ward Councillor Call-in Request: Councillor Duncan Hounsell

I wish this planning application to be determined by the development management (planning) committee should the case officer recommend approval of this application.

The committee may wish to consider whether the proposed build contravenes policy on local character and distinctiveness in Claverton Road, whether the proposed access in Claverton Road is a potential danger to pedestrians notably nursery and school children, and consider the loss of valued green space in this location. The committee may also wish to consider any loss of amenity to the neighbouring property.

Saltford Parish Council:

Saltford Parish Council is generally in favour of infill housing within Saltford's housing boundary. However, in this case the proposals remove a portion of an open and much-valued local green space within the housing area. Furthermore, the proposal for the side of the new bungalow to replace a significant proportion of the existing high garden fence overlooking and immediately abutting the local green space would alter the character of this grassed, open area and represent a negative outcome for residents of Claverton Road. The building line that faces the highway would be significantly forward of neighbouring properties in Claverton Road, No.s 2, 4 and 6 whilst taking some light from the front of No. 2 and privacy due to orientation and overlooking.

The existing grassed areas alongside the pavement on both sides of Claverton Road at this location taken together contribute to the open street scene and setting of this part of Claverton Road that is also the main direct route to Saltford Primary School and is where children from surrounding villages and Keynsham are dropped off and collected on the school run. Open green spaces like this that are used by school children and dog walkers, are few and far between in this location. To diminish this particular local green space

would be a retrograde step and set an unwelcome precedent for a similar infill development on the southern side of Claverton Road immediately opposite, thus losing further local green space.

The proposals contravene the BaNES Council Placemaking Plan (2017) policy D2 (Local Character and Distinctiveness - appreciation of local context) and in particular D2 (a, b and f). If the case officer is minded to approve this planning application, Saltford Parish Council requests that it be referred to the Development Management Committee for determination.

Transport Development Management: No objection

Summary: Having reviewed the highway authority raises no objection to the planning application, subject to the recommended planning condition.

Full Comments (summary):

Access and Parking

The Proposed Site Plan (drawing number 911/24/02 Rev E) shows a new dropped kerb is planned to facilitate parking within the driveway area. The current dwelling contains access from Manor Road to the front of the dwelling which provides suitable parking for at least 2 vehicles.

The Council's Transport and Development SPD requires this area of Zone B, to facilitate a 2 bedroom dwelling with 1.25 parking spaces. The plans show that suitable vehicle parking facilities for 2 vehicles can be provided within the driveway of the proposed dwelling. It is unlikely that the additional dwellings within this area would have a significant highway impact.

Although the new access points from the highway are not shown to contain visibility splays, appropriate visibility is deemed to be achieved to ensure highway safety is maintained.

Should planning permission be granted, the applicant will have to enter into a highway licence agreement to facilitate the works.

Cycle Parking

Each dwelling is shown with suitable space and access to accommodate the necessary cycle parking facilities, in accordance with the Council's Policy.

Refuse Collection and Storage

The dwelling is shown with storage facilities and is within suitable distance from the highway to benefit from the existing waste collection facilities.

Arboricultural Team:

Summary:

The recent loss of trees prior to the submission of the application is suggestive of poor practice.

I have no objection to the loss of the remaining trees on site subject to their incorporation into Biodiversity Net Gain calculations. The advice of the Council's Ecologists should be sought in respect of the tree losses and Biodiversity Net Gain requirements.

Tree protection measures are necessary to protect the offsite Cherry and should be conditioned.

Drainage and Flooding Team: No objection

The development hereby permitted is to manage surface water onsite using soakaways as indicated on the application form and/or approved drawings. Soakaways are to be designed and constructed in accordance with Building Regulations Approved Document Part H section 3, noting the requirement for infiltration testing which should be undertaken at an early stage of the development to confirm viability of infiltration techniques.

If the infiltration test results demonstrate that soakaways are not appropriate, an alternative method of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The soakaways or other approved method of surface water drainage shall be installed prior to the occupation of the development. It is recommended that this is conditioned.

Parks & Green Spaces:

The Parks & Green Spaces Service have assessed this proposal. The scale of the development does not meet the threshold for providing publicly accessible greenspace under policy LCR6, however, the development will impact an area managed as a Neighbourhood Nature Area (NNA). The NNA is managed by a local group of volunteers with the support of the council's grounds team.

There are two planting beds and the group also plan to plant wildflowers in the longer grass around the beds. Please see the map appended to this response.

The development requires the creation of a vehicular crossing and the Proposed Site and Roof Plan (dwg. 911/24/02 Rev G) also presents a waste collection point and a pedestrian gate, accessed from the verge. The proposal is unlikely to have an impact upon the planting beds but will impact the area that is planned to be planted with wildflowers.

The Service do not object nor support this proposal. The applicant will need to be mindful that there will be individuals tending to the NNA and that this may impact the privacy of occupants.

There is little space between the dwelling and NNA, and a bedroom window overlooks the Area. The applicant is also encouraged to remove the pedestrian gate, to reduce the area of wildflowers impacted by the proposal. [Pedestrian gate has been omitted.]

Representations Received: 21 representations comprising 4 comments, 15 objections and 1 support

Support:

Transition Bath:

Support the application's compliance with SCR6.

Concerned that heat loss stated in SCC does not match SAP calculation values.

Objections/Comments:

Salford Primary School: Comment

Request that the safe travel route to school is taken into consideration.

Character:

Out of character with area.

Contrary to building line.

Overdevelopment of site.

Lack of front garden out of keeping with character of road.

Harmful to green space and trees

Harmful to landscaping and visual amenity of road.

Proposal set a precedent for loss of further green verge.

Refuse/recycling collection from the verge will be harmful to visual amenity.

Waste bins on pavement edge will be harmful to amenity.

4 sketch-up views are misleading as tall hedge of 2 Claverton Road (resulting in restricted pedestrian visibility) is omitted, no parked cars shown, house appears smaller than proposed, no measurements included. [The sketch up views give an indication of the proposal's appearance from several viewpoints. They are not intended to be fully worked up images. For this reason measurements are not required.]

The application is identical to refused application 04/03000/OUT on the other side of the road.

Ecology / Trees:

Loss of wildflower planting area (busy bee wildflower area):

6 mature trees felled prior to production of Arboriculture report means ecological impact of such works has not been evaluated. Assertion that trees were likely conifers is not correct. Trees removed and further 2 trees proposed for felling not mitigated by proposed landscaping.

Insufficient space within site for proposed tree planting.

Proposal to plant Yews which are poisonous. [The revised site plan with additional landscaping has been withdrawn. Landscaping and tree planting will now be reserved by condition.]

Transport:

Construction traffic would be dangerous for uses of the pavements including school children travelling from and to Saltford School and result in highway damage.

Access should be from host property rather than across verge.

Driveway will result in harmful loss of on-street parking.

Due to parked vehicles, it will not be possible to access and egress the property safely.

Drawings indicate 2 parking spaces when only 1 can be provided, as the verge falls outside the applicant's ownership. As such, only 1 space is provided. [The car parking standard for the proposal is 1 space.]

The driveway will become a public parking space, blocking the property's access.

Estates team should be made aware of proposal to prevent potential future access and rights claims over the land to the Council's expense. [Agent has served Certificate B on the application and notified the Highway Authority who manage this land.]

Site plan now shows the hedges adjacent to the new access but does not include the higher hedge of 1.6m in height, which will obstruct pedestrian visibility at the access.

Amenity:

Proximity to road boundary will result in amenity issues for future occupier(s) and persons using the adjacent pavement.

Disturbance and disruption from building works.

Result in loss of light and overshadowing of adjacent house, as well as noise, increased traffic and exacerbated parking pressures.

Proposed trees will overshadow and drop leaves on adjacent properties.

Other:

Bungalow will overlook a public space (grass verge) harmful to its use.

Has verge land been purchased from the Council. [Grassed verge is currently Council owned.]

Maintenance of this green space has been adopted as a neighbourhood project where local residents plant, tend and water flower beds. Construction works and the proposal will be harmful to this project.

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

- o Bath & North East Somerset Core Strategy (July 2014)
- o Bath & North East Somerset Placemaking Plan (July 2017)
- o Bath & North East Somerset Local Plan Partial Update (2023)
- o West of England Joint Waste Core Strategy (2011)
- 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:

B4: The World Heritage Site and its Setting

CP5: Flood Risk Management

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:

D2: Local character and distinctiveness

D5: Building design

D6: Amenity

HE1: Historic environment

LOCAL PLAN PARTIAL UPDATE:

The Local Plan Partial Update for Bath and North East Somerset Council was adopted on 19th January 2023. The Local Plan Partial Update has introduced a number of new policies and updated some of the policies contained with the Core Strategy and Placemaking Plan. The following policies of the Local Plan Partial Update are relevant to this proposal:

DW1: District Wide Spatial Strategy
D8: Lighting
H3: Residential development in existing buildings
NE3: Sites, species, and habitats
NE3a: Biodiversity Net Gain
NE6: Trees and woodland conservation
ST7: Transport requirements for managing development

SUPPLEMENTARY PLANNING DOCUMENTS:

The following Supplementary Planning Documents (SPDs) are relevant to the determination of this application:

Transport and Development Supplementary Planning Document (January 2023)

NATIONAL POLICY:

The National Planning Policy Framework (NPPF) was published in July 2021 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

PRINCIPLE OF RESIDENTIAL DEVELOPMENT:

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

DESIGN, 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 D7 concerns infill development, it defines infill development as the filling of a small gap in an otherwise built-up frontage, usually consisting of frontage plots only. It contains three criteria for reviewing the acceptability of infill development. The proposal complies with the in-fill definition and will be reviewed against the policy criteria relevant to the site:

- a. Development has regard to the character and quality of the surrounding townscape
- b. New development reflects the form, pattern and grain of this existing development or otherwise enhances the character.

The area comprises medium to low density detached and semi-detached houses. Dwellings are set back from street frontage behind established building lines. They have front gardens and medium to large rear gardens. Dwellings are primarily two-storey but there are also several detached bungalows and chalet bungalows.

The proposal is a detached chalet bungalow consistent with the range of buildings in the area. It is set back from the street frontage behind a landscaped highway verge as well as being partially set back into the site. This provides a set back from the back edge of the pavement (to the eaves) of 4.4m. This is closer than the adjacent property's (2 Claverton Road) set back of 5.8m. However, there are a variety of setbacks within the locality ranging from 5.6m (1 Claverton Road) to 16.3m (16 Manor Road). As such the set back is generally consistent with the character of the area. The dwelling would primarily be setback behind a landscaped highway verge rather than a private garden, although its green and landscaped character is consistent with the character and appearance of front gardens. The area consists of medium to low density properties. The application proposal differs in having a smaller rear garden than many of the properties within the locality but, by comparison, the proposal has a relatively large and deep side garden. Given this, the proposed dwelling, as viewed from the street, would appear to be set within a suitably spacious plot, consistent with the character of the area. The property's footprint is consistent with others in the locality. For example, the proposal has a footprint of 71.11sqm which is similar to the chalet bungalow on the opposite side of the road (1, Claverton Road) which has a footprint of 74.11 (excluding the side garage). The site area being 284sqm is not significantly lower than typical properties within the area, by way of example it is about 20% smaller than 3 Claverton Road (354.6sqm). This excludes the verge, which, although outside the property's boundary, provides a relatively substantial set back from the street and a green frontage. With the verge included the site has an area of 374.06sqm which is larger than that of 3 Claverton Road. There are also significantly smaller plots within the wider area, such as 6 Collingford Close, an infill plot of 241.7sqm. Its separation from adjacent properties is also consistent with other properties within the area, such as the positioning of 17 Justice Avenue relative to 4 and 6 Claverton Road. This property's flank wall is in close proximity to these adjacent properties rear garden boundaries. Consequently, the site area and footprint are consistent with the character of the area.

In terms of design and style the immediate context consists of large two storey 1950s properties with render walls, clay tiles roofs and a range of detailing such as projecting gables, bay and dormer windows. On the opposite side of the road there are several chalet bungalows, with render walls, projecting gables, bay windows and fully hipped tiled roofs. The proposal is of traditional design with a number of 1950s characteristics. It has render walls, tiled roof, front facing single dormer window and a feature porch canopy. Its design and appearance are therefore consistent with the character of the locality.

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

Core Strategy, policies D1, D2, D3, D5 and D7 of the Placemaking Plan and part 12 of the NPPF.

RESIDENTIAL AMENITY:

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

The proposed chalet bungalow is suitably separated from the adjacent dwellings. There is a bedroom and bathroom upstairs, with a bedroom dormer window facing towards the street. There are velux window in the north and west roof planes; the former will be high level and the latter, to a bathroom, will be conditioned fixed shut and obscure glazed. As such, there would be no overlooking of adjacent properties from windows or rooflights. The dwelling would be 1.9m from the garden boundary of 12 Manor Road. Its rear elevation has an eaves and lower and higher ridge heights of 2.5m, 4.7m and 6m respectively. The proposal is a chalet bungalow with dual pitched roofs pitching away from this boundary. There is also a mature Cherry tree on the other side of the boundary which will currently overshadow part of the neighbour's garden. The dwelling is relatively close to no.12's rear garden with kitchen and dining room windows facing in this direction. However, any transference of noise will be mitigated by existing boundary treatment and landscaping. Also, the windows face the end of this property's garden, well away from its patio area adjoining the rear of the house.

Turning to the amenity of the proposed dwelling the two-bedroom chalet bungalow, with study, is of sufficient size to provide a suitable standard of living accommodation. The setback of the proposed dwelling behind a wide grassed verge will provide sufficient privacy separation from the adjacent road and pavement. The adjacent grassed verge is being used as a Neighbourhood Nature Area (NNA) managed by a local group of volunteers with the support of the council's grounds team. P&GS has advised there are two planting beds within the adjacent verge and wildflower planting is proposed around the beds. The proposed new access will be adjacent to one of the beds located to the south of the proposed dwelling. The adjacent elevation of the dwelling has bedroom and study windows at ground floor and a bedroom window at first floor level. The tending of planting beds adjacent to the dwelling, would, given the proximity of habitable windows, result in some loss of privacy and intrusion to future occupants. However, the tending of these beds will be occasional, and the property's reception and kitchen rooms are located at the rear of the property, with living room windows and doors in the setback part of the floor plan. Given this, the use of the verge for planting beds will not result in an inadequate level of privacy and amenity for future occupants.

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 and part 12 of the NPPF.

HIGHWAYS SAFETY AND PARKING:

Policy ST7 of the Local Plan Partial Update has regard to transport requirements for managing development. It sets out the policy framework for considering the requirements and the implications of development for the highway, transport systems and their users.

The Transport and Development Supplementary Planning Document expands upon policy ST7 and includes the parking standards for development.

Transport Development Management (TDM) has advised that appropriate visibility will be achieved at the proposed new access and that it meets with highway safety requirements. Third party objections have been received that the access will be dangerous to pedestrians using the adjacent footpath, including children walking to Saltford School. The adjacent property, No 2 Claverton Road, has a 0.65m high boundary wall with hedge behind adjacent to the site and pavement. The access being located about 1.5m from the hedge provides adequate pedestrian visibility for this single dwelling. Furthermore, TDM has confirmed that suitable visibility would be provided at the access.

The Council's Transport and Development SPD requires this area of Zone B, to facilitate a 2-bedroom dwelling with 1.25 parking spaces. This is rounded down to 1 space. The scheme provides 1 space adjacent to the dwelling. It is possible that a further space could be accommodated in the access, but this would be subject to highway authority approval, as they own and manage the verge.

The means of access and parking arrangements are acceptable and maintain highway safety standards. The proposal accords with policy ST7 of the Local Plan Partial Update, the Transport and Development Supplementary Planning Document (2023), and part 9 of the NPPF.

ECOLOGY, BNG AND TREES:

Local Plan Partial Update policy NE6 has regard to trees and woodland consecration. Development should seek to avoid adverse impacts on trees and woodlands of wildlife, landscape, historic, amenity and productive or cultural value, as well as appropriately retaining trees and providing new tree planting. Development will only be permitted where it can be demonstrated that adverse impacts on trees are unavoidable to allow for development and that compensatory provision will be made in accordance with guidance within the Planning Obligations Supplementary Planning Document (2023). Policy NE3 of the Local Plan Partial Update has regard to Sites, Species and Habitats and states that development which results in significant harm to biodiversity will not be permitted. For all developments, any harm to the nature conservation value of the site should be avoided where possible before mitigation and/or compensation is considered. In addition, Policy NE3a of the Local Plan Partial Update relates to Biodiversity Net Gain (BNG). In the case of minor developments, development will only be permitted where no net loss and an appropriate net gain of biodiversity is secured using the latest DEFRA Small Sites Metric or agreed equivalent.

BNG:

Six site trees were felled prior to application submission, which is suggestive of poor practice. The BNG matrix has been revised with the data predating site degradation. The revised report states: 'The baseline value of the site is 0.83 Biodiversity Units and therefore 0.92 Biodiversity Units are required to achieve a 10% Biodiversity Net Gain. The difference between the post-development value and the required value (0.92-0.03) is therefore 0.89. Therefore 0.89 Biodiversity Units will need to be purchased to achieve 10% net gain.' The purchase of the required Biodiversity Units or Credits will be secured by the statutory pre-commencement BNG condition. Given this, the proposal meets statutory BNG requirements.

Trees:

Compliance with the BNG condition will ensure that loss of trees, including mature trees within the site, is mitigated for, particularly as mitigation for degraded habitat results in a higher level of required BNG units. The Arboricultural Officer has advised that only one tree can be accommodated within the site and that soft landscaping is encouraged. Landscaping, including tree planting, will be reserved by condition. With regards to the above, the proposal is considered to comply with policy NE6 of the Local Plan Partial Update.

Ecology:

It is advised in the submitted Ecology Report that: 'The plot on its own, provides bats with a negligible habitat component and the site is unlikely to support protected species e.g. slow worm. Local environs provide bats with sub-optimal foraging and commuting habitat but may support small numbers of more abundant species.' The following ecological enhancement recommendations are made:

- o Exterior lighting will be sensitively designed with regard to bats
- o Sensitive clearance of vegetation in relation to birds
- o Ecological enhancements to consist of bat and bird boxes
- o Fit hedgehog access holes at the base of solid fencing.

It is recommended that a single Habitat bat box (type 001), suitable for a variety of bat species, is integrated in the new wall of the dwelling. Furthermore, it is intended that 2 integrally fitted sparrow nest boxes are fitted.

The above, in addition to landscaping, will be secured by conditions and ensure sufficient ecological enhancement is achieved.

With regard to the above, the proposal is considered to comply with BNG, tree and ecology requirements consistent with policies NE3, NE3a and NE6.

DRAINAGE AND FLOODING:

Policy CP5 of the Core Strategy has regard to Flood Risk Management. It states that all development will be expected to incorporate sustainable drainage systems to reduce surface water run-off and minimise its contribution to flood risks elsewhere. All development should be informed by the information and recommendations of the B&NES Strategic Flood Risk Assessments and Flood Risk Management Strategy.

Site is located with Flood Zone 1 and falls outside areas of critical drainage issues. The Drainage and Flooding Team have raised no objection subject to a condition requiring surface water to be managed using soakaways and if not feasible an alternative method of surface water drainage is provided. This will be applied as a pre-commencement condition to ensure that adequate surface water drainage can be provided prior to works commencing. Subject to this condition the proposed development is considered to comply with policy CP5 of the Core strategy with regards to flooding and drainage matters, as well as part 14 of the NPPF.

SUSTAINABLE CONSTRUCTION AND RENEWABLE ENERGY:

Policy SCR6 of the Local Plan Partial Update has regard to Sustainable Construction for New Build Residential Development. The policy requires new residential development to

achieve zero operational emissions by reducing heat and power demand, then supplying all energy demand through on-site renewables. A sustainable construction checklist (SCC) is submitted with an application, evidencing that the prescribed standards have been met. In this case the submitted SCC shows that Space heating and Total Energy Use fall within the specified requirements. On-site renewable energy generation exceeds the total energy use, utilising solar panels fitted to the east facing pitched roof. Therefore, the proposed development is compliant with Local Plan Partial Update policy SCR6 in this instance.

Policy SCR5 of the Placemaking Plan requires that all dwellings meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day, which will be secured by condition. Policy SCR5 also requires all residential development to include a scheme for rainwater harvesting or other method of capturing rainwater for use by residents (such as water butts). These matters will be secured by condition. Policy LCR9 states that all residential development will be expected to incorporate opportunities for local food growing (e.g., border planting, window boxes, vertical planting, raised beds etc.). The proposal has a garden of sufficient size for these purposes. Therefore, the application meets the sustainable construction and renewable energy requirements of policies LCR5, 6 and 9.

OTHER MATTERS:

Planning History (04/03000/OUT):

A third party has objected on the basis that the application is identical to refused application 04/03000/OUT concerning a site on the other side of the road. This was an outline application with all matters reserved for a dwelling to the rear of 16 Manor Road, opposite. The application was refused on the basis that the proposal would, by reason of limited site depth, result in a cramped form of development out of keeping within the streetscene, character and layout of this part of Saltford. In addition, that it would be harmful to the residential amenity of neighbouring properties and future occupants of the proposal. The refused application differs to this application as it was an outline application with all matters reserved. Also, it did not restrict the proposal to a 1 or 1.5 storey property, which required the potential for a two-storey property to be considered.

The current application is a full application specifically proposing a chalet bungalow with all details for consideration. A two-storey property would be harmful to neighbouring properties in respect of overbearing, loss of light and harm to privacy, whereas the chalet bungalow proposed has been designed to be acceptable on these matters. Furthermore, it should be highlighted that the refused application was determined almost 10 years ago under a very different policy framework. Given this, this previous refusal can only be accorded very limited weight as a material consideration.

Neighbourhood Nature Area (NNA):

Parks & Green Spaces team (P&GS) has advised the development will impact an area managed as a Neighbourhood Nature Area (NNA). The NNA is managed by a local group of volunteers with the support of the council's grounds team. There are two planting beds within the verge adjacent to the site and wildflower planting is intended around them. The vehicular crossing will occupy some of the verge and be adjacent to one of the planting beds. As outlined, the proposed property would have habitable windows within close proximity of the planting beds. However, as the beds are located centrally within the verge there is sufficient separation distance to the proposed dwelling, whose boundary would be

delineated by a dwarf front garden wall with railings. Given this and that the property's reception and kitchen rooms are located at the rear of the property, the proposal would not prevent the scheme from continuing or significantly affect its operation. It should also be noted that there is further space within the verge for planting away from the property. Comments have also been received that construction works will damage the planting. A Construction Management Plan condition will be attached to ensure that construction works do not harm the planting areas. As such, the limited harm to the planting beds can only be accorded minimal weight in the planning balance.

CONCLUSION:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the decision of whether or not to grant planning permission must be made in accordance with the development plan unless material considerations indicate otherwise. The proposal complies with the relevant local plan policies, as outlined above, and therefore complies with the development plan, as a whole, consistent with the above legislation.

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 Bound/Compacted Vehicle Access (Pre-occupation)

The dwelling, hereby approved, shall not be occupied until the access and driveway (parking area) has been provided with a bonded permeable surface.

The access and driveway (parking space) shall be retained permanently thereafter.

Reason: : To ensure that adequate and safe parking is provided in the interests of amenity and highway safety, adequate surface water drainage and to prevent loose material spilling onto the highway in the interests of highway safety in accordance with Policy ST7 of the Bath and North East Somerset Local Plan Partial Update.

3 Landscape Design Proposals (Bespoke Trigger)

Notwithstanding the approved drawings and prior to development beyond slab level full details of soft landscape proposals and programme of implementation shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:

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

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

5 Implementation of Landscaping Scheme (Bespoke Trigger)

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

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

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

6 Biodiversity Net Gain Plan (Pre-commencement)

No development shall commence until full details of a Biodiversity Gain Plan achieving a minimum of 10% measurable biodiversity net gain, and a Habitat Management Plan for any on-site habitats and biodiversity measures, have been submitted to and approved in writing by the Local Planning Authority. The Plans shall be in accordance with current best practice guidelines and standards and shall be in accordance with the approved Biodiversity Net Gain Assessment and calculation and shall include the following:

In all cases:

1. Pre and post development biodiversity values including a completed metric calculation tool using the DEFRA Biodiversity Metric or any successor, and accompanying evidence for baseline condition assessments;
2. A BNG habitat map for on-site proposed habitats
3. Information about the steps taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat and, in the case of any irreplaceable habitat, information on arrangements for compensation for any impact of the development has on the biodiversity of the irreplaceable habitat (which does not include the use of biodiversity credits).
4. Details and evidence of any registered off-site biodiversity gain units allocated to the development and any biodiversity credits purchased for the development;

Where on-site habitat is proposed/retained:

5. Long term aims and objectives and targets for habitats; proposed management prescriptions and operations; timing, frequency, durations and methods of operations; specialist expertise, specialist tools/machinery or equipment and personnel where required to meet the stated aims and objectives;
6. Annual work schedule for at least a 30 year period
7. A list of activities and operations that shall not take place and shall not be permitted within the Habitat Management Plan (HMP) area (for example use of herbicides; on-site disposal of grass cuttings or other vegetation waste; routine cutting of ivy where there is no specific arboricultural justification; inappropriate maintenance methods, storage of materials; inappropriate machine or vehicle access).
8. Detailed monitoring strategy for habitats and species, and methods of measuring progress towards and achievement of stated objectives.
9. Details of proposed reporting to the Local Planning Authority, and proposed review and remediation mechanism.
10. Proposed costs and resourcing, and legal responsibilities.

The Biodiversity Gain and Habitat Management Plans shall be implemented in accordance with the agreed details and timetable, and all habitats and measures shall be retained and maintained thereafter in accordance with the approved details.

Reason: To protect and enhance ecological interests and to ensure delivery of Biodiversity Net Gain in accordance with Bath and North East Somerset Local Plan Partial Update policies NE3, NE3a NE5 and D5e and paragraph 13 of Schedule 7A to the Town and Country Planning 1990 Act (Biodiversity Gain Condition).

7 SCR6 Residential Properties (Pre-occupation)

Prior to occupation of the development hereby approved, the following tables (as set out in the Council's Sustainable Construction Checklist Supplementary Planning Document) shall be completed in respect of the completed development and submitted to and approved in writing by the Local Planning Authority together with the further documentation listed below. The development must comply with the requirements of SCR6.

PHPP/SAP calculations are to be updated with as-built performance values. The following are to be completed using the updated as-built values for energy performance.

Minor Residential Development:

1. Energy Summary Tool 1 or 2
2. Tables 1.1 or 1.2 (if proposal has more than one dwelling type)

All Residential Development:

3. Table 5 (updated)
4. Building Regulations Part L post-completion documents for renewables;
5. Building Regulations Part L post-completion documents for energy efficiency;
6. Final as-built full data report from Passive House Planning Package or SAP

7. Microgeneration Certification Scheme (MCS) Certificate/s

Reason: To ensure that the approved development complies with Policy SCR6 of the Local Plan Partial Update

8 Rainwater Harvesting (Pre-occupation)

No occupation of the approved dwellings shall commence until a scheme for rainwater harvesting or other methods of capturing rainwater for use by residents (e.g. Water butts) has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

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

9 Water Efficiency (Compliance)

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

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

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

The proposed west facing stairwell roof light shall be obscurely glazed and non-opening. Thereafter the window shall be permanently retained as such.

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

11 Bicycle Storage (Pre-occupation)

No occupation of the development shall commence until bicycle storage for at least 2 bicycles has been provided in accordance with in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The bicycle storage shall be retained permanently thereafter.

Reason: To secure adequate off-street parking provision for bicycles and to promote sustainable transport use in accordance with Policy T.6 of the Bath and North East Somerset Local Plan.

12 Construction Management Plan (Pre-commencement)

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

1. Deliveries (including storage arrangements and timings);
2. Contractor parking;
3. Traffic management;
4. Working hours;
5. Site opening times;
6. Wheel wash facilities;

7. Site compound arrangements;
8. Measures for the control of dust.

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

Reason: To ensure the safe operation of the highway and in the interests of protecting residential amenity in accordance with policy D6 of the Bath and North East Somerset Placemaking Plan and ST7 of the Bath and North East Somerset Local Plan Partial Update. 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.

13 Implementation of Wildlife Scheme (Pre-occupation)

No occupation of the development hereby approved shall commence until a report produced by a suitably experienced ecologist confirming and demonstrating, using photographs, implementation of the recommendations contained within part 4 of the submitted Ecological Appraisal by Crossman Associates dated 26/03/2024 has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the implementation and success of the Wildlife Protection and Enhancement Scheme to prevent ecological harm and to provide biodiversity gain in accordance with policy CP6 of the Bath and North East Somerset Core Strategy, policy D5e of the Bath and North East Somerset Placemaking Plan and policies NE3, NE5 and NE3a of the Bath and North East Somerset Local Plan Partial Update.

14 External Lighting (Bespoke Trigger)

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

Reason: To avoid harm to bats and wildlife in accordance with policy CP6 of the Bath and North East Somerset Core Strategy and policy NE.3 of the Bath and North East Somerset Placemaking Plan.

15 Drainage (pre-commencement)

Prior to the development, hereby approved, commencing the results of infiltration testing in accordance with Building Regulations Approved Document Part H section 3 shall be submitted to and approved in writing by the Local Planning Authority. Should infiltration test results demonstrate that soakaways are not appropriate, an alternative method of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The soakaways or other approved method of surface water drainage shall be installed prior to occupation of the, hereby approved, development.

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.

16 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 approved drawings:

31 Oct 2024	02J	PROPOSED SITE AND ROOF PLAN
31 Oct 2024	03D	PROPOSED FLOOR PLANS
31 Oct 2024	04F	PROPOSED ELEVATIONS

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 Biodiversity Net Gain - Standard Informative

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are set out in the Biodiversity Gain Requirements (Exemptions) Regulations 2024 and The Environment Act 2021 (Commencement No. 8 and Transitional Provisions) Regulations 2024.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements apply. A detailed version of the biodiversity gain condition can be found in the list of conditions attached to this permission.

The effect of section 73D of the Town and Country Planning Act 1990:-

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

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 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 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.

0 Vehicular Crossing/Dropped Kerb

In order to provide/extend the vehicular access, Transport Development Management will require the Applicant to apply for a Section 184 licence under the Highways Act 1980. The applicant should be advised to contact the Highway Maintenance Team at Highways@bathnes.gov.uk with regard to securing a licence for the amendment to an existing and/or creation of a new vehicular crossing. The access shall not be brought into use until the details of the access have been approved and constructed in accordance with the current Specification. More information can be found following this link:
<https://www.bathnes.gov.uk/services/streets-and-highway-maintenance/licences-and-permits/droppedkerbs>

Item No: 07
Application No: 24/02425/VAR
Site Location: 2 Mayfields Keynsham Bath And North East Somerset BS31 1BW



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

Ward Members: Councillor Alex Beaumont Councillor George Leach

Application Type: Application for Variation of Condition

Proposal: Variation of condition 11 (Plans List (Compliance)) of application 21/05172/VAR (Variation of condition 11 (Plans List) of application 19/00590/FUL (Erection of 4no flats on land adjacent to 2 Mayfields)).

Constraints: Agric Land Class 3b,4,5, Policy CP9 Affordable Housing, District Heating Priority Area, Housing Development Boundary, Policy NE1 Green Infrastructure Network, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,

Applicant: Kingley Properties Ltd

Expiry Date: 24th October 2024

Case Officer: Ben Burke

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

REPORT

Following the call-in made by Keynsham Town Council, the application was referred to the Chair and Vice Chair of the Planning Committee. It was determined that the application be decided at committee for the following reasons:

Cllr Ian Halsall:

I believe that Section 73 applications can be confusing to members of the public insofar as they relate to an amendment to previously approved plans. Whilst this proposal will create two front dormers which without prejudice will serve no purpose other than for proposed aesthetic reasons, I do believe that to vary a variation of condition worthy of consideration by the Committee to provide a greater understanding of the boundaries and remits of what can be considered.

Cllr Lucy Hodge:

Noting the objection of Keynsham Town Council, I recommend that this retrospective application for two front dormers to an empty roof space is determined by the Planning Committee. It is a S73 application representing a variation on a variation.

Details of location and proposal and Relevant History:

The property concerned falls within a residential area to the west of Keynsham High Street and the town's short stay car parks. The property bounds an area of Scout and Guide huts to the north.

This application is a variation of a previous S73 variation application which approved a revised roof form. The application originally proposed addition of 2 flats within the roofspace and retrospective consent for 2 flat roof dormer windows to the front and rear (a total of 4 dormers). The addition of 2 flats amended the original permission's description of development so was not valid under a S73 application. The applicant has withdrawn the proposal for 2 new flats but retained the dormer windows. The proposed drawings have been amended to reflect this. This variation also includes amendment of front curtilage to increase car parking provision from 2 to 3 spaces. This removes an area of front landscaping and relocates refuse and recycling storage to the rear. Finally, solar panel provision is moved to the flat part of the mansard roof.

Relevant Planning History:

DC - 17/01620/FUL - RF - 14 August 2017 - Erection of 4 flats adjacent to 2 Mayfields.

Appeal dismissed 26 June 2018

DC - 19/00590/FUL - PERMIT - 7 June 2019 - Erection of 4no flats on land adjacent to 2 Mayfields

DC - 21/03535/VAR - PERMIT - 7 September 2021 - Variation of condition 11 (plans list) of application 19/00590/FUL (Erection of 4no flats on land adjacent to 2 Mayfields).

DC - 21/05172/VAR - PERMIT - 17 January 2022 - Variation of condition 11 (Plans List) of application 19/00590/FUL (Erection of 4no flats on land adjacent to 2 Mayfields)

Summary of Consultation/Representations:

Consultation Responses:

Keynsham Town Council: Object (re-consultation)

To OBJECT on the basis that there is not sufficient parking on site for the additional 2 flats. Keynsham Town Council would also like to highlight that there are insufficient plans detailing the roof conversions.

Therefore the application is contrary to Policy ST7 of the Bath and North East Somerset Council Policy adopted Placemaking Plan 2017 and Local Plan (Core Strategy) Partial Update Jan 2023.

Previous response:

At Monday's Town Council Planning and Development Committee meeting it was resolved to NOTE planning application 24/02425/VAR 2 Mayfields
24/02425/VAR 2 Mayfields

Discharge of condition 11 (Plans List (Compliance)) of application 21/05172/VAR (Variation of condition 11 (Plans List) of application 19/00590/FUL (Erection of 4no flats on land adjacent to 2 Mayfields)).

RESOLVED: That Keynsham Town council note the discharge of the conditions mentioned above. [Due to an administrative error the original application description wrongly referred to discharge of condition 11.]

Representations Received:

Representations Received: 3 objections

Planning application was originally for 4 flats, but 6 flats have been provided without planning consent.

Domer windows overlook adjacent residential property.

They have built over the public footpath.

What provision has been made for increased parking demand.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Relevant Planning History:

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POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

- o Bath & North East Somerset Core Strategy (July 2014)
- o Bath & North East Somerset Placemaking Plan (July 2017)
- o Bath & North East Somerset Local Plan Partial Update (2023)
- o West of England Joint Waste Core Strategy (2011)
- 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:

D2: Local character and distinctiveness

D5: Building design

D6: Amenity

HE1: Historic environment

LOCAL PLAN PARTIAL UPDATE:

The Local Plan Partial Update for Bath and North East Somerset Council was adopted on 19th January 2023. The Local Plan Partial Update has introduced a number of new policies and updated some of the policies contained within the Core Strategy and Placemaking Plan. The following policies of the Local Plan Partial Update are relevant to this proposal:

DW1: District Wide Spatial Strategy

NATIONAL POLICY:

The National Planning Policy Framework (NPPF) was published in July 2021 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

DESIGN, CHARACTER, APPEARANCE AND HERITAGE:

Policy D1, D2 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 and the appearance of extensions respect and complement their host building. Policy HE1 requires development that has an impact upon a heritage asset to enhance or better reveal its significance and setting. There is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding conservation area.

The proposal consists of two small front and rear facing flat roofed dormer windows (a total of 4) finished in dark grey cladding. The windows are small scale and proportionate to the roof planes. Relocation of PV panels from the front roof plane to the flat part of the Mansard Roof will largely obscure them from view. Given this, these revisions result in no harm to the street scene or character of the area. The building and dormers can be seen from Keynsham Conservation Area - closest part being the High Street. However, as the dormers are proportionate, dark and recessive they have no impact on the setting of

Keynsham Conservation Area located to the east. Revisions to the front curtilage to provide parking result in the removal of a small area of landscaping. However, with 2 front parking spaces and a front refuse/recycling storage area the frontage was primarily hard surfaced. Furthermore, the landscaping area was not safeguarded by condition so once provided could be removed without requiring consent. Given this, that the site faces an area of grassed highway verge and landscaping is provided for at the side and rear the provision of 3 parking spaces at the front will not harm the area's character and appearance.

The proposal by reason of its design, siting, scale, massing, layout and materials is acceptable and contributes and responds to the local context, as well as maintaining the character and appearance of the surrounding area. It also results in no harm to the setting of and preserves the character and appearance of Keynsham Conservation area, located to the east. The proposal therefore accords with policy CP6 of the Core Strategy, policies D1, D2, D5 and HE1 of the Placemaking Plan, Section 72 of the Planning (Listed Buildings and Conservation Areas) and parts 12 and 16 of the NPPF.

RESIDENTIAL AMENITY:

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

The variation solely concerns retrospective permission for two front and rear dormer windows (total of 4 dormer windows), as the two additional flats intended have been withdrawn from the application. Given this, they raise no amenity issues for neighbours. Nevertheless, if 2 flats were provided in the roof space, subject to gaining planning permission, they would result in no harm to neighbour amenity due to the separation distances to neighbouring residential properties.

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 and part 12 of the NPPF.

HIGHWAYS SAFETY AND PARKING:

Policy ST7 of the Local Plan Partial Update has regard to transport requirements for managing development. It sets out the policy framework for considering the requirements and the implications of development for the highway, transport systems and their users. The Transport and Development Supplementary Planning Document expands upon policy ST7 and includes the parking standards for development.

The original application (19/00590/FUL) approved 4 1-bed flats, which is unchanged by this proposal, and provided 2 off-street parking spaces. The parking standards at the time were contained in policy ST7 of the Placemaking Plan and required 1 space per 1 bedroom dwelling. An Accessibility Assessment was submitted at the time which, due to the development's sustainable location, allowed for a 50% provision reduction to 2 parking spaces. The parking standards are now contained within the Transport and Development Supplementary Planning Documents (SPD) which, for Keynsham, is consistent with the previous standard. The addition of 1 parking space resulting in a total of 3 spaces does

not exceed the parking standard so is an acceptable amendment. The submitted tracking diagrams demonstrate that all the spaces can be adequately accessed from the highway.

The means of access and parking arrangements are acceptable and maintain highway safety standards. The proposal accords with policy ST7 of the Local Plan Partial Update, the Transport and Development Supplementary Planning Document (2023), and part 9 of the NPPF.

PUBLIC SECTOR EQUALITY DUTY:

In reaching its decision on a planning application the Council is required to have regard to the duties contained in section 149 of the Equality Act 2010, known collectively as the public sector equality duty.

Section 149 provides that the Council must have due regard to the need to—

- (a) eliminate discrimination, harassment, victimisation
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

(3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—

- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;

Protected characteristics include disability.

In reaching its decision on a planning application the Council is required to have regard to the duties contained in section 149 of the Equality Act 2010, known collectively as the public sector equality duty.

Section 149 provides that the Council must have due regard to the need to—

- (a) eliminate discrimination, harassment, victimisation
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Officers have had due regard to these matters when assessing this application and have concluded that neither the granting nor the refusal of this application would be likely to have an impact on protected groups and, therefore, that these considerations would not weigh in favour of or against this application.

CONCLUSION:

The dormer windows result in no harm to the character and appearance of the locality or the setting of Keynsham Conservation Area, located to the east. The proposal solely concerns retrospective permission for two front and rear dormer windows, as well as provision of an additional off-street parking space which is acceptable on amenity and transport grounds. As no additional flats are proposed the scheme raises no other issues. The application complies with the relevant planning policies, as outlined above, and is therefore recommended for approval. The application complies with the relevant planning

policies, as outlined above, and is therefore recommended for approval. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the decision of whether to grant planning permission must be made in accordance with the development plan unless material considerations indicate otherwise. The proposal complies with the relevant local plan policies, as outlined above, and therefore complies with the development plan, as a whole, consistent with the above legislation.

RECOMMENDATION

PERMIT

CONDITIONS

1 Parking (Pre-occupation)

No occupation of the development shall commence until 2no. parking spaces have been provided on-site and should be retained permanently thereafter.

Reason: To ensure that adequate and safe parking is provided in the interests of amenity and highway safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

2 Bicycle Storage (Pre-occupation)

No occupation of the development shall commence until bicycle storage for at least 8no. bicycles has been provided in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The bicycle storage shall be retained permanently thereafter.

Reason: To secure adequate off-street parking provision for bicycles and to promote sustainable transport use in accordance with Policy ST7 of the Placemaking Plan.

3 Construction Management Plan (Compliance)

The development shall be undertaken in accordance with the submitted Construction Management Plan.

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

4 Water Efficiency - Rainwater Harvesting (Pre-occupation)

No occupation of the approved dwellings shall commence until rainwater harvesting or other methods of capturing rainwater for use by the residents (e.g. Water butts) has been provided.

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

5 Water Efficiency (Compliance)

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

Reason: In the interests of water efficiency in accordance with Policy SCR5 of the Bath and North East Somerset Placemaking Plan.

6 Sustainable Construction (Pre-occupation)

Prior to first occupation of the development hereby approved the following tables (as set out in the Council's Sustainable Construction Supplementary Planning Document, Adopted November 2018) shall be completed in respect of the completed development and submitted to the local planning authority together with the further documentation listed below:

- Table 2.4 (Calculations);
- Building Regulations Part L post-completion documents

Reason: To ensure that the approved development complies with Policy SCR1 of the Placemaking Plan (renewable energy) and Policy CP2 of the Core Strategy (sustainable construction).

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

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

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

8 Housing Accessibility (Compliance)

The following dwellings hereby approved shall meet the optional technical standards 4(2) in the Building Regulations Approved Document M: Flat 1.

Reason: Reason: To ensure that the optional technical standards for accessibility are met in accordance with policy H7 of the Bath and North East Somerset Council Placemaking Plan.

9 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 approved drawings:

26 Jun 2024	A674P20-P.11D	PROPOSED SITE LAYOUT
26 Jun 2024	A674P20-P.12D	PROPOSED SITE LAYOUT
26 Jun 2024	A674P20-P.13D	PROPOSED LAYOUT
26 Jun 2024	A674P22-P.15E	PROPOSED ELEVATIONS
26 Jun 2024	A674P22-P.16E	PROPOSED STREET ELEVATION

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 Biodiversity Net Gain - Exempt/Not required

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

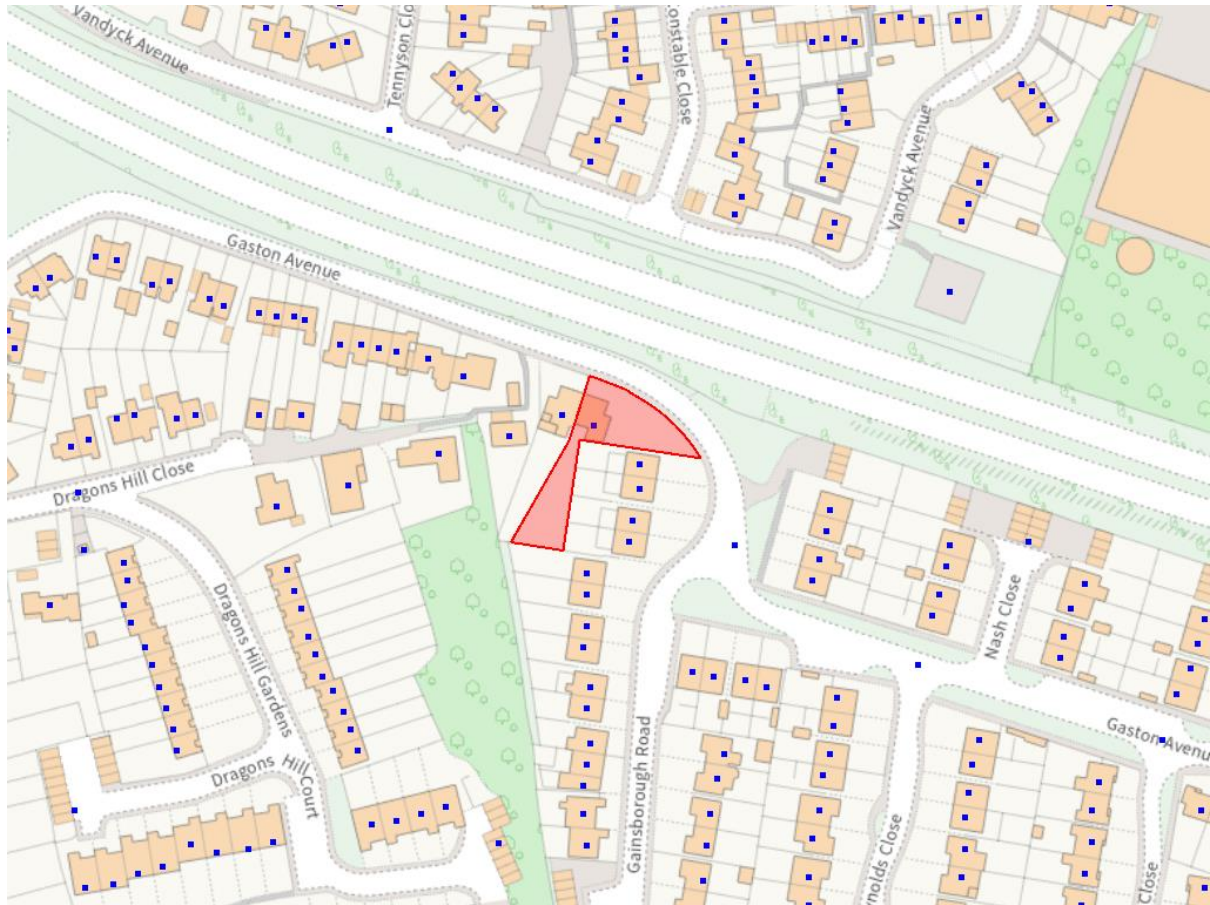
There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are set out in the Biodiversity Gain Requirements (Exemptions) Regulations 2024 and The Environment Act 2021 (Commencement No. 8 and Transitional Provisions) Regulations 2024.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements is/are considered to apply.

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: 08
Application No: 24/01371/FUL
Site Location: 37 Gaston Avenue Keynsham Bath And North East Somerset BS31 1LR



Ward: Keynsham East **Parish:** Keynsham Town Council **LB Grade:** N/A
Ward Members: Councillor Hal McFie Councillor Andy Wait
Application Type: Full Application
Proposal: Erection of new fencing and replacement gates.
Constraints: Saltford Airfield 3km buffer, Agric Land Class 3b,4,5, Policy CP9 Affordable Housing, Housing Development Boundary, LLFA - Flood Risk Management, NRN Wetland Strategic Network Policy NE5, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,
Applicant: Mrs Frances Box
Expiry Date: 1st August 2024
Case Officer: Paige Moseley
To view the case click on the link [here](#).

REPORT

Keynsham Parish Council have objected to the application, contrary to the officer's recommendation to grant planning permission. In accordance with the Council's Scheme of Delegation, the application was referred to the Chair and Vice Chair of the Planning Committee. It was decided that the application should be debated and decided at the Planning Committee. Their comments are as follows:

Chair's comments:

"I note Keynsham Town Council's views and do feel that the potential impact this proposed enclosure may have on neighbouring properties and the character of the surrounding area should be given further consideration."

Vice Chair's comment:

"I note that Keynsham Town Council has maintained an objection to the revised proposals raising concerns about the impact on the character and distinctiveness of the area. Potential amenity impacts for neighbours are also raised. I therefore recommend that this application is discussed in public by the Planning Committee."

The application refers 37 Gaston Avenue in Keynsham. 37 Gaston Avenue is a semi-detached dwelling on a corner plot with a large, irregular shaped front driveway area.

Planning permission is sought for the erection of new boundary fencing and replacement gates.

Relevant Planning History:

No relevant planning history.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

Keynsham Town Council -
12th July 2024 (Initial Plans):

RESOLVED: To OBJECT on the following grounds - Keynsham Town Council object to the proposal as it is not be in keeping with existing fencing and hedging styles at other properties in this locality. The proposal is unacceptable as it will create a precedent for solid gating and higher fencing in front gardens which are currently open with either hedging or low fencing.

1st October 2024 (Revised Plans):

RESOLVED: To OBJECT on the following grounds The amendments are not sufficient for Keynsham Town Council to support the proposal as it is not be in keeping with existing fencing and hedging styles at other properties in this locality. The proposal is unacceptable as it will create a precedent for solid gating and higher fencing in front gardens which are currently open with either hedging or low fencing. The fencing proposal will be contrary to the distinctiveness and identify of other housing frontages. The application is therefore contrary to Policies D1b, and D6 of the Bath and North East Somerset Council Policy adopted Placemaking Plan 2017 and Local Plan (Core Strategy) Partial Update Jan 2023.

Representations Received :

2no. Objections from neighbours were received on the initial plans. The concerns raised are summarised below -

- The ground level is higher at 37 Gaston Avenue than at nos. 38 and 40 which adjoin the site by 60cm. This height coupled with a 1.9m high fence along the boundary would create a dark and oppressive corridor along the path to the side of nos. 38 and 40.
- Proposed fence would be significantly higher than standard boundary fences and out of keeping with surrounding area which is open and spacious.
- Proposed fence would reduce natural surveillance to the entrances of 38 and 40 Gaston Avenue.
- Lack of detail regarding fence construction and post footings raises concerns about impacts to existing retaining wall and drainage between properties.
- Corridor' effect would reduce airflow and increase standing water at main entrance to no.38.
- Fence would significantly reduce light and outlook to bathroom window and glazing in front door of no. 38.

The proposed plans have been amended since receipt of these comments to reduce the height of the proposed fencing and amend the design to include open trellising.

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

- o Bath & North East Somerset Core Strategy (July 2014)
- o Bath & North East Somerset Placemaking Plan (July 2017)
- o Bath & North East Somerset Local Plan Partial Update (2023)
- o West of England Joint Waste Core Strategy (2011)
- 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

D4: Streets and spaces

D6: Amenity

LOCAL PLAN PARTIAL UPDATE:

The Local Plan Partial Update for Bath and North East Somerset Council was adopted on 19th January 2023. The Local Plan Partial Update has introduced a number of new policies and updated some of the policies contained with the Core Strategy and Placemaking Plan. The following policies of the Local Plan Partial Update are relevant to this proposal:

D5: Building design

ST7: Transport requirements for managing development

SUPPLEMENTARY PLANNING DOCUMENTS:

The following Supplementary Planning Documents (SPDs) are relevant to the determination of this application:

Transport and Development Supplementary Planning Document (January 2023)

NATIONAL POLICY:

The National Planning Policy Framework (NPPF) was published in July 2021 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

The main issues to consider are:

- Design, character and appearance
- Residential Amenity
- Highways Safety and Parking

DESIGN, CHARACTER AND APPEARANCE

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

The proposals are for a 1.75m high fence between 37 and 36A Gaston Avenue, and a 1.45m high fence with trellis on a 17m stretch along the southern boundary with 38 and 40 Gaston Avenue and on a 4.6m stretch perpendicular to this, cutting across the site near the western boundary, as indicated on the block plan. The proposals also include the replacement of 2no. existing metal field gates with solid timber gates at a height of 1.22m.

The proposed 1.75m fence between 37 and 36A is considered to be acceptable. There is already a fence of similar height in this location therefore there would be little visual impact.

The site previously had a boundary wall around the whole frontage, which measured approximately 1.25m high. The wall was punctuated by 2 metal field gates of the same height. Some sections of the wall have been removed and hedging planted instead. The wall has been retained in the north west of the plot, parallel with the side elevation of the house. The proposal to replace the existing metal gates with solid timber gates is considered to be acceptable. Although the gates are more solid than the existing, there has consistently been a solid boundary to the site in the form of the boundary wall. The proposed gates would maintain the low height of the boundary features and preserve the character of the site and be in keeping with the character of low-height boundary treatments in the area.

The proposed 1.45m fence towards the western boundary and running along the south boundary is considered to be acceptable. The fence would be close boarded timber cladding at the bottom for 0.85m height with 0.6m height of open trellis at the top. Although the proposed fencing would overall be higher than the existing and previously present boundary wall, the trellis top would minimize any additional visual impact and maintain the open and spacious character of the site and surrounding area. It is considered that this design would retain the open character of the site and would retain the open and spacious character of the site and surrounding area. It is noted that if the 17m section of the fence along the southern boundary were being applied for alone, this would be permitted development as it would not be adjacent to the highway.

Additionally, the previously existing boundary wall wrapped around the whole border of the site, however the proposed fence would partially cut across the site, leaving a triangle of open land at the eastern corner for planting. This further contributes to maintaining the open character of the site.

Officers consider that 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 Core Strategy, policies D1, D2, D3, D4 and D5 of the Placemaking Plan and part 12 of the NPPF.

RESIDENTIAL AMENITY

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

It is considered that the proposed 1.75m fence proposed to be erected between 37 and 36A Gaston Avenue would not cause harm to neighboring amenity. The height of the fence would not unacceptably restrict outlook from the neighboring window.

On the boundary between 37 Gaston Avenue with 38 and 40 Gaston Avenue, the proposed fence would be a total of 1.45m in height. This would include 0.85m of close boarded cladding, which would be mostly concealed behind the existing boundary wall, and 600mm of trellis above. There are some existing fence panels along the boundary belonging to the adjacent neighbour which are sited in front of the front door to no.40 Gaston Avenue. The proposed fencing would not exceed the height of these panels and would therefore not cause an overbearing impact to the front entrance of no.40. It is considered that with the amended height and open trellis design, that the proposed fence would not create a 'corridor' effect on the neighbour's path and entranceways, nor would it have an overbearing impact or unacceptably reduce light and outlook to neighbouring dwellings.

Concerns have been raised regarding impact of construction to the existing retaining wall between 37 and 38 & 40 and a request for more details of the proposed construction method. This is not information that would normally be requested from an applicant for an application of this scale. It would be the applicant or developer's responsibility to ensure that works do not cause damage to neighbouring properties and the landowner's responsibility to maintain the retaining wall. Any damages caused or issues pertaining to this would be a civil matter.

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 and part 12 of the NPPF

HIGHWAYS SAFETY AND PARKING

Policy ST7 of the Local Plan Partial Update has regard to transport requirements for managing development. It sets out the policy framework for considering the requirements and the implications of development for the highway, transport systems and their users. The Transport and Development Supplementary Planning Document expands upon policy ST7 and includes the parking standards for development.

Highways officers have been consulted on the proposals. No objection has been raised however a condition to ensure the proposed gates are hung to open away from the highway is recommended.

With the recommended condition in place, the means of access and parking arrangements are acceptable and maintain highway safety standards. The proposal accords with policy ST7 of the Local Plan Partial Update, the Transport and Development Supplementary Planning Document (2023), and part 9 of the NPPF.

CONCLUSION:

The proposed new fence and gates are considered to be in accordance with the relevant policies of the local development plan and the NPPF and it is considered that it would not result in significant negative impact to neighbouring amenity, or unacceptable impact to the character and appearance of the area.

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 Entrance Gates (Compliance)

Any entrance gates erected shall be hung to open away from the highway only.

Reason: In the interests of highway safety and, in accordance with Policy ST7 of the Bath and North East Somerset Local Plan Partial Update.

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 This decision relates to the following plans:

22 Aug 2024	PROPOSED BLOCK PLAN
28 Aug 2024	PROPOSED 17M AND 4.6M DIAGONAL FENCE ELEVATIONS
28 Aug 2024	PROPOSED DIVIDING FENCE BETWEEN 37 AND 36 GASTON AVENUE ELEVATION
28 Aug 2024	PROPOSED DRIVEWAY GATES ELEVATION
15 Apr 2024	LOCATION PLAN

2 Permit/Consent Decision Making Statement

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

3 Condition Categories

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

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

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

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

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

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

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

4 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 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 Biodiversity Net Gain - Exempt/Not required

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are set out in the Biodiversity Gain Requirements (Exemptions) Regulations 2024 and The Environment Act 2021 (Commencement No. 8 and Transitional Provisions) Regulations 2024.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements is/are considered to apply.