
Appeal Decision

Site visit made on 25 June 2020

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th August 2020

Appeal Ref: APP/F0114/W/20/3246800

Police Station, Bath Hill, Keynsham BS31 1HJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Hawkfield Homes Ltd against the decision of Bath & North East Somerset Council.
 - The application Ref 19/01163/FUL, dated 14 March 2019, was refused by notice dated 19 December 2019.
 - The development proposed is erection of two buildings to provide 26 apartments, together with associated works, following demolition of existing buildings.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of two buildings to provide 26 apartments, together with associated works, following demolition of existing buildings at Police Station, Bath Hill, Keynsham BS31 1HJ in accordance with the terms of the application, Ref 19/01163/FUL, dated 14 March 2019 and subject to the conditions set out in the schedule at the end of this letter.

Application for costs

2. An application for costs was made by Hawkfield Homes Ltd against Bath and North East Somerset Council. This application is the subject of a separate Decision.

Preliminary Matters

3. For clarity and to reflect the changes to the proposal made during the course of the planning application, the above description of development is taken from the Council's decision notice.
4. I note from their submissions, the Council do not take issue with the design and appearance of Block 1. I have therefore dealt with the appeal on this basis and have limited my assessment on these matters to proposed Block 2.

Main Issues

5. The main issues are:
 - The effect of the proposal upon the living conditions of nearby residents, with particular regard to overlooking from Block 2 upon the communal gardens of Dragons Hill Court;
 - Whether the proposal provides adequate on-site parking spaces; and

- Whether the proposed development would preserve or enhance the character or appearance of the Keynsham Conservation Area (KCA).

Reasons

Living conditions

6. Immediately to the rear of the site are the residential properties of Dragons Hill Court. These properties benefit from a large, communal garden area. This area is largely open and, due to the presence of mature trees within and around it, it has a parkland feel. As a result, it is more of an informal area of open space accessible to all residents, rather than a more traditional set of private rear gardens. The boundary between the appeal site and Dragons Hill Court is heavily landscaped and includes a number of mature trees, with views of the existing Police Station being filtered as a consequence. Furthermore, the closest part of the Police Station is single storey, with the two storey element set some distance away.
7. Whilst being located in a similar position to the existing Police Station building, Block 2 would be three storeys in height and would introduce taller development closer to the boundary than at present. Therefore, when compared with the existing Police Station, Block 2 would have a greater bulk and mass and would increase the number of windows that would face towards the communal gardens of Dragons Hill Court. The introduction of a larger building would inevitably change the outlook from the communal gardens and increase the potential for overlooking of this communal area. The Block would however be positioned a reasonable distance from the site boundary, with the majority of the boundary landscaping and mature trees to be retained.
8. On balance therefore, whilst the introduction of Block 2 would increase the potential for overlooking of the communal gardens, given the retained boundary screening which would continue to filter the views and the intervening distance, this would not be to such a degree that it would significantly affect the privacy of users of this neighbouring space.
9. For these reasons, I therefore conclude that the proposed development would not have a significant effect on the living conditions of surrounding residents, and, in this respect, accords with Policy D6 of the Bath and North East Somerset Placemaking Plan (2017) (The Plan) and the Policies within Part 12 of the National Planning Policy Framework (The Framework), which amongst other things, requires that development must provide for appropriate levels of amenity and not cause significant harm to the amenities of existing or proposed occupiers of residential premises by reason of overlooking.

Parking

10. The Council's parking standards require the provision of 52 parking spaces, along with the provision of 5 visitor spaces for development of the type proposed. The scheme proposes a total of 43 parking spaces.
11. The Framework has a core principle of making the fullest possible use of public transport, walking and cycling. Paragraphs 105 and 106 require, amongst other things, maximum parking standards to be only set where there is clear and compelling justification that they are necessary for managing the local road network. Policy ST7 of The Plan, identifies that in certain locations, a flexible approach can be applied, where departures from standards can be sought. With

regards to residential development, a reduction in the minimum standard requires the completion of an accessibility assessment.

12. The site lies in a location where there are a range of nearby shops, services and employment opportunities. There are also nearby bus stops and a mainline train station is within a reasonable walking distance. The use of sustainable transport in such a location should therefore be encouraged. In the absence of clear evidence of a local parking issue, I do not consider that the proposal would result in a significant shortage in off-road parking provision. Nor has it been demonstrated that even if there was a deficiency, that it would have a harmful effect on highway safety. Furthermore, I note that surrounding on-street parking is restricted by double yellow lines.
13. For the reasons outlined above, I therefore conclude that the proposed development would not have a significant effect upon highway safety and, in this regard, complies with Policy ST7 of The Plan and the Framework. These Policies, amongst other things, seeks to ensure that proposals make safe and satisfactory provision for access by all means of travel.

Conservation Area

14. Block 2 of the proposed development lies outside of the KCA, however Paragraph 193 of the Framework makes it clear that great weight should be given to the conservation of designated heritage assets and to their setting. The KCA falls within the definition of a designated heritage asset as set out in Annex 2 of the Framework. It is therefore appropriate to consider the location of Block 2 in this context.
15. The KCA is focused around a number of areas where the settlement has grown and developed over the centuries. Within the KCA there are a variety of designs and types of buildings, including a number of listed buildings. The significance of the KCA therefore lies in the architectural quality and historic interest of the buildings within it.
16. The existing Police Station is essentially a functional building and is of limited architectural merit. Block 2 would be set back from the road, in a similar position to the existing building, however it would be taller and would therefore be more prominent when viewed from the KCA. Whilst the scale and mass of Block 2 would be larger, the overall elevation facing the KCA, would be broken up through the use of gables and small forward protrusions, which would articulate the design features and reduce the effect of its mass when seen from the KCA. A varied palette of materials would also help to create visual interest to the building. On this basis, when seen from the KCA the appeal proposal would preserve the character or appearance of the Conservation Area.
17. For these reasons, I therefore conclude that the proposal would not harm the significance of the Keynsham Conservation Area and in this respect, complies with Policies HE1, D1, D2 and D5 of The Plan and Core Strategy CP6. These Policies, amongst other things, seek to ensure that design is of a high quality that responds to, reinforces and contributes to its specific local context, character and distinctiveness, protects trees, conserves or enhances important views, preserves or enhances the character and appearance of the Conservation Area. The proposed development would not conflict with the aims of the Framework. In coming to this conclusion, I have had regards to my duty under S72(1) of the Town and Country Planning (Listed Building and

Conservation Areas) Act 1990 as to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

Other Matters

18. The submitted Unilateral Undertaking aims to secure financial contributions towards meeting the provision of affordable housing and targeted recruitment and training opportunities.
19. Policy CP9 of the Core Strategy seeks the provision of 30% affordable housing. The obligation provides for 6 such units, which equates to 23%. The appeal scheme is supported by a viability assessment, which concluded that whilst not able to provide a fully policy compliant level, it would viably be able to support the proposed provision. Having reviewed the viability assessment, I have no reason to disagree with this position. In these circumstances I consider that the measures in the Undertaking are necessary, related directly to the development and fairly related in scale and kind.
20. The Council's Planning Obligations SPD (April 2015) requires developers of proposals in excess of 10 units, to provide recruitment and training opportunities. On the evidence before me, it appears that the need for the targeted recruitment provision arises from the development. As such they would accord with the provisions of Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the tests for planning obligations set out in the Framework.
21. I note the comments raised in relation to the impact of the proposal upon existing mature trees and biodiversity. However, there is no substantive evidence that there would be any adverse effect on wildlife or arboriculture issues within the area as a result of the proposal. The retention and protection of existing trees can be controlled by an appropriate planning condition.
22. Reference has been made to the potential for archaeological remains. Whilst there is no substantive evidence with regards to the potential for the development to adversely affect archaeological remains, given the site's location in relation to the KCA, this too can be controlled via condition.
23. Concerns have also been raised with regards to the noise during construction and the effect of construction vehicles on surrounding roads. I acknowledge that construction would cause some disruption, but this would be temporary and could be mitigated by a Construction Method Statement.

Conditions

24. The conditions suggested by the Council have been considered in light of the advice contained within the Framework and the National Planning Practice Guidance. A standard implementation condition, along with a requirement to implement the scheme in accordance with the approved plans is necessary. To protect highway safety, it is necessary to attach conditions to ensure the proposed parking arrangements are provided and retained in accordance with the submitted plans. For the same reason, it is also necessary to attach a condition requiring the surface of the vehicular access to be of a bound material to prevent loose gravel entering the public highway.
25. Whilst not identified by the parties, to protect the living conditions of local residents and to ensure that the proposal would not have any unacceptable

impacts upon highway safety, it is necessary to attach a condition requiring the submission of a Construction Management Plan.

26. To protect the character and appearance of the area, a condition is necessary with regards to the provision of external materials and the submission of a landscaping scheme. For the same reasons, it is appropriate to require the submission of measures to protect existing trees on site during construction and ensure their retention once the development has been completed. In the interests of ensuring no harm to matters of biodiversity, it is appropriate to attach a condition to ensure that the mitigation measures identified in the Ecology Report are delivered. For the same reasons, it is reasonable to attach a condition to control the type and level of external lighting to be installed.
27. Considering the site's location in relation to the Keynsham Conservation Area, it is appropriate to require the provision of archaeological mitigation measures in the form of a written scheme of investigation and a subsequent watching brief.
28. To ensure adequate provision of surface water drainage, it is necessary to include a condition to confirm the use of soakaways. To deliver water use efficiency, it is appropriate to attach a condition requiring details to maximise rainwater harvesting are submitted. To ensure adequate waste and recycling provision is made, a condition to ensure the details shown on the plans are provided is appropriate.

Conclusion

29. I conclude, for the reasons outlined above, that the appeal should be allowed subject to the identified conditions.

Adrian Hunter

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development/works hereby permitted shall only be carried out in accordance with the following approved plans and details:

903-01 Rev C Site Location Plan; 903-02 Rev C Site Topographical Survey; 903-03 Rev D Proposed Block Plan; 903-05 Rev L Proposed Site Plan; 903-06 Rev B Existing Police Station Elevations; 903-07 Rev B Existing Bath Hill Street Elevation; 903-10 Rev H Proposed Ground Floor Plans; 903-11 Rev G Proposed First Floor Plans; 903-12 Rev G Proposed Second Floor Plans; 903-13 Rev C Proposed Roof Plans; 903-15 Rev J Proposed Elevations Sheet 1; 903-16 Rev G Proposed Elevations Sheet 2; 903-17 Rev F Proposed Elevations Sheet 3; 7828-051A Site Plan Showing Proposed Impermeable Areas; and 7828-052A Site Plan Showing Proposed Surface Water.
3. No development shall commence, except ground investigations and remediation, until infiltration testing and soakaway design in accordance with Building Regulations Part H, section 3 (3.30) have been undertaken to verify that soakaways will be suitable for the development. 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 and installed prior to the occupation of the development.
4. No development shall commence, except archaeological investigation work, until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work shall provide a controlled watching brief during ground works on the site, with provision for excavation of any significant deposits or features encountered and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation.
5. No development shall commence until a Detailed Arboricultural Method Statement with Tree Protection Plan following the recommendations contained within BS 5837:2012 has been submitted to and approved in writing by the Local Planning Authority. The Arboricultural Method Statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and compliance statement to the local planning authority. The Statement shall include the control of potentially harmful operations such as site preparation (including demolition, clearance and level changes); the storage, handling and mixing of materials on site, burning, location of site office, service run locations including soakaway locations and movement of people and machinery. No development or other operations shall thereafter take place except in complete accordance with the approved details.
6. The approved development shall be carried out in accordance with the approved Arboricultural Method Statement and Tree Protection Plan. No occupation of the approved development shall commence until a signed

- compliance statement from the appointed Arboriculturalist has been submitted to and approved in writing by the Local Planning Authority.
7. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority and, amongst other things, shall include details of deliveries (including storage arrangements and timings), contractor parking, traffic management, working hours, site opening times, wheel wash facilities and site compound arrangements. The development shall thereafter be undertaken in accordance with the approved details.
 8. No occupation of the development hereby approved shall commence until the vehicular access has been constructed with a bound and compacted surfacing material (not loose stone or gravel).
 9. No occupation shall commence until a hard and soft landscape scheme has been submitted to and approved in writing by the Local Planning Authority showing details of all trees, hedgerows and other planting to be retained, a planting specification to include numbers, size, species and positions of all new trees and shrubs, details of existing and proposed walls, fences, other boundary treatment and surface treatment of the open parts of the site, and a programme of implementation. The scheme shall comprise features required for wildlife mitigation and enhancement, to include wildlife friendly planting; bird boxes and gaps in fencing to allow movement of wildlife.
 10. All hard and/or 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 (phasing) approved in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.
 11. No occupation of the development hereby approved shall commence until a report produced by a suitably experienced ecologist confirming and demonstrating, using photographs, completion and implementation of all bat and ecological mitigation and enhancement measures in accordance with approved details, has been submitted to and approved in writing by the Local Planning Authority.
 12. No new 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.
 13. 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, have been

submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.

14. 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.
15. The approved dwellings shall be constructed to meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day.
16. The refuse storage shall be provided in accordance with the approved details prior to the occupation of the development hereby approved.
17. The areas allocated for parking and turning on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking and manoeuvring of vehicles in connection with the development hereby permitted.
18. At least one of the dwellings hereby approved shall meet the optional technical standards 4(2) in the Building Regulations Approved Document M.