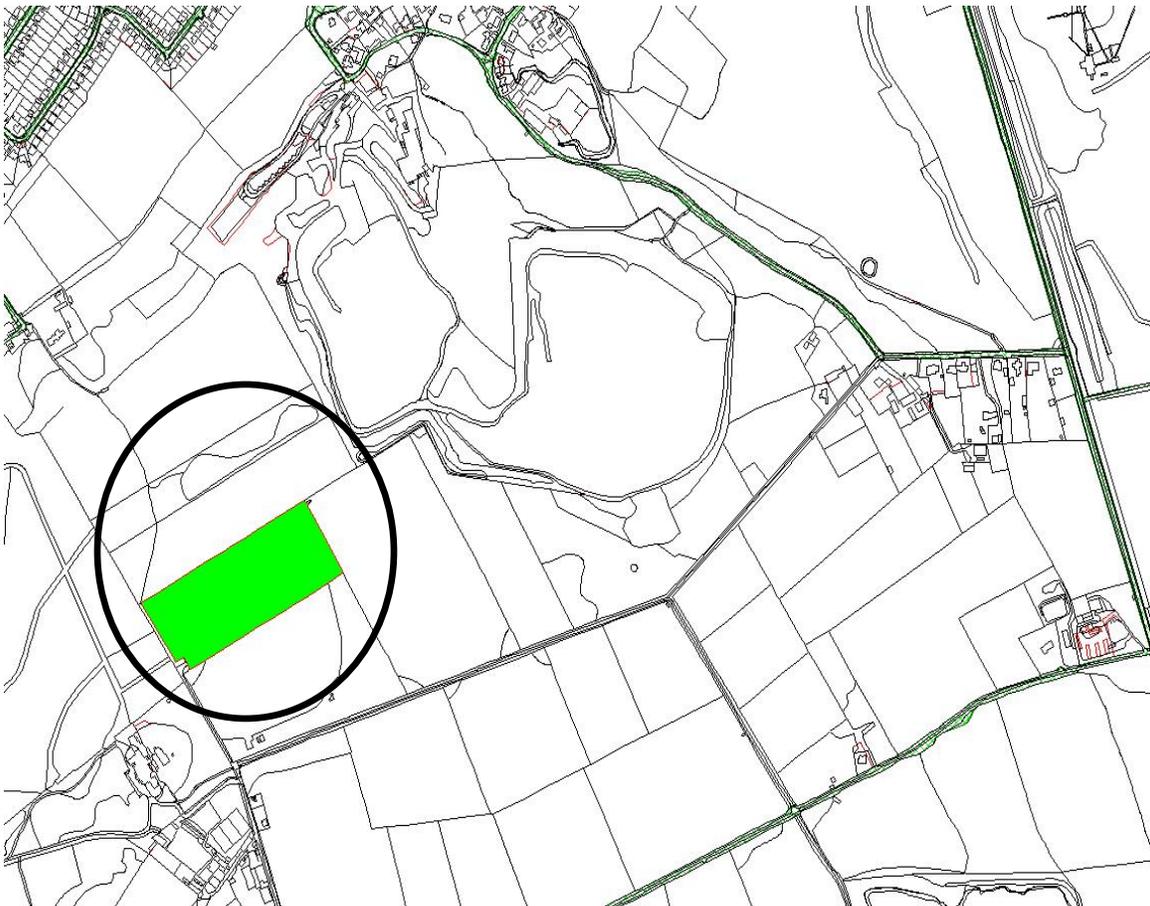


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APPLICATION NO: 17/P/0233/F	CASE OFFICER: Mike Cole
APPLICANT: SPANA Trust Corporation	Extended expiry date: 13 April 2017
PARISH/WARD: Backwell/Backwell WARD COUNCILLOR(S): Cllr K M Barclay	TARGET DATE: 23 March 2017
SITE ADDRESS: Former BT Radio Research Laboratory, Long Lane, Backwell, BS48 3DE	

LOCATION PLAN: The following plan shows the general location of the site only and is for illustrative purposes. The circle identifies the location of the site and is not a representation of the site boundaries. The site boundaries and other details submitted with the application can be viewed on the council's website at www.n-somerset.gov.uk. This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office © Crown copyright and database rights 2016 Ordnance Survey 100023397. You are not permitted to copy, sub-license, distribute or sell any of this data to third parties in any form



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6. **Section 1: 17/P/0233/F Erection of 4no. detached dwellings with associated landscaping following demolition of the former BT Radio Research Laboratory buildings and associated hardstanding at former BT Radio Research Laboratory, Long Lane, Backwell, BS48 3DE**

Summary of recommendation

It is recommended that the application be **APPROVED** subject to conditions. The full recommendation is set out at the end of this report.

The Site

The application site comprises a 3.4ha area of land located to the north east of Backwell Hill House accessed off Long Lane. The land is relatively isolated. Home Farm and Backwell Hill House are sited to the south. The surrounding land is open farm land predominantly used for grazing.

To the north the land falls away steeply through wooded slopes within the Backwell village settlement boundary being situated approx. 550m to the north of the site.

The site is occupied by former BT radio research laboratory buildings. There are 6 buildings with associated hardstandings and a radio mast which total 817m² in floor area concentrated on the southern boundary of the site.

The Application

Full permission is sought for:

- the demolition of the existing buildings but retention of the mast
- the erection of 4 No 4 bedroomed, detached, two-storey dwellings sited on the previously developed area of approx. 0.7Ha located along the southern boundary
- off road parking for 12 vehicles (three at each new dwelling)
- dwellings sunk partially into ground to reduce impact on openness
- large areas of site to north retained and enhanced for ecological management

A number of supporting documents have been submitted with the application.

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Relevant Planning History

Year	Reference	Proposal	Decision
2015	15/P/1128/F	Erection of 4 detached dwellings with associated landscaping following demolition of the former BT Radio Research Laboratory buildings and associated hardstanding	Refused
2007	07/P/1871/LUE	Certificate of lawfulness for the existing use of land for siting, research and development of telecommunications, microwave and radio equipment systems and technology together with ancillary research and development activities	Approved

Policy Framework

The site is affected by the following constraints:

- Green Belt,
- Priority wildlife conservation area
- Greater Horseshoe Bat habitat
- Forest of Avon

The Development Plan

North Somerset Core Strategy (NSCS) (adopted January 2017)

The following policies are particularly relevant to this proposal:

Policy Ref	Policy heading
CS1	Addressing climate change and carbon reduction
CS2	Delivering sustainable design and construction
CS3	Environmental impacts and flood risk management
CS4	Nature Conservation
CS5	Landscape and the historic environment
CS6	North Somerset's Green Belt
CS11	Parking
CS12	Achieving high quality design and place making

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CS13	Scale of new housing
CS14	Distribution of new housing
CS15	Mixed and balanced communities
CS33	Smaller settlements and countryside

North Somerset Replacement Local Plan (NSRLP) (saved policies) (adopted March 2007)

The following saved policy is particularly relevant to this proposal:

E/5	Safeguarded employment areas
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The Sites and Policies Plan Part 1: Development Management Policies (adopted 19 July 2016)

The following policies are particularly relevant to this proposal:

Policy	Policy heading
DM2	Renewable and low carbon energy
DM6	Archaeology
DM8	Nature Conservation
DM9	Trees
DM10	Landscape
DM12	Development within the Green Belt
DM24	Safety, traffic and provision of infrastructure etc associated with development
DM28	Parking standards
DM32	High quality design and place making
DM34	Housing type and mix
DM36	Residential densities
DM54	Employment development on previously developed land in the countryside

The Backwell Neighbourhood Plan

The Backwell Neighbourhood Plan was formally 'made' by the council on 24 March 2015, at which point it became part of the statutory development plan.

However none of the adopted policies are relevant to this proposal:

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Other material policy guidance

National Planning Policy Framework (NPPF) (March 2012)

The following is particularly relevant to this proposal:

Section No	Section heading
1	Building a strong, competitive economy
4	Promoting sustainable transport
6	Delivering a wide choice of high quality homes
7	Requiring good design
9	Protecting Green Belt Land
11	Conserving and enhancing the natural environment
12	Conserving and enhancing the historic environment

Supplementary Planning Documents (SPD) and Development Plan Documents (DPD)

- Residential Design Guide (RDG1) Section 1: Protecting living conditions of neighbours SPD (adopted January 2013)
- Residential Design Guide (RDG2) Section 2: Appearance and character of house extensions and alterations (adopted April 2014)
- North Somerset Parking Standards SPD (adopted November 2013)
- North Somerset Landscape Character Assessment SPD (adopted December 2005)
- Biodiversity and Trees SPD (adopted December 2005)
- Creating sustainable buildings and places SPD (adopted March 2015)

Consultations

Copies of representations received can be viewed on the council's website. This report contains summaries only.

Third Parties: 3 objections received. The principal planning points made are as follows:

- Access via a private drive not considered suitable to serve the development.
- Access is also a public footpath.
- Site does not have access to a public water supply.

Backwell Parish Council: "Resolved: Unanimously no objection".

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Principal Planning Issues

The principal planning issues in this case are (1) the principle of development in this location and Green Belt impact, (2) sustainability issues, (3) the loss of the employment use, (4), highways issues, (5) ecological issues, (6) possible ground contamination issues, (7) archaeology and, (8) setting of listed building

Issue 1: The principle of development in this location and Green Belt impact

The site is a redundant commercial site in the green belt and needs to be considered as a previously developed (brownfield) site.

Government advice in Para 89 of the NPPF introduces a pragmatic approach in respect of development of previously developed sites in the green belt. This states that whilst a LPA should regard the construction of new buildings as inappropriate in the Green Belt an exception to this includes:

'Limited infilling or the partial or complete re-development of previously developed sites (brownfield land), whether redundant or in continuing use excluding temporary buildings, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.'

This approach is reflected in Policy DM12 of the Sites and Policies Part 1: Development Management Policies

It is considered that the development will have a beneficial impact by proposing the demolition of the existing structures and the concentration of the new development in the area occupied by the existing structures. The replacement dwellings will have a lesser floor space than the existing buildings to be demolished. In this respect it is considered that the development would improve the character and appearance of the area and have a beneficial impact on the openness of the Green Belt.

Issue 2: Sustainability Issues

Paragraph 55 of the NPPF Guidance states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. LPA's should avoid new isolated homes in the countryside unless there are special circumstances.

Policy CS33 of the CS (and H/8 of the NSRLP) has a strong presumption against new housing development outside defined settlement boundaries. Backwell is a 'service village' as defined in policy CS32 and has a range of facilities. However,

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the site itself is located some 550m to the south of the village and policy CS33 is therefore considered to be the appropriate policy to assess the development against. This makes it clear that new residential development will be restricted to replacement dwellings, residential sub-division and conversion of suitable buildings where alternative economic use is inappropriate, or dwellings for essential rural workers. As such the proposal does not comply with this policy.

Whilst the site is not conveniently accessible by means other than the private vehicle, the development would have of wider 'sustainable' benefits including in particular the re-use of a previously developed site which had a commercial use and related traffic movements. Further benefits are suggested such as the removal of derelict buildings which are attracting vandalism and other anti-social behaviour, the introduction of sustainable drainage for the site, the implementation of a wide raft of ecological improvements on the site and the reduction of waste and general pollution when compared with a business use. Whilst of some merit, these benefits in themselves do not carry significant weight as they could apply to a range of sites. It is the recycling of previously developed land which is the most significant benefit of the proposal.

Issue 3: Loss of employment use

Saved policy E/5 of the NSRLP specifies that on existing B1 – B8 employment sites, proposals for unrelated employment development will be permitted where it can be demonstrated that the loss of the site would not harm the range and quality of land available for business development in the plan area, and the site is no longer capable of offering accommodation for business use development.

The application is accompanied by a marketing report which indicates that the site was marketed for business use for 12 months throughout 2014 and failed to attract any interest that culminated in any offers. The access over private land and the isolated position in the countryside were considered to be major obstacles by most potential purchasers.

In the light of these conclusions it is concurred that this is not a suitable site for alternative employment use. As a consequence it is not considered appropriate to refuse the development on the basis that it would conflict with policy E/5.

Issue 4: Highway Issues

Policies DM24 and DM28 of the Sites and Policies Plan Part 1 as well as the Parking Standards SPD set out that development proposals need to provide sufficient levels of parking and a safe means of access to the highway network.

In respect of traffic generation it is expected that the number of vehicle movements associated with the development would not be significantly greater

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than the previous use when active and will not cause detriment to local highway conditions. The parking arrangements shown would enable the scheme to comply with the Council's parking SPD when the length of the various driveways is factored into the analysis.

The plans indicate that a private vehicular access will be utilised to serve the proposed development. The private track does not comprise public highway and therefore the Highway Authority does not have jurisdiction over its use. The remaining network has been assessed and it is considered that it would be suitable to serve the development given the limited number of movements expected. It is noted that the layout would allow service vehicles to enter and leave the site in a forward gear.

On this basis it is considered that the development would comply with policy DM24. The sites lack of accessibility is a matter addressed in Issue 2 above.

Issue 5: Ecological Issues

Policy CS4 states that applications should ensure that '*new development is designed to maximise benefits to biodiversity, incorporating, safeguarding and enhancing natural habitats*'. Policy DM8 requires development proposals to take account of their impact on local bio-diversity and identify appropriate mitigation measures to safeguard or enhance attributes of ecological importance.

The application is accompanied by detailed information set out in various detailed ecological reports. These have been assessed by the Council's Ecologist and it has been concluded that the various mitigation measures will enhance the undeveloped areas of the site and will provide an enhanced habitat for the various protected species that resort to the land.

By law, the LPA must meet three tests to comply with the legal protection afforded to European protected species which are present on the site. The tests are that:

1. There is "no satisfactory alternative"

There are no satisfactory alternatives to the proposed activity. The alternative of doing nothing is not satisfactory because if left as they are the buildings will fall into disrepair and lose their suitability as a bat roost.

2. The proposal would "not be detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range"

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This test has been met by the mitigation scheme which provides for “in situ” retention of the bat roost. The impact on the local bat population will be low provided that the mitigation strategy is implemented. Favourable conservation status of the species population will be maintained during and after development.

3. The proposal is "in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment"

This test has been met by the re-use and enhancement of an underused site for residential purposes, to the benefit of the rural economy and the character of the area.

It is concluded that the proposals will safeguard the bats and will meet the three tests required for European protected species. It is therefore considered that the development would not have a significant impact on protected species and habitats and would therefore not conflict with Policy CS4 of the CS subject to the imposition of appropriate conditions to secure implementation of the mitigation measures proposed.

Issue 6: Possible ground pollution issues

The site is located within the Chelvey source protection area for water abstraction. Whilst there is not considered to be an objection to the development in principle in such an area, it is necessary to impose ground contamination and remediation conditions in this case to ensure that the development does not result in pollution of the water source. Appropriate conditions are therefore proposed.

Issue 7: Archaeology

The former research lab consists of a number of standing buildings which will need to be recorded prior to demolition to preserve by record in the event the application is approved. The site is located in an area where there is a low to moderate potential for pre-historic remains to be present on site. A programme of archaeological mitigation will need to be agreed by condition in order to ensure that remains are investigated and subject to mitigation.

Issue 8: Setting of listed building

The proposal does not affect the setting of any listed buildings.

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Natural Environment and Rural Communities (NERC) Act 2006

The proposed development will not have a material detrimental impact upon biodiversity. (see Issue 5 above).

The Crime and Disorder Act 1998

The proposed development will not have a material detrimental impact upon crime and disorder.

Local Financial Considerations

The Localism Act 2011 amended section 70 of the Town and Country Planning Act 1990 so that local financial considerations are now a material consideration in the determination of planning applications. This development is expected to generate New Homes Bonus contributions for the authority. However, it is considered that the development plan and other material considerations, as set out elsewhere in this report, continue to be the matters that carry greatest weight in the determination of this application.

Conclusion

The proposed development involves the re-use of a previously developed site and notwithstanding its relative isolation and conflict with policy CS33, the wider benefits of sustainability as defined in the NPPF are met by the development.

It is recognised this is not a suitable site for alternative employment use. As a consequence it is not considered appropriate to refuse the development on the basis that it would conflict with policy E/5.

The development will not have a significant impact on highway safety and sufficient parking is incorporated in the layout, thus complying with policies DM24 and DM28 of the Sites and Policies Plan Part 1.

Appropriate mitigation measures to safeguard or enhance attributes of ecological importance and protected species have been proposed and the three derogation tests have been passed, thus complying with policy DM8 of the Sites and Policies Plan Part 1.

Conditions are suggested to address any concerns in respect of the archaeological potential on the land

The proposal does not affect the setting of any listed buildings.

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RECOMMENDATION: The application be **APPROVED** (for the reasons stated in the report above) subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiry of three years from the date of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the approved plans and documents to be listed on the decision notice.

Reason: For the avoidance of doubt and in the interest of proper planning.

3. No construction of buildings shall be commenced until samples of the materials to be used in the development have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in the approved materials unless otherwise agreed in writing.

Reason: To ensure that the materials are acceptable in the interests of the appearance of the area and in accordance with section 7 and paragraph 17 of the National Planning Policy Framework, policy CS12 of the North Somerset Core Strategy and policy DM32 of the Sites and Policies Plan Part 1.

4. The dwellings hereby approved shall not be occupied until measures to generate 10% (less if agreed with the local planning authority) of the energy required by the use of the development (measured in carbon) through the use of micro renewable or low-carbon technologies have been installed on site and are fully operational in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved technologies shall be permanently retained unless otherwise first agreed in writing by the local planning authority.

Reason: In order to secure a high level of energy saving by reducing carbon emissions generated by the use of the building in accordance with paragraph 17 and section 10 of the National Planning Policy Framework and policies CS1 and CS2 of the North Somerset Core Strategy.

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5. The dwelling(s) shall not be occupied until details of a scheme for providing space and facilities for the storage and collection of waste have been submitted to and approved in writing by the Local Planning Authority and the approved scheme has been implemented. Thereafter the approved space and facilities for the storage and collection of waste shall be permanently retained unless otherwise agreed in writing with the local planning authority.

Reason: The local planning authority wishes to encourage sustainable waste collection initiatives in the interests of local amenity and sustainable waste management and in accordance with policies CS1 and CS7 of the North Somerset Core Strategy.

6. No dwelling shall be occupied until the roads shown on approved plans, including footpaths and turning spaces, where applicable, have been constructed in such a manner that each dwelling, is served by a properly consolidated and surfaced footpath and carriageway between the dwelling and the existing highway.

Reason: To ensure adequate access available for each occupier and in accordance with policy CS10 of the North Somerset Core Strategy and policy DM24 of the Sites and Policies Plan Part 1.

7. The dwellings hereby approved shall not be occupied until their parking areas have been constructed and the parking spaces marked out in accordance with the approved plans and these parking spaces shall thereafter be permanently retained and shall not be used except for the parking of vehicles in connection with the development hereby approved.

Reason: To ensure that the development is served by a suitable parking area in order to preserve highway safety and in accordance with paragraph 39 of the National Planning Policy Framework, policies CS10 and CS11 of the North Somerset Core Strategy and policies DM 24 and DM28 of the Sites and Policies Plan Part 1.

8. Details of any external illumination shall be submitted to and approved, in writing, by the Local Planning Authority before the use hereby permitted commences. The submitted details shall comply with the lighting specification contained in the Lighting Mitigation Strategy accompanying the application. No means of external illumination shall be installed other than in accordance with the approved details.

Reason: In order to limit the impact of lighting on protected species and the appearance of the area and in accordance with paragraph 125 of

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the National Planning Policy Framework and policy CS3 of the North Somerset Core Strategy and DM8 of the Sites and Policies Plan Part 1.

9. No development shall take place until an assessment of the nature and extent of contamination on site has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:
- (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments.

Reason: In order to ensure that the land is suitable for the intended uses and in accordance with section 11 of the National Planning Policy Framework and policy CS3 of the North Somerset Core Strategy.

10. Unless the Local Planning Authority confirms in writing that a remediation scheme is not required, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: In order to ensure that the land is suitable for the intended uses and in accordance with section 11 of the National Planning Policy Framework and policy CS3 of the North Somerset Core Strategy.

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11. The remediation scheme, if required, shall be implemented in accordance with the approved timetable of works. Within 3 months of the completion of measures identified in the approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority.

Reason: In order to ensure that the land is suitable for the intended uses and in accordance with section 11 of the National Planning Policy Framework and policy CS3 of the North Somerset Core Strategy.

12. No development shall be commenced until foul and surface water drainage details together with a programme of implementation have been submitted to and approved by the Local Planning Authority. Such works shall be carried out in accordance with the approved details.

Reason: To ensure that the development is served by a satisfactory system of foul and surface water drainage and in accordance paragraph 17 and sections 10 and 11 of the National Planning Policy Framework, the Technical Guidance to the National Planning Policy Framework (March 2012), and policy CS/3 of the North Somerset Core Strategy.

13. No development shall commence until an ecological management plan for the site has been submitted to and approved in writing by the Local Planning Authority. The management plan shall include a detailed scheme of mitigation measures to be incorporated within the development, including a timetable for the monitoring of the impact of the development on the ecological features and details for the permanent management of the land. The development and the requirements of the management plan shall subsequently be carried out in accordance with the approved details.

Reason: In order to preserve bio-diversity and protected species in accordance with policy CS4 of the North Somerset Core Strategy and paragraph 118 of the National Planning Policy Framework.

14. No development shall take place until details of a landscaping scheme for the site have been submitted to and approved, in writing, by the Local Planning Authority.

Reason: To ensure that a satisfactory landscaping scheme is prepared and in accordance with Policy CS5 of the North Somerset Core Strategy and Policy DM32 of the Sites and Policies Plan Part 1.

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15. All works comprised in the approved details of landscaping should be carried out in accordance with the approved details during the months of October to March inclusive following occupation of the building or completion of the development, whichever is the sooner.

Reason: To ensure that a satisfactory landscaping scheme is implemented and in accordance with Policy CS5 of the North Somerset Core Strategy and Policy DM32 of the Sites and Policies Plan Part 1.

16. Trees, hedges and plants shown in the landscaping scheme to be retained or planted which, during the development works or a period of ten years following full implementation of the landscaping scheme, are removed without prior written consent from the Local Planning Authority or die, become seriously diseased or are damaged, shall be replaced in the first available planting season with others of such species and size as the Authority may specify.

Reason: To ensure as far as possible that the landscaping scheme is fully effective and in accordance with Policy CS5 of the North Somerset Core Strategy and Policy DM32 of the Sites and Policies Plan Part 1.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any order amending or revoking and re-enacting that Order, no extensions to the dwellings shall be carried out.

Reason: The Local Planning Authority wish to retain control over extensions and external alterations in order to minimise their impact on green belt openness and visual impact and in accordance with policies DM12 and DM32 of the Sites and Policies Plan Part 1 and policy CS12 of the North Somerset Core Strategy.

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any order amending or revoking and re-enacting that Order, no gates, fences, walls or other means of enclosure (other than those expressly authorised by this permission) shall be erected or constructed on any boundaries of the site, or elsewhere within the site.

Reason: The Local Planning Authority wish to retain control over the matters referred to in the interests of the character of the area and in accordance with policy DM32 of the Sites and Policies Plan Part 1 and policies CS5 and CS12 of the North Somerset Core Strategy.

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19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any Order amending or revoking and re-enacting that Order, no additional garages shall be erected without the consent of the Local Planning Authority in writing.

Reason: The Local Planning Authority wish to retain control over further garages being built in order to minimise the impact of the development on green belt openness and in accordance with Policy DM12 of the Sites and Policies Plan Part 1 and policy CS6 of the North Somerset Core Strategy.

20. Prior to the commencement of development an archaeological mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall identify and record all of the existing buildings prior to their demolition and removal. The strategy shall also include the following:

- A Written Scheme of Investigation setting out a programme of archaeological investigation and recording;
- A sound geoarchaeological/palaeoenvironmental sampling strategy, with provision for deposit modelling;
- A detailed mitigation strategy to ensure the retention in situ or removal where appropriate of any significant archaeology;
- Provision to be made for publication and dissemination of the analysis and records of the site investigation, including appropriate archiving strategies;
- Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Reason: To ensure that any archaeological remains are properly investigated, recorded and retained or relocated where necessary in accordance with policy CS5 of the Core Strategy and policy DM6 of the North Somerset Sites and Policies Plan Part 1.