

BATH AND NORTH EAST SOMERSET COUNCIL

Development Control Committee

13th March 2013

**OBSERVATIONS RECEIVED SINCE THE PREPARATION OF THE MAIN
AGENDA**

ITEM 10

ITEMS FOR PLANNING PERMISSION

Item No.	Application No.	Address
2	12/03336/LBA	Abbey Church of St Peters & St Pauls, Abbey Churchyard Bath

It has come to light that an inaccurate decision taking statement was included in the published Committee agenda. The decision taking statement is recommended to be replaced with the following text;

'In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. For the reasons given, and expanded upon in the related Committee report, a positive view of the revised proposals was taken and consent was granted'.

Item No.	Application No.	Address
3	12/05418/FUL	St Peters Factory Wells Road, Westfield, Radstock

Additional Submissions by the applicant

Since the main agenda report the applicant has made further submissions which

- a) Confirm that Sainsbury's would be prepared to make the infrastructure contributions relating to highways matters as set out in the consultation response from David Horne dated 6 February (updated 26 February).
- b) Provided a copy of a letter sent to the Environment Agency regarding outstanding drainage matters.

REPRESENTATIONS

Consultee Comments

Planning Policy Officer Additional comments made 6th March 2013

- 1.1 This note has been prepared in order to set out the Planning Policy position in response to and to clarify advice set out in the GVA Report in respect of The Hollies.
- 1.2 In the GVA Report it is stated that the whether this site is to be considered further as a sequentially preferable site will depend on whether the aspirations set out in the ERDP are pursued. If the ERDP takes precedence the GVA Report correctly states that The Hollies would be dismissed on the basis of lack of suitability.
- 1.3 In terms of the Council's Development Plan the future of The Hollies site will be considered through work on the Council's Place making Plan (Site Allocations and Development Management Policies DPD) which will be prepared in order to complement and deliver the spatial strategy set out in the Core Strategy. Policy SV2 of the Submitted Core Strategy seeks to focus retail development (including some larger retail units) at the southern end of the High Street as the retail core within the town centre. Work on the Place making Plan will be informed by and test a range of evidence including the ERDP.
- 1.4 In the meantime should the site become available it would need to be considered as a potentially sequentially preferable site. Given the location of the site within the town food retail provision would accord with current planning policy, both at a national level set out in the NPPF and local level set out in the B&NES Local Plan.

Ecology Officer Additional comments made 11th March 2013

The lighting assessment now includes assessment of impacts on ecological receptors. It goes on to make recommendations for measures required to further reduce light levels to make the scheme ecologically acceptable, and its conclusions rely on implementation of all these mitigation measures for lighting. Firm proposals are yet needed, demonstrating implementation of these mitigation measures, including details such as use of baffles, lighting times and durations, and positions and numbers of lights that would remain on for 24 hours, before the ecological acceptability of the lighting scheme can be demonstrated.

The letter also confirms that additional planting, and a greater proportion of native species, and provision of nest boxes, can be provided.

The additional submitted information does not however address the key ecology concerns raised nor demonstrate that sufficient additional planting can be achieved within the current proposed layout, therefore I do not withdraw my objection to this proposal.

Highway Officer – Additional comments made 11th March 2013 – verbal updates received from highway officers in respect of the Co-Op transport critique confirm that the highway position of Officers is unchanged by this submission. More detailed comments are expected to be provided for committee.

Economic Regeneration Officer – Additional comments made 5th March 2013 do not revise the conclusions previously made but add more clarity and explanation to the regeneration position. In that regard it is clarified that employment targets are not being reached in the area and the site should be retained for employment purposes. It is confirmed that the site is not sequentially in a preferred location for retail development and the regeneration department are actively supporting the development of a town centre retail site for a large foodstore and in that regard this is not considered to be an appropriate retail site. However in the event that retail on this site were considered acceptable the current proposals do not make sufficient provision for employment providing less jobs than the current use and measures to address the shortfall would be sought.

Third Party Representations

Radstock Co-Operative Transport Consultants – a representation has been received by a consultant appointed on behalf of Radstock Co-op which critiques the transport submission made by the applicant.

The owner of the Hollies' in Midsomer Norton High Street (the Greater Manchester Pension Fund). – a further representation has been made by a planning consultant appointed on behalf of the owner of the Hollies asserting that the Hollies site should be regarded as Sequentially preferable to the applications site.

In a further representation the consultant queried comments made by the planning policy officer and made reference to the status of the EDRP and Core Strategy Policies in doing so reinforcing the point that the Hollies site is available and sequentially preferable. It is noted that the consultant has also made direct representations to the committee on this issue.

1 Letter - A further objection has been received from a resident on the basis of traffic and the size of the store.

Officer Assessment

Transport

The applicant has now confirmed agreement to the Section 106 contributions required by the Highway Officer. This addresses concerns relating to the highway reason for refusal stated at 4 and this is now removed.

Whilst formal comments have not been received from the Highway officers it has been verbally confirmed that the critique report from the Co-op Transport comments does not result in changes to the highway recommendations. Full comments will be provided verbally.

Retail

It is agreed that the Hollies should not be discounted as a Sequentially preferable site over the application site (see policy Officers comments above) As the current

proposal is already subject to a sequential reason for refusal that does not however effect the officer recommendations.

Drainage

Correspondence would suggest that the applicant has been in direct discussion with the Environment Agency to address drainage matters. To date the Agency have not withdrawn their objection. Consequently no revisions are made to the drainage considerations as set out within the main agenda.

Recommendation

As per the main agenda with the deletion of Reason for refusal 4 pertaining to highway contributions.

Item No.	Application No.	Address
4	12/04238/OUT	Parcel 3567 Stitching Shord Lane,Bishop Sutton

Following the Full Council meeting on 4th March 2013, the amended Core Strategy has been adopted for Development Control purposes and can be afforded significant weight in planning decisions. Policy CP.9 (Affordable Housing) has been amended to require affordable housing at rate of 40% in Bath and 30% in rural locations such as Bishop Sutton.

The wording of the recommendation for the proposed development has been amended so as to bring the Affordable Housing requirements into alignment with the amended policy.

Recommendation:

Delegate to PERMIT

4. The provision, on site, of **30%** Affordable Housing the housing mix to be agreed in writing with Bath and North East Somerset Council

Item No.	Application No.	Address
5	12/05279/FUL	Parcel 9181, Wick Road, Bishop Sutton

Following the Full Council meeting on 4th March 2013, the amended Core Strategy has been adopted for Development Control purposes and can be afforded significant weight in planning decisions. Policy CP.9 (Affordable Housing) has been amended to require affordable housing at rate of 40% in Bath and 30% in rural locations such as Bishop Sutton.

The wording of the recommendation for the proposed development has been amended so as to bring the Affordable Housing requirements into alignment with the amended policy.

Recommendation:

Delegate to PERMIT

DRAFT PLANNING OBLIGATIONS:

Housing:

- **30%** of the overall residential provision to be secured as affordable and grant free housing with a max 75 /25 percent split between Social Rent and Intermediate Market housing.

Item No.	Application No	Address
06	12/04834/FUL	Pack Horse Farm Old Midford Road Bath

Representations: The following representations have been received since the main report was written:

Cotswolds Conservation Board: An additional representation has been made by the Cotswolds Conservation Board with a list of suggested conditions should permission be granted.

Local Residents: A further letter has been received from an objector which reiterates their existing objection and comments that the additional information provided as part of the application does not constitute very special circumstances to outweigh the harm to the Green Belt.

Officer Assessment:

The additional representations received raise no new issues and are already covered within the main report and there is no change to the recommendation.

Item No.	Application No	Address
7	13/00154/REG 03	City of Bath College Avon Street

1 objection comment has been received from Bath Preservation Trust. This can be summarised as follows:

BPT welcome the principle of a statue on this site, but are concerned that the proposal is not supported by detailed justification for design choices such as the reason for this siting. BPT would like to see a current landscaping application base-map in this application since the out-dated base-map is not helpful. Overall, it is considered that this application should not be approved until more precise information is provided.