

**BATH AND NORTH EAST SOMERSET COUNCIL**

**Development Management Committee**

**Date 23<sup>rd</sup> September 2015**

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

ITEM

ITEMS FOR PLANNING PERMISSION

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
<b>01</b>	<b>15/02931/FUL</b>	<b>43 Upper Oldfield Park, Bath</b>

Local Representations:

Two additional letters of objection have been received one of which raises concerns that have already been raised, and addressed, in the main report.

The second letter raises concerns that the consultation periods for this application were too short and that the Council has not behaved appropriately in deciding this application. In this regard Officers are satisfied that all the necessary procedures have been followed, particularly with regard to consultations.

One additional letter of support for the development has also been received.

Correction:

Since the previous meeting, officers have re-evaluated condition 1 (which is directed at ensuring that the unauthorised development is regularised in a timely fashion) and have concluded that it would be clearer and easier to understand if the two different elements were separated. Officers therefore advise that condition 1 should be replaced by the two conditions set out below. Members will note that the condition limiting the life of the planning permission is now a stand-alone condition and is no longer linked to the build programme.

Amended conditions:

1. The development hereby permitted shall be begun before the expiration of 12 months from the date of this permission.

Reason: To ensure that the unauthorised development is regularised without delay.

2. Within 6 months of the date of this permission, a detailed programme for the implementation of the development, as shown on the approved plans, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: The purpose of the planning permission is to regularise the unauthorised development. A programme is therefore required to assist the LPA in monitoring the progress of the development in the interest of the character and appearance of the Conservation Area.

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<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
<b>02</b>	<b>15/02465/RES</b>	<b>Foxhill, Bradford Road, Combe Down</b>

### **Further amended plans (Highways)**

Amended plans have been received from the applicant (14.09.15) seeking to resolve the identified sub-standard highway manoeuvre on an internal road junction. The amended plans provide for a localised widening of the road in question. Whilst this would still mean the vehicle needing to use both sides of the road to make the turn, the vehicle overhang of the pavement area has been greatly reduced.

In addition to this, amendments include revisions to proposed kerb alignments in other areas of the site, to allow more space for vehicles to manoeuvre. This has resulted in some proposed parking spaces being moved slightly.

In response to the amended plans your highways officers advise they are now content that their previous concerns have been satisfactorily addressed. Any outstanding matters they are confident can be dealt with at the technical approval stage (Section 38).

Officers Comments:

As a result of these amendments and subsequent comments from Highways officers, it is recommended that proposed condition 2 in the officer's recommendation is deleted. The condition is no longer necessary.

In addition, the approved plans list should be updated to refer to the revised plans submitted.

Plans to be added:

- CUR-FHC-HTA-0100 Rev P
- CUR-FHC-HTA-0101 Rev P

- SKC050 Rev H

Plans to be superseded:

- CUR-FHC-HTA-0100 Rev N
- CUR-FHC-HTA-0101 Rev N
- SKC050 Rev G

### **Historic England (formerly English Heritage)**

Historic England offered observations on the application as originally submitted and has now provided further comment following perusal of the amended plans. The comments are limited to the advance planting (which is not submitted for approval at this time) and the long term maintenance of the gardens and features on the Bradford Road Frontage.

Officer comments:

In terms of the Bradford Road frontage, the garden areas, boundaries and street furniture within them would be maintained by the management company operating the apartments. As such these areas should be maintained in a good state to ensure an ongoing positive contribution to the Conservation Area.

### **Historic Environment (Bath and North East Somerset Council)**

The Conservation Officer objected to the application as originally submitted. In response to the amended plans they consider the revisions to Blocks A and B fronting Bradford Road will provide a gentler transition to the existing housing either side. However, they consider the mansard roof now proposed would be incongruous in terms of the character of the wider conservation area.

Officer comments:

As discussed in the main report, the amended design of Blocks A and B is considered to be a positive step. Officers recognise that the immediate site context along Bradford Road is typified by pitched roofs rather than mansards. However, the wider area, including in the conservation area includes numerous examples of mansard roofs. In addition, mansard style roofs are employed elsewhere in the proposed Foxhill development. Therefore, their use on the Bradford Road frontage is considered to both assist in re-enforcing the character of the emerging development and be sympathetic to the heritage setting of this part of the site. The overall appearance of the amended Blocks A and B is assessed to be acceptable, taking account of their prominent location and heritage setting.

### **Urban Design (Bath and North East Somerset Council)**

Confirm that following review of the amended plans there are no objections subject to consideration of materials in due course.

Officer comments:

The approval of materials is controlled by a condition on the outline planning permission. More detailed elements are also proposed to be controlled by an additional condition on the approval of reserved matters.

### **Education Services (Bath and North East Somerset Council)**

Note the submission of the updated 'school plan' (11.09.15) and identify that the school site configuration leaves little flexibility to change its shape.

Officer comments:

As discussed in the main report, the school does not fall in this first reserved matters application. The S106 agreement requires the provision of the school and the retention of a 1 ha site for it. The S106 does not prescribe a uniform shape. The land retained is 1 ha in size and whilst an irregular shape can provide the school required and its constituent parts, e.g. the playing pitch.

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<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
03	15/02904/FUL	Echo Gate, Rodney Road, Saltford

Correction:

There is an administrative error within the reasons for reporting to committee. The report refers to the objections from 'Claverton Parish Council'. This is incorrect and should read as 'Saltford Parish Council'.

Representations:

Ecology (Verbal Comments Only): Verbal advice was received from the Ecologist advising that because the site is maintained garden land and not significantly overgrown it is unlikely to play host to any protected species. An up-front ecology survey is therefore not required although a Wildlife Protection and Enhancement Plan could be appropriate as a precautionary approach.

Officer comments: The application site is maintained garden land (not overgrown) and, as a result, is considered that there would not be any protected wildlife present on the site. It is therefore not necessary to require an ecology survey up-front as part of the application. However, as an acknowledgement of third party concerns, a Wildlife Protection and Enhancement Plan is suggested as a condition to ensure a precautionary approach to wildlife on this site is adopted. Written acceptance of the requirements of this condition has been received from the applicant's agent.

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<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
04	15/03171/FUL	5 St James's Square, Bath

Comments from Environment Protection officer:

Requested clarification on the storage of waste in light of residents' concerns if not adequately stored or contained could create a detrimental impact on the local amenity.

Planning officer response:

The agent has provided clarification on how to deal appropriately with waste. The intention is to store the reusable refuse sacks and the recycling boxes in the front vaults, under the road.

The tenants would move the waste to the entrance area for collection on the appropriate day.

The Environment Protection officer has confirmed that this is considered to be acceptable and does not raise any objections.

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<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
05	15/00453/FUL	10 Entry Hill, Bath

Correction:

1. The consultation responses are incorrected listed below the policies/legislation section of the report and the planning policies are missing from the report. The policies/legislation section should read as below:

#### Policies/Legislation

At the meeting of the full Council on the 10th July 2014, the Bath and North East Somerset Core Strategy was adopted. Please note that from the 10th July 2014 the Development Plan for Bath and North East Somerset comprises:

- Bath and North East Somerset Core Strategy (July 2014);
- Saved policies from the Bath and North East Somerset Local Plan (2007);
- West of England Joint Waste Core Strategy (2011).

#### CORE STRATEGY

DW1 District Wide Spatial Strategy  
B1 Bath Spatial Strategy

B4 World Heritage Site  
CP6 Environmental Quality

#### LOCAL PLAN

D.2 General Design and public realm considerations  
D.4 Townscape considerations  
BH.2 Listed buildings and their setting  
BH.6 Conservation Areas  
GB.2 Visual amenity of the Green Belt  
NE.1 Landscape character  
NE.2 Areas of Outstanding Natural Beauty  
NE.9 Locally important wildlife species  
NE.10 Nationally important species and habitats  
NE.11 Locally important species and habitats  
T.1 Overarching access policy  
T.24 General development control and access policy  
T.26 On-site parking

The National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) are also material considerations. The following sections of the NPPF are of particular relevance:

Section 6: Delivery a wide choice of high quality homes

Section 7: Requiring good design

Section 9: Protecting Green Belt land

Section 11: Conserving and enhancing the natural environment

Section 12: Conserving and enhancing the historic environment

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.'

There is also 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.

2. Within the officer assessment section of 'Character and appearance' reference is made to s16 of the Listed Buildings Act. This should be a reference to S66 of Planning (Listed Buildings and Conservation Areas) Act 1990 which states that

*"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall 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."*

Representations:

One additional letter of objection has been received. It requests that the existing access lane is re-surfaced. It also discusses concerns about possible damage to adjoining properties and states that there is a water pipe buried under the bank alongside the track.

Officer notes on additional comments: As the proposed dwelling is has no associated parking, it is considered that there is insufficient justification for requiring the access lane to be re-surfaced.