

**BATH AND NORTH EAST SOMERSET COUNCIL**

**Development Management Committee**

**Date 13<sup>th</sup> January 2016**

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

**ITEMS FOR PLANNING PERMISSION**

<b>Item No.</b>	<b>Application No.</b>	<b>Address.</b>
001	13/04822/EFUL	Broad Mead Broadmead Lane Keynsham

Following the Members site visit the following further information is provided by Officers:

**Ecology**

It is considered that the proposed development has the potential to cause harm to bats and otters, both of which are European Protected Species ("EPS").

The site is known to be used by otters which also breed close to the site. It is considered that otters may be affected by the proposed development to the extent that an EPS licence is required from Natural England. Impacts upon protected species are a material consideration and the local planning authority needs to be provided with sufficient information to be able to assess the extent to which otters are present and the extent to which they would be affected by the development. If an EPS licence were to be required (which is considered likely) then the local planning authority also has a legal duty to consider the likelihood of a licence being granted. The local planning authority cannot fulfil these duties unless the developer provides sufficient scientific information to enable the relevant assessments to be made. In this case, the information provided by the developer is inadequate and, for that reason, permission should be refused.

With regard to bats, the River Avon is considered to provide functional habitat for bats of the Bath & Bradford on Avon Bats Special Area of Conservation ("SAC") which is protected by European law. Any disturbance to the river habitat may therefore impact upon the bats of the SAC. In summary, and so far as relevant, regulation 61 of the Conservation of Habitats and Species

Regulations 2010 states that, where a project is likely to have a significant effect on a SAC, the local planning authority may grant planning permission only after having ascertained that the proposed development will not adversely affect the integrity of the SAC. Regulation 61(2) states that it is the responsibility of the applicant to provide the local planning authority with such information as it may reasonably require for the purposes of assessing the impact upon the SAC. The information which has been provided by the developer is, again, inadequate so that it is not possible for the local planning authority and Natural England to properly assess the impact on the SAC. Permission should therefore be refused for that reason also.

### **Impact on Highway Safety:**

With respect to the adopted status of road adjoining the site, it can be confirmed that Stidham Lane and Pixash Lane are adopted for their entire length. Broadmead Lane is not adopted beyond its junction with Stidham Lane.

In relation to cycle routes close to the site, the applicant has referred to a cycle route passing through the Broadmead Lane tunnel and along Stidham Lane. The source of the information regarding this route is the [betterbybike.org](http://betterbybike.org) website (which is not a Council website), which shows a route using "quiet roads" from B3116 Bath Road via Unity Road and Broadmead Lane to access the Waitrose Store, or onwards from there via Stidham Lane to Avon Valley Country Park.

It can therefore be confirmed that the route does not form part of the Council's formal cycle network and has no formal designation.

### **Recommendation:**

Reason for refusal No 1, in order to aid clarity, should be amended to read:

The proposed development, due to a lack of information, would result in an unacceptable risk of harm to the ecology of the River Avon which is a designated Site of Nature Conservation Interest, and an unacceptable risk of harm to protected species including otter and bats, including bats of the Bath & Bradford on Avon Bats Special Area of Conservation (SAC) and habitats on which they may depend, which is contrary to Policy NE.9, NE.10, NE.11 and NE.15 of the Bath and North East Local Plan, including minerals and waste policies, adopted October 2007, and Policy CP6 of the Bath & North East Somerset Core Strategy (2014) along with the policies of the National Planning Policy Framework.

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
01	15/02162/EFUL	Former Bath Press Premises Lower Bristol Road Bath

### **Parking**

In recent discussions with the applicant's agent it has been clarified that the total number of parking spaces within the site serving the residential accommodation will be 174 rather than 162 referred to within the agenda report in addition to 30 spaces for the employment areas.

### **Parks Department**

Members will note from the comments of the Parks Department within the main agenda that it has been suggested that the central play area could be extended. However, the adjoining land on which it is suggested that the play area could be extended onto is required for the turning of large vehicles, particularly refuse vehicles. In light of this a representative of the Parks Department has made the following comments:

"Previous comments made the suggestion that the Central Avenue Play Space could be extended to the east into the courtyard. I acknowledge that a requirement has been made for this space to be used as a turning area for large refuse vehicles preventing its use as greenspace.

Summary of the greenspace demands and provision from the proposal based on an occupancy of 561 persons:

The development will generate an unmet demand for allotments of 1683m<sup>2</sup>. The proposal provides 1443m<sup>2</sup> of onsite greenspace, the demand generated is 7293m<sup>2</sup>. There is a deficit in the Westmoreland ward of Parks of 4.39ha. Therefore this development generates a demand for greenspace of 5850m<sup>2</sup> which will not be met by existing or proposed greenspace infrastructure.

Following the adoption of funding through the Community Infrastructure Levy, the Council can use these funds for greenspace projects. The unmet demand for greenspace and allotments as a result of this development will need to be funded using CIL."

### **Conclusion**

The clarification of the total number of on-site parking spaces has confirmed that the number of spaces was higher than originally thought and supports the view that there is no objection to the proposal from a highway safety point of view. Also, as any shortfall in open space/allotments can be compensated for by the Community Infrastructure Levy. Accordingly, there is no change to the recommendation on the main agenda.

### **Revised Wording of Condition No.3**

In order to allow demolitions works to commence on site before a sample of the roofing materials is approved the words 'other than demolition works' should be added to the condition so that it reads as follows:

3 No development shall commence other than demolition works until a sample of all external roofing materials has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of the appearance of the development and the surrounding area.

### **Section 106 Agreement**

The appointment of a Travel Plan Co-ordinator needs to be secured through the Section 106 Agreement rather than the Section 278 Agreement referred to within the recommendation to permit this application.

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
03	15/04391/FUL	Kings Cottage Nempnett Street Nempnett Thrubwell Bristol BS40 8YW

### **AMENDMENTS TO TEXT**

#### **Impact on the Green Belt**

Policy CP8 reflects the guidance given within the NPPF, which considers that the reuse of rural buildings can be a form of not inappropriate development. As the proposal is not considered to comply with policy ET.9, it is considered that it does **not** represent inappropriate development within the Green Belt. Given the modest works to the building, the openness, of the Green Belt is not considered to be harmed as a result of this proposal.

#### **Impact on amenity**

The site is set up from the adjacent road however, the proposed accommodation is single storey and therefore all windows are at first floor level. There is a large hedge along the south western boundary which in part screens the proposal. There are windows proposed in all elevations except the SW elevation immediately adjacent to the road. It is not considered that this proposal would result in an unacceptable loss of privacy to adjacent properties and in particular the property on the other side of the lane.