

BATH AND NORTH EAST SOMERSET COUNCIL

Development Control Committee

14 March 2012

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

ITEM 12

ITEMS FOR PLANNING PERMISSION

Item No.	Application No.	Address
01	10/04475/FUL	Sainsburys Supermarkets Ltd, Green Park Station, Green Park, Bath

CONSULTATION RESPONSES AND REPRESENTATIONS

Further correspondence has been received from the **Environment Agency** (EA), in which they maintain their earlier Objection, as a result of the Applicants not providing them with additional information regarding Flood Risk issues. In particular, the EA requires clarification of the specific measures to be taken in conjunction with surface water drainage within the site, and also of the proposed extension to prevent water ingress into the structure. However, the EA make it clear that their objection will be withdrawn once satisfactory information has been received.

The Agents have written to the EA confirming their intentions to submit the information required, but seeking the EA's agreement to these matters being dealt with by means of appropriately worded Conditions. The EA has acknowledged that correspondence, but a formal response is still awaited.

Your Officers consider that as the application is already the subject of a "Delegate to Permit" recommendation, then these additional outstanding issues can be simply incorporated into the formal Recommendation. The agreement of the EA can thus be sought whilst the necessary S106 Agreement is being finalised, and based upon the Agents' correspondence with the EA, it is likely that these matters will be fully resolved in the very near future.

An **Objection** has been received from Agents acting on behalf of the **Co-Operative Group**. The objectors are concerned regarding the impact of the current retail proposals, including the proposed Sainsbury's extension, upon the trading position of the Co-Operative store within the Moorland Road Local Shopping Centre. The letter argues that there will be a significant negative cumulative impact upon the Co-Operative store as a result of the currently-proposed Sainsbury's extension, together with the Sainsbury's store at Odd

Down, the proposed extension to Waitrose within the Podium shopping centre, and the proposed Lidl store in Lower Bristol Road. This will in turn be to the detriment of the vitality and viability of the Moorland Road Local Shopping Centre. The letter urges the Committee to refuse the current Sainsbury's application.

An additional **Objection** has been received from a resident of Green Park. This raises concerns regarding the loss of the triangle of green space proposed to be occupied by the extension. This is considered to be an important green space that can never be replaced. The resident considers that the proposed extension is not needed, and that additional servicing demands will adversely affect local residents.

CONCLUSIONS

Officers consider that the form of the Recommendation should remain unchanged, as the matters raised in the additional Objections have already been taken into account in the assessment of the scheme in the main agenda report. In particular, the conclusions reached by GVA are set out in some detail, and these address the potential impact upon Moorland Road Local Shopping Centre.

The current EA position can be addressed by simply amending the Recommendation wording in order to refer to the outstanding issues raised by the EA, as follows:

RECOMMENDATION

The formal Recommendation is amended as follows:

“(A): Authorise the Planning and Environmental Law Manager to secure an agreement under S106 of the Town and Country Planning Act 1990 to secure a strategic transport contribution of £302,721.00.

(B): Upon completion of the Agreement authorise the Development Manager to PERMIT the application subject to the Environment Agency confirming its satisfaction regarding the manner in which its concerns regarding surface water drainage and construction details are being addressed, and subject to the following conditions:”

Item No.	Application No.	Address
02	10/03380/EFUL	The Bath Press, Lower Bristol Road, Bath

Since the main agenda report additional representations have been received.

However, as of Monday afternoon 12 March 2012 Officers have received written confirmation from the applicants that this application has been

“withdrawn with immediate effect”. As a result the item will not be reported on and there can be no debate on the merits of the scheme.

Item No.	Application No.	Address
03	12/00207/FUL	The Galleries Shop, Freshford Lane, Freshford

Representations

2 further comments have been received.

1 objection comment which can be summarised as follows:

- Development will overturn the original intent of maintaining the building as a community shop, by increasing the overall area for the café area.
- Change of purpose may have a detrimental impact upon the plans for the village
- Stakeholder engagement has been poor
- Capacity in the village hall which could be used
- Original concept for the shop has been eroded with it now being an electricity generating station and potentially a café

2 supporting comments which can be summarised as follows:

- This application deserves to be approved for the same reason the original shop & café were – namely very special circumstances (essential community use) which outweigh the greenbelt considerations
- The café is not intended as a separate unit – the café area will remain part of the shop, all in the same continuous space
- The café space will still only amount to 30% of the shop building (up from currently 16.5%) and max 30% of the turnover (currently 11%)
- The café activity, with its naturally higher profit margin, will help ensure the financial viability of the shop, should the pool of volunteers begin to diminish
- There is wholehearted support for the extension from the community
- The shop and cafe have brought great changes to the local community especially for more vulnerable groups such as the elderly and young families who find it difficult to get into Bath to shop or to socialise

Planning Officer Response

The supporting comments have been taken into account but do not outweigh the identified harm referred to in the officer report. Although it is cited that the development will help ensure the financial viability of the shop, detailed figures have not been put forward to demonstrate the need for the extension in terms of the viability of the community shop. Overall it is not considered that very special circumstances have been put forward which outweigh the

usual policies of restraint. It should be recognised, as laid out in PPG2 – Green Belts, that it is for applicant to show why permission should be granted.

Item No	Application No	Address
05	12/00389/FUL	Fountain Buildings, Bath

Comments have been received from the Development and Major Projects Team in support of the application (date received 02/03/12):

Economic Strategy

The Strategy refers to the 'Digital Britain' report 2009 which sets out the importance of high broadband speeds for the development of knowledge-based businesses. Access to broadband within the district is patchy especially in some rural areas so it is important that easy access broadband is established throughout the district to ensure firms look to grow in Bath and North East Somerset.

Core Strategy

The document highlights that access to Broadband is key in rural areas and this is a recognised knowledge gap. Some of the Broadband applications are located on the outskirts of Bath this could potentially make superfast broadband in rural areas the next progressive step.

Economic Aspiration

The economic aspiration of the district is to ensure that high speed broadband.

Additional Comment

This location services a diverse mix of small business that benefit from broadband upload capacity to maximise e-commerce opportunities and support economic viability and growth.

Planning Officer Response:

The comments have been taken into account but do not outweigh the identified harm referred to the officer report, the proposal therefore is recommended for refusal.

Item No.	Application No.	Address
09	12/00658/AR	Bathwick Hill Roundabout, Pulteney Road, Bath

In respect of application 12/00658/AR for the display of 4 No. sponsorship advertisements on Bathwick Roundabout, formal comments have been received from the **Highways Development Officer**. In summary, No Objections are raised subject to detailed requirements associated with the height and locations of the proposed signs.

These matters are already dealt with by the recommended Condition 2, and so the Recommendation set out in the main agenda report remains unchanged.