

BATH AND NORTH EAST SOMERSET COUNCIL

Development Control Committee

June 6th 2012

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

ITEM 10

ITEMS FOR PLANNING PERMISSION

Item No.	Application No.	Address
01	12/00722/OUT	Land Rear Of Holly Farm Brookside Drive Farmborough

It has been brought to the Local Planning Authority's attention since the finalisation of the Committee Report that a Section 52 Agreement is in place on part of the application site. This relates to the area where the access is proposed and cites that the land shall not be developed or used for any purpose other than the provision of playing fields and in particular shall not be used for the erection of dwelling houses.

As the Council is the owner of the land to which this relates (the school fields), Property Services would need to apply to discharge this legal agreement. There is no 'planning' reason why this S52 need not be discharged, particularly as the agent proposes a land swap and as such a playing field of an acceptable standard will be retained. Sports England has no objections to the development.

RECOMMENDATION

- (A) Application be referred to Secretary of State as a departure from the Development Plan.
- (B) Authorise the Planning and Environmental Law Manager to secure an Agreement under Section 106 of the Town and Country Planning Act 1990 as detailed in the report to Committee.
- (C) The submission of a request for the revocation of the existing S52 Agreement.
- (D) Upon completion of the Agreement and the revocation authorise the Development Manager to PERMIT the application subject to the following conditions: (as set out on the main agenda)

Item No.	Application No.	Address
02	12/00558/FUL	Bowling Green And Tennis Courts Royal Avenue Bath

A letter has been received from a third party who is unable to speak at Committee. This neighbour has previously objected and the comments have been summarised within the representation section of the Committee Report. The objector has requested that the additional letter be circulated to Members, but as Members will be aware, this is not a process that Officers would undertake. The letter is on the Public Access section of the website and Members can view it via this method.

The comments within this letter expand upon the objectors previous representations. Whilst the comments have been noted, they are not considered to present any new issues that would alter the recommendation as set out in the Committee Report.

It should be noted that the description of the original application stated - 'the erection of temporary ice rink 23rd November - 7th January for five consecutive years 2012/3 - 2017/8'. If Members are minded to follow the Officers recommendation, the description would need to be amended to follow the timescales as outlined in the Committee Report.

Item No.	Application No.	Address
04	12/00107/FUL	Designer Composites Fosseway Westfield Midsomer Norton Radstock

DESCRIPTION OF SITE AND APPLICATION:

Revised drawings have been received to address further the concerns of amenity. The two end plots of building type E have altered the roof profiles from half hipped to full hipped roofs which aids in reducing the bulk impact from the side elevation along the neighbouring boundaries.

House type F has been altered to a similar design to house type D, whereby the eaves have been lowered and the first floor windows are of a dormer style, this aids in reducing the overall bulk of the dwelling and balances out the proposed cul-de-sac.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

HIGHWAYS: Would estimate approx 20 additional trips a day, therefore 20 x £504.24 = £10,084.80. At present the Cobblers Way estate is subject to a Section 38 Agreement to adopt the highways. Until such time the applicant would need the consent of the developer to extend/alter the existing highway. Once adopted it will be under the Local Authorities control and permission from the LPA highways department would be required.

RECOMMENDATION

A. Authorise the Planning and Environmental Law Manager to prepare an Agreement under section 106 of the Town and Country Planning Act 1990 to secure; - a contribution of £9,923.72 for education and £10,084.80 for Highways.

PLANS LIST

This decision relates to drawing no's ORD-002, ORD-008, ORD-009, ORD-001 and the design and access statement date stamped 21st December 2011. Drawing no. ORD-006 date stamped 11th January 2012 and ORD-002 Rev D, RD00007A, RD00007A, RD00008A and RD00012A date stamped 28th May 2012.

REASONS FOR GRANTING APPROVAL

1. The proposed development is considered acceptable in terms of design, layout, scale and siting and is considered to have a neutral impact on the local built environment in this locality.

The proposed development is not considered to cause significant harm to the amenity of neighbouring occupiers.

The proposed development is not considered to impact highway safety in this locality and provides adequate parking and turning in accordance with the Local Plan.

2. The decision to grant approval has taken account of the Development Plan, relevant emerging Local Plans and approved Supplementary Planning Guidance. This is in accordance with the Policies set out below at A.

A

SC.1 - Settlement Classification

HG.4 - Residential Development in the urban areas and R.1 settlements

CF.3 - Contributions from new development to community facilities

D.2 - General Design and public realm considerations

D.4 - Townscape considerations

NE1 - Landscape character

T24 - General development control and access policy

T26 - On site parking and servicing provision

of the Bath & North East Somerset Local Plan (including minerals and waste policies) 2007.

Bath and North East Somerset Submission Core Strategy (May 2011) is out at inspection stage and therefore will only be given limited weight for development management purposes. The following policies should be considered:

SV1 - Somer Valley Spatial Strategy (replaces policy HG.4)

D.2, D.4, CF.3, NE.1, T.24 and T.26 of the local plan are proposed as saved policies within the submission core strategy.

National Planning Policy Framework (March 2012) should be awarded significant weight, however this proposes little change to the polices of the Local Plan that are relevant to this application.

Item No.	Application No.	Address
05	12/01627/FUL	17 Lockingwell Road Keynsham

A further representation has been received on 30 May 2012 subsequent to the submission of the committee report for this application. This representation reiterates the concerns of the adjoining occupier at number 19 Lockingwell Road in relation to the visual impact of the development and the affect on residential amenity.