

BATH AND NORTH EAST SOMERSET COUNCIL

Development Control Committee

1 st August 2012

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

ITEM 10

ITEMS FOR PLANNING PERMISSION

Item No.	Application No.	Address
01	12/01730/FUL	14-16 Monmouth Place City Centre Bath

Comments have been received from English Heritage. They make observations as follows. There is no objection to the development in principle. Authenticity and attention to detailing will be important. The roof profile is a departure from what might be expected and the authority should verify that such treatment is verified.

Officers response.

It has been demonstrated following former approvals that a traditional double pitch roof would not provide adequate amenity to adjoining occupants. Therefore the design approach has to be considered the balance to be made is whether the development overall taking account of the streetscape benefits are acceptable. The Historic Buildings Officer has raised no objection and the proposed development in this case is considered acceptable in design terms the overall benefits of infilling this gap being over riding.

Recommendation

As per the main agenda

Item No.	Application No.	Address
05	12/00637/FUL	Charlcombe Homes Ltd Land rear of 79 London Road West Bailbrook Lane Lower Swainswick Bath

REPRESENTATIONS

ECOLOGICAL OFFICER: The additional information addresses all of my concerns.

- Reptile surveys have been completed
- additional consideration has been given to lighting, and impacts of the proposal on bats of the SAC and I am satisfied that there is no risk from the proposal of a likely significant effect on bats of the SAC.
- Planting and habitat creation proposals have been strengthened

I have no objection to the scheme subject to a condition securing the implementation of all the recommended measures set out in the ecological reports, including those now shown in Figure 1: Habitat Management and proposed Darkened Areas for Bats (dated May 2012). The range of measures shown in Figure 1 will need to be incorporated into plans for landscape proposals.

URBAN DESIGNER: The site itself is described accurately in the submitted Design and Access Statement. The principle of some development of this site is acceptable. Even with some visual impact on longer views the hillside is characterised by houses in the landscape. Development here could continue this.

The repetition of the same L shaped house form sets up a suburban character contrary to the local variety and hillside layers of development found in local housing. This will be visible from above at the point of access and over the Bailbrook Lane boundary wall.

The scale of the proposed houses is overall acceptable. Whilst the DAS doesn't carry out a local character analysis, up to three storey frontages are achieved on hillside frontages.

The units are sub-divided into distinct elements breaking the mass down. Traditional pitched roofs are acceptable. However the L shaped massing does not draw upon the local context of building along contours and creates a potentially uncomfortable bulky mass from Bailbrook Lane. The widened access will harm the character of Bailbrook Lane.

There is variety of form and architecture in this part of Bath, reflecting the organic semi-rural setting. This creates the opportunity for different styles within a pallet of local materials.

Whilst the architecture style and materials may be the basis of a successful scheme, the current proposal is considered harmful because of the repetition of a single building form contrary to local character.

ECOLOGY:

Bats are protected by European law which means that the Council, in its function as the local planning authority, must have regard to the requirements of the Habitats Directive when considering whether to grant planning permission. If the development would involve the deterioration or destruction of a breeding site or resting place for bats, or would cause deliberate disturbance to bats, then Article 12 of the Directive will be engaged and permission must not be granted unless the Committee is satisfied that the derogation tests under Article 16 are met. No roosts exist on the site therefore the destruction or disturbance of Bats within the site is unlikely and the three tests do not apply. However the ecological assessments submitted note the proximity of the site to the SAC (Special Area of Conservation), and location of the site within the feeding zone for bats of the SAC. Impacts on feeding grounds for bats of the SAC must therefore be considered under the Habitats Directive and must consider whether the proposed development will have a 'likely significant affect' on the SAC.

Use of boundary vegetation as bat flight-lines is addressed in the supporting information and recommendations are made for native planting that will retain and create linear vegetation features, which can be used as flight-lines for bats and these have been incorporated into the scheme and additional information has been received in relation to lighting and retaining dark corridors along boundary vegetation to enable continued use as bat flight lines and the impact on bats of the SAC regarding potential loss of feeding habitat. Measures are proposed to ensure that no disturbance is caused and a condition will be attached to secure these. Subject to this condition, it is considered that the information provided is considered to demonstrate that there will not be a significant effect on bats of the SAC.

Condition 19: The development shall not be occupied until all of the recommended measures set out in the Extended Phase I Habitat Survey date stamped 10th February 2012, Additional Ecology Information date stamped 17th May 2012, the Habitat Management Plan date stamped 18th May 2012 and the Reptile Survey date stamped 7th June 2012 (including those now shown in Figure 1: Habitat Management and proposed Darkened Areas for Bats) or otherwise agreed in writing have been implemented on the land to the written satisfaction of the local planning authority.

Reason: to ensure that the conservation status of the SAC is preserved and/or enhanced in accordance with national and European legislation and current policy.

Item No.	Application No.	Address
05	11/05081/RES	Clutton Hill Industrial Estate, King Lane, Clutton

The Committee report omits a summary of the Reasons for Approval as required by Article 31(1) of the Town and Country Planning (Development Management Procedure) Order 2010

Reasons for Approval

The decision to recommend approval has taken account of relevant policies set out in the Development Plan and National Planning Policy Framework. The decision has also been taken into account other material considerations including emerging policy set out in the Draft Core Strategy and the responses from statutory consultees and other interested parties.

The proposed development is in accordance with policies GB.1, GB.3, D.2, D.4, NE.10, NE.11 and T.24 of the Bath & North East Somerset Local Plan (including minerals and waste policies) 2007.

It is considered that by virtue of the scale, layout and design of the proposed buildings within a designated Major Existing Developed Site the proposed development is acceptable and in accordance with policies GB1 and GB3 of the adopted Local Plan and will not have a significantly greater impact on the purposes of including land in the Green Belt from that approved in outline (ref. 08/01079/OUT granted 20 May 2009).

The site access conforms with the layout approved under the outline planning permission (ref. 08/01079/OUT granted 20 May 2009) and is in accordance with Policy T.24 of the adopted Local Plan. The design of the buildings and landscape strategy is considered to be acceptable and in accordance with policies D2 and D4 of the adopted Local Plan.

Subject to implementation of measures to safeguard protected species the development will be in accordance with policies NE10 and NE11 of the adopted Local Plan.

Item No.	Application No.	Address
07	12/01762/FUL	Little Chef Bristol Road Farrington Gurney

The objections to the scheme include the impact of the proposed development on the local primary school's Healthy School status and encouragement of unhealthy eating habits.

Although there are no specific development plan policies, the NPPF refers to the need for the planning system to perform a number of roles including a social role, that includes the creation of a high quality built environment, with accessible local services that reflect the community's needs and support its **health**, social and cultural well-being. The NPPF also sets out 12 core land use planning principles, including that planning should take account of and support local strategies to improve health. It also recognises that the planning system has an important role in creating healthy, inclusive communities.

The guidance in the NPPF and case law confirms that the impact of the proposed use on the school's social objective of promoting healthy eating is a material consideration.

However, this site is on a main road and is away from the existing primary school that is just over 400m away from the site. It is therefore unlikely to specifically attract children, other than when accompanied by parents/carers outside school hours.

There are no other hot food takeaways in the village and the proposal is not therefore likely to lead to a proliferation of such uses in the area that might undermine the school's Healthy Schools Plus award or Health Schools status.

Although objectors have made reference to a specific operator, none is named within the application and the proposals must be determined on the basis of land use planning considerations, rather than the nature of any specific operator.

In the above context, the proposals are unlikely to undermine the core land use planning principles in the NPPF or materially undermine the local school's healthy eating status and are therefore acceptable.