

**BATH AND NORTH EAST SOMERSET COUNCIL**

**Development Control Committee**

**21<sup>st</sup> November 2012**

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

ITEM 10 (Site Inspection Application)

ITEMS FOR PLANNING PERMISSION

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
01	12/02848/FUL	12 High Street Upper Weston Bath

Following the submission of the report the following updates are made;

Further information has been submitted by the applicant with regards to the enforcement of car parking within the site. In this case car parking is limited to 30 minutes per car and this being enforced by the issuing of fines for cars parked for longer than 30 minutes.

In a verbal representation at the previous meeting the question was raised as to whether the parking restrictions were enforceable.

The parking within the car park is now being enforced to 30 minutes parking per car. The Protection of Freedoms Act 2012 gained royal assent in May. Sections 54 to 56 and Schedule 4 of the Act specifically relate to the car parking industry and came into force on 1 October 2012. This now means that clamping and towing in private car parks is unlawful.

In summary, section 54 states that it is an offence to immobilise a motor vehicle by the attachment of an 'immobilising device' (in other words a clamp), or to move, or restrict the movement of such a vehicle by any means. Section 56 of the Act gives effect to Schedule 4 of the Act. Schedule 4 sets out a detailed procedure which must be complied with in order to recover unpaid parking charges. Importantly, Schedule 4 allows the land owner/occupier (e.g. a parking operator) to recover the charges from the registered keeper of the vehicle if the whereabouts of the driver is unknown.

Officer comment

With regards to the above officers are satisfied that the proposed parking enforcement measures are adequate to secure compliance with the parking management plan.

The reasons for granting approval have been reviewed are amended as follows;

1. The proposed development would not have an adverse impact upon the streetscene or the amenity of the surrounding and future residential occupiers. The proposed development will not result in increased overlooking of nearby dwellings. Deliveries can be controlled to occur to outside of unsociable hours.

Due to the use of appropriate materials and design the proposed development will enhance the character of the surrounding Conservation Area. The proposed building and associated works will enhance the appearance of the surrounding public realm.

The proposed development will not cause harm to highway safety. Parking within the car park will be managed and therefore a reduction in car parking spaces will not cause harm to highway safety.

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.

D2, D4, Bh.1, Bh.6, S.2 and S.8 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007

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**ITEM 10**

**ITEMS FOR PLANNING PERMISSION**

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
01	12/00293/FUL	The Wharf Greensbrook, Clutton

**Consultation Responses**

Following publication of the report there have been 10 additional comments received, 8 in support and 2 against the proposed development.

The reasons for support for the application are:

- it is a suitable use of the site
- the development of brownfield land is preferable to greenfield sites
- the small scale of the development is appropriate for the village and its facilities
- it is in a central location
- the development will improve the appearance of the site

The reasons for objection to the application are:

- contamination of the site and out-of-date assessment
- increased traffic from the site and limited junction visibility
- lack of facilities within the village
- outside the housing development boundary
- limited sewage disposal capacity

**Officer Comments**

The Council's Contaminated Land Officer has proposed conditions requiring the submission, approval and implementation of a detailed site contamination assessment and remediation strategy. They have advised that this will adequately control potential contamination risks.

The Council's Highways Officer has advised that the traffic impacts from the development can be accommodated on the public highway and that visibility from Greensbrook onto Station Road is acceptable.

The Council's School Organisation Manager has advised that subject to a financial contribution to meet projected education services needs the proposed development is acceptable.

The issue of the site being located outside the Housing development Boundary is considered within the main report.

Wessex Water have advised that the site should be connected to the existing mains sewerage system and the application has been amended to comply with this requirement. Capacity issues will be addressed by Wessex Water.

In addition, an objection from the Police that there is no consideration of crime, security and safety issues in the Design & Access Statement has been addressed by the applicant in a revised Statement. The Police have not commented on this additional information however Officers consider that the concerns raised have been satisfactorily addressed.

### **Transport and Access**

The Council's Highways Officer has advised that the financial contribution for highway works should be £6,037.51 to reflect to omission of employment space on the site (originally part of amended proposals for the site). This will be reflected in the Heads of Terms for the s.106 agreement.

The scheme provides for a potential pedestrian connection to the village (via the route of the former railway line and thereby avoiding use of the main road). It is appropriate that the provision of this connection (a gate in the existing boundary fence) is secured, at no cost to the Council, through the s.106 agreement. The Heads of Terms for the s.106 agreement should be amended accordingly.

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<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
03	12/01882/OUT	Parcel 0006 Maynard Terrace Clutton

### **RECOMMENDATION**

It is recommended that the Section 106 Agreement is completed before planning permission is issued. Once completed, permission would be issued with the stated conditions.

### **DRAFT PLANNING OBLIGATIONS:**

The following are proposed to be dealt with via a Section 106 agreement:

HIGHWAYS:

- A contribution of £120,000 towards the support and enhancement of bus services to Bath, Midsomer Norton, Radstock with the aim of improving frequency and usability for residents wishing to work, study or make visits to these settlements.
- A contribution of £140,000 for and towards pedestrian/safety for pedestrians works in the village of Clutton, and strategic highway works in the B&NES Administrative area.
- Highway alterations to Maynard Terrace, Station Road and Clutton Hill, including the re-configuration of the junction and the provision of new footways.

#### EDUCATION:

- A contribution to ensure that adequate provision is made for education will be required however the final figure will be dependent upon the final number and mix of housing that is brought forward at the reserved matters stage. Details of the education contribution will therefore be determined with the reserved matters application.

#### OPEN SPACES:

The total contribution to open space provision will be dependent upon the final layout and number of dwellings brought forward which will be determined at the reserved matters stage. The figures below are therefore maximum values and are subject to change.

- A contribution of up to £86,640 for off-site provision of open space
- A contribution of £4,445 in respect of the provision of off-site allotments

#### ECOLOGY:

Prior to development details of an Ecological Protection, Compensation and Management Scheme will be produced for land to be known as the Wildlife Area. This Scheme must demonstrate retention, enhancement and creation of ecologically valuable habitats to adequately compensate for ecological impacts of the development to at least an equivalent ecological value. The Scheme must specify long term ecological management objectives, costed management practices and methods to achieve them, and provide details of funding, resourcing, insurance and management responsibility, sufficient to achieve feasible long term management of the Wildlife Area.

#### STRATEGIC HOUSING:

- 53% of the overall residential provision must be secured as affordable and grant free housing with a max 53/47 per cent split between Social Rent and Intermediate Market housing. (Affordability, including service charges and size mix as set out in the Strategic Housing Development Manager's report).
- The affordable housing obligation is secured in perpetuity through a section 106 Agreement as set out in the Strategic Housing Development Manager's report.
- Lift the staircasing restrictions for New Build Homebuy lessees and instead ring-fence the released equity.
- The Council has full nomination rights as set out in the section 106 Agreement.
- The affordable housing units to be benchmarked against Housing Corporation's 'Design and Quality Standards' and that Code for Sustainability level 3, 4 or 5 be achieved depending upon the timing of each construction phase and as required by the Design and Quality Standards at the time and availability of any grant being subject to a full economic viability assessment.
- All the affordable housing units to be benchmarked against the design requirements contained within the B&NES Planning Obligations SPD & annexes.

- 60% of the affordable housing to reach Lifetime Homes standards & identified on plan.
- To transfer the units to an approved partnering Registered Social Landlord (RSL) or other Affordable Housing Provider (AHP) as approved by the Council.
- The affordable housing land (secured via policy HG.8) is transferred to a RSL or AHP at nil cost.
- Public subsidy (grant) will only be made available in the event that the RSL's or AHP's supportable deficit is insufficient to pay for the build costs. Grant will be subject to a comprehensive financial viability assessment. Where the assessment justifies a 35% contribution cannot be achieved, the full 35% affordable housing must still be identified on plan to ensure a later transfer of all affordable dwellings subsequent to grant aid being available.
- A 'pepper potting' strategy is included in the Section 106 Agreement and that the development is tenure blind.
- Phasing conditions on affordable housing triggers to be set out in the Section 106 Agreement.
- A Local Tie to give priority to people in the local community:

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<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
07	12/03325/FUL	489B Bath Road, Saltford BS31 3BA

Signage has been displayed in the car park located within the blue line boundary which identifies parking bays which have been allocated for the adjacent Vauxhall Dealership. This would reduce the level of parking available for the other commercial uses within the centre including the proposed restaurant and takeaway. A further condition is therefore recommended to confirm that the parking area within the blue line boundary shall be not restricted for individual uses.

**Condition:**

The parking area within the blue line boundary shall not be restricted for individual uses and shall be retained for the purposes of off-street parking.

Reason: To ensure that sufficient off-street parking is available to serve the adjacent commercial uses.