

BATH AND NORTH EAST SOMERSET COUNCIL

Development Control Committee

12th December 2012

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

ITEM 10

ITEMS FOR PLANNING PERMISSION

Item No.	Application No.	Address
2	12/01882/OUT	Parcel 0006 Maynard Terrace Clutton, Bristol

Housing and Affordable Housing Provision

In the recently allowed appeal for 47 houses at Sleep Lane, Whitchurch (ref: 11/02193/FUL) the Inspector reiterated paragraph 49 of the NPPF and confirmed that the relevant (local) policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

The Sleep Lane appeal decision endorses the fact that Bath & North East Somerset Council does not have an up-to-date five-year land supply, and confirms that there is evidence of a failure in terms of the delivery of affordable housing within the district. The Inspector attached significant weight to both of these facts stating:

“there is an acknowledgement that there has been a record of persistent under-delivery of housing...[and] it is evident that the failure in terms of the delivery of affordable housing is especially acute with 565 units having been supplied between 2001 and the latest Annual Monitoring Report, against a requirement of 5,047 units between 2002 and 2009”.

In concluding, the Inspector stated that in the *“overall context, the provision of housing, and especially the affordable housing, attract considerable weight in favour of it. The Government’s intention to boost significantly the supply of housing is made very plain in the Framework.”*

The recommendation to permit this outline permission with over 50% on-site affordable housing is considered to be consistent with the findings and conclusions of the Sleep Lane appeal and therefore should be regarded as a key material consideration in the determination of this application.

Highways

In considering this planning application paragraph 32 of the NPPF is of relevance where it states that *“development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe”* and that

decisions should take account of whether “*improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development*”.

The highway works shown with this application are a response to the objections and recommended reason for refusal put forward with the previous (2011) application in order to demonstrate that a satisfactory junction can be achieved. The technical details relating to the junction however are beyond the scope of this planning application.

It is accepted that the current junction arrangements are substandard with poor visibility exiting Maynard Terrace and limited means to slow drivers descending Clutton Hill resulting in an inherent conflict in terms of highway safety. In respect of the proposed alterations, the applicant has demonstrated a solution that could be implemented to improve visibility and reduce vehicle speeds; fundamentally, the proposed alterations are seen as an improvement to the overall situation at present and therefore in terms of highway safety the proposed development is deemed to be in accordance with the extant policies and in line paragraph 32 of the NPPF.

Notwithstanding the current application it should be noted that the Highway Authority could actually implement the proposed changes to the junction and its priorities without any link to a development proposal – that is to say the highway works are not dependent on this application.

In respect of the issue relating to the safety audit that forms part of this application this was raised by objectors and Members at the November Committee Meeting and was clearly explained by the Highway Development Officer. For clarification, there is no mandatory requirement for a Highway Authority to undertake safety audits on local roads. Notwithstanding, as with many applications where there are changes to the highway, whilst it is up to the developer to fund the audit (as they did in this instance) it was the Council who requested it be carried out so as to highlight any potential problems with the proposed change in the highway layout. The audit was carried out by an independent audit team who are bound by a professional code of conduct and the findings of the report led the Highway Development Officer and her Traffic & Safety colleagues to conclude that there were no reasons not to accept the change in layout, as proposed. Comments about inaccurate data having been initially presented with the audit are noted however this issue has been acknowledged and amended and it has since been confirmed that the traffic count date issue does not change the overall outcome of the audit.

The Campaign to Protect Rural Clutton have commissioned and submitted an independent Highway Development Control Report and a Stage 2 Road Safety Audit in response to the original audit submitted with the application. These documents were submitted too late to be fully considered in this update report however can be discussed at the Committee meeting. From an initial assessment it is noted that the reports offer several similar observations to the original safety audit and make recommendations in respect of observed problems. For clarification, several of the recommendations (including drainage, advanced directional signage, skid resistance and visibility) can be addressed and resolved through the technical design of the junction and are again not dependant on this application.

Flooding

At the November meeting a member of the public raised the issue of flooding from the adjacent brook and showed Members photographs of the application site after the recent heavy rain.

Following the committee meeting, the case officer has discussed the issue with the Environment Agency who have confirmed that their original response to this application remains and that no objection is raised subject to conditions.

In relation to the development of this site the original layout and flood risk assessment demonstrated that 36 dwellings could be adequately accommodated on the site without encroaching into the flood zone. Photos of the flooding from the brook adjacent to the site confirmed that excess water had not (at that stage) flooded over into the application site, notwithstanding, the closest proposed properties would be situated up slope and sufficiently far enough from the waters edge even under extreme flood conditions.

In respect of the recent flooding noted around the junction of Maynard Terrace/Clutton Hill/Station Road, the worst of this appears to have come from surface runoff rather than from the brook which runs below the road. Issues of surface drainage could be addressed through the proposed works and improvements to the highway and it is considered that if anything, the proposed works to this junction could be of overall benefit to runoff thus potentially reducing future risks of standing water.

Overall the proposed development of this site is not considered to be at risk of flooding and as stated, the potential improvements to land drainage and surface water runoff could be seen as an overall benefit to the wider area.

Ecology

It is confirmed that no licence is required in respect of European protected species and there is no likelihood of a significant effect on any European site resulting from this proposed development.

Arboriculture

It is recommended that the following conditions are added to any permission:
No development shall take place until a Detailed Arboricultural Method Statement with Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority and details within that implemented as appropriate. The final method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and certificates of completion. The statement should also include the control of potentially harmful operations such as the storage, handling and mixing of materials on site, burning, location of site office, service run locations including soakaway locations, level changes and movement of people and machinery.

Reason: To ensure that trees to be retained are not adversely affected by the development proposals

No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement unless agreed in writing by the local planning authority.

Reason: To ensure that the approved method statement is complied with for the duration of the development.