

BATH AND NORTH EAST SOMERSET COUNCIL

Development Control Committee

15th January 2014

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

ITEM 10

ITEMS FOR PLANNING PERMISSION

Item No.	Application No.	Address
1	13/04349/FUL	Cross Keys Inn Midford Road Odd Down

Update 1

Please note that the following consultation response has been received from the Highway Development Officer subsequent to the submission of the Committee Report.

'I refer to the above planning application received on 2nd October 2013.

The proposal involves the construction of a 4 bedroom, fully accessible, sustainable dwelling on currently derelict land.

The maximum parking standard for a 4 bedroom dwelling is 3 spaces. This application proposes 2 disability spaces. A bus stop is situated directly outside the property, providing a choice in mode of travel. As a sustainable property, 2 spaces is an appropriate provision.

The site is restricted in area and when both parking spaces are in use, it will not be possible for a vehicle to enter and leave the site in a forward gear.

To exit the property, vehicles must cross the adjacent entrance to the Cross Keys. Visibility here is sub standard due to the boundary wall and vegetation.

The decision on whether the proposal is acceptable in highway terms is finely balanced, especially when the special needs of the applicant's family is noted. However it is clear that the site currently has the benefit of a vehicular access and could be used more intensively by vehicles. Whilst the Highway Authority would prefer that an improved access was provided as part of the proposal there is NO OBJECTION to the application.

The applicants should ensure they have full legal right of access to cross from the public highway to the proposed dwelling, especially if that manoeuvre requires use of any part of the land belonging to the public house.'

For the reasons set out above, it is recommended that no objection is raised to the application on the basis of highway safety.

Update 2

Please note that the following Decision-taking Statement should have been included in the Committee Report:

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Policy Framework. For the reasons given, and expanded upon in a related case officer's report, a positive view of the revised proposals was taken and planning permission was granted.

Update 1

Please note that the following Decision-taking Statement should have been included in the Committee Report:

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Policy Framework. For the reasons given, and expanded upon in a related case officer's report, a positive view of the revised proposals was taken and listed building consent was granted.

Impact on highway safety:

It appears that a condition relating to highway safety and requiring the submission of a Construction Management Plan has not been attached to the recommendation.

Recommendation: As per the main report with the following additional condition:

Prior to the commencement of the development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority and shall include details of deliveries (including storage arrangements and timings), contractor parking, traffic management.

Reason: To ensure the safe operation of the highway.

AMENDMENT TO WORDING OF SUGGESTED CONDITION

Suggested condition 2 is currently worded as follows:

The use hereby approved shall enure for the benefit only of Ms Catherine Wood, her partner and their dependents.

Reason: The development hereby approved is only acceptable in this location because of the special circumstances of the applicant and her family.

It is recommended that condition 2 be amended to the following:

The development hereby approved shall enure for the benefit only of Ms Catherine Wood, her partner and their dependents.

Reason: The development hereby approved is only acceptable in this location because of the special circumstances of the applicant and her family.

This amendment is recommended on the basis that the development has been assessed as a building, not a mobile home, so it is more appropriate to refer to the development hereby approved, instead of the use hereby approved.

Update 1

Please note that there is an appeal in progress in relation to the previous application ref: 13/01606/FUL for a similar development which was refused by the Committee at its meeting on 03 July 2013. Officers will be submitting a statement by 14 January 2014 in relation to this appeal.

Update 2

Please note that the following Decision-taking Statement should have been included in the Committee Report:

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Policy Framework. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was unacceptable for the stated reasons and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.

ITEM 12

There is an error in the TPO report Tree Preservation Order: Bath and North East Somerset Council (Gay Court, London Road West, Bath No.289) Tree Preservation Order 2013.

An error has been identified within paragraph 2 and should be substituted for:

2.1 The Development Control Committee is asked to confirm the Tree Preservation Order entitled Bath and North East Somerset Council (Gay Court, London Road West, Bath No.289) Tree Preservation Order 2013 with a modification to rectify the identification of T7 which is the Horse Chestnut (not Sycamore) and T8 which is the Sycamore (not Horse Chestnut).