

BATH AND NORTH EAST SOMERSET COUNCIL

Development Control Committee

12th February 2014

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

ITEM

ITEMS FOR PLANNING PERMISSION

Item No.	Application No.	Address
1.	13/04975/OUT	Parcel 3567 Stitchings Shord Lane Bishop Sutton

REPRESENTATIONS

Stowey Sutton Parish Council raised concerns about an apparent difference in approach between their comments on this application, where they raised no objections (referencing the NPPF presumption in favour of Sustainable Development), and their approach to application 13/05272/OUT (19 dwellings in Hinton Blewett), where they recommend the refusal of the application, in that it would prejudice the Parish Council's involvement in the B&NES Placemaking Plan and would cause unacceptable landscape harm to the setting of the village.

OFFICER ASSESSMENT

Officers consider that the correct approach has been taken to the determination of this application. Whilst the Core Strategy Inspector has indicated that the Core Strategy housing allocation is unlikely to exceed 13,000 dwellings, the 5-year housing land supply has yet to be independently assessed. Therefore whilst the Council considers it has a 5-year housing supply this can only be given limited weight as a consideration at this stage. Consequently the presumption in favour of sustainable development still remains for the time being, with the test being whether the adverse impacts of development substantially and demonstrably outweigh the benefits.

Adverse landscape impacts are capable of outweighing the benefits of housing deliver in certain situations, but in this case, our assessment is that the landscape impact of the development would not outweigh the benefits of housing provision.

RECOMMENDATION

As per committee report.

Item No.	Application No.	Address
2.	13/02728/OUT	Milford Head Stitching Shord Lane Bishop Sutton

REPRESENTATIONS

Stowey Sutton Parish Council raised concerns about information revealed in the Flood Risk Assessment submitted for the adjoining site, land to the East of Chew Valley Caravan Park 14/00336/OUT. This FRA comments that a surface water infiltration system (soakaway) will not work in our area due to impermeable ground conditions, but the drainage strategy for the Milford Head development relies on maximising on-site infiltration for drainage.

INTERNAL CONSULTATIONS

HIGHWAYS DRAINAGE

The Council's Drainage Team made the following additional comments in response to the Parish Council's comments.

The Flood Risk Assessment states:

Off-site issues

"It has been reported that the end of the Stitchings Shord Lane at the junction of Ham Lane the road has experienced some localised flooding. This is reported to be due to highways drainage over spilling at this location and possibly due to surface runoff.

The general levels of the land in this area fall from Ham lane along Stitchings Shord Lane down towards Chew Valley Lake. The localised flooding in this flat spot, whilst this may be causing localised issues is unlikely to be of significant depth due to the general fall of the land. It is likely that when this localised flooding occurs it overflows along Stitchings Shord Lane towards the lake. It is therefore unlikely to reach such a depth that would prevent vehicles from passing into and along the Lane.

The application site is lower than this area and therefore cannot contribute to any flooding in this location. The only possible impact on the application site is regarding access. It is unlikely that vehicles (including emergency vehicles) will be prevented from passing through this area. In addition there is alternative pedestrian access from the application site across Stitchings Shord Lane, along the public footpath leading to the Cappards Road development. There is therefore unlikely to be any unacceptable safety risks to life or property, arising from the development of this site, in the event of flooding in the locality."

This is a general/ observational statement and it would be preferable to get some quantitative values for depths of water and risk of occurrence.

Surface water depths can be obtained from the Environment Agency. This would provide more robust data in order to make an assessment of emergency access requirements.

A complete Drainage Strategy should be supplied with any full application.

The Drainage Strategy should include:

- Details of pre- and post-development discharge rates. The proposed surface water system should seek the betterment of existing surface water discharge rates.
- Discharge points will need to be agreed with the relevant authorities.
- A drawing showing the size, type and location of drainage features (SuDS and attenuation) with their connection points and discharge rates. In particular, details of how the proposed hydrobrake and connection with the existing drainage ditch will be constructed.
- Simulations of the performance of the system up to the 1 in 100 year (+30% for climate change) return period event showing that no flood water will leave the site and there will be no unsafe flood depths on site.

Also to note

The proposals indicate discharging flows to an existing drainage ditch at the west end of the site. Any discharges to this watercourse will require Ordinary Watercourse Consent from this office. Details about how to apply for Ordinary Watercourse Consent can be obtained by emailing engineering_design_land_drainage@bathnes.go.uk

Also to note that the developer should be aware that the Council's Highway Authority does not adopt roads that include permeable paving.

Officer Assessment

The additional comments made by the Parish Council are taken into account but do not alter the recommendation to approve the application, but the conditions and informatives on the consent should be changed as per the a

Recommendation

Update 1.

Condition 10 should be amended to read (additional text in **Bold**)

The Drainage Strategy should include:

- Details of pre- and post-development discharge rates. The proposed surface water system should seek the betterment of existing surface water discharge rates.

- Discharge points will need to be agreed with the relevant authorities.
- A drawing showing the size, type and location of drainage features **(SuDS and attenuation)** with their connection points and discharge rates. **In particular, details of how the proposed hydrobrake and connection with the existing drainage ditch will be constructed.**
- Simulations of the performance of the system up to the 1 in 100 year (+30% for climate change) return period event showing that no flood water will leave the site and there will be no unsafe flood depths on site.
- details of the Finished Floor Levels in relation to the 1 in 100 year (+ climate change) flood event.

Reason: In the interests of flood risk management.

Condition information: The applicant has indicated that surface water will be disposed of via SuDS. Prior to construction, a drainage strategy indicating the size, type and location of the proposed SuDS should be submitted.

Update 2

Additional Informative on consent to read:

The proposals indicate discharging flows to an existing drainage ditch at the west end of the site. Any discharges to this watercourse will require Ordinary Watercourse Consent from this office. Details about how to apply for Ordinary Watercourse Consent can be obtained by emailing engineering_design_land_drainage@bathnes.go.uk

The developer should also be aware that the Council's Highway Authority does not adopt roads that include permeable paving.

Item No.	Application No.	Address
3.	13/03562/OUT	Parcel 3300, Temple Inn Lane, Temple Cloud

Highways Development Control

The Councils Highways Team clarified in response to a query from the Parish Council that guidance put in place by the Labour Government restricted the emplacement of fixed speed cameras to locations where there was evidence of accidents. Additionally the Coalition Government withdrew funding for Camera Safety Partnership in 2010/11, and consequently there is no mechanism currently in place for operating fixed road safety cameras.

There is no evidence of a significant speed related accident issue on the A37 in Temple Cloud which would be needed to justify a new fixed camera in this area. Indeed the accident casualty record in Temple Cloud is comparatively low.

Funding is being sought through the Planning Obligation to improve the A37 junction at Temple Inn Lane, by reducing clutter caused by signage. We are also seeking S106 funding for other road safety measures in Temple Cloud, which will be discussed with Ward Members and the Parish Council.

RECOMMENDATION

As per Officer Report.

Item No.	Application No.	Address
6.	13/04515/FUL	Empty Radco Furniture, Warehouse Waterloo Road Radstock

Consultation response from Education

Seek contributions as follows:

Early Years age 0-2 places – 0.360 places at a cost of £6,746.26

Early Years age 3-4 places – 1.140 places at a cost of £0 (sufficient provision in the area)

Total for Early Years provision £6,746.26

Primary age pupil places – 1.604 places at a cost of £20,845.04

Secondary age pupil places – 0.653 places at a cost of £0 (sufficient provision in the area projected)

Post 16 places – 0.168 places at a cost of £0 (sufficient provision in the area projected)

Total for school places £20,845.04

Youth Services provision places – 1.65 places at a cost of £2,201.10

Total for Youth provision £2,201.10

Total contribution sought of £29,792.40

(Note that in line with the viability assessment and recommendation before Committee, this contribution is not being sought).

Consultation response from English Heritage

English Heritage advises that the Radco Warehouse is a building of local townscape merit that makes a positive contribution towards the character and appearance of Radstock Conservation Area. It also contributes towards the setting of other designated assets within the vicinity adding more meaning to their historic origins. Its proposed demolition is, therefore, a serious matter that does need to be fully justified under the guidelines inherent in the NPPF and Conservation Principles

Without a greater depth of justification allowing a more transparent view of the marketing that has been undertaken, we are unconvinced that this exercise has been robust enough. We are also concerned that the marketing has not been undertaken recently enough to reflect the recent upturn in the property market. Its loss will, in our view, be of substantial harm to the Conservation Area due to the significance of the original structure both historically and in terms of community value, despite various alterations and additions over the years.

We believe that the demolition of the Radco Warehouse will cause substantial harm to the character and appearance of the Radstock conservation area. We recommend that an alternative solution for this site is considered that will allow the warehouse to remain and be converted for reuse, whilst allowing further development to take place in order to create a viable scheme that will be beneficial to the historic environment and future success of Radstock's town centre.

Further consultation response from Arboricultural Officer

Following receipt of further/revised information, no objection to works proposed. Conditions should be applied to ensure precautionary measures are in place during demolition as well as construction.

Amended condition 17 (as a consequence of the above consultation response from Arboricultural Officer), to read

17 Prior to the commencement of development, other than the internal demolition of existing on site structures, a method statement shall be submitted to and approved by

the local planning authority detailing:

1 the containment, control and removal of Himalayan Balsam from the site
2 measures to ensure no harm to adjacent trees and watercourse including prevention of pollution or waste from entering the watercourse

The measures shall be carried out strictly in accordance with the approved scheme.

Reason: to protect retained habitats and eradicate non-native invasive specie

Item No.	Application No.	Address
7.	13/04514/FUL	Empty Co-op Premises High Street High Littleton

Further consultation response from Wessex Water

Satisfied that arrangements for surface water disposal has been clarified and will not lead to increased risk of sewer of sewer flooding. Further discussions will be required between the applicants and Wessex Water on a number of issues (outside the planning process).

Change to recommended condition 11 (as a consequence of the above consultation response from Wessex Water), to read

“The development shall be constructed in accordance with the foul and surface water drainage strategy shown on drawing WB03354/C/500, unless otherwise agreed in writing with the local planning authority.

Reason: To ensure that proper provision is made for foul water disposal in the interests of public health and ensure that development proposals do not increase the risk of sewer flooding to downstream property.”

Further consultation response from Arboricultural Officer

Following receipt of further/revised information, no objection to the loss of T2 but the tree protection plan does not reflect activities within the exclusion zone which relate to repair and building of a rubble wall. The tree protection plan and arboricultural method statement will require revision to accommodate this activity which can be conditioned. A condition is suggested.

Additional condition 11 (as a consequence of the above consultation response from Arboricultural Officer), to read

No development, other than demolition work not affecting trees, shall take place until a revised arboricultural method statement with tree protection plan identifying measures to protect the trees to be retained, has been submitted to and approved in writing by the Local Planning Authority and the details within the approved document implemented as appropriate. The statement shall include proposed tree protection measures during construction of the new rubble wall and making good the existing wall; site preparation (including clearance and level changes), during construction and landscaping operations. The statement should also include the control of potentially harmful operations such as handling and mixing of materials on site, burning, location of site office and movement of people and machinery.

Reason: To ensure that no excavation, tipping, burning, storing of materials or any other activity takes place which would adversely affect the trees to be retained.

Item No.	Application No.	Address
8.	13/04234/EFUL	Car Park Sawclose Car Park Bath

REPRESENTATIONS

Consultees

Historic Buildings Officer comments made 3rd February 2014 - I strongly support this opportunity to stitch together the fabric of this part of the conservation area and to create significant visual enhancement and improvement in an area currently dominated by traffic and parking.

Development and Regeneration comments made 4th February 2014 – Support the proposals.

The Development & Regeneration team supports the planning application for the redevelopment of Sawclose, which accords with Core Strategy policy objectives and will deliver significant new employment opportunities within Bath city centre, subject to:

- The applicant agreeing a local training, skills and employment package with the Council as part of a Section 106 Agreement which reflects the undertakings provided in the Schedule 9 Agreement under the Gambling Act 2005 as part of the licencing process for the Casino.
- Agreeing an overall scheme for a new public square at Sawclose which is capable of being delivered in phases in conjunction with the proposed redevelopment scheme.

Third Party Representations

Bath Heritage Watchdog maintain an objection to the development.

1 resident has written to object to the design

OTHER MATTERS

The drawings list on the application has been updated and the drawings listed in the main agenda report will be revised accordingly.

Officer Assessment

The proposal is supported in terms of policy and design. Considerations of the merits of the design are made within the main agenda and the additional representations received do not revise the assessment made.

The planning application which would have had to be referred to the Secretary of State had English Heritage objected does not need to be referred as English Heritage have confirmed their support of the scheme.

The applicant has asked to confirm in response to the Regeneration Officers comments their willingness to participate in local skills initiative and to make provision for power, water and communications.

Recommendation

Delete Part A Referral to the Secretary of State.

Then as per the main agenda with revisions to drawing numbers as per the updated drawing list.

Item No.	Application No.	Address
9.	13/04218/LBA	Car Park Sawclose Car Park City Centre Bath

REPRESENTATIONS

Consultees

Historic Buildings Officer comments made 3rd February 2014 - I strongly support this opportunity to stitch together the fabric of this part of the

conservation area and to create significant visual enhancement and improvement in an area currently dominated by traffic and parking.

OTHER MATTERS

The drawings list on the application has been updated and the drawings listed in the main agenda report will be revised accordingly.

Officer Assessment

The additional support for the design is acknowledged. The comments are in line with the main agenda report

Recommendation

As per the main agenda

As per the main agenda with revisions to drawing numbers as per the updated drawing list.