

BATH AND NORTH EAST SOMERSET COUNCIL

Development Control Committee

Date 3rd September 2014

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

ITEM

ITEMS FOR PLANNING PERMISSION

Item No.	Application No.	Address
01	13/04235/FUL	Hope House, Lansdown Road

REPRESENTATIONS

Consultee Comments

Parks Officer – A review of the contributions required reduces the overall level of requirement for provision to a Total Contribution: of £139,024.86. This is on the basis that all on site provision will be maintained by the developer via a management company at nil cost to the Council.

Ecology Officer additional comments made 13th August 2013 - Further revisions have been made to plans. They do not require any changes to my advice. Natural England have made comments including advice for the LPA to document the screening stage of the Habitats Regulation Assessment, due to the use of the site by greater and lesser horseshoe bats and the proximity of the Bath & Bradford on Avon Bats Special Area of Conservation (SAC). In accordance with Natural England's advice I have therefore undertaken a "Test of Likely Significant Effect" which concludes, subject to securing all necessary bat mitigation measures by condition as recommended in the ecological report and my advice below, that the risk of a "likely significant effect" on the SAC can be ruled out.

Third Party Representations

A letter has been received in relation to the lower site confirming previous objections still stand and in addition raising the following:-

- The planning committee did not enter the site via the bottom gate
- The fire appliance tracking is incorrect
- The development may result in damage to a resident's retaining wall.

In response reasonable steps have been taken to assess access and the highways officer is satisfied with what has been provided. A more detailed assessment will be undertaken under separate Building Control legislation

Councillors undertook a thorough site visit and it is for members to be satisfied that they are sufficiently informed to make the decision on the application.

The development does not directly affect adjoining walls and construction difficulties are not anticipated however any damage during construction would be a private matter between the parties.

A further letter has been received that reiterates previous concerns relating to impact on trees, ecology and highways already addressed in the main report.

Affordable Housing

Since adoption of the core strategy the required level of affordable housing for this postcode area increases from 35-40% as already addressed within the main agenda report. The affordable housing officer is satisfied with the level of provision at 35% as initially secured however some further supplementary explanation of the reason for this has been sought and is set out in the applicant's statement below.

"There are a number of constraints within the grounds of Hope House that have a significant impact upon development costs. The scheme has been engineered to be efficient and work with the levels to minimise its impact on surrounding properties and the Conservation Area as a whole. The site slopes steeply from north to south and subsequently the scheme requires a great many retaining walls and the foundations will need to be piled to stabilise the ground. In addition there are a number of other abnormalities, such as, the redirection of underground springs, the protection of retained trees, as well as the treatment of Japanese knotweed which is located within the grounds. This means that costs associated with the ground works will be very significant, well in excess of potentially any scheme built in Bath. The development will also be built to Code Level 4 and using the highest quality materials reflecting what is expected in a City with World Heritage Status. All buildings including the affordable will be built using Bath stone. It should be noted that the affordable accommodation has been designed and will be built to be compliant with both HAPPI and Lifetimes Homes and this will increase the cost of construction.

Hope House Developments LLP have done their utmost to accommodate the Council's requirement for 35% of on-site affordable housing provision and specifically address the identified need for over 55s accommodation. The increased build costs due to the above constraints my client estimated to be in the region of £4.25m and this has a marked impact on the scheme.

Discussions on this site commenced in 2012 with the first pre-application enquiry being lodged in October 2012. Design considerations continued and further pre-application submissions were made in January and June 2013. We submitted the application in September 2013 and discussions have continued to ensure the design is first class and appropriate to the location and also to ensure the affordable housing proposed will meet the requirements of the provider and user. The affordable housing is bespoke to this site to ensure that the specific needs of the over 55 age groups are met which will assist in

enticing these residents from existing homes. You will note the incorporation of mobility scooter parking and charging facilities within Block A (see attached plan) and retention of the disabled parking spaces which we trust satisfies your requirements. Curo have advised that these facilities are welcomed and acceptable. I have also attached an amended elevation to reflect the fact that the lift door has moved to the side of the building rather than being accessed through the parking area.

The very recent adoption of the Core Strategy and subsequent change in affordable housing levels to 40% is of great concern to the viability of my client's scheme. The team has designed the proposed affordable accommodation to the highest of standards complying with HAPPI principles and Lifetime Homes wherever possible. The quality, location and setting of the development we feel will almost certainly attract/entice over 55 affordable residents from larger under-occupied family housing elsewhere in Bath. Freeing up these family sized units in our opinion will more than make up for the 3 units / 5% reduction to this recently adopted policy. On the basis that individuals or couples under occupying a family house would be relocating to the Hope House site this development would not only provide 20 first class purpose built properties but would free up valuable family housing. This represents on average at least 2 additional bed spaces per unit provided on site (e.g. a 3 or 4 bed house would free up 4 spaces) – this represents a significant overall contribution which exceeds policy which can be delivered through the provider. As previously mentioned the waiting list for 1 bedroom properties is considerable and this scheme will help readdress the balance and be focused on a particular age of residents where demand is at its highest.

Further consideration is the design of the properties on site and their location in relation to the functionality of the affordable housing. All affordable must be provided within one block to reduce management cost and also because this age group are vulnerable and would take comfort from the fact that they will be with peers. It is not practical or viable to increase the number of units through dispersing units through the site, as Block B has been designed to meet the bespoke requirements and the other blocks have been designed to meet market requirements. The inclusion of 3 units would result in a redesign of the whole scheme. It is also not appropriate to increase the scale of the existing building either in footprint or height given the site constraints. The levels drop away to the west and so any increase in provision would result in further foundations, retaining walls at greater costs. We also, very importantly, need to be mindful of the residents of St James's Park and any resultant impact on changes which have been carefully considered.

The provision of specific age restricted affordable housing on the Hope House site will release much needed family housing, freeing up under occupied stock back elsewhere in Bath into the community (see under occupation reference in 2013 SHMA page 52). As you know there is much support for over 55s retirement development in the Adopted Local Plan and also in the emerging evidence base including the 2009 and 2013 SHMAs. Paragraph 159 of the NPPF refers LPA to prepare SHMAs to understand the housing need in their

area and requires the need for all types of housing to be addressed including that for older people. Laying the Foundations also refers to the need to make provision for this sector.

The 2013 SHMA identifies that the ageing population is impacting on the need and the “estimated requirement for specialist housing for Older People (market and affordable) represents a potentially significant proportion of the total housing requirement.” (para 12.58). Chapter 9 is relevant and clearly indicates that the need for older people accommodation in B&NES is greater than in England as a whole. Policy CP10 of the Core Strategy also supports housing for older people - “housing developments will also need to contribute to the provision of homes that are suitable for the needs of older people, disabled people and those with other special needs....in a way that integrates all households into the community. The 2009 SHMA identified the split of affordable need in Bath North between family 3/4bed and non-family 1/2 bed as 31% / 69% respectively. The 2008 DCLG household projections showed that between 2008 and 2033 over 50% of the growth across the District will come from the over 65 age group.

Officer assessment

The proposals as submitted are agreed bespoke in particular with regard to the affordable housing provisions. Build quality within the scheme exceeds standards that are generally applied and it is agreed highly unlikely given the longevity and complexity of negotiations leading to this point that an increased affordable housing provision in this case could be secured on the basis of the current scheme and if it were sought it would generate a requirement for a different approach to the development. In this specific case taking account of the affordable housing officers very clear support for the proposed scheme I am satisfied that taking account of the very particular and specific circumstances and constraints in this case it is acceptable to move forward on the basis of the secured 35% affordable housing provision.

Other Matters

The development has been advertised as a departure due to the 5% lower than policy affordable housing provision. No representations on this point have been received.

Recommendation

As per the main agenda with revision to point iii) to secure the parks contribution in line with the revised Parks officer advice as set out in this update.

Drainage

Following the receipt of additional information the Flood Risk Management and Drainage Team no longer require the advice in respect of contacting Wessex Water in respect of drainage prior to commencement. They have however recommended the following condition to be attached:

On completion of the scheme record drawings are to be produced detailing the drainage systems installed (including permeable paving areas) and the point of discharge to the Public sewer system.

Reason:

To allow operation and maintenance of the drainage system in accordance with the initial design for the purpose of flood risk management.

Land contamination

A Desk Study and Ground Investigation and Geoenvironmental Interpretative Report has been submitted and the Contaminated Land Officer is satisfied with the conclusions of the report and confirm that the condition requiring a desk study and preliminary land quality risk assessment has been met. Therefore condition 2 is no longer required and the following document should be added to the approved documents list:

Received 11th August 2014

Ground investigation and geoenvironmental interpretative report (June 2014)
Greenfield Associates

Item No.	Application No.	Address
03.	13/03562/OUT	Parcel 3300, Temple Inn Lane, Temple Cloud

Corrections:

Page 131

Heading 4 - to read as follows: (Additional text in **Bold**, deleted text struck-through.)

4. The provision of a direct public footpath link from the ~~north~~ **south** east corner of the site to Cameley Church of England Primary School and contributions of £20,000 to fund **3rd party compensation**, any associated admin costs and construction costs, any unused funds to be returned to the developer.

Page 132

Heading 2. - To read as follows

"2. £10,000 to fund the rationalisation of signage on the junction of Temple Inn Lane with the A37." ~~or part thereof should planning application 13/04456/FUL be approved.~~

Heading 7 - to read as follows:

7. The provision, on site, of ~~30~~**5**% Affordable Housing the housing mix to be agreed in writing with Bath and North East Somerset Council

Heading 10 - to read as follows:

10. Contributions to fund the need for primary school places and Youth Services provision places arising from the development, the amount of the contribution to be calculated prior to reserved matters consent being granted and calculated in accordance with the Supplementary Planning Document entitled Planning Obligations, adopted July 2009, ~~or any equivalent subsequently adopted Document.~~ The agreed contributions shall be provided prior to the commencement of development.

ITEMS FOR PLANNING PERMISSION

Item No.	Application No.	Address
08	14/01237/FUL	Land at London Road East

Since the agenda was published Councillor Geoff Ward has objected to the application and one further letter has been received objecting to the application. Both comments are summarised below.

The applicant does not have access over the vehicular access to the site. New drawings have been submitted, objectors and the parish council have not been reconsulted. The building could be used for employment use.

Officer assessment

The onus is on the applicant to provide the correct information with regards to land ownership. In this case the applicant has signed certificate D. Certificate D is required if land is included within the red line where the applicant does not know who owns the land. The applicant is required to place a notice of the application within the local press. The applicant has also supplied a letter from their solicitor stating that they do have a right of access to the site.

Further comments have been made by the highways officer which state that:

I note the correspondence received confirming the right of access from London Road East to the development site, from the Land Registry, dated 12/10/1998. I have also seen the information sent in respect of the stopping-up of public highway and private access, dated May 1993.

Given the information sent in support of the development post-dates the stopping-up notice, it is reasonable to assume that this legally supersedes that previous order and therefore that access exists. Should this not be the case and access does not exist, this would be a civil matter to be resolved outside the planning process.

The applicant has submitted a revised site location plan which has revised the red line to show access to the highway. The council is not under any obligation to reconsult and in this case it was not deemed necessary as it did not substantially alter the proposal.

With regard to planning policy that is relevant to this proposal it should be noted that paragraph 51 of the NPPF states that,

Local planning authorities should identify and bring back into residential use empty housing and buildings in line with local housing and empty homes strategies and, where appropriate, acquire properties under compulsory purchase powers. They should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.

The proposed development would result in the reuse of a currently disused building. Therefore the proposed development is considered to be compliant with the policies set out within the National Planning Policy Framework.

The submitted comments do not alter the officer's recommendation and the application is still recommended for permission.