

**BATH AND NORTH EAST SOMERSET COUNCIL**

**Development Management Committee**

**Date 10<sup>th</sup> February 2016**

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

**ITEM**

**ITEMS FOR PLANNING PERMISSION**

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
01	15/04215/RES	Temple Inn Lane Temple Cloud

This application was deferred at the January meeting (for one committee cycle) to enable further discussions to take place in relation to the future management of the public open spaces including the proposed grow patches.

**Landscape Management Issues**

Discussions have continued, a meeting held and a revised Landscape Management Plan has now been received.

It has been confirmed that the Parish Council cannot take ownership of, or manage, the public open spaces as it is necessary to operate within the parameters set within the Unilateral Undertaking which forms part of the outline planning permission.

In summary the submitted revised Landscape Management Plan states:

- there will be a 12-month defect liability period after which a landscape contractor will take over;
- the contractor will operate on a running contract managed by a management company;
- this plan will run in **perpetuity** [rather than for 5 years as initially proposed] and its operation will be reviewed every five years;

The following key components form part of the Landscape Management Plan:

- Litter and debris removal;
- Management of existing trees and hedgerows;
- Amenity and meadow grass cutting;
- Amenity and native tree maintenance;
- Hedgerow maintenance;
- Play area maintenance;
- Hard landscaping and furniture maintenance;
- Grow patches

The hedgerows are to be maintained at a height of at least 2m. The north-eastern hedgerow will be managed and maintained on both sides by the management

company except which it forms the boundary with residential properties (in which case it will be the occupiers' responsibility).

Further information has been submitted in relation to the grow patches. A detailed plan will be displayed at the meeting. It has been confirmed that 10 cultivated plots will be provided measuring 63sqm each. The area as a whole will be enclosed by a post and rail fence with lockable gates; it will be connected to the highway by a gravel pathway.

A metered water supply will be provided.

The Parish Council will manage the list of grow patch holders and will nominate villagers to be allocated a grow patch (i.e. not just those residing on the new development).

The management company itself is likely to be a resident's management company. The management company's constitution will require it to consult with the Parish Council so that grow patches are let to Parish Council nominees.

David Wilson Homes will liaise with new residents in order to appoint directors of the residents management company and upon completion of the development ownership of the public open spaces and grow patches will transfer to the residents management company.

Residents will pay a service charge to the management company. The grow patches will be financed separately by their users.

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#### The nature of the play area

The Parish Council would rather the public open space was not equipped as it would then compete with a neighbouring play area which the Parish Council has invested in significantly recently. There is no policy requirement for the POS to be equipped and as such the Council can be flexible on this point. The following additional condition is suggested (and thus forms part of the recommendation to committee) so that discussions can continue on this point post-determination of this application.

*9. Notwithstanding the details set out on the approved plans, details of the proposed Local Area of Play (LAP) shall be submitted to and approved in writing by the local planning authority prior to first occupation of the first dwelling hereby approved. The LAP shall be laid out in accordance with the details so approved.*

*Reason: For the avoidance of doubt as to the extent of the permission granted.*

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#### Ecology

Since the last meeting further comments from the council's ecologist have been received. She has highlighted that the wildlife area is not clearly labelled on the layout and landscape drawings, it would *appear* to be delineated by just a line. She has also highlighted that the landscape management plan does not include specifications for habitat maintenance. The landscape management plan is yet to be approved by the council and therefore there is scope to amend it accordingly. As stated in the main report it does not form part of this reserved matters application and as such can be finalised post-determination.

The ecologist has suggested an additional condition dealing with lighting:

*10. No new or additional external lighting shall be installed without full details of proposed lighting design being first submitted and approved in writing by the LPA; details to include lamp specifications, positions, numbers and heights; and details of all necessary measures to limit use of lights when not required and to prevent light spill onto vegetation and adjacent land; and to avoid harm to bat activity and other wildlife. The approved lighting design and predicted light spill limits shall be retained and operated as approved in perpetuity unless any further proposed changes to the lighting design are first submitted to and agreed in writing by the Local Planning Authority.*

*Reason: to avoid harm to bats and other wildlife*

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### Change to Plans List

Following details being finalised with the engineers it has been necessary for the architects to make some tweaks to the submitted drawings. These changes are not significant and relate to the realignment of a sewer easement; the plans list has been changed to read as follows:

1 The following plans are hereby approved:

House Type Booklet: 0529-HTB-ISSU  
Topographical Survey Revision A  
Planning Layout: 0529-102 D  
Street Scene 0529-103 A  
External Works Layout: 0529-104-1 B  
External Work Layout: 0529-104-2 B  
External Works Layout: 0529-104-3 A  
Vehicle Tracking Layout: 0529-105-1 B  
External Detailing: 0529-106 A  
Adoption Plan: 0529-107 C  
Materials Layout: 0529-108 B  
Garages and Car Port: 0529-109-1 A  
Garages and Car Port: 0529-109-2 A  
Timber Cycle Sheds: 0529-110 A  
Waste Collection and Storage Plan: 0529-111 B  
Road and Sewer Long Sections: 0529-302-1  
Road and Sewer Long Sections: 0529-302-2 A  
Parking Matrix: 0529-ISSUE 2  
Residential Lighting Layout: 15/ST LTG/TC/L01  
Tree Protection Plan: D28 22 P4  
Soft Landscape Proposals: GL0281 02B  
Standard Gate: SD14-003  
Brick Wall: SD14-004  
Timber Fence: SD14-007  
Country Style Railings: SD14-008  
Close Board Timber Fence: SD14-015\_1800  
Location Plan: 0529-101 B  
Grow Patches: GL0281 04

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## Corrections

It was highlighted at the last meeting that there is an error in the wording of Condition 2. It is corrected as follows (correction in bold):

*2 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no windows shall be installed, **other than hereby approved**, above ground floor in Plots 64 and 70 hereby approved without the prior written permission of the local planning authority by means of a planning application made for that purpose.*

*Reason: To protect the privacy of nearby residential property.*

## **RECOMMENDATION** (unchanged)

PERMIT

Subject to the conditions set out in the main report as amended/supplemented by the conditions detailed in this update report.

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
02	15/04706/EFUL	Former Cadbury Factory, Cross Street, Keynsham

The Description of Development should refer to 128 Extra Care Flats as stated in the main body of the report.

The application site includes a Grade II listed Roman Well. A well has been found within an area of the site where no buildings or structures are to be erected. The top of the well is understood to be approximately 2m below current ground level. The impact of the proposed development on the listed well has been taken into account in the assessment of the application including the duty on the Council to pay special attention to preserving the setting of a listed building. It is considered that with an agreed programme of investigation (and if appropriate, mitigation) the development will preserve the setting of the listed well.

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
03/04	15/05235/FUL 15/05237/FUL	Recreation Ground, Bath

Application 15/05235/FUL has been amended to remove the reinstatement of the existing West Stand on expiry of the planning permission for the temporary West Stand.

#### Officer Comments

The amended Description of Development is:

Part demolition of existing permanent West Stand (retaining rear wall and concrete slab) together with terraces in north west corner of the site and removal of existing temporary stands and seating; erection of temporary covered West Stand and seating, including camera gantry, uncovered seating and associated works and ancillary facilities including retention of existing floodlighting, erection of boundary fence with new access gates onto riverside path, provision of toilets and food and bar facilities within temporary stand (temporary application for a period of up to four years).

Condition 2 is substituted with the following:

No development shall commence until a sample of all external wall and roofing materials has been submitted to and approved in writing by the Local Planning Authority.

References in the report to s.16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 should be to s.66 of that Act

Additional representations have been received objecting to the application. These relate to the responses made by statutory and B&NES consultees, and to further submissions made by the applicant regarding the economic impact of the proposals. The objections raised are that:

- The harm arising from the development is “substantial” and therefore the applications should be assessed against para. 133 of the NPPF.
- No evidence has been submitted by the applicant to substantiate the assertion that the harm to heritage assets is “less than substantial”.
- Historic England and the Council’s Conservation Team have not properly or objectively assessed the level of harm of the proposed West Stand to heritage assets as it will not be screened by trees during the winter.
- The applicant has misapplied the test in para.134 of the NPPF and the assessment of harm and public benefit is flawed because it does not take account of the economic impact of the harm caused by the degradation of the World Heritage Site. This would outweigh any public benefit.
- The level of expenditure by spectators has not been independently verified. The economic impact of the development in terms of jobs in the city is over-stated and does not outweigh the harm to heritage assets or the disadvantages of extra pollution, congestion, inconsiderate parking, and worsened views.
- Unless assurances can be obtained from the owners that there are no plans to remove the trees screening the West Stand within the four year period for which permission is sought, it is suggested any permission given

notwithstanding all the defects in the application would appropriately be limited to one year with annual renewal subject to the trees remaining in situ.

- It is understood that the Environment Agency has plans to remove the trees during the term requested for the temporary permission.
- The temporary stands are made of low quality materials and an eyesore.
- The temporary stands have already been on site for 9 years.
- The noise from the public address system is deafening and noise from other activities on the site occur at all hours. The flood lights shine into our properties until late, the noise of the generators are left on for hours, the portable toilets are cleaned in front of the houses. The flow of a sea of people going to the game and then coming back pass the front door of our house is frightening. It is not just language abuse by swearing, it is also the rubbish they produce.
- The match day tents and other facilities outside the Stands take up an increasing area of the Recreation Ground.
- The Design Note on air quality is flawed and without evidence for the assertions made regarding mode of travel.

#### Officer Comments

Officers have assessed the harm to heritage assets in accordance with the guidance in the NPPF, Planning Practice Guidance and duties upon the Council as set out in s.66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. For the reasons set out in the main report it is considered that the impact on heritage assets is less than substantial.

- The level of expenditure by spectators presented by the applicant takes account of the typical profile of spectators (home, away etc) and has been reviewed against data on spend by tourists to the city. It is considered that the data used is reasonable and appropriate. There is no evidence that expenditure by other visitors to the city would be reduced because of the harm caused by the proposed temporary stands.
- Officers are not aware of any plans to remove the trees within the bund between the West Stand and the river.
- The air quality assessment identifies an increase in cars coming into the city however the additional vehicles over existing flows is not significant in terms of Average Annual Daily Traffic.
- The operational, match days impacts to neighbouring properties such as noise from the public address system, impact of floodlights and litter are matters that are most appropriately controlled through monitoring and enforcement under other legislation and addressed through liaison between the Club, Recreation Ground Trust, residents and B&NES Environmental Protection.

The further representations have been reviewed by Officers however they do not change the conclusions or Recommendations in the reports.