

BATH AND NORTH EAST SOMERSET COUNCIL

Development Management Committee

Date 21st September 2016

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

ITEMS FOR PLANNING PERMISSION

ITEM

Item No.	Application No.	Address
01	16/01016/RES	Former GWR Line, Radstock

Urban Design Comments

Following the publication of the committee report the Urban Designer has submitted her formal comments in relation to the amended plans, these are as follows:

- Natural materials are required in the town centre to ensure high quality design. There is no viability report provided to support any claim that it is unaffordable throughout the town centre. The quality, finish and weathering of natural materials are important for the character of Radstock as a place and the town centre is where this character should prevail for the benefit of the whole community;
- It is positive that the red line now includes the entire public space. Option 2 for the layout is best for the town. I understand that limitations due to land ownership may mean that option 1 has to be delivered by this applicant in the interim;
- The objection to the scale of buildings is not adequately addressed. The proposals should be appropriate for the site in terms of size, scale, massing and height and this should be demonstrated in drawings;
- Please provide an up to date Building for Life assessment that details where the reds in the version submitted with the application have been designed out.

EIA Matters

As stated in the main report the outline application (Ref: 13/02436/EOUT) was the subject of an Environmental Impact Assessment (EIA). The current application for the approval of reserved matters is therefore a 'subsequent application' in EIA terms. The Environmental Statement submitted at the outline stage as well as all supplemental/additional environmental information submitted is adequate to assess the environmental effects of the proposed development and that information has been taken into account in reaching the recommendation.

02

16/03359/FUL

Bath Sea Cadets, St John's Road

Representations & Consultations

One additional letter of objection has been received. The main issues raised were:

- Inadequate provision for refuse
- Inadequate provision for cycle parking
- Inaccuracies in the application
- Loss of privacy
- Concern about nesting gulls
- Inappropriate density of development for quiet residential street

This brings the total number of objection comments to 11, in addition to the 16 signature objection petition already received.

Conditions

The following heading is now provided for condition 2:

2. Detail of window reveals (Bespoke Trigger)

Since publication of the committee report the applicant has submitted a Construction and Environmental Management Plan. The submitted plan has been reviewed by Highways, the Council's Ecologist and by the Environment Agency and is considered to be acceptable. It is therefore proposed to amend the wording of condition 3 as follows:

3. Construction Environmental Management Plan (Compliance)

The development shall be carried out only in accordance with the approved document named 'C.E.M.P and C.M.P' (Iesis Ltd, received 19th September 2016).

Reason: Reason: To ensure that safe operation of the highway, in the interests of protecting residential amenity, to avoid harm to bats and the River

Avon during site preparation demolition and construction in accordance with Policies T.24, D.2, NE.9, NE.10, NE.11 and ES.15 of the Bath and North East Somerset Local Plan.

Since publication of the committee report the applicant has submitted a Written Scheme of Investigation. The submitted scheme has been reviewed by the Council's Archaeologist and Conservation Officer and is considered to be acceptable. It is therefore proposed to amend the wording of condition 5 as follows:

5. Archaeology (Compliance)

The development shall be carried out only in accordance with the approved 'Written Scheme of Investigation for the Recording of Bath Sea Cadets HQ, St Johns Road, Bath prior to demolition and for a Controlled Archaeological Watching Brief during development groundworks' (Bristol & West Archaeology, dated 11 September 2016).

Reason: The site is within an area of significant archaeological interest and the Council will wish to examine and record items of interest discovered in accordance with policies BH.12 and BH.13 of the Bath and North East Somerset Local Plan.

Condition 7 is amended as follows:

7. Student Management Plan (Pre-occupation)

No occupation of the development shall commence until a student management plan has been submitted to and approved in writing by the Local Planning Authority. This shall include details of:

*The arrangements for student drop off / pick up at the start and end of each University semester;
refuse storage, management and collection; and,
site security.*

The student accommodation use shall thereafter operate only in accordance with the approved student management plan.

Reason: In the interests of highways safety, residential amenity, to reduce potential noise and disturbance and to ensure the good management of the building in accordance with policies T.24, D.2 and ES.12 of the Bath and North East Somerset Local Plan.

This change is proposed to ensure that only enforceable matters are controlled by condition to meet the tests of conditions set out in the National Planning Practice Guidance (NPPG).

Further representations have been received as detailed below:

Objection from owners/occupiers of Lower Meadow, The Barton:

- The letter from the applicant's agent dated 30 August 2016 does not address the comments and objections raised by neighbouring owners;
- Given the scale and impact of the proposed development, the application constitutes inappropriate development.

Comment from owners/occupiers of Laburnum Cottage, The Barton:

- The applicant worked with the owners/occupiers of Laburnum Cottage to erect fencing along the boundaries of Laburnum Cottage after removing natural screening provided by natural shrubs.
- Comments regarding boundary responsibilities [not a material planning consideration].
- The owners of Laburnum Cottage would welcome additional planting along the drive to further screen the drive from Laburnum Cottage.
- Living accommodation at Laburnum Cottage is not orientated only towards the front and rear of the property as suggested by the applicant's agent (letter dated 30 August 2016). The kitchen looks out towards the driveway and the side door is used as the main entrance. There is also a pending application to convert the garage into additional living space.

The above additional comments do not affect the Officer's assessment and recommendation included in the main agenda.

In addition a representation has been received from the applicant's agent, the content of which is summarised below:

- The inhabitants of Laburnum Cottage did not make an objection as stated in the Committee report, they made comments.
- The dimensions from the closest corner of the proposed dwelling to the boundary of Lower Meadow is 2.1m - the post and rail fence is not the actual site boundary, the site boundary is the fence-line further to the west.
- The distance of the first window to the boundary of Barton House is 2.6m (western/closest edge of window).
- The distance to the second window to boundary of Barton House is 4.7m (western/closest edge of window).
- The distance from the obscured glazing bathroom window to the boundary of Lower meadow is 3.5m.
- The proposed dwelling will have a lower finished floor level than the cottages to the south, contrary to the Committee report.

In regards to the relationship with Lower Meadow, this does not affect the Officer's assessment and recommendation since it has been concluded that

there would not be an adverse impact for the amenities of the occupiers of Lower Meadow at a closer distance.

In regards to the relationship with Barton House, the distance of the closest first floor window to the party boundary does measure 2.6m and not 3m as stated in the report. This does not affect the assessment and recommendation since a harmful level of overlooking has been identified at the greater distance.

The distance between the second first floor window and the party boundary with Barton House still appears to measure 4.8m.

The topographical survey submitted with the application appears to contradict the Officer's on site visual assessment that Laburnum Cottage has a slightly lower ground level than the location of the proposed dwelling (although it is noted that no ground level data has been included for within the site of Laburnum Cottage).

The Officer's report states on page 106 of the agenda that the site of the new dwelling has a slightly higher ground level than the cottages to the south. Nevertheless, it concludes that the separation distance between the new dwelling and the boundary with Laburnum Cottage would prevent a harmful level of overlooking for the occupiers of that property as a result of the proposal. If in fact the ground level of the proposed dwelling would be slightly lower, then the level of overlooking would be slightly less than anticipated.

The above observations therefore do not alter the Officer's assessment and recommendation as set out in the agenda.

The following Plans List and Decision Making Statement were omitted from the Committee report:

Plans List:

This decision is based on the following drawings and information: PI-10, PI-90-1, PI-100 Revision A, DB1722-TOPO and Design and Access Statement received 23/06/2016, PI-90-2 Revision A received 14/07/2016.

Decision Making Statement:

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning 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.

08

16/03427/FUL

**7 Hornbeam Walk,
Keynsham, BS31 2RT**

Two further comments have been received from the owners/occupiers of 10 Holmoak Road and 10 Hornbeam Walk, the content of which is summarised below:

- No objection in principle.
- Safety concerns in regards to construction vehicles and deliveries and the proximity of the park access.
- Concerns regarding working hours.
- Concerns regarding pedestrian safety from vehicles reversing out of the parking spaces given proximity to park access.
- Sufficient car parking for the occupiers of 7 Hornbeam Walk should be provided.
- The privately owned access lane which will provide vehicle access to the site is also the walking access to the park.
- Who will be responsible for repairing any damage to the access drive should this occur?
- Who will be liable if a construction vehicle damages one of the cars parked along the access drive.
- Hornbeam Walk has had several issues with sewer pipes blocking. Concerned that the additional house will overload the sewerage pipes and cause costs to neighbours.

Damage to land and property is a private civil matter and is not a material planning consideration.

The matter of car parking provision for 7 Hornbeam Walk has been addressed in the Committee report.

Highways DC have raised no concerns in regards to highway safety impacts from the proposed development. A condition could be attached requiring a Construction Management Plan to be submitted and approved by the LPA prior to works commencing on site to address concerns regarding pedestrian safety during the construction process.

Given the scale of the development, it is not considered reasonable or necessary to attach an hours of work condition to the grant of planning permission.

09

16/03488/FUL

**63 Purlewent Drive
Upper Weston
Bath
BA1 4BD**

One additional neighbour comment received (18 in total) summarised as follows:

- The application does not include information as required by the Supplementary Planning Document for HMO.
- The application property is within an area with less than 25% of households in multiple occupancy which would normally mean that it would be acceptable in principle unless there are other material considerations.
- The previous use of the house for student accommodation was detrimental to the amenities of adjoining properties due to visual and noise intrusion.
- The loss of the property for family accommodation will reduce the choice and mix of housing in the area .
- The property is not large enough to provide 4 bedrooms.
- There is high demand for parking from existing residents and hospital staff.
- Cycle parking would not ensure less car usage.
- No off-street parking is provided and car use will be more intensive.
- The proposal is not compatible with the character and amenities of adjacent uses, loss of existing family accommodation and lack of off-street car parking.