

**BATH AND NORTH EAST SOMERSET COUNCIL**

**Development Management Committee**

**Date 19<sup>th</sup> October 2016**

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

**ITEMS FOR PLANNING PERMISSION**

**ITEM**

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
<b>01</b>	<b>16/02055</b>	<b>Land to the East of the Mead, Queen Charlton Lane, Whitchurch</b>

A letter of objection has been received from Savills on behalf of the adjacent land owner (Horse World) and developer (Bellway Homes). The letter raises a number of points which are summarised as follows:

- There is no formal agreement in place between the applicant and Horse World/Bellway; there can therefore be no certainty as to the deliverability of the early years provision or allotments. The committee report fails to explain how the proportionate cost of land purchase and delivery will be secured;
- It is unclear whether the proposed level of Green Infrastructure has been assessed relative to the number of dwellings proposed and therefore it is not possible to properly assess whether there are deficiencies which need to be met off-site;
- The LEAP (Local Equipped Area of Play) straddles the Barratt/Bellway site boundary. Each developer will provide sufficient space to meet the needs of their particular development but there is no agreement in place to secure this;
- There are several elements of the Barratt development which do not accord with the agreed masterplan, these are as follows:
  1. Pedestrian and vehicular access to the allotments should be from the Barratt development but this link is not shown;
  2. The estate road, where it crosses the boundary between the developments, should be narrowed to slow vehicle speeds and discourage rat-running. This is not shown;

3. The masterplan shows a north-south pedestrian route running along the western side of the central hedgerow. The Barratt proposal shows a pedestrian route on the eastern side of this hedgerow south of the access road. The proposed Bellway route running parallel to the Barratt route therefore serves no purpose.

### Officer Comments

As explained in the main report a Master Plan for the whole site allocation was submitted pursuant to policy CP5 of the Core Strategy and presented to members of the committee. It is a material consideration however the weight that the master plan should carry is ultimately a matter for the decision-taker. The master plan provides guidance as to the manner in which the allocated site as a whole could be developed; the schemes that come forward therefore should be informed by it. It is not considered necessary however for the master plan to be very strictly adhered to and it is recognised that minor deviations may be necessary as the detail of the schemes develop. In particular it is of note that the Master Plan was endorsed in principle by members but its detail was not fully agreed.

It is not necessary for a formal agreement to be in place between the two developers prior to committee as this will come later in the form of a Section 106 agreement. It is relevant that there is considered to be a reasonable prospect of delivering the outstanding matters for inclusion within that agreement. The S.106 Agreement will secure the requisite contributions towards off-site infrastructure, such as early years provision, and negotiations regarding its precise content will continue post-committee should the committee make a positive resolution. The application will not be permitted until such time that a satisfactory S.106 Agreement has been completed and in the event that matters delegated to officers cannot be resolved the application would potentially need re-presentation to committee

As noted in the committee report the level of Green Infrastructure (public open space etc.) proposed on the site is satisfactory. It is considered to meet the needs of the development's future occupants in full; there are no deficiencies needing to be met off-site. The master plan illustrates the allotments as being provided on the adjacent Bellway site. The provision of two sets of allotments, one on each site, would be highly undesirable.

It is noted in the committee report the proposed LEAP straddles the site boundary and each developer will provide that part of the LEAP within their site. It is not necessary for a formal agreement to be in place between the developers in advance of the committee considering the application. The committee report is clear that the recommendation to 'delegate to permit' is subject to, amongst other things, a S.106 Agreement securing the LEAP and its ongoing maintenance. The report also confirms that the proposed LEAP within the Barratt scheme is adequate to meet the needs of the development and can be delivered in isolation of the Bellway scheme should the Bellway scheme not come forward or be delayed.

The master plan does indeed show a pedestrian link to the allotments from the Barratt site but this is not shown on the submitted Barratt layout plan. The master plan is ambiguous in respect of a vehicular access. It is agreed that a pedestrian link is necessary and as such it is recommended that resolution of this matter is delegated to officers in addition to those matters listed in the report. A vehicular link and associated car park is undesirable as it is expected that users of the allotments will be within easy walking distance.

The master plan shows a traffic calming measure in the form of a narrowing of the road on the boundary of the two sites. This is not shown on the submitted layout plan and as such it is also recommended that resolution of this matter is delegated to officers as above. Finally, it is recognised that one of the pedestrian routes proposed by Barratt would render a proposed Bellway route on the other side of the hedge superfluous. Bellway could therefore consider removing the route from their scheme; this issue has no direct implications for the current application.

### Other Updates

Members will note that one of the matters listed in the report as being delegated to officers is details relating to the turning of refuse vehicles and the location of bin collection points. A package of information has been submitted and the further comments of the waste team are awaited.

### **Revised Recommendation**

Delegate to PERMIT subject to the receipt of:

A) Further acceptable information including:

- Details relating to existing and replacement hedgerow planting, fencing, lighting, species rich grassland and soft landscaping scheme;
- Details relating to the turning of refuse vehicles and location of bin collection points;
- Provision of a pedestrian link to the allotments (to the site boundary)
- Resolution of issues raised in relation to the narrowing of the road on the site boundary

B) A S.106 Agreement - Authorise the Group Manager – Development Management, in consultation with the Planning and Environmental Law Manager, to enter into a Section 106 Agreement to provide those matters which are set out in the committee report.

And subject to the conditions set out in the committee report.

**02            16/02658/REM            Rockery Tea Gardens, North Road Combe  
Down, Bath**

Description of Development:

Members should note that within the second from last paragraph it is stated that Condition 11 was discharged on 17 November 2016. This should read 17 November 2016.

There is no change to the recommendation.

**03            16/03069/FUL                            239A London Road East, Batheaston**

Members are advised that there is a typo within the case officers report in the section regarding amenity. Number 241 has been referred to as number 240. The paragraph is corrected to state the following;

The building is set between the properties of numbers 237 and 241. The increased height of the building will be visible to both properties. The building is located adjacent to the garage of number 241. Whilst it will be visible to number 241 and increase in height of 1.9 -1.3 m is not considered to appear overbearing to the occupiers of the property.

Representations

Two further representations have been received making additional comments detailed below.

The proposed changes do not change the overall impact of the building. They do not overcome the original reasons for objecting.

Whilst the existing property is an eyesore it does not cause a loss of light to neighbouring properties.

The amount of glass frontage has been reduced but it is still more in keeping with the ugly boxes on Bannerdown Road rather than the neighbouring properties.

The ground floor will be below ground level which will affect the structural integrity of neighbouring properties.

The committee should visit the site before making a decision

Recommendation

As in the main report

**05            16/01465/FUL                            Land adjacent to White Hill Cottages White  
Hill Shoscombe**

Additional condition in respect of details of the proposed render- condition 7 to read

7 {b Materials - Sample of Render (Bespoke Trigger)}



In summary within this application it has not been demonstrated that the development would not cause harm to the setting of the listed building and the application should be refused.

These comments are reflected in the committee report.

## ECOLOGY

The councils ecologist refers to previous comments made in respect of application 15.04514/FUL.

These previous comments are referenced in the officer assessment.

**07            16/00792/FUL            8 Warminster Road, Bathampton, Bath,  
Bath and North East Somerset, BA2 6SH**

Members are advised that further comments have been received from Bathampton Parish Council:

Bathampton Parish Council ask that you give consideration to paying a site visit to No. 8 Warminster Road prior to the decision being made in Committee. Only then will the Committee be able to appreciate the effect that this development will have on the neighbouring properties of No. 7 & No. 9.

There is no change to the recommendation.

**08            16/03659/FUL            22, Prospect Place, Walcot, Bath**

Members are advised that there is a missing section from the report;

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.

**11            16/04104/LBA            Green Park Station, Green Park Road,  
Bath, BA1 1JB**

Members are advised that further comments have been received from Bath Preservation Trust:

The Trust wishes to clarify that our objection was informed by the information held in the current planning application which did not detail that the plaque was to replace the recently permitted internal plaque. We were not privy to the discussions and negotiations regarding location of the plaque prior to the submission of this application and neither were these summarised in the

planning application. (Whilst background information was given in the Bath Heritage Watchdog support comment, this was uploaded to the planning portal after the Trust comment had been finalised).

The Trust has an 'in-principle objection' to wall plaques as, as we have detailed in our objection, we are concerned by their cumulative harm in adding clutter to building elevations, usually important Georgian facades. In this case we are happy to concede that our position was misinformed by the lack of detail in the planning application and the lack of prior consultation and that There is no change to the recommendation.