

## **BATH AND NORTH EAST SOMERSET COUNCIL**

### **Development Management Committee**

**26<sup>th</sup> July 2017**

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

#### **ITEMS FOR PLANNING PERMISSION**

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
01	16/05219/EOUT	Foxhill Estate, Fox Hill, Combe Down Bath

#### **Foxhill Estate, Fox Hill, Combe Down, Bath. ref: 16/05219/EOUT**

##### **Correspondence from Mr Hepworth**

Correspondence has been received from Mr Mark Hepworth (dated 21 July 2017). Mr Hepworth is the author of 'Foxhill at the Crossroads' (2012), this is a research paper that the applicant has referred to as part of their application and case for the proposed regeneration of the estate. Mr Hepworth advises that he was not aware of the outline planning application until he recently met with the applicant and separately with the Foxhill Residents Association. Mr Hepworth makes a number of points in his correspondence which are summarised as follows:

- identifying that his report confirmed the poor state of Foxhill relative to Bath and the country, that this was due to neglect and underinvestment by the Council and that thirdly that there was potential to create benefits from redevelopment of the former MOD site (now known as Mulberry Park). He recommended a 'Community Plan' be prepared to underpin any development.
- clarifies that his report was not intended to justify wholesale demolition of Foxhill, rather it was to be a focus for improving the quality of life of residents.
- Considers that the Charter in place at Foxhill does not provide residents with an adequate 'voice'.
- Identifies that there has been a deterioration in indices of deprivation across the most deprived areas of Bath from 2010-2015 not just Foxhill.
- Identifies that there are social and human costs of demolition and that the Residents Association survey identifies that the majority of local residents do not want to move. As such there is a lack of a community mandate for the proposal.
- The proposal must be inclusive and benefit everyone.

##### **Bath Placemaking Plan**

The Bath Placemaking Plan has now been adopted and forms part of the statutory development plan. Accordingly, it attracts full weight in the decision making process.

### Ecology

For clarification, the removal of any bat roosts, should any be found on the site, maternity roosts or otherwise, will require a licence. At this stage, there is no suggestion that a licence would not be granted.

### S106 Agreement and Conditions update

Further meetings have been held with the applicant in respect of the S106 Agreement and a Draft agreement is now in a format which officers are content with in terms of:

- Seeking satisfactory levels of affordable housing
- Satisfactory levels of open space
- Targeted recruitment and training opportunities
- A Travel Plan to encourage sustainable modes of transport

Minor amendments are proposed to the conditions 2, 4 and 7, with revised wording as follows:

(2)

All reserved matters applications shall be accompanied by a Design Statement identifying how they align with the Area Wide Design Principles and Design Principles for the Character Area/s in which they are located, as set out in the submitted Design and Access Statement (as amended) prepared by HTA dated May 2017. Development should thereafter proceed in accordance with the approved design statement

(4)

This outline planning permission relates solely to the description of development set out above and in the Application Plans and Documents attached to this planning permission. All reserved matters applications shall accord with the following approved parameter plans forming part of the application except where specific listed conditions in this permission require otherwise:

- Amount - EXX-0100 Rev D
- Heights - EXX-0102 Rev O
- Access – EXX-0101 Ref F

(7)

A schedule of demolitions and new build shall be provided at each reserved matters phase prior to commencement of development on that phase. The schedule shall demonstrate that that phase when combined with any earlier phase will result in a net increase of dwellings on the site.

The reasons for the conditions 2, 4 and 7 remain unaltered.

Approved plans list to be updated to include the access parameter plan EXX-0101 Ref F.

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
Site visit 001	16/06140/FUL	30 Flatwoods Road, Bath

The placemaking plan as now been adopted and forms part of the development plan. The conditions are now revised to state;

1. Standard Time Limit (Compliance)

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permission

2. Parking (Compliance)

The area allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure sufficient parking and turning areas are retained at all times in the interests of amenity and highways safety in accordance with Policy ST.7 of the Bath and North East Somerset Placemaking Plan.

3. Construction Management Plan (Pre-commencement)

No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority and shall include details of deliveries (including storage arrangements and timings), contractor parking, traffic management, working hours, site opening times, wheel wash facilities and site compound arrangements. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure that safe operation of the highway and in the interests of protecting residential amenity in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan. This is a condition precedent because any initial construction or demolition works could have a detrimental impact upon highways safety and/or residential amenity.

4. Materials - Submission of Schedule and Samples (Bespoke Trigger)

No construction of the external walls of the development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies D1, D2, D3 and D5 of the Bath and North East Somerset Placemaking Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

#### 5. Arboriculture (Pre-commencement)

No development shall take place until a Detailed Arboricultural Method Statement with Tree Protection Plan following the recommendations contained within BS 5837:2012 has been submitted to and approved in writing by the Local Planning Authority and details within the approved document implemented as appropriate. The final method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and certificates of completion to the local planning authority. The statement should also include the control of potentially harmful operations such as the storage, handling and mixing of materials on site, burning, location of site office, service run locations including soakaway locations 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 in accordance with policy NE.6 of the Placemaking Plan and CP7 of the Core Strategy. This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore these details need to be agreed before work commences.

#### 6. Arboriculture (Compliance)

No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement. A signed certificate of compliance shall be provided by the appointed arboriculturalist to the local planning authority on completion and prior to the first occupation of the dwelling.

Reason: To ensure that the approved method statement is complied with for the duration of the development.

#### 7. Wildlife Protection and Enhancement (Pre-commencement)

No development shall take place until full details of a Wildlife Protection and Enhancement Scheme have been submitted to and approved in writing by the local planning authority. These details shall include all necessary measures to avoid harm to wildlife including nesting birds; a method statement for the protection of retained hedgerows to include fencing specifications and a scale of showing fenced exclusion zones around retained vegetation including hedgerows; specifications for provision of new wildlife-friendly planting and hedgerows; and specifications including numbers heights and positions of features such as hedgehog, bird, and bat boxes to provide biodiversity

enhancement. All works within the scheme shall be carried out in accordance with the approved details prior to the occupation of the development.

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with policy NE.3 of the Bath and North East Somerset Placemaking Plan.

#### 8. Hard and Soft Landscaping (Pre-occupation)

No occupation shall commence until a hard and soft landscape scheme has been submitted to and approved in writing by the Local Planning Authority showing details of all trees, hedgerows and other planting to be retained; a planting specification to include numbers, size, species and positions of all new trees and shrubs, details of existing and proposed walls, fences, other boundary treatment and surface treatment of the open parts of the site, and a programme of implementation.

Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with Policies D1, D2 and NE2 of the Bath and North East Somerset Placemaking Plan.

#### 9. Hard and Soft Landscaping (Compliance)

All hard and/or soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme (phasing) agreed in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason: To ensure that the landscape scheme is implemented and maintained in accordance with Policies D1, D2 and NE2 of the Bath and North East Somerset Placemaking Plan.

#### 10. Sensitive lighting (Compliance)

No new 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 bat roost access points, bat flight routes, vegetation and adjacent land; and to avoid harm to bat activity and other wildlife. The lighting shall be installed and operated thereafter in accordance with the approved details.

Reason: To avoid harm to bats and other wildlife

#### 11. Refuse Collection (Prior to occupation)

Prior to the occupation of the development details of the proposed refuse collection must be submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the details approved.

Reason: In the interests of highway safety.

#### 12. Boundary treatments (Prior to commencement)

Prior to occupation of the development hereby approved the applicant shall submit details of the proposed boundary treatments to be constructed. The proposed boundary treatments shall be constructed on site in accordance with the approved details before development is occupied and retained for the lifetime of the development. Should boundary treatments be replaced then it shall be to a height and design which has first been agreed in writing with the Local Planning Authority.

Reason: In the interests of residential amenity in accordance with policy D.6 of the Bath and North East Somerset Placemaking Plan.

#### 13. Bound/Compacted Vehicle Access (Pre-occupation)

No occupation of the development shall commence until the vehicular access has been constructed with a bound and compacted surfacing material (not loose stone or gravel).

Reason: To prevent loose material spilling onto the highway in the interests of highways safety in accordance with Policy ST.7 of the Bath and North East Somerset Placemaking Plan

#### 14. Existing and Proposed Levels (Pre-commencement)

No development shall commence until details of the existing and proposed ground levels have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: For the avoidance of doubt and to clarify the finished ground levels of the development to accord with Policies D.2, D.5 and D.6 of the Bath and North East Somerset Placemaking Plan. This is a condition precedent because the ground levels have the potential to affect the overall impact of the development. Therefore these details need to be agreed before work commences as they could not easily be amended after.

#### 15. Plans List (Compliance)

The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.

Reason: To define the terms and extent of the permission.