

BATH AND NORTH EAST SOMERSET COUNCIL

Development Management Committee

Date: 15 November 2017

OBSERVATIONS RECEIVED SINCE THE PREPARATION OF THE MAIN AGENDA

ITEM

ITEMS FOR PLANNING PERMISSION

Item No.	Application No.	Address
001	17/03041/FUL	28 Meadlands, Corston, Bath

Additional comments have been received from the adjoining neighbour:

"I am still unclear how the loss of light to our property has been assessed as 'not considered significantly harmful'.

You have stated that you do not have to use the 45° rule despite it being included in The Residential Proximity Standards in B&NES as a standard that could be reasonably be expected to be used by the authority, and indeed has been applied in other planning applications (pot luck it would seem).

Please could you confirm the formula/quantifiable method of assessment that was used to formulate your opinion, so that I can assess the viability of appointing an independent surveyor?

Although a legal rather than planning matter, we can claim Right to Light under the 1832 Prescriptions Act."

There is no formula/quantifiable method for assessing the impact of proposed development on residential amenity. Each case is different and there is considerable variety within the district. Officers make recommendations on planning applications based on professional judgement. Planning applications are assessed against national and local planning policy and informed by comments received. In some cases a 45 degree rule may be used if this is deemed appropriate. In this case, due to the context of the site and the development proposed the level of harm from the development when compared to the existing situation is not considered significantly harmful to warrant refusal of the application.

Corston Parish Council has reiterated objections to the application. Objections include:

- Loss of light and overbearing impact on neighbouring property
- Proposed extension is too close to the boundary of the neighbouring property
- Unsympathetic design that is harmful to the character and appearance of the street scene

There is no change to the officer recommendation to permit this application.

Item No.	Application No.	Address
01	17/03774/OUT	34 - 35 Lower Bristol Road, Westmoreland, Bath

Following further discussions between the case officer and agent a number of amendments to the conditions set out in the main report have been made. None of these amendments materially alter the nature of the conditions but relate to matters of implementation and clarification. The revised conditions are as follows:

3. Samples of all external facing materials shall be submitted to and approved in writing by the local planning authority prior to their first incorporation in the development hereby authorised. The development shall proceed in accordance with the details/samples so approved. [*Case Officer Note: Trigger altered from prior to commencement of construction to prior to first use of the material concerned*].

14 No development (excluding any demolition works which are essential to facilitate the investigative work required by this condition) shall commence until an investigation and risk assessment of the nature and extent of contamination on site and its findings has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. The assessment must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and shall include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:

- o human health,
- o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- o adjoining land,
- o groundwaters and surface waters,
- o ecological systems,
- o archaeological sites and ancient monuments;

- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

[*Case Officer Notes: this condition has been altered to enable essential demolition works to be undertaken prior to the submission and approval of the investigation as such investigation is likely to be difficult prior to any demolition*].

15. No development (excluding any demolition works which are essential to facilitate the production of the remediation scheme required by this condition) shall commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, has been submitted to and approved in writing by the Local Planning Authority, unless the findings of the approved investigation and risk assessment has confirmed that a remediation scheme is not required. The scheme shall include:

- (i) all works to be undertaken;
- (ii) proposed remediation objectives and remediation criteria;
- (iii) timetable of works and site management procedures; and,
- (iv) where required, a monitoring and maintenance scheme to monitor the long-term effectiveness of the proposed remediation and a timetable for the submission of

reports that demonstrate the effectiveness of the monitoring and maintenance carried out.

The remediation scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme shall be carried out prior to the commencement of development, other than that required to carry out remediation, or in accordance with the approved timetable of works.

[Case Officer Notes: this condition has been altered to enable essential demolition works to be undertaken prior to the submission and approval of the remediation scheme].

22. No development (excluding any demolition works which are essential to facilitate the works required by this condition) shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has first been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a field evaluation of the site to determine date, extent, and significance of any archaeological deposits or features, and shall be carried out by a competent person and completed in accordance with the approved written scheme of investigation.

Reason: The site is within an area of potential archaeological interest and the Council will wish to evaluate the significance and extent of any archaeological remains.

[Case Officer Notes: this condition has been altered to enable essential demolition works to be undertaken prior to the programme of archaeological being approved as such work is likely to be difficult with some buildings in situ].

23 No development (excluding any demolition works which are essential to facilitate the works required by this condition) shall commence until the applicant, or their agents or successors in title, has presented the results of the archaeological field evaluation to the Local Planning Authority, and has secured the implementation of a subsequent programme of archaeological work in accordance with a written scheme of investigation which has first been agreed and approved in writing by the Local Planning Authority. The agreed programme of archaeological work shall be carried out by a competent person and completed in accordance with the approved written scheme of investigation.

Reason: The site is within an area of potential archaeological interest and the Council will wish record and protect any archaeological remains

[Case Officer Notes: this condition has been altered to enable essential demolition works to be undertaken prior to the submission of a field evaluation etc. as such evaluation is likely to be difficult prior to any demolition].

24. In the event of a programme of archaeological work being deemed necessary by the local planning authority further to the findings of the preliminary archaeological field evaluation, the development shall not be brought into use or occupied until the applicant, or their agents or successors in title, has secured the implementation of a programme of post-excavation analysis in accordance with a publication plan which has been submitted to and approved in writing by the Local Planning Authority. The programme of post-excavation analysis shall be carried out by a competent person(s) and completed in accordance with the approved publication plan, or as otherwise agreed in writing with the Local Planning Authority.

[Case Officer Notes: this condition has been reworded to clarify that the required works are only necessary in certain circumstances].

Item No.	Application No.	Address
2	17/03603/FUL	9 Partis Way Lower Weston Bath BA1 3QG

Please note for a point of clarification that the site is not within the conservation area, although it is adjacent to it. The policies section of the report references s72 P(LBCA)A 1990 of the legislation but this does not apply as the site is outside of the Conservation Area. This hasn't been referenced elsewhere.

Item No.	Application No.	Address
3	17/04031/FUL	The Paddocks Pilgrims Way Chew Stoke

Since the publication of the agenda one representation has been received objecting to the application for the following reasons:

The development has already been refused
This is not an infill site within a built up frontage and is contrary to green belt policy
The development is contrary to policy D.7 of the placemaking plan

Officer comments

The proposed development is not considered to be infill and is contrary to current housing policy. It is considered to be inappropriate development in the green belt. The submitted objection does not alter the case officers recommendation.

Item No.	Application No.	Address
4	17/02313/FUL	6 High Bannerdown Batheaston

Since the agenda was published one further representation has been received making the following comments:

It is appreciated that the delay in building work was due to a dispute with a builder.
The site has been improved in the last few weeks.
The project should be completed to a high standard and the garden reinstated.
Improving the look of the garage area will be of benefit to the overall site.

Officer comments

The submitted representation does not alter the case officers recommendation.

Item No.	Application No.	Address
06	17/03930/FUL	1 Audley Avenue, Lower Weston, Bath, BA1 3BL

Condition 3 should read:

The areas allocated for parking and turning 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 dwelling known as 1 Audley Avenue.

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 ST7 of the Bath and North East Somerset Placemaking Plan.