

**BATH AND NORTH EAST SOMERSET COUNCIL**

**Development Management Committee**

**Date 13<sup>th</sup> March 2019**

**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>
1	18/03797/FUL	Chivers House

**Affordable Housing**

Following the publication of the committee report, the applicant has revised their offer in respect of on-site affordable housing provision. Whereas previously they were maintaining that the scheme was not viable with any affordable housing, they have now offered to provide 17 affordable dwellings as shared ownership units. This represents 18% of the total number of dwellings. The detail of this matter could be agreed as part of a s106 agreement.

The proposed offer now aligns with the Council's position in respect of the viability of the scheme and, as such, the proposal is considered to comply with policy CP9 of the Core Strategy.

**The officer recommendation is therefore to be amended to removal reason for refusal 1 relating to affordable housing.**

**Community Infrastructure Levy and New Homes Bonus**

Upon review of the committee report further clarification is proposed in respect of how CIL payments and the New Homes Bonus should be considered as part of any decision.

Both of these items can be classified as 'local finance considerations' and can be considered material considerations in the determination of a planning application. The NPPG advises that:

*Whether or not a 'local finance consideration' is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body.*

*In deciding an application for planning permission or appeal where a local financial consideration is material, decision takers need to ensure that the reasons supporting the decision clearly state how the consideration has been taken into account and its connection to the development.*

*New Homes Bonus payments recognise the efforts made by authorities to bring residential development forward. Even where anticipated Bonus payments are not a material consideration in making planning decisions, they can be noted for information in committee reports on applications for housing. Where this is done, care will be required not to imply that Bonus payments are relevant to the decision before the committee.*

*Paragraph: 011 Reference ID: 21b-011-20140612*

In respect of the current application, it is considered that the CIL payment of this development is relevant to the decision as the money generated can be spent on local infrastructure (from the CIL 123 list) to mitigate some of the impacts of the development, e.g. strategic transport infrastructure, green infrastructure, early years provision, social infrastructure, etc.

In respect of the New Homes Bonus, the link to making the development acceptable in planning terms is less clear and therefore officers consider that this matter is not material to the decision before committee.

### Overall Balance

The 'overall balance' section of the committee report is therefore altered to reflect the above changes.

In respect of the list of harms:

- Point (2) relating to the lack of affordable housing is removed from this side of the balance.

In respect of the list of material considerations in favour of the application:

- The provision of 17 units of affordable housing (18%) is now construed as a benefit of the scheme and will contribute a small, but welcome amount towards meeting affordable housing targets in Bath;
- The New Homes Bonus is removed from the list of material considerations in favour of the application.

### Conclusion

The provision of affordable housing is now seen to be a benefit of the scheme and adds weight in favour of the application to the planning balance.

However, it is considered that the multiple and significant remaining conflicts with the development plan, including its poor design, lack of parking and

impacts on the local character as well as the World Heritage Site and Conservation area, weigh heavily against the proposal.

In light of the above, the officer's recommendation is that the application should still be **refused**.

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
3	18/05706/FUL	Rookehill Farmhouse

#### Clarification

In this case it is concluded that there is harm caused to designated heritage assets – the setting of the listed building and the conservation area. Members are reminded that, in accordance with paragraph 193 of the NPPF, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. It is recommended that the application is refused due to the harm to the heritage assets.