

# **BATH AND NORTH EAST SOMERSET COUNCIL**

## **Planning Committee**

**Date: 4<sup>th</sup> May 2022**

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

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

Item no.	Application no.	Site Address
02	20/02253/FUL	Former Radstock County Infant School, Bath Old Road, Radstock, Bath & North East Somerset

There are a number of updates in relation to this application.

1. Additional comments were received from Radstock Town Council on 27<sup>th</sup> April 2022 and these are as follows:

*TOWN COUNCIL RESPONSE: – Support in principal but concern over residential parking. Ask that the planning officer review with the highways officers on how to improve residential parking and the parking constraints in the area.*

This response does not alter the case officer recommendation and it is considered that highways matters have been addressed within the report and by way of recommended planning conditions.

2. Additionally, the final concluding paragraph of the report (titled, “PLANNING BALANCE” should read as follows:

Although there have been revisions which seek to increase the provision of native species within the landscaping scheme, the proposal will result in a net loss of biodiversity. This is contrary to the National Planning Policy Framework and the ecological elements of Policy NE3, which asks that ecological enhancements are made. This is considered to result in minor ecological harm, which would not be in accordance with Policy NE3 of the development plan.

However, the site is allocated for housing within the Placemaking Plan and is therefore considered suitable and sustainable for housing. This should be afforded great weight in the planning balance. Additionally, the proposal will result in 15 dwellings, 5 of which have the potential to be affordable. Failing this, 15 market dwellings will be provided and the Council can secure a financial contribution.

The proposal would result in the creation of construction jobs, CIL receipts and Council Tax payments when occupied. These elements can be afforded limited weight in the planning balance.

When taking the above into account, it is considered that the balance is tilted in favour of development. On balance, therefore the proposal is considered to be acceptable as material benefits outweigh the harms in respect of NE3 and therefore, the proposal is recommended for permission.

3. The Council has a duty to consider equality. Equality was considered as part of the application, however not explicitly stated in the report. The following paragraph should be included in the report and is given here by way of update:

#### Public Sector Equality Duty

The Public Sector Equality Duty requires public authorities to have regard to section 149 of the Equality Act 2010.

The impact upon neighbouring residents has been fully assessed. Conditions, recommended as part of the permission, are considered to ensure that the impact to the amenity of nearby occupiers is minimised. The Council has complied with its Public Sector Equality Duty during the assessment of this planning application.

4. It is stated in the report that "A total of 30 car parking space including 2 visitor spaces is proposed". This is a typo and should read "A total of 32 car parking space including 2 visitor spaces are proposed".
5. On Page 133, the sentence which begins "Therefore, Argyll" should read "Therefore, Argyll cannot guarantee that all land uses or factors of concern which have been identified by the Report have been designed to assist in making informed decisions during property transactions"
6. Councillor Jackson's reasons for the application going to the committee have not been included in the report and are listed here:
  - public interest in a controversial site
  - the position of the town council, but mainly because of the need for transparency as the viability of the site is a key issue for a site owned by BANES. The land value to the tax payer is clearly affected by a planning consent.
7. Further information has been raised by residents regarding the existing boundary wall. There is concerns that the developer has not considered subsidence of the land, or the state of the existing wall. The officer considers that the wall is shown within the red line boundary and the developer is responsible for ensuring a safe development. Notwithstanding this, the following condition is recommended to ensure that details of the boundary treatments are submitted for approval:

#### {\b Boundary Treatment Details (Bespoke Trigger)}

No construction of the external walls of the development shall commence until full details of the site boundary treatments, including those which form the boundary of the development site have been submitted to and approved in writing by the Local Planning Authority. The details shall include elevation and plan drawings showing all boundary treatments proposed and to be retained, as well as details

of the proposed materials to be used. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the residential amenity of existing and future occupiers in accordance with policy D6 of the Bath and North East Somerset Placemaking Plan.