

BATH AND NORTH EAST SOMERSET COUNCIL

Planning Committee

Date: 24th August 2022

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

ITEMS FOR PLANNING PERMISSION

Item no. 1 Application no. 21/02973/OUT

Address: Parcel 3589, Silver Street, Midsomer Norton

At the previous Planning Committee (29th June 2022), the Council's Legal Advisor set out the Test in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and explained that the word "development" in that regulation needs to be read as referring to the proposed development forming the subject matter of the planning application under consideration, in this case the proposed access, footpath and cycleway and associated landscaping.

Following the Committee, Officers have further assessed the application and have secured a financial contribution towards an upgraded highway crossing as detailed in the Committee Report. This is in addition to the financial contributions previously agreed with the applicant. The three elements of the Regulations 122 Test are as follows:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development

Officers consider that the proposed vehicular and cycle/pedestrian access links will facilitate linkages to the site, which will in turn increase use and footfall to Midsomer Norton. It is therefore reasonable to assume that the accesses proposed will facilitate a use which will have a direct impact upon infrastructure within B&NES, particularly within Midsomer Norton. The development is also likely to have other impacts beyond infrastructure. The contributions are therefore considered to be directly related to the development. Given that the linkages will help to facilitate these impacts, it is also considered that they are necessary to make the planning permission acceptable as they will help to mitigate the level of impact to a level acceptable in planning terms. Additionally, given the scale of the impacts which these linkages will help to facilitate, the contributions are considered to be fairly and reasonably related to the scale and kind of development. Officers are content that, as a matter of planning judgement, the three elements of the Regulations 122 test are met in relation to each contribution sought.

Item no. 2 Application no. 20/02964/FUL –

**Address: Lansdown Lawn Tennis & Squash Racquets Club, Northfields,
Lansdown, Bath, BA1 5TN**

The Committee Report contains a typographical error in regard to the number of flood lights proposed. The Report states that 10no. flood lights are proposed. This should be 12no. flood light columns as shown on the proposed drawings. The application has been assessed in relation to 12no. columns, not 10.

Comments have been received from third-parties which state that “the Chair Referral & Committee Reports are mistaken in claiming that there is no objection to the new lights on the basis of their being in the Conservation Area. Affected residents objected on this basis (as well as contravention of D8) on May 27.”

Officers wish to clarify that it is officers who have no objection to the columns in regard to the Conservation Area, as opposed to third-parties. It is listed in the “representations” section that objections from third-parties were received to this effect.

**Item Nos.3 & 4 Application Nos. 22/01578/LBA & 22/02560/FUL-
Address; 31 St Marks Road, Widcombe, Bath**

The Committee Report contains an error regarding the width of the proposed driveway proposed. The Report states that the proposed enlarged opening would measure approximately 3.2m. This should be **2.7m**, as set out below, under the agent's revised proposals. The officer's assessment of the applications remains the same.

Applicants have submitted a revised plan; This shows the left-hand pillar being moved 150mm to the west and the right-hand pillar 300mm to the east thereby maintaining the proposed increase of the opening from 2250mm to 2700mm as per the original proposal for both applications. Increasing the opening by 450mm as planned.

It is the applicant's contention that this overcomes the highway objection.

Highway Observations 22/08/2022

I have received today revised plans drawing no 21/30/4 which seek to overcome the highways objection by minimising the impact on the on street parking spaces. The applicant has suggested moving both of the piers which in effect would reduce the proximity to the on street bays than originally suggested.

It is worth noting that the distance we are seeking to achieve at least 1.5m clear either side of the last dropped kerb stone. The revised plans do not achieve this. It should also be noted that when using marked on street bays the vehicles are lawfully parked if their wheels are within the bay which often means the bonnet or the boot are overhanging the bay. The google street view from 2015 shown below clearly demonstrates the issue at hand, the blue vehicle to the left of the picture is lawfully parked, any widening of the access would bring the driveway user and on street parking user into conflict.



Any widening of this existing used driveway would create conflict with the existing bays and as such is unacceptable to highways for the reasons set out above. As such my recommendation for refusal remains.