

BATH AND NORTH EAST SOMERSET COUNCIL

Planning Committee

Date: 16th November 2022

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

ITEMS FOR PLANNING PERMISSION

Item No.	Application No.	Address
01	21/05471/OUT	Parcel 5159, Minsmere Road

Officers have now concluded negotiations with the applicant regarding appropriate triggers for the various obligations and contributions listed in the heads of terms.

The following items will be required **prior to the commencement** of the development:

Fire Hydrants	£4,500
Targeted Recruitment & Training	£6,380
Manor Road LNR Improvement	£80,000 (1 st Instalment)
PROW Improvement	£12,000
Monitoring Fees	£400 per obligation

The following items will be required **prior to the occupation the 1st dwelling**:

Bus stop improvements	Delivered by applicant
Education	£217,272.11 (1 st Instalment)
Sustainable Transport Measures	£504,000 (1 st Instalment)
Travel Plan Monitoring	£4,775

The following item will be required **prior to occupation of the 20th dwelling**:

Sustainable Transport Measures	£504,000 (2 nd Instalment)
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The following items will be required **prior to occupation of the 30th dwelling**:

Manor Road LNR Improvement	£52,514.85 (Final Instalment)
Education	£217,272.11 (2 nd Instalment)

The following item will be required **prior to occupation of the 35th dwelling**:

Sustainable Transport Measures	£504,000 (Final Instalment)
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The following item will be required **prior to occupation of the 60th dwelling**:

Education £217,272.11 (Final Instalment)

The triggers for all non-financial obligations (affordable housing, BNG, Public open space, etc.) will be agreed as part of any s106 negotiations and in accordance with the Council's Planning Obligations SPD.

Officers consider that the above triggers will ensure that all the financial contributions (totalling £2.3M) are provided in a suitable manner which will enable the Council to deliver the relevant measures and mitigations in a timely fashion.

Conditions

There is a small update to condition 11 which is set out below:

11. *{b Archaeology Controlled Excavation (Compliance)}*

*No development shall commence, except archaeological investigation work, until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological trenching work in accordance with the approved written scheme of investigation (Cotswold Archaeology, Written Scheme of Investigation for an Archaeological Evaluation, CA Project CR0991, February 2022) and geophysical survey (Cotswold Archaeology, Magnetometer Survey, ref. no. J889, December 2021). Thereafter the building works shall incorporate any ~~building techniques~~ **and** measures necessary to mitigate the loss or destruction of any further archaeological remains.*

Reason: The site is within an area of major archaeological interest and the Council will wish to examine and record items of interest discovered in accordance with Policy HE1 of the Bath and North East Somerset Placemaking Plan. This is a condition precedent because archaeological remains and features may be damaged by the initial development works.

Item No.	Application No.	Address
02	21/05521/FUL	Rising Sun, Lymore Avenue

The committee report refers to a previous planning permission for the erection of three dwellings on the former pub garden and car park which was granted in 2015, reference 14/05259/FUL. The report states that this permission has not been implemented and has now lapsed.

However, the applicant has now provided new information and evidence consisting of a CIL payment invoices, photographs of works undertaken and an email from a Building Control Inspector which indicate that the first phase strip foundations of the previously approved scheme were implemented alongside various earthworks before the 22nd June 2018. A detailed review of the planning history also demonstrates that all pre-commencement conditions were discharged prior to the expiry of the planning permission on the 29th June 2018.

In light of this new information, it is considered that on the previous planning permission (ref: 14/05259/FUL) has been lawfully commenced and therefore remains extant. The previous permission for three dwellings on this site is therefore a fall-back position which the applicant can rely upon, and this is a material consideration that should be taken into account.

The design of the currently proposed dwellings is similar to that previously approved in terms of the style, architecture and scale. However, the current proposals are arranged in a terrace of 5 dwellings, whereas the previous permission contains 3 detached dwellings. Officers consider that the use of a terrace form is more in keeping with character of the area which contains a mix of semi-detached and terrace properties.

The officer recommendation remains unchanged.

Item No.	Application No.	Address
03	21/05672/EFUL	Bath Press, Lower Bristol Rd

Parking Permits

The committee report refers to the Single Executive Member Decision E2911, dated 14th November 2016 stating that future residents of the development will not be entitled to residents' parking permits.

To provide additional clarity on this matter, there is currently no Residents Parking Zone (RPZ) in the Oldfield Park/Westmoreland area. A decision on whether to proceed with an RPZ in this area should be taken soon. Should the Council choose to proceed with an RPZ, then it will likely become operational within a few months.

In this situation, the Council's parking permits terms and conditions will allow Parking Services to deny permits to occupiers of new developments where the development isn't complete until after the RPZ is operational and where the potential demand exceeds supply.

An informative has been proposed to alert the developer and any potential future occupiers of this fact.

Sustainable Construction

The benchmark for demonstrating that energy efficiency has been "maximised" as required by policy CP2 is a 19% reduction in regulated emissions compared to that required by the Building Regulations.

An error in the committee report refers to the scheme achieving a 57.59% carbon reduction from the baseline. This is incorrect and the correct figure is 19.81% which remains compliant with policy CP2.