

BATH AND NORTH EAST SOMERSET COUNCIL

Planning Committee

Date

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

ITEM

ITEMS FOR PLANNING PERMISSION

Item No.	Application No.	Address
1	22/02169/EOUT	Parcel 4234 Combe Hay Lane Combe Hay Bath

Representations

A further 14 objection and 2 support comments have been received. The major of issues raised have already been discussed in the committee report. However, the following additional points have been raised:

The developer should provide a parallel shared use path alongside the Wansdyke connecting from the Cross Keys Pub/Southstoke Road to St Gregory's College. This would provide a link to local shops, schools, communities and businesses and would protect the Wansdyke from further erosion.

The application does not secure a parallel shared use path alongside the Wansdyke as this is not a requirement of the allocation policy B3a.

However, the application does secure a package of sustainable transport measures have been negotiated with the applicant. These are summarised in the committee report and include a significant contribution of £200k towards the Scholars Way project.

Further concerns have also been raised about overlap between the parameter plans and part of the tree belt along the northern boundary of phases 3 and 4. Whilst there is a degree of overlap in this area, detailed reserved matters applications would still be required to identify the precise locations and layout of development. The land use parameter plan identifies these as distinct areas (3A and 4A) and includes annotation which requires the following:

'Retaining existing trees as shown on the B3a Concept Plan and supplemented with new tree planting and vegetation'.

'Minimum of 2/3 of the frontage planted with trees and vegetation; maximum of 1/3-built frontage visible, fronting northward towards the Wansdyke'

'The eastern boundary with Sulis Meadows will be improved by the retention of trees (as set out in a tree replacement plan to be submitted with further Reserved Matters applications) together with additional tree planting.'

The applicant has also submitted further correspondence reiterating their commitment to provide 40% affordable housing as part of the application and providing a number of case studies from residents who have moved into homes in the phase 1 development.

Forestry Commission Licence

Page 56 of the report refers to a Forestry Commission felling licence and states that off-site replacement planting has already taken place in accordance with the conditions of the licence. This statement is in error, and it is understood that the replacement planting is to take place this winter which is the first available planting season following the Forestry Commission approval.

The Council's ecologist has reviewed the replacement planting plan to take place in Great Tynings and is satisfied that this will not adversely affect the ability to deliver the off-site Skylark provision in Great Tynings and Long Tynings.

S106 contributions and obligations

The description of development includes 'up to' 290 dwellings. It is therefore possible that, at the reserved matters stage, a lower number of dwellings will eventually be permitted. The s106 contribution amounts listed in the recommendation have been based upon a pro rata approach with the assumption that a total of 290 dwellings will be delivered. It has subsequently been agreed that the s106 agreement will contain formulas to ensure that the final contribution amounts are based upon the final number of dwellings agreed at the reserved matters stage on a pro rata basis. This will apply to the following contributions:

Primary Health Contribution
Somerset Valley Links Contribution
Scholars Way Cycle Scheme Contribution
Travel Plan Contribution

Additionally, the applicant has agreed to provide a further reassurance in the heads of terms regarding retained trees near the boundary with the Sulis Meadows Estate. Obligation 11a. in the recommendation is therefore amended to read:

11. Trees

- a. *Undertaking not to fell any further trees along north boundary and the trees on the rear boundary of the properties to Alder Way and Spruce Way without agreement from the Local Planning Authority*

Item No.	Application No.	Address
3	23/01692/LBA	Bloomfield House, 146 Bloomfield Road, Bloomfield, Bath

This application seeks listed building consent for the provision of new driveway entrance gates only. The relevant matters for assessment relate to proposed works to the listed building and its listed curtilage features including boundary walls.

The Committee Report is updated relating to appropriate legislation and policy citation, clarification of relevant tests and assessment undertaken and revision to the 'Plans List' condition (no.2). The following updates are made:

1. There are references in the Committee Report to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This relates to the desirability of preserving or enhancing the character or appearance of conservation areas. Given that this application relates only to works to the listed building, assessment of impact to the conservation area is not a relevant issue for assessment under this listed building consent application. References to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are deleted from the report.
2. There are also references in the Committee Report to the World Heritage Sites. Whilst these are relevant generally, as the site is within the World Heritage Sites in Bath, the listed building consent application does not require assessment against Policy B4 (The World Heritage Site and its Setting) of the Local Plan. References to Policy B4 and assessment of impact to the World Heritage Sites and their settings are deleted from the report.
3. The relevant legislation is the duty placed on the Council under Sections 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, that in considering whether to grant listed building consent for any works, the Council must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
4. The relevant policies are Section 16 of the National Planning Policy Framework (2023) and Policy HE1 of the Bath & North East Somerset Core Strategy and Placemaking Plan incorporating the Local Plan Partial Update (2023). These policies require that development that has an impact upon a heritage asset (such as a listed building), will be expected

to enhance or better reveal its significance and/or setting, and make a positive contribution to its character and appearance. The significance of listed buildings is required to be sustained and enhanced. Appropriate repair and reuse of listed buildings will be encouraged. Alterations, extensions or changes of use, or development in their vicinity, will be expected to have no adverse impact on those elements which contribute to their special architectural or historic interest, including their settings.

5. The Officer's Assessment is that: *"The new gate has been revised to consist of solid timber vertical planks in line with the Conservation Officer's recommendation. Given this, the proposal will preserve the significance and setting of the listed building"*. This remains unchanged. The proposed works are therefore found to preserve, and pose no harm to, the historic significance of the listed building and its setting. The proposed works therefore accord with the requirements of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 16 of the National Planning Policy Framework as well as Policy HE1 of the Local Plan.
6. The reference to Section 38(6) of the Planning and Compulsory Purchase Act 2004 in the 'Conclusion' of the Committee Report is deleted as this relates only to applications for planning permission. This is updated to refer to Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The overall conclusion remains unchanged insofar as the proposed works to curtilage listed features of the building comply with the relevant legislation and development plan as a whole.
7. The 'Plans List' condition is updated to exclude alterations to the front lightwell including railings and staircase originally sought. The latter proposals have been removed from the application but were still shown on earlier drawings. Condition no. 2 'Plans List' (Page 152-153 of the Agenda Reports Pack) is updated to read:

PLANS LIST

This decision relates to the following approved drawings:

09 May 2023 SITE LOCATION PLAN
 09 May 2023 22-392-01 SURVEY
 16 Oct 2023 22-392-10 GATES CONSTRUCTION
 08 Nov 2023 22-392-17 PROPOSED SITE BLOCK PLAN
 08 Nov 2023 22-392-18 PROPOSED CONCEPT SITE PLAN

Item No.	Application No.	Address
4	23/01693/FUL	Bloomfield House, 146 Bloomfield Road, Bloomfield, Bath

The 'Plans List' condition is updated to include detailed drawings relating to the proposed garden room and to exclude alterations to the front lightwell including railings and staircase originally sought. The latter proposals have been removed from the application but were still shown on earlier drawings. Condition no. 5 'Plans List' (Page 165 of the Agenda Reports Pack) is updated to read:

5. Plans List (Compliance)

The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.

Reason: To define the terms and extent of the permission.

PLANS LIST:

This decision relates to the following approved drawings:

09 May 2023 SITE LOCATION PLAN
09 May 2023 22-392-13 LOOSE STONE WALL REPAIR
09 May 2023 PLAN: EXTERNAL & INTERNAL GARDEN ROOM:
PROPOSED DESIGN
09 May 2023 REAR ELEVATION GARDEN ROOM: PROPOSED
DESIGN
09 May 2023 OVERVIEW GARDEN ROOM: PROPOSED DESIGN
16 Oct 2023 22-392-10 GATES CONSTRUCTION
08 Nov 2023 22-392-17 PROPOSED SITE BLOCK PLAN
08 Nov 2023 22-392-18 PROPOSED CONCEPT SITE PLAN

Item No.	Application No.	Address
7	23/03159/FUL	Rockside, Mead Lane, Saltford

Representations

Pursuant to the description of development being amended, Saltford Parish Council reaffirmed their support for the proposal commenting: 'Saltford Parish Council continues to support this application for the reasons given in its response of 6th September 2023, which the Parish Council asks to be fully taken into account during the B&NES Council's Planning Committee determination of this application.'. No representations from other parties were received.

Item No.	Application No.	Address
8	22/04565/FUL	The Old Post Office

Vice Chair's Comments

Comments have been received from Cllr. Halsall in response to the Chair Referral as follows: 'Although the proposed extension is deemed to be proportionate in scale to the host building within the Greenbelt, it is of contemporary design in a prominent location when viewed from the southeast and will affect the character and setting of a non-designated heritage asset. Whether this will be a negative, neutral, or positive impact should be debated by the planning committee considering the objections expressed by South Stoke Parish Council and the Conservation Officer.' The comments do not alter the merits of the case and concur with those of the Chair that the application should be determined at Committee.

Extension of time

An extension of time has been agreed until the 20th November 2023 thereby amending the target date shown on the Committee Report.

Item No.	Application No.	Address
05	22/04109/FUL	Elm Grove Farm Lower Road Hinton Blewett Bristol

Change to officer recommendation:

Due to the proposed development conflicting with policy RA1 and RA2 of the Placemaking Plan, the application has been advertised as a departure. The departure period of public consultation expires on the 23rd November 2023.

The officer recommendation is delegate to permit subject to the period of the advertisement of the departure expiring without any substantive new issues arising.

Representations

One further objection comment has been received since the close of the agenda. The main issues largely relate to matters already covered in the committee report and also requests that the committee undertake a site visit.