

## NORTHERN AREA PLANNING COMMITTEE ADDITIONAL INFORMATION

17<sup>th</sup> February 2016

This is information that has been received since the committee report was written. This could include additional comments or representation, new information relating to the site, changes to plans etc.

### **Item 7c) 15/10519/OUT - Land at Bradford Road, Corsham, Wiltshire**

#### **Late Representations**

Applicant Representations- Correspondence has been received from the applicant questioning the justification put forward for some of the s106 heads of terms requested by the Council. These concerns are listed below:

1. Confirm that a public art contribution is not required. As noted in the Committee report, Public Art officer has requested a contribution. However, as previously confirmed, a public art contribution is not justifiable, and as such it is not in the list of S106 items, but no confirmation is provided for why it has not been included.
2. Education – We have previously agreed the education contributions. However this was on the basis that they relate to specific development projects directly related to the development. The committee report should make reference to these developments. Any general education contribution is chargeable through CIL
3. Early Years – This is a new request. Early years is included in the CIL reg123 list so cannot be included in a S106 unless there is a specific development project directly related to the development which the scheme can contribute to.

#### Officer Comments:

1. Though a public art contribution has been requested by the Public Art Officer this sum is not currently justifiable through a s106 agreement. Should the Council wish to provide public art on site it would be provided through the money collected by the CIL. The money requested by the Public Art Officer is not to be included within the heads of terms set out within the Committee report
2. Primary education- Contribution will be allocated to expansion at the Broadwood site of Corsham Primary by 1FE.  
Secondary education- Contribution will be allocated to expansion projects to provide more places at the Corsham School. This contribution will be pooled towards Phase 2 – specialist teaching accommodation. The education team have confirmed that there are currently less than 5 pooled contributions for the respective projects.
3. Early Years- The early year's team have confirmed that there are currently less than 5 pooled contributions for the respective projects. The contribution will be directly allocated to the Corsham Early Year Community project.

Natural England Comments- The application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the Bath and Bradford on Avon Bats Special Area of Conservation (SAC) which is a European site.

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any

potential impacts that a plan or project may have<sup>[1]</sup>. The [Conservation objectives](#) for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

### **No objection**

Natural England welcomes the additional bat survey undertaken in 2015. Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal, in accordance with Regulation 61 of the Regulations. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

### **Changes to s106 heads of terms and suggested conditions**

<sup>[1]</sup> Requirements are set out within Regulations 61 and 62 of the Habitats Regulations, where a series of steps and tests are followed for plans or projects that could potentially affect a European site. The steps and tests set out within Regulations 61 and 62 are commonly referred to as the 'Habitats Regulations Assessment' process. The Government has produced core guidance for competent authorities and developers to assist with the Habitats Regulations Assessment process. This can be found on the Defra website. <http://www.defra.gov.uk/habitats-review/implementation/process-guidance/guidance/sites/>

Changes to planning conditions:

Condition 10 & 12- include the phrase “*unless otherwise agreed in writing by the LPA*”

Condition 14- delete “water” after stormwater.

Condition 19 and 20- correct the splay lengths to 2.4m by 140m as per the submitted figures 4.1 and 4.2

The following heads of terms as set out in the committee report shall be deleted:

- Improvement scheme at A4 / B3109 unless the roundabout secured by application C/13/05188 is implemented first.
- Right turning lane at the access from Bradford Road including resurfacing and visibility splays.
- Right turning lane at the access from Park Lane including resurfacing and visibility splays.
- Street lighting improvements over the Park Lane frontage of the site.
- Street lighting of Bradford Road over the site frontage and as far as Toghill Crescent.
- Widening and resurfacing of the footway between the Bradford Road site access and the Toghill Crescent area (see TA drawing Figure 4.1).
- Minor highway improvement at the A4 / B3353 mini roundabout.
- Minor highway improvement at the A4 Bath Road / Park Lane mini roundabout.

The above highway infrastructure improvements should be secured by way of condition. The following additional conditions are recommended for inclusion within the decision notice should planning permission be granted:

22. Prior to the occupation of the 50<sup>th</sup> dwelling on site full details of the improvement scheme at A4 / B3109 shall be have been submitted to and approved in writing by the local planning authority and implemented as approved and permanently maintained in operation thereafter unless the roundabout secured at appeal under application 13/05188/OUT is implemented first. Should the roundabout secured under application 13/05188/OUT be implemented after the works approved and implemented by this condition there will be no requirement for the works approved by this condition to be permanently maintained.
23. No building hereby approved shall be occupied before a travel plan has been submitted to and approved in writing by the local planning authority. The travel plan shall be implemented as approved and permanently maintained in operation thereafter
24. No building hereby approved shall be occupied before a travel plan has been submitted to and approved in writing by the local planning authority. The travel plan shall be implemented as approved and permanently maintained in operation thereafter.
25. No building hereby approved shall be occupied before a scheme for the right turning lane at the access from Bradford Road including resurfacing and visibility splays has been implemented in accordance with details which shall first have been submitted to and approved in writing by the local planning authority.

26. No building hereby approved shall be occupied before a scheme for the right turning lane at the access from Park Lane including resurfacing and visibility splays has been implemented in accordance with details which shall first have been submitted to and approved in writing by the local planning authority.
27. No building hereby approved shall be occupied before a scheme for street lighting improvements over the Park Lane frontage of the site and a scheme for street lighting improvements of Bradford Road over the site frontage and as far as Toghill Crescent has been implemented in accordance with details which shall first have been submitted to and approved in writing by the local planning authority.
28. No building hereby approved shall be occupied before a scheme for the Widening and resurfacing of the footway between the Bradford Road site access and the Toghill Crescent area (as shown on TA drawing Figure 4.1) has been implemented in accordance with details which shall first have been submitted to and approved in writing by the local planning authority. The scheme shall make provision for the relocation of any lighting columns and electricity or telephone poles within the footway.
29. No building hereby approved shall be occupied before a scheme for the proposed minor highway improvement at the A4 / B3353 mini roundabout and minor highway improvement at the A4 Bath Road / Park Lane mini roundabout has been implemented in accordance with details which shall first have been submitted to and approved in writing by the local planning authority.