

Southern Planning Committee 31st August 2016

UPDATE TO AGENDA

APPLICATION No.

15/5783N – Proposed Residential Development for 15 dwellings with access from Hill Close (Outline)

LOCATION

Land off Hill Close, Bunbury

UPDATE PREPARED

30th August 2016

APPRAISAL

Further Representations

Following the publication of the committee report, the Council have received third party representations which demonstrate that part of the application site forming the grass verge running past properties of Hill House, The Firs and The Oak on Bunbury Lane is within third party ownership. The grass verge in question would be used to form the visibility splay from Bunbury Lane

Those representations also question whether correct Notices and certification of the application has occurred in this case.

In the light of the additional information, the Strategic Highways Manager has investigated further and confirmed that the land in question on Bunbury Lane is not owned by the Highway Authority.

In this light of this additional information, the applicant has demonstrated to the satisfaction of the local planning authority that they retain restrictive rights over this land. In these circumstances the local planning authority is satisfied that a Grampian condition can be imposed in the interest of highway safety to secure the required visibility splays.

Environmental Role

Highway Safety

Given the above it is apparent that in order for an adequate visibility splay to be achieved, notice needs to be served on the owners of third party land on Bunbury Lane through which some of the visibility splay will pass.

Bunbury Neighbourhood Plan

To ensure that the policy framework with respect to Co-location is adequately safeguarded, it is considered necessary to ensure that a physical gap is maintained between this and adjoining land. It is recommended that an additional Heads of terms is attached to the S106 to achieve this.

CONCLUSION

In light of the above, a revised recommendation is now proposed to allow the relevant notices to be served upon 3rd party land owners of the land the subject to the visibility splay before a decision can be issued.

RECOMMENDATION

Delegate to Planning Manager (Regulation) and Vice Chair of Southern Planning Committee to ensure all notices are served in accordance with the relevant regulations

And subject to the following conditions and subject to a S106 Agreement to secure the following Heads of Terms:

1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:

- The numbers, type, tenure and location on the site of the affordable housing provision**
- The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing**
- The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved**
- The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and**
- The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.**

2. Provision of an area for Ecological Enhancements/Public Open Space to be maintained by a private management company

3. Secondary Education Contribution of £32,685.38

With an additional Heads Of terms to ensure the paddock area to the south of the application site (within the site edged blue within this application) is retained as open or paddock land in perpetuity

4. Paddock land within Blue Edge to be retained in perpetuity as open or paddock land

And the following conditions:

1. Standard outline 1
2. Standard outline 2
3. Standard outline 3
4. Approved Plans
5. Electric Vehicle Infrastructure to be submitted and approved
6. Construction Management Plan to be submitted and approved
7. Submission / Approval of Information regarding Contaminated Land
8. Any reserved matters application shall be supported by an Arboricultural Impact Assessment (AIA) in accordance with Section 5.4 of *BS5837:2012 Trees in Relation to Design, Demolition and Construction (Recommendations)* which shall evaluate the direct and indirect impact effect of the proposed design on existing trees.
9. Reserved Matters application to include details of the existing and proposed land levels
10. The development hereby permitted shall not commence until details of the detailed design, implementation, maintenance and management of a surface water drainage scheme have been submitted to and approved in writing by the LPA
11. The development hereby permitted shall not commence until details of the detailed design, implementation, maintenance and management of a surface water drainage scheme have been submitted to and approved in writing by the LPA
12. The reserved matters shall include details of the habitat enhancement proposals for the site. Enhancement measures should include a wildlife pond, hibernacula creation, native shrub planting and the enhancement of the grassland habitats.
13. Updated survey for Bats to be undertaken and submitted as part of any reserved matters application
14. Any future reserved matters application to be supported by proposals for the incorporation of gaps for hedgehogs to be incorporate into any garden or boundary fencing proposed. The gaps to be 10cm by 15cm and located at least every 5m
15. The scheme of landscaping at RM stage shall include additional tree planting along the southern boundary of the retained paddock

With the following additional condition -

16. No development to commence until a highways scheme shall be submitted and approved for access visibility on Bunbury Lane. The approved scheme shall be implemented in full prior to commencement of development.

In order to give proper effect to the Board's/Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (Regulation), in consultation with the Chair (or in her absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

Should the application be subject to an appeal, the following Heads of Terms should be secured as part of any S106 Agreement:

1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:

- The numbers, type, tenure and location on the site of the affordable housing provision
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
 - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
2. Provision of an area for Ecological Enhancements to be maintained by a private management company
3. Secondary Education Contribution of £32,685.38
4. Paddock land within Blue Edge to be retained in perpetuity as open or paddock land