

DRAFT MINUTES PENDING CONFIRMATION AT THE NEXT MEETING

BATH AND NORTH EAST SOMERSET

MINUTES OF DEVELOPMENT CONTROL COMMITTEE

Wednesday, 23rd November, 2011

Present:- Councillor Gerry Curran in the Chair

Councillors Lisa Brett, Neil Butters, Liz Hardman, Eleanor Jackson, Les Kew, David Martin, Bryan Organ, Martin Veal, David Veale, Brian Webber and Jeremy Sparks (In place of Douglas Nicol)

Also in attendance: Councillors Patrick Anketell-Jones, Cherry Beath, Sally Davis and Roger Symonds

72 EMERGENCY EVACUATION PROCEDURE

The Senior Democratic Services Officer read out the procedure

73 ELECTION OF VICE CHAIR (IF DESIRED)

A Vice Chair was not required

74 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

An apology for absence was received from Councillor Doug Nicol whose substitute was Councillor Jeremy Sparks

75 DECLARATIONS OF INTEREST

Councillor Lisa Brett declared a personal but non-prejudicial interest in the planning application at 153 Newbridge Hill as her father knew the applicant's father. As this was not a substantial and prejudicial interest, she would speak and vote on this item.

76 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There were no items of urgent business

77 ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS

The Senior Democratic Services Officer informed the meeting that there were members of the public wishing to make statements on the Enforcement Report 11 relating to The Old Orchard, The Shrubbery, Lansdown, and that they would be able to do so when reaching that item. There were a number of people wishing to speak on the planning applications in Report 10 and they would be able to make their statements when reaching those respective items in that Report.

78 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

There were no items from Councillors

79 MINUTES: WEDNESDAY 26TH OCTOBER 2011

The Minutes of the previous meeting held on Wednesday 26th October 2011 were approved as a correct record and signed by the Chair

80 MAJOR DEVELOPMENTS

The Senior Professional – Major Developments informed the meeting that there were no issues on major developments on which to update Members.

The Committee noted.

81 MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE

The Committee considered

- A report by the Development Manager on various planning applications
- An Update Report by the Development Manager on Items Nos. 1-3 and 5, the Report being attached as *Appendix 1* to these Minutes
- Oral statements by members of the public etc. on Item Nos. 1-4, the Speakers List being attached as *Appendix 2* to these Minutes

RESOLVED that, in accordance with their delegated powers, the applications be determined as set out in the Decisions List attached as *Appendix 3* to these Minutes.

Items 1&2 Gammon Plant Hire, Rock Hall Lane, Combe Down, Bath – 1) Erection of 1 Mining Interpretation Centre (rated BREEAM Excellent) 8 Eco Homes (rated Code 5 zero carbon), 1 apartment (rated Code 5 zero carbon) and all associated hard and soft landscaping following demolition of all existing properties with the exception of a portion of historic stone wall to Rock Hall Lane (Ref No. 11/04168/FUL) (Resubmission); and 2) demolition of all existing properties with the exception of a portion of historic wall to Rock Hall Lane (11/04167/CA) – The Historic Environment Team Leader and the Planning Officer reported on these applications and their recommendations to refuse permission/consent. The Update Report gave further information on the applications and recommended an additional reason for refusal on the planning application (Ref No 11/04168/FUL). The public speakers made statements for and against the applications and the Ward Councillors Cherry Beath and Roger Symonds made their statements in favour of the proposals.

Members asked questions about the environmental issues raised by one of the public speakers regarding the screening opinion. One of the concerns raised related specifically to the fact that the revised screening opinion had only been in the public domain 5 days before the meeting. The Planning and Environmental Law Manager

recommended that, in the circumstances, it would be better to defer the applications to allow the revised screening opinion a longer period in the public domain given the period set out in the Regulations for adopting screening opinions. It was therefore moved by Councillor Martin Veal and seconded by Councillor Lisa Brett to defer consideration to allow further time for third parties to be able to comment on the screening opinion. Members briefly debated the motion and it was then put to the vote. Voting: 11 in favour and 0 against with 1 abstention. Motion carried.

Item 3 Land rear of Holly Farm, Brookside Drive, Farmborough – Residential development comprising 38 dwellings with associated access, car parking and landscaping – The Case Officer reported on this application and her recommendation (A) that the application be referred to the Secretary of State as a departure from the Development Plan; (B) to authorise the Planning and Environmental Law Manager to secure an Agreement under Section 106 of the Town and Country Planning Act 1990 as detailed in the Officer's Report; and (C) upon completion of the Agreement, to authorise the Development Manager to permit the application subject to various conditions set out in the Report. The Update Report informed the Committee that Conditions 3 and 4 in the Report were not required and therefore should be deleted from the Recommendation. Members of the public then made statements for and against the proposal which was followed by a statement from the Ward Councillor Sally Davis.

Members asked questions about the proposals to which Officers responded. Reference was made to an advertisement on the application giving 21 days to make representations but which expired after the date of this meeting. The Team Leader – Development Management replied that this was a "departure" advertisement and it was not unusual for such advertisements to appear later on in the planning process as representations could still be submitted and considered when the application was referred to the Secretary of State. Councillor Bryan Organ voiced various concerns regarding access, parked cars, impact of the development on the character of the village etc. He considered that Members needed to see the site and therefore moved that consideration be deferred for a Site Visit. The motion was seconded by Councillor Martin Veal. The motion was put to the vote, 8 voting in favour and 2 against with 2 abstentions. Motion carried.

Item 4 No. 153 Newbridge Hill, Newbridge, Bath – Erection of new single family dwelling on land at the rear of Nos. 153/155 Newbridge Hill – The Case Officer reported on this application and her recommendation to refuse permission. The public speakers made their statements for and against the proposal.

Members asked questions about the proposal. Councillor Martin Veal agreed with the Officer's Recommendation and moved that permission be refused for the reasons cited. This was seconded by Councillor Neil Butters. Members debated the motion. It was generally accepted that this was backland development which would be detrimental to the character of the Conservation Area. There was also concern that this could set a precedent for other gardens to be developed in the area. The motion was put to the vote. Voting: 8 in favour and 2 against with 2 abstentions. Motion carried.

Item 5 No. 69 Haycombe Drive, Southdown, Bath – Erection of detached 2 storey dwelling on land to the rear of 69 Haycombe Drive – This application was withdrawn from the Agenda.

82 **ENFORCEMENT REPORT - THE OLD ORCHARD, 1 THE SHRUBBERY, LANSDOWN, BATH**

The Committee considered (1) a report by the Development Manager requesting Members to authorise enforcement action regarding (a) the materials used to clad the boundary wall to the garden and parking areas and parts of the new dwelling which did not match the approved sample; (b) the boundary to the property which had not been constructed in accordance with the details approved under planning permission 09/00367/FUL; (c) the boundary to the parking area which had not been constructed in accordance with the approved plan S2B in breach of Condition 10 of planning permission 09/00367/FUL; (d) the surface of the parking area which had not been constructed in accordance with the approved plan S2B in breach of Condition 10 of planning permission 09/00367/FUL; and (e) gates to the parking area which had been erected on the western boundary without planning permission; (2) oral statements by a representative of St James' Park Residents Association speaking in favour of enforcement action and from the owner of the property speaking against enforcement action; and (3) a statement by the Ward Councillor Patrick Anketell-Jones raising various concerns.

The Team Leader – Development Management reported on the issues by means of a power point presentation.

The Members discussed the matter. Various issues were raised such as sample panels not being available and the need to ascertain whether there were differences in shades of stone between the suppliers' sample and the materials on the site; the possibility of gravel spilling out onto the footway; the differences in dimensions of the walls and gates from the approved plans. Some Members considered that some of the changes affected residents' amenities but others did not. The Chair gave his views on whether enforcement action should be authorised on the various aspects of concern. It was agreed that each aspect of unauthorised work should be considered individually as to whether enforcement action should be authorised.

After voting on these aspects, the Committee **RESOLVED**: That

(1) enforcement action be authorised relating to (i) the gates to both sides of The Shrubbery; and (ii) the gravel to the parking area;

(2) enforcement action not be authorised relating to (i) the gates facing St James' Park; and (ii) the cladding to the house; and

(3) a decision to authorise enforcement action on the boundary wall be deferred until information had been obtained from the suppliers of the materials regarding different colours of material available.

83 **NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES**

The Committee noted the report

The meeting ended at 4.45 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

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BATH AND NORTH EAST SOMERSET COUNCIL

Development Control Committee

23 November 2011

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

ITEM 10

ITEMS FOR PLANNING PERMISSION

Item No	Application No	Address	Page No
01	11/04166/FUL	Gammon Plant Hire, Rock Hall Lane, Combe Down, Bath	40

Further Information: Additional information has been submitted by the applicant/agent in support of the application. The PPS5 Assessment and justification supplements information in the original submission and is in response to the Committee Report and the request for financial contributions for Childrens' Services. The additional comments can be summarised as follows:

Demolition and reuse of buildings: The agent has outlined the problems with reusing the existing building, including using the shop area for the Interpretation Centre. The impracticalities include the lack of space, access issues, need for an adaptable and flexible centre, and the need of a building capable of being run economically and remain sustainable in the long term. The HCA require the highest environmental standards.

The provision of the building within the shop building would result in a loss of two of the proposed dwellings, and if the cottage building is retained, would result in the loss of 4 of the dwellings. In that event the HCA's gap funding would have to increase substantially, which is not a feasible consideration at this point.

Future use of the site: It would be sold to a new landowner with no obligation to provide the Interpretation Centre. Any houses may not be zero-carbon and the proposed highways and footpath improvements may not be so extensive.

The site could revert to its established use as commercial garage and plant yard, with consequential increases in discordant road traffic caused by commercial vehicles.

Addressing expressed concerns over retention of walls within the proposal: The applicant's structural engineer advises the existing wall which is proposed to be retained along Rock Hall Lane can be preserved in situ without rebuilding. With the existing buildings the roof structures of the

buildings would require wholesale reconstruction if the buildings were to be reused.

Addressing expressed concerns over character of Conservation Area and quality: The applicant fails to accept that the existing elevation street scape is of higher quality than the proposal. Interaction, observation, animation on Combe Road as an active frontage, a key principle of best practice urban design, is what the current proposal offers. An important contribution to social sustainability through refreshed new use as well as environmental sustainability is therefore made through the proposal.

Addressing expressed concerns over Scale and Grain: Whilst the proposed terraces are marginally wider than some of the smaller local cottage terraces, many buildings within the Conservation Area are of similar scale, not least of which the adjacent Rock Hall House. In response to claims that the gables within the proposal are out of scale, the most exposed gable is the west facing gable on Combe Road, which acts as a backdrop only to the more striking roof form of the Interpretation Centre.

Viability: The detailed design has evolved to take account of the legitimate concerns of local people, the planning officers and other consultees. These changes have additionally burdened the schemes viability and resulted in a subsequent increase in the requirement for HCA investment. The development proposals are providing a significant quantity of on and off site improvements that go far beyond policy requirements, as detailed below:

- Land reclamation £500,000 of work to Ralph Allen Yard required to carry out and complete the ground stabilisation that has been carried out as part of the £ 150m Mines Stabilisation Programme. This is funded by HCA as part of the development of the site.
- Sustainability commitment to the development of an exemplar low energy development
- Interpretation Centre - The funding for the construction and fit out of the Interpretation Centre is being provided by HCA. This funding is time limited.
- Off-site highway works Rock Hall Lane needs footpath, highway and junction improvement works to resolve existing problems.

The Homes and Communities Agency acquired Gammon's Yard, now known as Ralph Allen Yard on Rock Hall Lane in 2004 at a significant total cost of around £1million to provide an entrance into the mines to enable land stabilisation works to be undertaken.

There are a therefore a number of significant project specific costs associated with this scheme that go beyond what would normally be anticipated from any private sector initiative. HCA investment and a desire to deliver an exemplar development that delivers the quality legacy for Combe Down has provided the following additionally:

- Ground stabilisation £541,000
- Interpretation Centre £279,500
- Interpretation Centre fit out £100,000
- Rock Hall Lane highway improvements £36,600
- Sustainability £200,000

The project does not provide a financial contribution to education. However, education costs should be recognised as a potential cost to the city, whereby the benefits set out above are certain benefits. Therefore, it is felt that the benefit in the form of on-site enhancements which totals £1.157million and should be set against the investment to date of £150million is overwhelming.

It should also be noted that this development proposal performs the discharge of existing planning conditions that relate to the wider mines restoration consent. The agent states that failure to deliver this scheme will result in an additional cost to the council for providing an alternative solution to the planning condition discharge.

Development appraisal summary:

Sales Income	£2.896m
	Deduct
Build costs	£1.934m
External development costs – Normal	£116k
External development costs – Abnormal	£541k
Prelims/ Fees/ Marketing	£680k
Overhead and Profit	<u>£499k</u>
Total	-£874k

Level of further HCA investment required £874k

Note: This appraisal summary does not show the site acquisition costs

Without public subsidy, the agent states that this development proposal is not viable.

Further representations received: 2 further supporting comments have been received.

Homes and Community Agency: £150million has been investigated in the Combe Down Mines Restoration Project. Ralph Allen Yard was identified and acquired with the intention to finalise this project with a legacy development.

It is of great concern that the planning application is recommended for refusal. An opportunity exists for the Interpretation Centre to form the centre piece of an exemplar project including low energy homes. The development partners have worked tirelessly over the last three years to bring forward comprehensive development proposals of an exemplar nature.

The achievement of Code 5 for sustainable homes and zero carbon is unprecedented in Bath and North East Somerset and rare in the UK. The benefits should be considered proportionately against the disadvantages of the loss of existing non-listed building deliver well beyond the policy requirements for off-site financial contributions and again should be a material consideration when looking at the balance of the proposal.

If this development is not possible the HCA will have no reason to retain ownership of the land and it will be sold on the open market. Alternative proposals could include space being provided elsewhere in the City but the opportunity to create a locally based community facility as an integral part of the Interpretation Centre would be lost.

John Betty – Strategic Director –Director and Major Projects: An Interpretation Centre in the village was, and remains, the approach most enthusiastically championed by local interest groups, and would provide supplementary community use.

Professional advice, however, had suggested financial sustainability of any such stand-alone Centre was in doubt. This doubt has been overcome through the present proposals, which use the development of the balance of the site for residential use, together with the significant development subsidy from HCA.

The proposals are the culmination of extensive consultation and responsive modifications by the developer, enabling the project to provide a fitting legacy of benefits to the area, which include comprehensive off-site highway improvements; a meeting space for the community; management of the facility by ECOS trust whose principle objective is to promote design and build techniques that give a better quality of life and reduced impact on the environment; a minimum of Code Level 4 environmental and quality standards of the Code for Sustainable Homes.

The Combe Down Stone Mines Project believe that the considerations set out above should be given significant weight in evaluating the benefits and issues of this application, and would ask for the application to be approved and the project delivered, thereby creating a legacy for the Combe Down Stone Mines Project.

Officer response to the above issues: Whilst the further comments have been noted, these do not outweigh the concerns outlined in the Committee Report and the reasons for refusal cited. The alterations to the previously withdrawn scheme have been recognised within the Committee Report.

Further, it is not considered that it has been successfully demonstrated that the levels of obligations required would render the proposal unviable. Limited figures have been provided by the agent/applicant and without full financial details, the economic viability of the scheme cannot be fully assessed. Whilst the comments of the HCA are noted, these funding issues are not considered to be exceptional circumstances to allow a departure from the relevant policy which relates to planning obligations. As cited in the Planning Obligation SPD, a change in the Council's standard obligations will be considered as an unusual exception.

The following reason for refusal is also recommended.

The applicant has failed to fully justify not providing the financial contributions to Childrens' Services and as a S106 securing these contributions has not been signed, the development is therefore contrary to Policy IMP1 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted 2007 and the adopted Planning Obligations - Supplementary Planning Document

Item No	Application No	Address	Page No
02	11/04167/CA	Gammon Plant Hire, Rock Hall Lane, Combe Down, Bath	56

Further representations received: 3 further letters of objections have been received, all from residents of Combe Down.

One letter on behalf of two residents objects because the maltings and former shop are part of the real heritage of Combe Down. The admirable restoration of De Monalt Mill nearby should be an inspiration of positive conservation. Most residents regard the proposed development as a carbuncle.

A second letter recalls that many descendants of the quarries and brewing industries still live in the village and this building should be retained. Agree with the points raised by the Heritage watchdog.

The third wishes to reiterate further opposition to the loss of existing buildings and materials, and the scale of the proposed redevelopment.

Item No	Application No	Address	Page No
03	11/02432/OUT	Land Rear Of Holly Farm, Brookside Drive, Farmborough	66

Further to additional advice from the Senior Highway Development Officer, it has been confirmed that conditions 3 and 4, as cited in the Committee Report are not necessary, and should not be included on any permission granted.

Item No	Application No	Address	Page No
05	11/03987/OUT	69 Haycombe Drive, Southdown, Bath	98

This application has been withdrawn from the Agenda

**SPEAKERS LIST
BATH AND NORTH EAST SOMERSET COUNCIL
DEVELOPMENT CONTROL COMMITTEE**

**MEMBERS OF THE PUBLIC WHO MADE A STATEMENT AT
DEVELOPMENT CONTROL COMMITTEE AT ITS MEETING ON
WEDNESDAY 23RD NOVEMBER 2011**

SITE/REPORT	NAME/REPRESENTING	FOR/AGAINST
PLANS LIST REPORT 10		
Gammon Plant Hire, Rock Hall Lane, Combe Down, Bath (Items 1&2, Pages 40- 63)	Jill Attwood <u>AND</u> Ian Barclay	Against – To share 6 minutes
	Jeff Manning <u>AND</u> Richard Read	For – To share 6 minutes
Land rear of Holly Farm, Brookside Drive, Farmborough (Item 3, Pages 66-90)	John Clay	Against
	Catherine Jackson (Applicants' Agent)	For
153 Newbridge Hill, Bath (Item 4, Pages 91-99)	Adam White	Against
	Bernardo Mori (Applicant's Architect)	For
ENFORCEMENT REPORT 11		
Old Orchard, The Shrubbery, Lansdown, Bath	Mark Strickland (St James' Park Residents Association)	Statement in favour of enforcement
	Janet Wilson (Owner)	Statement against enforcement

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BATH AND NORTH EAST SOMERSET COUNCIL

DEVELOPMENT CONTROL COMMITTEE

23rd November 2011

DECISIONS

Item No:	01	
Application No:	11/04166/FUL	
Site Location:	Gammon Plant Hire, Rock Hall Lane, Combe Down, Bath	
Ward: Combe Down	Parish: N/A	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of 1no. Mining Interpretation Centre (rated BREEAM Excellent), 8no. Eco-Homes (rated Code 5 zero carbon), 1no. Apartment (rated Code 5 zero carbon) and all associated hard and soft landscaping following demolition of all existing properties, with the exception of a portion of historic stone wall to Rock Hall Lane (resubmission).	
Constraints:	Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, Local Shops, Water Source Areas, World Heritage Site,	
Applicant:	Ian Cox Development Partners Ltd	
Expiry Date:	22nd November 2011	
Case Officer:	Tessa Hampden	

DECISION Defer consideration.

Reason: To allow further time for third parties to comment on EI Screening Assessment

Item No:	02		
Application No:	11/04167/CA		
Site Location:	Gammon Plant Hire, Rock Hall Lane, Combe Down, Bath		
Ward: Combe Down	Parish: N/A	LB Grade: N/A	
Application Type:	Conservation Area Consent		
Proposal:	Demolition of all existing properties with the exception of a portion of historic stone wall to Rock Hall Lane.		
Constraints:	Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, Local Listing, Water Source Areas, World Heritage Site,		
Applicant:	Ian Cox Development Partners Ltd		
Expiry Date:	22nd November 2011		
Case Officer:	Ian Lund		

DECISION Defer consideration.

Reason: To allow further time for third parties to comment on EI Screening Assessment

Item No:	03		
Application No:	11/02432/OUT		
Site Location:	Land Rear Of Holly Farm, Brookside Drive, Farmborough, Bath		
Ward: Farmborough	Parish: Farmborough	LB Grade: N/A	
Application Type:	Outline Application		
Proposal:	Residential development comprising 38 dwellings with associated access, car parking and landscaping		
Constraints:	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary, Public Right of Way,		
Applicant:	Blue Cedar Homes		
Expiry Date:	14th September 2011		
Case Officer:	Tessa Hampden		

DECISION Defer consideration to allow Members to visit the site.

Reason: To view the development in the context of its surroundings.

Item No:	04	
Application No:	11/03393/FUL	
Site Location:	153 Newbridge Hill, Newbridge, Bath, BA1 3PX	
Ward: Newbridge	Parish: N/A	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of new single family dwelling on land at the rear of 153/155 Newbridge Hill	
Constraints:	Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, World Heritage Site,	
Applicant:	Ms Amy Fry	
Expiry Date:	11th October 2011	
Case Officer:	Tessa Hampden	

DECISION REFUSE for the following reasons:

1 The proposal by virtue of its size, scale and siting in this backland location would detract from the character and appearance of the City of Bath Conservation Area. The development is therefore contrary to policies D2, D4 and B6 of the Bath and North East Somerset Local Plan (including minerals and waste) adopted October 2007.

PLANS LIST: 1102 P01, 02, 07, 15, 16, 17, 18, date stamped 8th August 2011, 1102 P19 date stamped 16th August 2011, and 1102 P051, 06A date stamped 19th August 2011.

Item No:	05		
Application No:	11/03987/OUT		
Site Location:	69 Haycombe Drive, Southdown, Bath, Bath And North East Somerset		
Ward: Southdown	Parish: N/A	LB Grade: N/A	
Application Type:	Outline Application		
Proposal:	Erection of a detached 2 storey dwelling on land to the rear of 69 Haycombe Drive		
Constraints:	Agric Land Class 3b,4,5, Forest of Avon, Hotspring Protection, World Heritage Site,		
Applicant:	Mr & Mrs David and Elizabeth Bates		
Expiry Date:	12th January 2012		
Case Officer:	Richard Stott		

DECISION This application was withdrawn from the Agenda.

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