

## **DRAFT MINUTES PENDING CONFIRMATION AT THE NEXT MEETING**

### **BATH AND NORTH EAST SOMERSET**

#### **MINUTES OF DEVELOPMENT CONTROL COMMITTEE**

Wednesday, 31st August, 2011

**Present:-** Councillor Gerry Curran in the Chair

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

Also in attendance: Councillor David Bellotti

#### **34 EMERGENCY EVACUATION PROCEDURE**

The Senior Democratic Services Officer read out the procedure

#### **35 ELECTION OF VICE CHAIR (IF DESIRED)**

A Vice Chair was not required

#### **36 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

An apology for absence was received from Councillor Martin Veal whose substitute was Councillor Sally Davis

#### **37 DECLARATIONS OF INTEREST**

Councillor Sally Davis stated that, as Ward Councillor for the application at Barton House, Barton Lane, Corston (Item 1, Report 10), she would leave the meeting for its consideration.

#### **38 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR**

There were no items of Urgent Business. The Chair however informed the meeting that, due to certain circumstances, a request had been received from another speaker to make a Statement against confirmation of the Tree Preservation the subject of Agenda Item 12. The Committee agreed that she should be allowed to make a Statement on this occasion.

#### **39 ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS**

The Senior Democratic Services Officer informed the meeting that a speaker wished to make a Statement on the Tree Preservation Order the subject of Agenda Item 12 and that they would be able to do so when reaching that Item. The Committee had earlier agreed that an additional speaker would also be allowed to make a Statement on this matter. He informed the meeting that there were also several speakers

wishing to make Statements on the planning applications in Report 10 and that they would be able to do so when reaching those items in that Report.

#### **40 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS**

There were no items from Councillors

#### **41 MINUTES: WEDNESDAY 3RD AUGUST 2011**

The Minutes of the previous meeting held on Wednesday 3<sup>rd</sup> August 2011 were approved as a correct record, and signed by the Chair

#### **42 MAJOR DEVELOPMENTS**

The Senior Professional – Major Developments circulated a Briefing Note for Members on the proposed residential development at Parkhouse Lane, Keynsham (“K2”) which had been allowed on appeal.

He then gave an Update on current major developments at (1) Bath Spa Railway Station where new entrances were proposed at the front and rear of the building; and (2) Bath Western Riverside where work was progressing. The Officer answered Members’ queries on these developments.

In response to a Member’s query regarding proposed development on the Former Railway Land at Norton Radstock, he informed the Committee that there were 2 schemes – one for the housing development by Linden Homes and the other for the traffic scheme involving Traffic Regulation Orders. These were separate schemes and mustn’t be linked together.

The Committee noted the update.

#### **43 PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE**

The Committee considered

- A report by the Development Manager on various applications for planning permission
- Oral statements by members of the public etc on Items 1-3, the Speakers List being attached as *Appendix 1* 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 2* to these Minutes.

**Item 1 Barton House, Barton Lane, Corston – Erection of a single storey front and side extensions and a rear orangery** – The Case Officer reported on this application and her recommendation to Refuse permission. The applicant’s Agent made a Statement in support of the proposal.

Members asked questions regarding the proposed increase in volume to which Officers responded. Councillor Brian Webber referred to Green Belt policy and the

high percentage increase in volume that was proposed. Although he sympathised with the applicant, he considered that the policy should be upheld. He therefore moved the Officer recommendation to Refuse permission. The motion was seconded by Councillor Eleanor Jackson.

Members debated the motion. Some Members supported the motion whereas others did not. It was considered to be a borderline decision as to whether permission should be refused or not. The Team Leader – Development Management gave advice on comments raised by Members. The motion was then put to the vote. Voting: 6 in favour and 5 against. Motion carried.  
(Note: Councillor Sally Davis was not present for consideration of this item.)

**Item 2 No 96 Entry Hill, Combe Down, Bath – Provision of loft extension with rear dormer** – The Case Officer reported on this application and his recommendation to Refuse permission. The applicant made a Statement supporting the application and the Ward Councillor David Bellotti made a Statement in favour of the proposal.

Members discussed the proposal. The Case Officer responded to comments regarding the size and design of the proposal and a possible alternative design. Councillor Les Kew expressed concern with regard to dormers generally and considered that they do have an adverse impact on host buildings. Councillor Liz Hardman moved that the recommendation be overturned and permission granted on the basis that she considered that there was no significant loss of visual amenity, it was an acceptable design, there was already a dormer in the terrace, there were no objections from local residents and she did not agree that this proposal would have a detrimental impact on the character or appearance of the host building or the streetscene. This was seconded by Councillor Doug Nicol and the motion was put to the vote. Voting: 8 in favour and 3 against with 1 abstention. Motion carried.

**Item 3 No 12 Bennett Street, Bath – Internal alterations to replace existing carpet with floating bamboo flooring in galleries** – The Historic Environment Team Leader reported on this application and on the recommendation to Refuse consent. A representative of the Museum of East Asian Art made a Statement in support of the proposal.

Councillor Brian Webber opened the debate. He considered that a balanced decision was required as there was the need to preserve the building but also to maintain the cultural and tourist benefits to the City from the operation of the Museum. He referred to the destruction of the building during the second World War with the loss of original features. Also many buildings in Bath were now used as offices with the consequent loss of features or at least being hidden from view. On balance, he supported the proposal and therefore moved that the recommendation be overturned and consent granted on the basis that there was no material impact on the historic fabric or character of this listed building. The motion was seconded by Councillor Neil Butters.

Members debated the motion. Comments centred on the fact that this was a floating bamboo laminate floor which would be placed on top of hardboard which was already in place under the carpet. The process is reversible – the original flooring was not being removed and the laminate floor would protect the historic floorboards. The benefits of the building as a museum also shouldn't be ignored. Some Members

considered however that the character of this town house would be lost as a result of using a modern laminate and therefore could not support the motion. Before the vote, the Historic Environment Team Leader considered that the decision should be delegated to Officers to enable conditions to be added including details of how the materials would be fixed. Members considered that this was unnecessary and that standard conditions, together with the method of fixing to be agreed by the local planning authority, could be imposed. A Member suggested reasons for granting permission which were accepted by Members, namely, that it was considered that the proposal would protect the historic floorboards and preserve the character of the listed building. The motion was then put to the vote. Voting: 9 in favour and 3 against. Motion carried.

#### **44 PLANNING AND LICENSING LEGISLATION**

Referring to the Statement made by Edward Drewe at the previous meeting of the Committee, the Development Manager and the Senior Legal Advisor submitted a joint report addressing the issue of the perceived conflict between licensing and planning as regards food outlets open after 11pm. The report set out the issues, the relevant law and policy and the relationship between licensing and planning. Where a planning permission and a Premises Licence differ, the operator must abide by the earlier time and, if they did not, they would leave themselves open to enforcement action.

**RESOLVED** to note the report which Members agreed was very clear and to be commended.

#### **45 TREE PRESERVATION ORDER - LAND BETWEEN 6 AND WILMSLOW, BANNERDOWN ROAD, BATHEASTON, BATH NO 15**

The Committee considered

- the report of the Senior Arboricultural Officer which recommended that this provisional Tree Preservation Order be confirmed without modification
- oral statements by Andrew Jeffryes and Catherine Gregory (owners of the land in which the tree was situated) speaking against the Order being confirmed

Councillor Eleanor Jackson considered that the Tree Preservation Order should be confirmed so as to protect a tree which makes a significant contribution to the landscape and amenity of the area. She therefore moved the Officer recommendation to confirm the Tree Preservation Order without modification. The motion was seconded by Councillor Doug Nicol. It was commented that this was a magnificent tree that needed to be protected – the care exercised by the current owner could not be guaranteed in the future if ownership changed hands. The motion was then put to the vote and carried, voting being 7 in favour and 3 against with 2 abstentions.

**RESOLVED** to confirm without modification the Tree Preservation Order entitled “Bath and North East Somerset Council (Land between 6 and Wilmslow, Bannerdown Road, Batheaston No 15) Tree Preservation Order 2011”.

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

Members commended Officers on the high rate of success of appeals being dismissed.

The report was noted.

The meeting ended at 3.35 pm

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**

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

**MEMBERS OF THE PUBLIC ETC WHO MADE A STATEMENT AT THE  
DEVELOPMENT CONTROL COMMITTEE ON WEDNESDAY 31<sup>ST</sup> AUGUST  
2011**

**SITE/REPORT                      NAME/REPRESENTING    FOR/AGAINST**

<b>AGENDA ITEM 10 PLANS LIST REPORT</b>		
Barton House, The Barton, Corston (Item 1, Pages 25-29)	Adrian Hurst (Applicant's Agent)	For
96 Entry Hill, Combe Down, Bath (Item 2, Pages 30-33)	Daniel Richards (Applicant)	For
12 Bennett Street, Bath (Item 3, Pages 34-36)	Michel Lee (Museum of East Asian Art)	For
<b>AGENDA ITEM 12 TREE PRESERVATION ORDER – LAND BETWEEN 6 AND WILMSLOW, BANNERDOWN ROAD, BATHEASTON</b>		
	Andrew Jeffryes (Owner of the land)	Statement against confirmation
	Catherine Gregory (Owner of the land)	Statement against confirmation

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**BATH AND NORTH EAST SOMERSET COUNCIL**

**DEVELOPMENT CONTROL COMMITTEE**

**31st August 2011**

**DECISIONS**

<b>Item No:</b>	01	
<b>Application No:</b>	11/02459/FUL	
<b>Site Location:</b>	Barton House, The Barton, Corston, Bath	
<b>Ward:</b> Farmborough	<b>Parish:</b> Corston	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Erection of a single storey front and side extensions and a rear orangery.	
<b>Constraints:</b>	Agric Land Class 1,2,3a, Conservation Area, Forest of Avon, Greenbelt, Housing Development Boundary,	
<b>Applicant:</b>	Mr B Houghton	
<b>Expiry Date:</b>	8th August 2011	
<b>Case Officer:</b>	Tessa Hampden	

**DECISION** REFUSE for the following reasons:

1 The proposed development, due to the design, size, scale and siting of the extension would result in a disproportionate addition over and above the size of the original dwelling. This represents inappropriate development within the Green Belt, which is, by definition, harmful. No very special circumstances have been demonstrated to outweigh the presumption against inappropriate development in the Green Belt. The proposal is contrary to Policies GB.1, GB.2 and HG.15 of the Bath and North East Somerset Local Plan including minerals and waste policies adopted 2007.

**PLANS LIST:** 001 to 006 date stamped 10th June 2011

<b>Item No:</b>	02	
<b>Application No:</b>	11/02635/FUL	
<b>Site Location:</b>	96 Entry Hill, Combe Down, Bath, Bath And North East Somerset	
<b>Ward:</b> Lyncombe	<b>Parish:</b> N/A	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Provision of loft conversion with rear dormer	
<b>Constraints:</b>	Agric Land Class 3b,4,5, Forest of Avon, Hotspring Protection, Water Source Areas, World Heritage Site,	
<b>Applicant:</b>	Mr Daniel Richards	
<b>Expiry Date:</b>	19th August 2011	
<b>Case Officer:</b>	Jonathan Fletcher	

**DECISION** PERMIT with the following conditions:

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.

2 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:** 1a received 23 June 2011.

2a, 3, 4a, 5, 6a received 13 June 2011.

#### REASONS FOR GRANTING APPROVAL

1. The design of the proposed dormer window would preserve the character and appearance of the host building and the surrounding area. The proposal would maintain the residential amenity of adjoining occupiers.

2. The decision to grant approval has taken account of the Development Plan, relevant emerging Local Plans and approved Supplementary Planning Guidance. This is in accordance with the Policies set out below at A.

A

D.2, D.4 and BH.1 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007

<b>Item No:</b>	03
<b>Application No:</b>	11/02371/LBA
<b>Site Location:</b>	12 Bennett Street, City Centre, Bath, Bath And North East Somerset
<b>Ward:</b> Abbey	<b>Parish:</b> N/A <b>LB Grade:</b> II
<b>Application Type:</b>	Listed Building Consent (Alts/exts)
<b>Proposal:</b>	Internal alterations to replace existing carpet with floating Bamboo flooring in galleries
<b>Constraints:</b>	Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, World Heritage Site,
<b>Applicant:</b>	Mr Thomas Parkinson
<b>Expiry Date:</b>	29th July 2011
<b>Case Officer:</b>	Caroline Waldron

**DECISION** CONSENT with the following conditions

1 The works hereby approved shall be begun before the expiration of three years from the date of this consent

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

2 Full details of any required fixing of the materials to the building, particularly the fillet strips proposed to the skirting boards and chimney pieces, shall be submitted to and agreed in writing by the Local Planning Authority before works commence. The works shall then only be implemented in accordance with the agreed details.

Reason: In order to protect important architectural features in the long term.

3 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 notice relates to the submitted location plans, ground, first and second floor plans, drawing TWP/5, 2 no. photographs, and Design and Access Statement, all dated stamped 3 June 2011.

#### REASONS FOR GRANTING CONSENT

The decision to grant consent subject to conditions has been made in accordance with section 16 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation of the building. The reversibility of the works without long term damage to the structure was a key consideration. The decision is also generally consistent with Planning Policy Statement 5: Planning for the Historic Environment, and has taken into account the views of third parties. The Council considers the proposals will preserve or enhance the character of the Conservation Area and World Heritage Site.

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