

## **BATH AND NORTH EAST SOMERSET**

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

Wednesday, 11th December, 2013

Present:- Councillor Gerry Curran in the Chair  
Councillors Liz Hardman, Eleanor Jackson, Les Kew, Malcolm Lees, Bryan Organ,  
Nigel Roberts, Martin Veal, David Veale, Brian Webber, Ian Gilchrist and Manda Rigby

Also in attendance: Councillors Sharon Ball and June Player

#### **99 EMERGENCY EVACUATION PROCEDURE**

The Democratic Services Officer read out the procedure.

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

**RESOLVED** that a Vice-Chair was not required on this occasion.

#### **101 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies were received from Councillor Douglas Nicol.

#### **102 DECLARATIONS OF INTEREST**

There were none.

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

There was none.

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

The Democratic Services Officer informed the meeting that there were various people wishing to make statements on planning applications in Report 10 and that they would be able to do so when reaching their respective items in that Report.

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

There were none.

#### **106 MINUTES: 20TH NOVEMBER 2013**

These were approved as a correct record and signed by the Chair.

#### **107 MORTGAGEE IN POSSESSION CLAUSES FOR AFFORDABLE HOUSING DELIVERY**

The Team Manager (Enabling & Development) presented the report. She explained that the Council already allowed its housing partners to use Mortgagee in Possession Clauses, so that repossessed affordable housing land of a housing association could be resold on the open market unfettered by restrictions on valuation or occupancy. The recommendation to the Committee was that such clauses should, as standard practice, be included in all the Council's Section 106 Deeds, to ensure the continued availability of finance for affording housing development.

It was moved by Councillor Roberts and seconded by Councillor Kew and **RESOLVED** that all the Council's S106 Deeds shall include, as standard practice, an appropriated Mortgagee in Possession (MIP) clause. The MIP clause will fulfil the requirements of lenders of funding for affordable housing development and will be negotiated with the developer as part of wider S106 discussions.

## **108 MAIN 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 Item Nos 1-3, the Speakers List being attached as *Appendix 1* to these Minutes
- An Update Report by the Development Manager on Item Nos 2 and 4, which is 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.

### **Item 1: Proposed Development Site, King George's Road, Twerton, Bath – Erection of 11 houses and 10 flats following the demolition of half an existing apartment building**

The Case Officer gave a presentation on the proposal and his recommendation to delegate to permit it

The public speakers made their statements against and in favour of the proposal.

Councillors Sharon Ball and June Player made statements against the proposal.

Councillor Veal said that having considered all the information presented to the Committee he was at present unable to come to a decision, and moved that there should be a site visit to clarify a number of issues. This was seconded by Councillor Hardman.

Other Members spoke in favour of a site visit and referred to aspects of the application which they believed needed clarification, including access to the site, traffic flows, the proximity of the site to the railway, and its proximity to the allotments and existing residences.

The motion for a site visit was put to the vote and passed unanimously.

**Item 2: 63 Warminster Road, Bathampton, BA2 6RU – Erection of replacement dwelling following demolition of existing dwelling (Revised proposal)**

The Case Officer gave a presentation on the proposal and his recommendation to permit.

The public speaker made her statement in favour of the proposal.

Councillor Veal said that he was delighted to see a much-improved application return to the Committee and congratulated the applicants on their constructive negotiations with officers. He moved to permit the application.

Councillor Organ said that it was very unusual for the Committee to refuse an application on design grounds alone. He thought the original design had been very messy and bitty, but the current design was a vast improvement. He had no reservations about it and seconded the motion to permit.

Other Members also complimented the new design.

The motion to permit was put to the vote and carried unanimously.

**Item 3: 1 Pitway Close, Farrington Gurney, Bristol BS39 6TE – Erection of detached dormer style bungalow (resubmission)**

The Case Officer gave a presentation on the proposal and her recommendation to refuse.

The public speaker made a statement in favour of the proposal.

Councillor Kew said that he could see no reason why this site should not be developed. Under the National Planning Policy Framework housing applications had to be considered in the context of the presumption in favour of sustainable development. The Parish Council fully supported the proposal and the site was within the housing boundary. A scrap yard is located near the site, to which large lorries made regular journeys, so additional journeys of vehicles associated with the proposed new bungalow would have only a small impact on traffic flows. There was easy access from the site to Bristol, Bath and Wells. Even though the Old Parsonage is a grade II listed building, the Parsonage Yard is used for commercial purposes. The erection of the new dwelling would be part of the gradual development of the village, which was exactly what was desired. He moved to delegate to permit the application with conditions.

Councillor Gilchrist wondered why this application had come to Committee, noting that it was Councillor Kew had requested this. The Chair replied that said he considered all requests for applications to be brought to Committee. These requests always stated the reasons for which the request had been made, but these reasons did not always appear in the agenda reports.

Councillor Jackson said that she did not think that the refusal of this application could be defended at appeal. She did not see that the small, modest, dwelling proposed

would in any way detract from the listed building or the amenity of the area. She would second the motion to permit.

Councillor Roberts said that even if the Committee disagreed with officers, it should be consistent in its decisions, and he did not feel that this would be the case if the application were to be permitted on this occasion.

Councillor Hardman said she agreed with Councillor Jackson. The proposal was only for a modest dwelling and she would support it.

The Chair requested advice from The Team Leader: Development and Management. He said that while Councillor Kew was right to refer to the National Planning Policy Framework (NPPF); the Council did not yet have a 5-year supply of housing land. However, it should be also noted that the NPPF was in force last August, when the previous similar application had been refused. A previous application had also been dismissed at appeal, and the Committee should have regard for consistency in its decision making.

Councillor Rigby said the reasons for the previous refusals were not give in the report. The Team Leader: Development and Management said that these related to its appearance and impact on the area.

The motion to delegate to permit was put to the vote and carried by 9 votes in favour, 1 against with 2 abstentions.

#### **Item 4: 3 Upper Furlong, Timsbury, BA2 0NN – Erection of two-store side extension**

The Case Officer gave a presentation on the proposal and her recommendation to permit.

Councillor Organ said that he was sure that this application would have been approved under delegated authority had it not been made by a member of staff. He moved to permit. This was seconded by Councillor Webber.

The motion to permit was put to the vote and carried unanimously.

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

Councillor Organ noted that the Council had won 8 out of 9 appeals made and congratulated officers on this result.

Councillor Veal noted that the appeal on Stowey Quarry had been dismissed. He thought this outcome justified the lengthy discussions the Committee had had about it and vindicated the democratic process.

Councillor Kew noted that the appeal on the use of chalets for residential use at West End, Breach Hill Lane, Chew Stoke had been dismissed and asked whether

enforcement action would be taken to demolish the two chalets. The Team Leader: Development and Management said that he would report back about this.

The meeting ended at 3.57 pm

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**

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**SPEAKERS LIST  
BATH AND NORTH EAST SOMERSET COUNCIL**

**MEMBERS OF THE PUBLIC ETC WISHING TO MAKE A STATEMENT AT THE  
MEETING OF THE DEVELOPMENT CONTROL COMMITTEE ON WEDNESDAY  
11<sup>TH</sup> DECEMBER 2013**

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

<b>MAIN PLANS LIST – REPORT 10</b>		
Proposed development site, King George's Road, Twerton, Bath (Item 1)	Cllr Sharon Ball Cllr June Player Kirsty Pisto Jenny Bakhoff Trilby Beckman Mrs Chrissie Hamilton Mrs Carole Senior Amy Barker Dr Mark Dustin Craig Macdonald (Curo)	To comment Against Against Against Against Against Against Against Against For
63 Warminster Road, Bathampton (Item 2)	Jacqueline Bird (Applicant)	For
1 Pitway Close, Farrington Gurney, Bristol (Item 3)	Mrs Janice Scott	For

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**BATH AND NORTH EAST SOMERSET COUNCIL**

**Development Control Committee**

**December 11<sup>th</sup> 2013**

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

**ITEM 10**

**ITEMS FOR PLANNING PERMISSION**

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
2	13/03309/FUL	63 Warminster Road, Bathampton

Neighbours to the application site were re-consulted on the 18 November 2013. Three additional representations have been received from the adjoining neighbours in response to the amended drawings. No new issues were raised, but concerns about the size of the proposed dwelling, the number of windows, loss of light and loss of privacy were re-iterated.

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
4	13/04685/FUL	3 Upper Furlong, Timsbury

No comments received to date will provide further update at committee meeting.

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**BATH AND NORTH EAST SOMERSET COUNCIL**

**DEVELOPMENT CONTROL COMMITTEE**

**11th December 2013**

**DECISIONS**

<b>Item No:</b>	01	
<b>Application No:</b>	13/03835/FUL	
<b>Site Location:</b>	Proposed Development Site, King George's Road, Twerton, Bath	
<b>Ward:</b> Westmoreland	<b>Parish:</b> N/A	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Erection of 11 houses and 10 flats following the demolition of half of an existing apartment building.	
<b>Constraints:</b>	Agric Land Class 3b,4,5, Allotments, Forest of Avon, Hotspring Protection, World Heritage Site,	
<b>Applicant:</b>	Curo Places Ltd.	
<b>Expiry Date:</b>	19th December 2013	
<b>Case Officer:</b>	Mike Muston	

**DECISION** Deferred for site visit to allow members to visit the site

<b>Item No:</b>	02		
<b>Application No:</b>	13/03309/FUL		
<b>Site Location:</b>	63 Warminster Road, Bathampton, Bath, Bath And North East Somerset		
<b>Ward:</b>	Bathavon North	<b>Parish:</b>	Bathampton
		<b>LB Grade:</b>	N/A
<b>Application Type:</b>	Full Application		
<b>Proposal:</b>	Erection of replacement dwelling following demolition of existing dwelling (Revised proposal).		
<b>Constraints:</b>	Agric Land Class 1,2,3a, Forest of Avon, Housing Development Boundary,		
<b>Applicant:</b>	Mr Mock		
<b>Expiry Date:</b>	26th September 2013		
<b>Case Officer:</b>	Chris Griggs-Trevarthen		

## DECISION PERMIT

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 No development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the details so approved.

Reason: In the interests of the appearance of the development and the character and appearance of the area.

3 The area allocated for parking and turning on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of amenity and highway safety.

4 The proposed windows in the first floor East and West elevations shall be glazed with obscure glass and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. These windows shall be permanently retained as such.

Reason: To safeguard the amenities of adjoining occupiers from overlooking and loss of privacy.

5 The development hereby permitted shall be carried out only in accordance with the recommendations of the approved Bat Survey Report by Jim Mullholland dated 8th October 2013, to include no external artificial lighting on the eastern side of the development site, and incorporation of two ridge roosting tiles to the proposed new building. Any proposals not in accordance with the recommendations of the report or any amendment to the Bat Survey Report must first be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of protected species and ecology

6 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:**

001  
002  
003  
004  
005 Rev C  
006 Rev C  
007 Rev C  
008 Rev C  
010 Rev C  
011  
012 Rev C

**DECISION MAKING STATEMENT**

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. For the reasons given, and expanded upon in a related case officer's report, a positive view of the submitted proposals was taken and consent was granted.

**ADVICE NOTE:**

Where a request is made to a Local Planning Authority for written confirmation of compliance with a condition or conditions attached to a planning permission or where a request to discharge conditions is submitted a fee shall be paid to that authority. Details of the fee can be found on the "what happens after permission" pages of the Council's Website. Please send your requests to the Registration Team, Planning Services, PO Box 5006, Bath, BA1 1JG. Requests can be made using the 1APP standard form which is available from the Planning Portal at [www.planningportal.gov.uk](http://www.planningportal.gov.uk).

<b>Item No:</b>	03		
<b>Application No:</b>	13/03985/OUT		
<b>Site Location:</b>	1 Pitway Close, Farrington Gurney, Bristol, Bath And North East Somerset		
<b>Ward:</b>	High Littleton	<b>Parish:</b>	Farrington Gurney
		<b>LB Grade:</b>	N/A
<b>Application Type:</b>	Outline Application		
<b>Proposal:</b>	Erection of detached dormer style bungalow (resubmission)		
<b>Constraints:</b>	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary,		
<b>Applicant:</b>	Mr Cox		
<b>Expiry Date:</b>	11th November 2013		
<b>Case Officer:</b>	Victoria Griffin		

## DECISION PERMIT

1 The development hereby approved shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the latest.

Reason: As required by Section 92 of the Town and Country Planning Act (as amended), and to avoid the accumulation of unimplemented planning permissions.

2 Approval of the details of the (a) landscaping, (b) layout, and (c) scale of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority before any development is commenced.

Reason: This is an outline planning permission and these matters have been reserved for the subsequent approval of the Local Planning Authority under the provisions of Section 92 of the Town and Country Planning Act (as amended) and Articles 1 and 3 of the General Development Procedure Order 1995 (as amended).

3 The area allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of amenity and highway safety.

4 The parking area shall be properly bound and compacted (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

5 No development shall be commenced until a hard and soft landscape scheme has been first submitted to and approved in writing by the Local Planning Authority, such a scheme

shall include details of all walls, fences, trees, hedgerows and other planting which are to be retained; details of all new walls, fences and other boundary treatment and finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs; details of the surface treatment of the open parts of the site; and a programme of implementation.

Reason: To ensure the provision of an appropriate landscape setting to the development.

6 Details to be submitted for approval of reserved matters shall indicate a building that does not exceed the dwelling dimensions (height, width and depth) shown on drawing 2013/COX/01A date received 16 September 2013.

Reason: To ensure a satisfactory form of development.

### **PLANS LIST:**

No materials arising from the demolition of any existing structures, the construction of new buildings nor any material from incidental and landscaping works shall be burnt on the site.

The developer shall comply with the BRE Code of Practice to control dust from construction and demolition activities (ISBN No. 1860816126). The requirements of the Code shall apply to all work on the site, access roads and adjacent roads.

The requirements of the Council's Code of Practice to Control noise from construction sites shall be fully complied with during demolition and construction of the new buildings (available at: <http://www.bathnes.gov.uk/>)

This decision relates to the following plans/documents:

2013/COX/02 and 2013/COX/01A date received 16/09/13

### **DECISION TAKING STATEMENT**

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Policy Framework. For the reasons given, a positive view of the submitted proposals was taken and permission was granted.

<b>Item No:</b>	04
<b>Application No:</b>	13/04685/FUL
<b>Site Location:</b>	3 Upper Furlong, Timsbury, Bath, Bath And North East Somerset
<b>Ward:</b> Timsbury	<b>Parish:</b> Timsbury <b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Erection of two storey side extension
<b>Constraints:</b>	Agric Land Class 1,2,3a, Forest of Avon, Housing Development Boundary,
<b>Applicant:</b>	Mr David Monelle
<b>Expiry Date:</b>	25th December 2013
<b>Case Officer:</b>	Rebecca Roberts

## **DECISION PERMIT**

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 All external walling and roofing materials to be used shall match those of the existing building in respect of type, size, colour, pointing, coursing, jointing, profile and texture.

Reason: In the interests of the appearance of the development and the surrounding area.

3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no windows, roof lights or openings, other than those shown on the plans hereby approved, shall be formed in the north east elevation at any time unless a further planning permission has been granted.

Reason: To safeguard the amenities of adjoining occupiers from overlooking and loss of privacy.

4 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 drawing's titled Existing Elevations, Proposed Elevations, Existing Ground Floor Plan, Proposed Ground Floor Plan, Existing and Proposed First Floor Plan, Block Plan and the Site Location Plan date stamped 30th October 2013.

## DECISION TAKING STATEMENT

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Policy Framework. For the reasons given, a positive view of the submitted proposals was taken and permission was granted.

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