

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

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

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

Wednesday, 8th April, 2015

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

Councillors Patrick Anketell-Jones, Rob Appleyard, Neil Butters, Sally Davis (In place of Les Kew), Ian Gilchrist, Dave Laming, Malcolm Lees, Bryan Organ, Vic Pritchard, Manda Rigby, Martin Veal and David Veale

Also in attendance: Councillors David Dixon, David Martin, Will Sandry and Ben Stevens

#### **127 EMERGENCY EVACUATION PROCEDURE**

The Senior Democratic Services Officer read out the procedure

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

A Vice Chair was not required

#### **129 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There was an apology from Councillor Les Kew whose substitute was Councillor Sally Davis

#### **130 DECLARATIONS OF INTEREST**

There was none

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

There was none

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

The Senior Democratic Services Officer informed the meeting that (1) notice of Questions had been received from Margaret Stewart relating to consultation on late receipt of revised drawings on planning applications; and (2) there were a number of people wishing to make statements on planning applications in Reports 9 and 10 and that they would be able to do so when reaching their respective items in those reports.

Margaret Stewart then read out her Questions to which the Group Manager replied. The Chair indicated that further queries on the subject could be directed to the Planning Department.

(Note: A copy of the document - circulated at the meeting - containing the Questions and Reply is retained in the Minute Book)

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

There was none

### **134 MINUTES: 11TH MARCH 2015**

The Minutes of the meeting held on 11<sup>th</sup> March 2015 were approved as a correct record and were signed by the Chair.

Regarding Minute No 122 and the issue raised by Councillor Ian Gilchrist relating to conditions discharged on the permission at Beechen Cliff School, he had spoken to the Case Officer about the matter and it was confirmed that the DCC did not need to be further involved.

### **135 SITE VISIT LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE**

The Committee considered

- A report by the Group Manager – Development Management on a planning application at 2 Hermitage Road, Lansdown, Bath
- Oral statements by members of the public etc., the Speakers List being attached as *Appendix 1* to these Minutes

**RESOLVED** that, in accordance with their delegated powers, the application be determined as set out in the Decision List attached as *Appendix 2* to these Minutes

**No 2 Hermitage Road, Lansdown – Erection of 1 five bedroom dwelling following demolition of existing bungalow** – The Case Officer reported on this application and her amended recommendation to authorise Officers to grant permission subject to conditions and amendments to the list of Plans recommended for approval.

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

Councillor Patrick Anketell-Jones (Ward Member on the Committee) considered that light and openness would be affected by the proposed development. The Officers responded to queries raised by Councillor Dave Laming regarding the volume of the proposed development compared to the previous application dismissed on appeal. Councillor Rob Appleyard stated that the Members' site visit was useful and it was apparent that there would be some impact on adjoining residents. However, he considered that this was not significant and that the car dock was a good facility to reduce the number of cars being parked on the road. He therefore moved the Officer recommendation. The motion was not seconded.

Members continued to discuss the matter with particular regard to loss of light to adjoining properties. Councillor Manda Rigby considered that, as the height of the proposal had increased, the bulk was similar to the application that had been dismissed on appeal. There was a loss of light to No 26 Sion Road and to a lesser

degree, No 3 Hermitage Road. She therefore moved that the recommendation be overturned and that permission be refused on the grounds of loss of light, the mass and bulk of the proposed development and overdevelopment of the site which would be detrimental to the amenities of adjoining residents. The motion was seconded by Councillor Dave Laming. The Group Manager commented on the areas of concern outlining why the Officer recommendation was to permit. There was further discussion and the Group Manager clarified the second reason relating to mass and bulk by relating it to the effect on the character of the Conservation Area.

Members briefly debated the motion after which it was put to the vote. Voting: 6 in favour and 5 against with 2 abstentions. Motion carried.

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

The Committee considered

- A report by the Group Manager – Development Management on applications for planning applications at No 43 Upper Oldfield Park, Bath, and No 8 Lime Grove Gardens, Bathwick, Bath
- Oral statements by members of the public etc. on these applications, the Speakers List being attached as *Appendix 1* to these Minutes
- An Update Report by the Group Manager on No 43 Upper Oldfield Park, Bath, a copy of which is attached as *Appendix 3* 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 4* to these Minutes

**Item 1 No 43 Upper Oldfield Park, Bath – Erection of 14 residential apartments with parking and shared grounds (Revised proposal) (Retrospective)** – The Principal Planning/Enforcement Officer reported on this application and the amended recommendation to (A) authorise the Planning and Environmental Law Manager to enter into a S106 Agreement to secure the provision of parking space for the local car share club and membership of the club for future residents on a lifetime basis at a ratio of 2 memberships per flat; (B) wait for the consultation period for advertisement as a departure from the Development Plan to expire; and (C) authorise the Group Manager to grant permission subject to conditions. He referred Members to the objection by the Junction Road and Environs Residents Group circulated to Members and some inaccuracies that were contained therein. A Petition signed by approximately 280 people had been received against the proposal. He stated that, if the recommendation was approved, some amendments would be required to the wording of Conditions 1, 10 and 13.

The public speakers made their statements against and in favour of the development. These were followed by statements by the Widcombe Ward Councillor Ben Stevens and the Ward Councillors for Oldfield, Councillors Will Sandry and David Dixon, who all supported refusal of the application.

Councillor Ian Gilchrist stated he would consider the application on its own merits. It was now too big for its location, ugly and inappropriate for the area. He therefore

moved that the recommendation be overturned and that permission be refused which was seconded by Councillor Martin Veal.

Members debated the motion. Councillor Rob Appleyard commented on the appearance of the building and referred to waste collection and the lack of affordable housing which was an issue for him. He would support the motion. The Group Manager responded to some of the comments by saying that the former application was for 14 flats when the threshold was 15 units for affordable housing to be sought. The Group Manager clarified that affordable housing was sought in this case in line with the Core Strategy policy. An independent review had however been undertaken of the applicant's viability information and this review confirmed the applicant's position that seeking affordable housing would make the scheme unviable. He also advised that the building was a departure from policy and this was a retrospective application. The building had already been erected on the site and therefore its appearance could not be disregarded in considering the acceptability of the drawings before the Committee which reflected the as built situation. Councillor Manda Rigby considered that the altered roofscape with its equipment for lifts and air conditioning was harmful to the appearance of this part of the Conservation Area. There was little public benefit from this scheme and social housing should be included.

Members continued to debate the motion. The Group Manager advised that a Temporary Stop Notice had been served to halt the development so that the situation on site could be thoroughly assessed. Discussions with the developers then took place and amendments to the drawings were sought which eventually led Officers to conclude that the scheme was acceptable. The provision of affordable housing had been independently assessed and had been shown to be unviable; as such a refusal based on a lack of affordable housing couldn't be defended on appeal. Regarding public benefit, the provision of housing on a brownfield site was such a benefit. Councillor Patrick Anketell-Jones considered that the design was not good enough for the Conservation Area although some effort had been made to adapt to the Victorian architecture of adjoining buildings. It shouldn't be rejected on modernist grounds.

Councillor Ian Gilchrist stated that his reason for moving refusal were that the design was harmful to the area and that the building's increased bulk and height, its enlarged 4<sup>th</sup> floor, flat roofed extensions and the paraphernalia on the roof had a detrimental effect on this part of the Conservation Area and the World Heritage Site. The Group Manager advised that the motion would need to be amended to authorise Officers to formulate the precise wording of the reasons for refusal.

The Chair summed up the debate and put the motion to the vote which was carried, 11 voting in favour and 0 against with 2 abstentions.

(Note: After this decision at 3.55pm, there was an adjournment for 10 minutes for a natural break)

**Item 2 No 8 Lime Grove Gardens, Bathwick, Bath – Erection of a single storey extension providing kitchen and new second floor dormer** – The Principal Planning/Enforcement Officer reported on this application and the recommendation to grant permission subject to conditions. He recommended amended wording to Conditions 2 and 4.

The public speakers made their statements against and in favour of the application. The Ward Councillor David Martin made a statement raising various issues of concern.

Councillor Dave Laming considered that the scheme was acceptable and the installation of a dormer would increase the amount of accommodation. He therefore moved the Officer recommendation which was seconded by Councillor Bryan Organ.

Members debated the motion. Most Members expressed support for the scheme as it was at the rear of the terrace, barely visible from the canal and was only slightly above permitted development rights.

The Chair gave his views on the scheme and then put the motion to the vote. Voting: 12 in favour and 0 against with 1 abstention. Motion carried.

### **137 ENFORCEMENT UPDATE - LAND AT FORMER FULLERS EARTHWORKS, FOSSEWAY, COMBE HAY**

The Committee considered a report by the Group Manager – Development Management (1) updating Members on enforcement matters relating to land at the former Fullers Earthworks, Combe Hay, and delivery of a Residual Waste Facility (RWF); and (2) written representation from a local resident and oral statements by a representative of the Bath Preservation Trust and the landowner's agent.

The Chair reported the view of Combe Hay Parish Council on the matter.

The Principal Planning/Enforcement Officer provided a power point presentation and answered Members' questions.

The Committee discussed the matter. Some concern was expressed regarding the previous planning history of the site and reassurance was sought that the landowner would fulfil his obligations. Some Members also felt that 18 months was too long to wait before the RWF would be delivered and outstanding enforcement issues resolved. The Group Manager stated that the application for an RWF had been in 2 parts with the outline permission having been granted and the reserved matters soon to be determined by the Committee. It was expected that it would probably take 18 months for reserved matters conditions to be discharged and the development delivered. The report set out the matters that it was considered in-expedient for the Council to enforce against at this time subject to the delivery of the RWF. Members sought clarification on the timing of the RWF delivery and current unauthorised uses at the site. The Group Manager stated a 6 monthly report could be brought to the Committee so that Members could be kept updated. . He further advised that, if the appeal against the Second Bite Enforcement Notice was not withdrawn within a month, the matter should be submitted to the Committee for reconsideration. Members supported this as a way forward.

The Committee therefore approved the report and accordingly:

**RESOLVED** that it is not expedient to:

- (1) require the removal of the hard standings and remaining boundary fencing from the areas covered by Enforcement Notices 2 and 3 where they coincide with areas to be developed as part of the RWF and landscaping permission provided the RWF is implemented within 18 months of this report;
- (2) require the removal of any hard standings covered by the Second Bite Enforcement Notice where they coincide with areas to be developed as part of the RWF permission provided that the RWF is implemented within 18 months from the date of this report;
- (3) enforce against the skip hire business as it currently operates within Area A and is ancillary to the B2 waste processing activities taking place within that Area; and
- (4) enforce against the existing concrete batching plant operation provided it operates within Area A and the material storage bays are removed from Area E.

In addition, Members agreed that (i) a report be submitted to the Committee in June if the appeal against the Second Bite Enforcement Notice had not been withdrawn within 1 month; and (ii) an update report be submitted to Committee on a 6 monthly basis.

*(Note: The following day, the landowner's agent confirmed that the Enforcement Notice appeal had now been withdrawn.)*

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

The report was noted.

The meeting ended at 5.05 pm

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**

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

**MEMBERS OF THE PUBLIC WISHING TO MAKE A STATEMENT AT THE  
MEETING OF THE DEVELOPMENT CONTROL COMMITTEE ON WEDNESDAY  
8<sup>TH</sup> APRIL 2015**

| <b>SITE/REPORT</b>  | <b>NAME/REPRESENTING</b>  | <b>FOR/AGAINST</b>                      |
|---|---|---|
| <b>PUBLIC QUESTIONS AND STATEMENTS (ITEM 6)</b>               |   |   |
| Consultation procedures on receipt of revised plans           | Margaret Stewart  | Questions                               |
| <b>SITE VISIT LIST – REPORT 9</b>                             |   |   |
| 2 Hermitage Road, Lansdown, Bath (Pages 39-50)                | Annie <u>AND</u> Grahame Meharg<br><br>Tom Roche, Roche Associates (Applicant's Agents)   | Against – To share 3 minutes<br><br>For |
| <b>MAIN PLANS LIST – REPORT 10</b>                            |   |   |
| 43 Upper Oldfield Park, Bath (Item 1, Pages 53-77)            | Heather Kale (Junction Road and Environs Residents Group)<br><br>Marc Willis, Willis & Co (Applicants' Agents) <u>AND</u> Nicola McCarthy | Against<br><br>For – To share 3 minutes |
| 8 Lime Grove Gardens, Bathwick, Bath (Item 2, Pages 78-84)    | Simon Maughan<br><br>Chris Mackenzie  | Against<br><br>For                      |
| <b>ENFORCEMENT UPDATE – REPORT 11</b>                         |   |   |
| Former Fullers Earthworks, Fosseway, Combe Hay (Pages 85-180) | Robert Hellard (for the Bath Preservation Trust)<br><br>Matthew Kendrick (for the owner)  | Statement<br><br>Statement              |
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**BATH AND NORTH EAST SOMERSET COUNCIL**  
**DEVELOPMENT CONTROL COMMITTEE**

**8th April 2015**

**DECISIONS**

|                          |  |                      |
|--------------------------|--|----------------------|
| <b>Item No:</b>          | 001  |                      |
| <b>Application No:</b>   | 14/04081/FUL   |                      |
| <b>Site Location:</b>    | 2 Hermitage Road, Lansdown, Bath, Bath And North East Somerset   |                      |
| <b>Ward:</b> Lansdown    | <b>Parish:</b> N/A   | <b>LB Grade:</b> N/A |
| <b>Application Type:</b> | Full Application   |                      |
| <b>Proposal:</b>         | Erection of 1no five bedroom dwelling following demolition of existing bungalow.   |                      |
| <b>Constraints:</b>      | Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site, |                      |
| <b>Applicant:</b>        | Nitor Investments Ltd  |                      |
| <b>Expiry Date:</b>      | 19th November 2014   |                      |
| <b>Case Officer:</b>     | Tessa Hampden  |                      |

**DECISION REFUSE**

1 The proposed development, due to its inappropriate bulk and proximity to the neighbouring dwellings would result in an unacceptable loss of light to the windows of the adjacent neighbouring properties, and as such result in unacceptable harm to the residential amenity currently enjoyed by these neighbouring occupiers. The development is therefore contrary to saved policies D2 and D4 of the Bath and North East Somerset Local Plan 2007.

2 The development, due to the unacceptable design, mass and bulk of the development is considered to result in a built form that would have an unacceptable detrimental impact upon the character and appearance of the City of Bath Conservation Area. The development is therefore considered to be contrary to saved policies BH6, D2 and D4 of the Bath and North East Somerset Local Plan 2007 and CP6 of the Core Strategy 2014.

3 The proposed development, due to its proximity to the neighbouring dwellings and its overall massing and bulk, is considered to represent the overdevelopment of the site. The development is therefore contrary to saved policies BH6, D2 and D4 of the Bath and North East Somerset Local Plan 2007. and CP6 of the Core Strategy 2014.

**PLANS LIST:**

05 Sep 2014 P 02 EXISTING NORTH AND SOUTH ELEVATIONS  
05 Sep 2014 P 03 EXISTING SITE SECTION AA  
05 Sep 2014 P 04 EXISTING SITE SECTION BB  
05 Sep 2014 P 06 PROPOSED LOWER GROUND AND GROUND FLOOR PLAN

05 Sep 2014 P 07 PROPOSED 1ST AND 2ND FLOOR PLANS  
05 Mar 2015 P 08a PROPOSED NORTH ELEVATION  
05 Mar 2015 P 09b PROPOSED SOUTH ELEVATION  
05 Mar 2015 P 10b PROPOSED WEST ELEVATION  
05 Mar 2015 P 11b PROPOSED EAST ELEVATION  
05 Mar 2015 P 12b PROPOSED SITE SECTION AA  
05 Mar 2015 P 13a PROPOSED SITE SECTION BB  
05 Sep 2014 P 14 PROPOSED NORTH ELEVATION- RENDERED  
05 Sep 2014 P 15 PROPOSED SITE PLAN- ANALYSIS  
24 Sep 2014 140919-2HR-TTP-AM TREE PROTECTION PLAN  
24 Sep 2014 WS51/01 LANDSCAPE LAYOUT PLAN

#### 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 Framework. Whilst the Case Officer recommended approval, Members of the Development Control Committee took an adverse view and decided to refuse the application.

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

**8th April 2015**

**DECISIONS**

|                          |   |                      |
|--------------------------|---|----------------------|
| <b>Item No:</b>          | 01  |                      |
| <b>Application No:</b>   | 14/04547/FUL  |                      |
| <b>Site Location:</b>    | 43 Upper Oldfield Park, Oldfield Park, Bath, Bath And North East Somerset   |                      |
| <b>Ward:</b> Widcombe    | <b>Parish:</b> N/A  | <b>LB Grade:</b> N/A |
| <b>Application Type:</b> | Full Application  |                      |
| <b>Proposal:</b>         | Erection of 14no. residential apartments with parking and shared grounds (Revised Proposal) (Retrospective).  |                      |
| <b>Constraints:</b>      | Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hazards & Pipelines, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site, |                      |
| <b>Applicant:</b>        | Landmark Developments Limited   |                      |
| <b>Expiry Date:</b>      | 13th January 2015   |                      |
| <b>Case Officer:</b>     | Rachel Tadman   |                      |

**DECISION REFUSE**

**DRAFT REASON FOR REFUSAL**

1 The development, by reason of its excessive height, bulk and inappropriate design, incorporating enlargements of the side wings at fourth floor level a predominance of flat roofed elements, and a cluttered roof, is incongruous in this prominent location and out of character within its prevailing context. The development is harmful to the character and appearance of the street scene, part of the Bath Conservation Area and to the setting of the wider World Heritage Site. The development is contrary to Policies BH.6, D.2 and D.4 of the Bath and North East Somerset Local Plan (including minerals and waste policies), 2007, which are saved Policies, contrary to Policies B4 and CP6 of the Bath & North East Somerset Core Strategy, 2014 and contrary to the National Planning Policy Framework, 2012

**PLANS LIST:**

This decision relates to drawing nos 492:S:001B, 492:5:000, 492:BR:02H, 492:BR:03H, 492:BR:04H, 492:BR:05H, 492:BR:06H, 492:BR:07H, 492:BR:08G, 492:BR:09H, 492:BR:12D, 492:BR:13H, 492:BR:14L, 492:BR:15L, 492:BR:16L, 492:BR:17L.

492:C:010, 492:C:011.

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. Whilst the Case Officer recommended approval, Members of the Development Control Committee took an adverse view and decided to refuse the application.

|                          |   |                      |
|--------------------------|---|----------------------|
| <b>Item No:</b>          | 02  |                      |
| <b>Application No:</b>   | 14/04373/FUL  |                      |
| <b>Site Location:</b>    | 8 Lime Grove Gardens, Bathwick, Bath, Bath And North East Somerset  |                      |
| <b>Ward:</b> Bathwick    | <b>Parish:</b> N/A  | <b>LB Grade:</b> N/A |
| <b>Application Type:</b> | Full Application  |                      |
| <b>Proposal:</b>         | Erection of a single storey extension providing kitchen and a new second floor dormer   |                      |
| <b>Constraints:</b>      | Agric Land Class 3b,4,5, Conservation Area, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site, |                      |
| <b>Applicant:</b>        | Ms Megan Yakely   |                      |
| <b>Expiry Date:</b>      | 18th November 2014  |                      |
| <b>Case Officer:</b>     | Stuart Ashford  |                      |

## **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 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 or south elevations of the dormer window; 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.

3 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 surrounding area.

4 Upon completion of the dormer window glazing serving the bathroom, it shall be glazed with obscure glass and permanently retained as such.

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

5 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:**

Proposed Plans: Site Plan and Drawing numbers - 273 S 010, 273 S 100, 273 S 101, 273 S 300, 273 S 301, 273.P.111 P2, 273.P.210 P2, 273.P.310 P2, 273.P.311 P2.

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, and expanded upon in the delegated report, a positive view of the submitted proposals was taken and permission was granted.

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