

DEVELOPMENT MANAGEMENT COMMITTEE

Minutes of the Meeting held

Wednesday, 13th December, 2017, 2.00 pm

Councillors: Sally Davis (Chair), Patrick Anketell-Jones (Reserve) (in place of Les Kew), Jasper Becker, Paul Crossley, Matthew Davies, Eleanor Jackson, Bryan Organ, Caroline Roberts and David Veale

79 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

80 ELECTION OF VICE CHAIRMAN (IF DESIRED)

A Vice Chairman was not required on this occasion.

81 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from:

Cllr Rob Appleyard

Cllr Les Kew – substitute Cllr Patrick Anketell-Jones

82 DECLARATIONS OF INTEREST

There were no declarations of interest.

83 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was no urgent business.

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

The Democratic Services Officer informed the meeting that there were a number of people wishing to make statements on planning applications and that they would be able to do so when these items were discussed.

85 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

There were no items from Councillors or Co-Opted Members.

86 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 15 November 2017 were confirmed and signed as a correct record subject to the following amendment:

Page 3 – Item No. 1 – paragraph 4 – the final sentence be amended to read “He then moved that permission be refused but there was no seconder.”

87 **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 various planning applications.
- Oral statements by members of the public and representatives. A copy of the speakers' list is attached as *Appendix 1* to these minutes.

RESOLVED that in accordance with the delegated powers, the applications be determined as set out in the decisions list attached as *Appendix 2* to these minutes.

Item No. 1

Application No. 17/03341/FUL

Site Location: St John's Ambulance Hall, North Road, Timsbury, Bath – Conversion of former hall to two dwellings

The Case Officer reported on the application and her recommendation to permit. She updated the Committee on further comments received from the highways officer who had concluded that the application was policy compliant.

A statement from Timsbury Parish Council was read out.

The registered speaker spoke in favour of the application.

The Case Officer explained that the plans on the presentation were not the most recent version. Paper copies of the revised plans were circulated to members prior to any debate on the application. Members confirmed that they were clear on the changes and the plans that they were being asked to consider.

The Case Officer then responded to questions as follows:

- The Somer Valley Transport Strategy was currently undergoing consultation so was of limited weight to the decision.
- The site was considered to be sustainable for the provision of two dwellings. (The Team Manager, Development Management, added that whether a site is sustainable or not relates to a wider range of factors than bus service provision).
- Although the planning application had no parking provision associated with it there was unrestricted on street parking available. The parking standards required for the current use is 4-8 spaces which is higher than for the proposed use.
- The windows above the current lean-to part of the building would be reinstated.

Councillor Organ stated that the building should be restored and brought back into

use. He moved the officer recommendation to permit the application. Councillor Crossley seconded the motion.

Councillor Jackson spoke against the motion, in particular, noting the objections of the Parish Council. She felt that the proposal represented overdevelopment of the site.

The motion was then put to the vote and it was RESOLVED by 8 votes for and 1 vote against to PERMIT the application subject to conditions as set out in the report.

Item No. 2

Application No. 17/04236/FUL

Site Location: 30 Woodcroft, Bishop Sutton, BS39 5XN – Erection of first floor side extension to form bedroom with en-suite

The Case Officer reported on the application and his recommendation to refuse.

The registered speaker spoke in favour of the application.

The Case Officer then answered questions relating to the street scene and location of neighbouring properties. The Team Manager, Development Management, explained that, although the property was adjacent to the greenbelt, officers did not consider that the proposed development would harm the openness. The application was not being recommended for refusal on that basis but it was considered to be overdevelopment due to its size.

Cllr Crossley felt that the extension was bold and would improve the street scene by adding character. He moved that the application be permitted as it did not represent overdevelopment and would enhance the street scene. Cllr Matthew Davies seconded the motion stating that he felt this plot was large enough to accommodate the extension.

Cllr Organ noted that the houses opposite the site were some distance away and that the property was not within a greenbelt or AONB location.

The motion was then put to the vote and it was RESOLVED unanimously to PERMIT the application subject to conditions.

Item No. 3

Application No. 17/04541/FUL

Site Location: 104 High Street, Bathford, Bath, BA1 7TH – Erection of single and double storey rear extension

Item No. 4

Application No. 17/04542/LBA

Site Location: 104 High Street, Bathford, Bath, BA1 7TH – Internal and external alterations for the erection of single and double storey rear extension

The Case Officer reported on the applications and her recommendation to refuse. She clarified that the roof consisted of slate and not clay tiles as stated in the report.

The registered speaker spoke in favour of the applications.

In response to a question the Case Officer confirmed that the main concern was the loss of some of the historic fabric of the building such as the removal of two casement windows. She confirmed that the extension would consist of Bath stone. There was no mention of any eco-improvements to the building.

Cllr Crossley felt that this was an imaginative attempt to improve the property and to make additional space. He moved that permission be granted but asked that some further dialogue take place between the applicant and Case Officer to resolve specific features. He did not feel that the historic fabric of the building would be damaged.

Cllr Organ seconded the motion stating that the street scene would be unaffected and no major harm would be caused to the property.

Cllr Jackson suggested that the motion should be to “delegate to permit” the application to enable the Case Officer to further discuss and negotiate any outstanding details. This suggestion was agreed by Cllrs Crossley and Organ as mover and seconder of the original motion. Cllr Jackson also expressed some concern regarding permitted development rights on this property.

Cllr Anketell-Jones noted that the front elevation to the property would not be affected by this development and he therefore felt that there would be no harm to the character of the property.

The motion was put to the vote and it was RESOLVED unanimously to DELEGATE TO PERMIT planning permission and to DELEGATE TO GRANT listed building consent subject to conditions to enable further discussions and negotiation to take place between the Case Officer and the applicant to secure some of the special features of the building.

88 TREE PRESERVATION ORDER: BATH AND NORTH EAST SOMERSET COUNCIL (ROSEMERE, HOMEFIELD ROAD, SALTFORD NO.10) TREE PRESERVATION ORDER 2017

The Case Officer reported on the objection that had been received from the owner of the neighbouring property (Hillcrest) following the making of the Tree Preservation Order.

The objections had been raised for reasons of blocking light, increase in insurance premiums and blocking the view.

Cllr Jackson stated that the tree was magnificent and noted that an application could be made to carry out pruning if the need arose. She then moved the officer recommendation as set out in the report. This was seconded by Cllr Crossley.

The motion was then put to the vote and it was RESOLVED unanimously to CONFIRM the Tree Preservation Order with a minor modification to the title of the Order to Bath and North East Somerset Council (Rosemere, Homefield Road, Saltford No. 11).

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

The Committee considered the appeals report. The Team Manager, Development Management, agreed to inform Cllr Crossley of the amount of costs awarded against the Council.

RESOLVED to NOTE the report.

Cllr Jackson thanked the officers for all their hard work throughout the year and this was endorsed by all members of the Committee.

The meeting ended at 3.10 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services

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BATH AND NORTH EAST SOMERSET COUNCIL

**MEMBERS OF THE PUBLIC AND REPRESENTATIVES WISHING TO MAKE A
STATEMENT AT THE MEETING OF THE DEVELOPMENT MANAGEMENT
COMMITTEE ON WEDNESDAY 13 DECEMBER 2017**

MAIN PLANS LIST			
ITEM NO.	SITE NAME	SPEAKER	FOR/AGAINST
1	St John's Ambulance Hall, North Road, Timsbury	Edward Drew (Agent)	For
2	30 Woodcroft, Bishop Sutton	James Cain (Planning Consultant)	For
3 & 4	104 High Street, Bathford, Bath	Carl Costanza (Applicant)	For (6 mins)

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BATH AND NORTH EAST SOMERSET COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE

13th December 2017

DECISIONS

Item No:	01	
Application No:	17/03341/FUL	
Site Location:	St John's Ambulance Hall, North Road, Timsbury, Bath	
Ward: Timsbury	Parish: Timsbury	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Conversion of former hall to 2 no. dwellings	
Constraints:	Affordable Housing, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary, SSSI - Impact Risk Zones,	
Applicant:	Mr Christopher Williams	
Expiry Date:	20th December 2017	
Case Officer:	Samantha Mason	

DECISION PERMIT

1 Standard Time Limit (Compliance)

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 permission

2 Bicycle Storage (Pre-occupation)

No occupation of the development shall commence until bicycle storage for at least 4 no. bicycles has been provided in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The bicycle storage shall be retained permanently thereafter.

Reason: To secure adequate off-street parking provision for bicycles and to promote sustainable transport use in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

3 Contaminated Land - Unexpected Contamination (Compliance)

In the event that contamination which was not previously identified is found at any time when carrying out the approved development, work must be ceased and it must be reported in writing immediately to the Local Planning Authority. Thereafter an investigation and risk assessment shall be undertaken, and where remediation is necessary, a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report (that demonstrates the effectiveness of the remediation

carried out) must be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development.

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 11 of the National Planning Policy Framework.

4 Water Efficiency (Compliance)

The approved dwellings shall be constructed to meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day.

Reason: In the interests of water efficiency in accordance with Policy SCR5 of the Bath and North East Somerset Placemaking Plan.

5 Broadband (Pre-occupation)

Prior to first occupation, all of the dwellings hereby approved shall be provided with superfast broadband (24Mbps+) infrastructure to enable superfast broadband provision. In the event that the provision of such infrastructure would render the development unviable, evidence to that effect shall be submitted to and approved in writing by the local planning authority prior to first occupation. Should that viability evidence be approved in writing by the local planning authority no superfast broadband infrastructure will subsequently be required. Furthermore should said viability evidence be approved in writing by the local planning authority, alternative solutions shall instead be provided in accordance with details which shall be submitted to and approved in writing by the local planning authority prior to first occupation.

Reason: To facilitate the provision of superfast broadband in accordance with Policy LCR7B of the Bath and North East Somerset Placemaking Plan. Alternative solutions may include for example mobile broadband infrastructure or Wi-Fi infrastructure.

6 Materials (Compliance)

All work to form new openings or make good of existing openings shall be finished in natural stone to match 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 in accordance with Policies D1, D2, D3 and D5 of the Bath and North East Somerset Placemaking Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

7 Noise Mitigation (Pre-occupation)

On completion of the development but prior to any occupation of the approved development, the applicant shall submit to and have approved in writing by the Local Planning Authority, an assessment from a competent person to demonstrate that the development has been constructed to provide sound attenuation against external noise. The following levels shall be achieved: Maximum internal noise levels of 35dBLAeq,16hr and 30dBLAeq,8hr for living rooms and bedrooms during the daytime and night time respectively. For bedrooms at night individual noise events (measured with F time-weighting) shall not (normally) exceed 45dBLAmax.

Reason: To prevent excessive noise and protect the residential amenity of occupiers in accordance with policy PCS2 of the Bath and North East Somerset Placemaking Plan.

8 Plans List (Compliance)

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 the following plans:

SITE LOCATION PLAN - received 12/07/2017
EXISTING GROUND FLOOR PLAN - received 12/07/2017
EXISTING FIRST FLOOR PLAN - received 28/09/2017
EXISTING ELEVATIONS - received 28/09/2017
PROPOSED GROUND FLOOR PLAN - received 28/09/2017
PROPOSED FIRST FLOOR PLAN - received 28/09/2017
PROPOSED ELEVATIONS - received 28/09/2017

Condition Categories

The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

Compliance - The condition specifies matters to which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

Pre-commencement - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

Please note all conditions should be read fully as these headings are intended as a guide only.

Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, details of the fee can be found on the "what happens after permission" pages of the Council's Website. You can submit your conditions application via the Planning Portal at www.planningportal.co.uk or send it direct to planning_registration@bathnes.gov.uk. Alternatively this can be sent by post to The Planning Registration Team, Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

ADVICE NOTE: Desk Study and Walkover Survey

Where development is proposed, the developer is responsible for ensuring that the development is safe and suitable for use for the purpose for which it is intended. The developer is therefore responsible for determining whether land is suitable for a particular development.

It is advised that a Desk Study and Site Reconnaissance (Phase 1 Investigation) survey shall be undertaken to develop a conceptual site model and preliminary risk assessment. A Phase I investigation should provide a preliminary qualitative assessment of risk by interpreting information on a site's history considering the likelihood of pollutant linkages being present. The Phase I investigation typically consists of a desk study, site walkover, development of a conceptual model and preliminary risk assessment. The site walkover survey should be conducted to identify if there are any obvious signs of contamination at the surface, within the property or along the boundary of neighbouring properties. Should the Phase 1 investigation identify potential pollutant linkages then further investigation and assessment will be required.

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: www.bathnes.gov.uk/cil

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.

Item No:	02	
Application No:	17/04236/FUL	
Site Location:	30 Woodcroft, Bishop Sutton, Bristol, Bath And North East Somerset	
Ward: Chew Valley South	Parish: Stowey Sutton	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of first floor side extension to form bedroom with en-suite	
Constraints:	Bristol Airport Safeguarding, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Policy CP9 Affordable Housing Zones, LLFA - Flood Risk Management, Policy NE1 Green Infrastructure Network, Policy NE2A Landscapes and the green set, Policy NE5 Ecological Networks, Neighbourhood Plan, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,	
Applicant:	Mr K N Scammell	
Expiry Date:	30th October 2017	
Case Officer:	Hayden Foster	

DECISION PERMIT

1 Standard Time Limit (Compliance)

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 permission

2 Materials (Compliance)

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 in accordance with Policies D1, D2, D3 and D5 of the Bath and North East Somerset Placemaking Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

3 Ancillary Use (Compliance)

The development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 30 Woodcroft and shall not be occupied as an independent dwelling unit.

Reason: The accommodation hereby approved is not capable of independent occupation without adverse impact on the amenities of existing or future residential occupiers contrary to Policy D6 of the Bath and North East Somerset Placemaking Plan.

4 Plans List (Compliance)

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 the following plans received 4th September 2017:

Drawing Number: 1725/02- Existing and Proposed Ground Floor Plan
Drawing Number: 1725/03- Existing and Proposed First Floor Plan
Drawing Number: 1725/04- Existing and Proposed Roof Plan
Drawing Number: 1725/05- North and East Elevations
Drawing Number: 1725/06- West and South Elevations
Drawing Number: 1725/07- Proposed Ground Floor Plan
Drawing Number: 1725/08- Proposed First Floor Plan
Drawing Number: 1725/09- Proposed Front and Rear Perspectives

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. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was unacceptable for the stated reasons and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning

Authority moved forward and issued its decision. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.

Item No:	03	
Application No:	17/04541/FUL	
Site Location:	104 High Street, Bathford, Bath, Bath And North East Somerset	
Ward: Bathavon North	Parish: Bathford	LB Grade: II
Application Type:	Full Application	
Proposal:	Erection of single and double storey rear extension.	
Constraints:	Agric Land Class 1,2,3a, Policy B4 WHS - Indicative Extent, Conservation Area, Policy CP9 Affordable Housing Zones, Housing Development Boundary, Listed Building, MOD Safeguarded Areas, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,	
Applicant:	Mr And Mrs Costanza	
Expiry Date:	1st December 2017	
Case Officer:	Caroline Power	

DECISION Delegate to PERMIT

PLANS LIST:

Drawing 20 Sep 2017 DWG/01 SITE PLAN AND LOCATION PLAN
Drawing 20 Sep 2017 DWG/02 FLOOR PLANS AS EXISTING
Drawing 20 Sep 2017 DWG/03 ELEVATIONS AS EXISTING
Drawing 21 Sep 2017 SIDE ELEVATIONS
Revised Drawing 30 Nov 2017 AMENDMENTS
Revised Drawing 30 Nov 2017 AMENDMENTS

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. The Local Planning Authority acknowledges the approach outlined in paragraphs 188-192 in favour of front loading and operates a pre-application advice service. Notwithstanding active encouragement for pre-application dialogue the applicant did not seek to enter into correspondence with the Local Planning Authority. The proposal was considered unacceptable for the reasons given and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application, and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.

Item No:	04
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Application No:	17/04542/LBA
Site Location:	104 High Street, Bathford, Bath, Bath And North East Somerset
Ward:	Bathavon North
Parish:	Bathford
LB Grade:	II
Application Type:	Listed Building Consent (Alts/exts)
Proposal:	Internal and external alterations for the erection of single and double storey rear extension.
Constraints:	Agric Land Class 1,2,3a, Policy B4 WHS - Indicative Extent, Conservation Area, Policy CP9 Affordable Housing Zones, Housing Development Boundary, Listed Building, MOD Safeguarded Areas, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,
Applicant:	Mr And Mrs Costanza
Expiry Date:	1st December 2017
Case Officer:	Caroline Power

DECISION Delegate to CONSENT

PLANS LIST:

Drawing	20 Sep 2017	DWG/01	SITE PLAN AND LOCATION PLAN
Drawing	20 Sep 2017	DWG/02	FLOOR PLANS AS EXISTING
Drawing	20 Sep 2017	DWG/03	ELEVATIONS AS EXISTING
Drawing	21 Sep 2017		SIDE ELEVATIONS
Revised Drawing	30 Nov 2017		AMENDMENTS
Revised Drawing	30 Nov 2017		AMENDMENTS

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. The Local Planning Authority acknowledges the approach outlined in paragraphs 188-192 in favour of front loading and operates a pre-application advice service. Notwithstanding active encouragement for pre-application dialogue the applicant did not seek to enter into correspondence with the Local Planning Authority. The proposal was considered unacceptable for the reasons given and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application, and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.

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