

PLANNING COMMITTEE

Minutes of the Meeting held

Wednesday, 15th January, 2020, 2.00 pm

Councillors: Matt McCabe (Chair), Sally Davis (Vice-Chair), Vic Clarke, Sue Craig, Lucy Hodge, Duncan Hounsell, Eleanor Jackson, Hal MacFie, Manda Rigby and Brian Simmons

77 **EMERGENCY EVACUATION PROCEDURE**

The Democratic Services Officer read out the emergency evacuation procedure.

78 **APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were no apologies for absence.

79 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

80 **TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN**

There was no urgent business.

81 **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.

82 **MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 18 December 2019 were confirmed and signed as a correct record.

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

The Committee considered:

- A report by the Head of Planning on various planning applications.
- An update report by the Head of Planning attached as *Appendix 1* to these minutes.

- Oral statements by members of the public and representatives. A copy of the speakers' list is attached as *Appendix 2* 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 3* to these minutes.

Item No. 1

Application No. 19/04462/FUL

Site Location: 4-5 Railway Place, City Centre, Bath, BA1 1TH – Erection of extension at the fourth-floor level, front and rear infill extensions, external alterations and revisions to existing entrance onto Railway Place (Resubmission)

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

The Agent spoke in favour of the application.

Officers responded to questions as follows:

- The conclusion of the Case Officer was that the proposal would cause less than substantial harm to the setting of the listed buildings and character and appearance of this part of the Conservation Area and World Heritage Site and therefore would not be the sole reason for refusal.
- The Legal Advisor explained that the effect of sections 72 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and how they relate to the policies in the NPPF regarding consideration of impacts upon heritage assets. Members were advised that when weighing the identified harm to heritage assets against any public benefits, members should give great weight to the conservation of the heritage assets. As such, it was not a case of simply balancing harm against public benefits, but was a “tilted balance” in favour of conserving the heritage assets.
- The Case Officer confirmed that there is a Bath Building Lines Strategy which covers roofscape issues. However, the strategy is not a Supplementary Planning Document. The concern of officers in this case was the local impact of the development rather than the roofscape.
- The development would provide an additional 925 square metres of office space in Bath in addition to the 25,000 square metres to be provided at Bath Quays North and the 8,000 square metres at Bath Quays South.
- The planning permission for office development at Pinesgate has now expired. The position regarding office space in Bath is a material consideration.

Cllr Craig expressed concern regarding the adverse effect on the views of Bath from Beechen Cliff.

Cllr Jackson moved the officer recommendation to refuse. She felt that the design detracts from the Conservation Area and noted that there was no tangible evidence

of a need for more office space in this location.

Cllr Rigby seconded the motion.

The motion was then put to the vote and it was RESOLVED unanimously to REFUSE the application for the reasons set out in the report.

Item No. 2

Application No. 19/00772/FUL

Site Location: Land at Entrance to Manor Farm, Bath Hill, Wellow, Bath – Erection of two storey detached dwelling

The Case Officer reported on the application and her recommendation to permit. She clarified the purpose of the HELAA (Housing and Economic Land Availability Assessment) Call for Sites in 2018. A further letter had been received expressing concern about drainage issues on the site. She proposed an amendment to condition No. 4 and added two further conditions to ensure that parking provision was provided prior to occupation and to restrict permitted development rights. She also gave details of two amendments to the relevant planning history.

A representative from Wellow Parish Council spoke against the application.

The Agent and Applicant spoke in favour of the application.

A statement from Cllr Neil Butters, local ward member, was read out at the meeting. He supported the position taken by Wellow Parish council who objected to the application. He was concerned that the new property would be overbearing as it was on higher ground than the bungalows at Manor Close. He also expressed concerns about flooding and land stability at the site. He was not convinced that the development amounted to infill and felt that there had been a lack of consistency about this.

Officers then responded to questions as follows:

- There is no specified distance regarding spacing between neighbouring properties. It is generally considered that 21-23 metres between properties is acceptable and any closer than this is based on the judgement of the planning officer having regard to amenity.
- The Case Officer clarified the position of the gate and footpath in relation to the proposed property.
- There is no definition of “limited infilling” in the NPPF and this is down to the judgement of the Case Officer. It was explained by the Case Officer that the example stated in the Placemaking Plan was indicative only and not an exhaustive list of what might qualify as “limited infilling”. There is development in the form of houses and roads, be they at a short distance away, on at least three sides of the site.
- Part of the existing public footpath would be located in the car parking area of the development site. However, this would not interfere with the public right

of way. The Legal Advisor explained that an informative was proposed which would address this issue. He confirmed that any effect on a public right of way is a material consideration.

- There is no Wellow Neighbourhood Plan.

Cllr Clarke stated that the development was on Green Belt land and that he did not feel that the proposal amounted to infill development. The new property would overlook the bungalows in Manor Close. He also expressed concern about the potential flood risk and land instability as the site sits on Fullers Earth.

Cllr Jackson moved that the application be refused for the following reasons:

- The proposal does not constitute infill development and therefore amounts to inappropriate development in the Green Belt.
- The design is inappropriate and does not reflect the context of the surrounding area.
- Overdevelopment of the site.
- The detrimental impact on the amenity of both the residents of Manor Close and any occupant of the new property.

She stated that the proposal would change the rural character of the area and expressed concern about the detrimental impact of the footpath crossing the development site.

Cllr Rigby seconded the motion. She explained that, while she sympathised with the applicant and their reasons for wishing to build the property, she felt that there were clear planning reasons to refuse the application.

The motion was put to the vote and it was RESOLVED by 8 votes in favour, 1 vote against and 1 abstention to REFUSE the application for the reasons set out above.

84 PLANNING ENFORCEMENT REPORT - 76 LEIGHTON ROAD, UPPER WESTON, BATH, BA1 4NG

The Committee considered a report regarding a failure to comply with a Notice under Section 215 of the Town and Country Planning Act 1990 requiring the proper maintenance of land at 76 Leighton Road, Upper Weston, Bath.

The Section 215 Notice (set out in Appendix A to the report) requires both works to clear the front garden and works to maintain the garage door by stripping and repainting the door and replacing the fascia board. Upon recent inspection it was noted that the garage door is rotten and unlikely to be repaired to satisfy the terms of the Notice. As replacement of the garage door would be beyond the scope of the Notice, in execution of the terms of the Notice, Officers intend to carry out default works to the garden initially and will review whether default works to the garage door are possible.

The Team Manager, Planning and Enforcement, confirmed that the Council Parks Team would carry out the work and that funding is available for this. He also confirmed that a public sector equality duty assessment had been carried out and that the Council's Empty Property Team was aware of the situation. Officers had tried to engage with the property owner without success.

Cllr Davis moved the officer recommendation to authorise the works. This was seconded by Cllr Jackson.

The motion was put to the vote and it was RESOLVED unanimously to authorise the carrying out of works in default (including the recovery of costs from the owner) under the powers conferred by Section 219 of the Town and Country Planning Act 1990 in respect of the failure to comply with the requirements of the Section 215 Notice served on the Land.

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

The Committee considered the appeals report.

RESOLVED to NOTE the report.

The meeting ended at 3.15 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services

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BATH AND NORTH EAST SOMERSET COUNCIL

Planning Committee

Date 15th January 2020

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

ITEM

ITEMS FOR PLANNING PERMISSION

Item No.	Application No.	Address
01	19/04462/FUL	4 - 5 Railway Place City Centre Bath Bath And North East Somerset BA1 1TH

With respect to any buildings or other land in a conservation area the Council has a statutory requirement under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area. In this instance the additional height and massing of the proposed fourth floor extension would slice right through the centre of the views from South Parade, partly obscuring the green hillside and creating a severe horizontal division. This will not preserve nor enhance this part of the Bath Conservation Area and as such this proposal fails to meet this requirement.

There is also a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. In this instance the additional height and massing of the proposed fourth floor extension would slice right through the centre of the views from South Parade, partly obscuring the green hillside and creating a severe horizontal division. Furthermore, the increased height and massing of 4/5 Railway Place would reinforce and add to the harmful impact by having a dwarfing effect on the Royal Hotel which would end up being clasped between the two taller buildings. As such the scheme does not preserve the setting of the listed buildings and the scheme also fails to meet this requirement.

Members are reminded of the advice in Paragraph 193 of the NPPF which states:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Members are advised that, when weighing the identified harm to the heritage assets against the public benefits of the proposal, considerable importance and weight must be given to the conservation of the heritage assets.

02	19/00772/FUL	Land at entrance to Manor Farm Bath Hill Wellow
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14 letters of objection have been received.

Additional issues raised are as follows:

Detailed plans have been submitted in respect of the housing development boundary indicating part of the development is outside the housing development boundary.

Further comments in respect of the level of the development and loss of privacy were also raised.

Concerns have been raised in respect of the notification of neighbours.

Officer comments

The issue of the housing development boundary has been addressed by the applicant's agent. A plan has been submitted indicating the location of the housing development boundary and the development.

Part of the dwelling as originally submitted did extend outside the development boundary and therefore, the footprint of the dwelling has been further amended to indicate the house footprint is within the housing development boundary. The amendment has reduced marginally the footprint of the proposed dwelling.

There are two minor elements of the development which fall outside the development boundary as shown on the additional plans submitted. The steps down to the entrance of the property and a small access strip in front of the car parking spaces are shown to be sited outside the housing development

boundary. These elements are considered to be minimal and the fact that these small elements are outside the housing development boundary is not considered to justify refusal of this application.

The impact of the development on neighbour's privacy and the levels of the site are addressed within the committee report.

However the amendments to the dwelling have resulted in the measurements stated in the report being marginally reduced. (See amendments to 'Impact on amenity' below).

Neighbour re-notifications were carried out when the design of the dwelling was amended. Further neighbour notifications would not be carried out in respect of these latest minor alterations as they seek to address the concerns raised and do not substantially impact on the nature of the development as proposed.

The following section within the committee report are amended to read as follows:

Impact on amenity-

The proposed built form will start 5m within the site, the dwelling elevation being 12m from the rear elevation of number 32 Manor Close, the proposed dwellings closest neighbour. The adjacent properties have garden areas that are 5m in depth. The built form closest to the properties in Manor Close will be a small amenity area on the south side of the dwelling set down below ground level. The roof form slopes away from the properties in Manor Close. The maximum height of the proposed dwelling will be approximately 5m high. Given that the dwelling is set down in the site the ridgeline of the proposed dwelling will be approximately 2m higher than the properties in Manor Close and the ridge line will be at a distance of 14m from these adjacent properties.

Therefore the largest element of the scheme will be located on the North side of the bungalows in Manor Close at a distance of 14m. The impact that this built form will have on the amenity of these properties it not considered to result in a loss of light or be excessively overbearing given the existing relations ship between the properties. The existing hedge is to be retained along the southern boundary between the properties in Manor Close and the site. At present the boundary to the site is vegetated with a mature hedge.

The proposed dwelling will therefore be visible beyond the hedge but at a distance that is not considered to result in the development having an overbearing impact on the neighbours. The hedge to be retained retains a distance between the properties. The gardens of the properties in Manor

Close are relatively limited in size with a footpath running along the back of the properties and adjacent to the site boundary.

The lower floor of the proposed dwelling has been created below the existing ground level and as such the two storey element of the scheme will only be readily visible from the northern/north eastern (open countryside) side. The western end of the property is set down by 1.5m whilst the eastern end is set down by 900mm.

Given the limited size of the site and the need for parking provision the proposed dwelling has limited amenity space. However in the absence of standards in respect of amenity space and given the open outlook from the site to the North East and West this limited amenity space is not seen to be a matter that would warrant refusal of this application.

There are no windows in the southern elevation of the proposed dwelling at first floor level which would result in the overlooking of adjacent properties to the south. There is a small dormer and roof light on the northern roof slope and windows in both gable ends. The westerly facing windows looks down along the entrance track whilst the easterly facing window is to be glazed with obscure glass and non-opening. Given the distance to the adjacent property and the nature of the window in the eastern elevation loss of privacy is not considered to be an issue in respect of this window.

Whilst it is recognized that the proposed dwelling is in close proximity to the neighbours in Manor Close and given concerns that there will be a loss of privacy due to the garden level of the new dwelling it is considered that the hedge provides a barrier and as the land slopes marginally down towards Manor Close the two elements combine so that the level of lost privacy would be limited and therefore, it is not considered that loss of privacy would warrant refusal of this application.

The new dwelling is shown to be constructed of Dark Grey Rubble stone with a brown double roman tiled roof. These materials are considered appropriate in this location.

Therefore, given the design, scale, massing and siting of the proposed development the proposal is not considered to cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, or other disturbance. The proposal is seen to accord with policy D6 of the Placemaking Plan for Bath and North East Somerset (2017) and part 12 of the NPPF.

Other matters drainage/ecology/trees/Conservation Area.

The site is adjacent to the Conservation Area but not within it. Given the proximity of the Conservation Area it is necessary for the impact on the setting of the Conservation Area to be considered. In this location particularly given the nature of the development in Manor Close which is in close proximity to the site, the proposal as amended is seen by virtue of its design, scale, massing, position and materials to at least preserve the character and appearance of the setting of the Conservation Area. In this respect the proposal accords with policy CP6 of the adopted Core Strategy (2014) and policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and Part 16 of the NPPF.

The Plans list is amended as follows:

PL01 dated 24/02/2019 and PL02 Rev C, PL03 Rev E, PL04 Rev E, PL05 Rev E, PL07 Rev E, PL08 Rev D,

PL10 Rev Q and PL11 all dated 5/01/2020

Informative 5 is amended to read

The applicant is advised that it is an offence to drive a mechanically-propelled vehicle along a footpath without lawful authority.

Additional condition

15-{\b Obscure Glazing and Non-opening Window(s) (Compliance)}

The proposed window in the eastern elevation as indicated on the submitted plans shall be obscurely glazed and non-opening unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed. Thereafter the window shall be permanently retained as such.

Reason: To safeguard the amenities of adjoining occupiers from overlooking and loss of privacy in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan.

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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 PLANNING COMMITTEE ON
WEDNESDAY 15 JANUARY 2020**

MAIN PLANS LIST			
ITEM NO.	SITE NAME	SPEAKER	FOR/AGAINST
1	4-5 Railway Place, Bath, BA1 1TH	Jo Davis (Agent)	For
2	Land at Entrance to Manor Farm, Bath Hill, Wellow, Bath	Cllr Pat Caudle (Wellow Parish Council)	N/A
		Nick Morley (Agent)	For (To share 3 minutes)
		Graham Wilkins (Applicant)	

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BATH AND NORTH EAST SOMERSET COUNCIL

PLANNING COMMITTEE

15th January 2020

DECISIONS

Item No:	01	
Application No:	19/04462/FUL	
Site Location:	4 - 5 Railway Place, City Centre, Bath, Bath And North East Somerset	
Ward: Kingsmead	Parish: N/A	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of extension at the fourth floor level, front and rear infill extensions, external alterations and revisions to existing entrance onto Railway Place (Resubmission).	
Constraints:	Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Policy B1 Bath Enterprise Zone, Policy B2 Central Area Strategic Policy, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, British Waterways Major and EIA, Conservation Area, Contaminated Land, Policy CP12 Bath City Centre Boundary, Policy CP9 Affordable Housing Zones, Flood Zone 2, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, Placemaking Plan Allocated Sites, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,	
Applicant:	BEGG Nominees Limited	
Expiry Date:	10th December 2019	
Case Officer:	Chloe Buckingham	

DECISION REFUSE

1 The proposed increased height and massing of the office building would neither preserve nor enhance the special interest of the adjacent listed buildings nor their setting; it would harm the character and appearance of the Bath Conservation Area and would detract from the special qualities of the World Heritage Site. The scheme would be contrary to policy B4 of the Bath and North East Somerset Core Strategy, policies D2, D3, D4 and HE1 of the Bath and North East Somerset Placemaking Plan (2017) and the provisions of the National Planning Policy Framework (NPPF) 2019.

PLANS LIST:

This decision relates to plan references;

1716-ST-XX-XX-DR-A-1001 A5, 1716-ST-XX-ZZ-DR-A-4252 A5, 1716-ST-XX-ZZ-DR-A-1201 A5, 1716-ST-XX-ZZ-DR-A-1101 A5, 1716-ST-XX-XX-DR-A-4251 A5, 1716-ST-XX-XX-DR-A-4052 A5, 1716-ST-XX-XX-DR-A-4051 A5, 1716-ST-XX-XX-DR-A-3254 A5, 1716-ST-XX-XX-DR-A-3253 A5, 1716-ST-XX-XX-DR-A-3252 A5, 1716-ST-XX-XX-DR-A-

3251 A5, 1716-ST-XX-XX-DR-A-3054 A5, 1716-ST-XX-XX-DR-A-3053 A5, 1716-ST-XX-XX-DR-A-3052 A5, 1716-ST-XX-XX-DR-A-3051 A5, 1716-ST-XX-GF-DR-A-2252 A5, 1716-ST-XX-GF-DR-A-2002 A5, 1716-ST-XX-B1-DR-A-2251 A5, 1716-ST-XX-B1-DR-A-2001 A5, 1716-ST-XX-06-DR-A-2258 A5, 1716-ST-XX-04-DR-A-2256 A5, 1716-ST-XX-04-DR-A-2006 A5, 1716-ST-XX-03-DR-A-2255 A5, 1716-ST-XX-03-DR-A-2005 A5, 1716-ST-XX-02-DR-A-2254 A5, 1716-ST-XX-02-DR-A-2004 A5, 1716-ST-XX-01-DR-A-2253 A5 and 1716-ST-XX-01-DR-A-2003 A5 received 11th October 2019.

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy 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.

Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority please note that CIL applies to all relevant planning permissions granted on or after this date. Thus any successful appeal against this decision may become subject to CIL. Full details are available on the Council's website www.bathnes.gov.uk/cil

Item No:	02		
Application No:	19/00772/FUL		
Site Location:	Land At Entrance To Manor Farm, Bath Hill, Wellow, Bath		
Ward: Bathavon South	Parish: Wellow	LB Grade: N/A	
Application Type:	Full Application		
Proposal:	Erection of two storey detached dwelling		
Constraints:	White Ox Mead Air Strip 3km buffer, Agric Land Class 1,2,3a, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Housing Development Boundary, Policy NE2 AONB, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,		
Applicant:	Mr Graham Wilkins		
Expiry Date:	17th January 2020		
Case Officer:	Christine Moorfield		

DECISION REFUSE

1 The proposed development site is not an infill site within the housing development boundary and therefore amounts to inappropriate development within the Green Belt

thereby failing to comply with any of the exceptions for new buildings outlined within paragraph 145 of the National Planning Policy Framework, 2019. The proposed development is therefore inappropriate development in the Green Belt in principle, being contrary to policies GB1 and GB2 of the Placemaking Plan, Policy CP8 of the Core Strategy and Section 13 of the NPPF.

2 The proposal will result in the overdevelopment of the site within close proximity to neighbouring properties to the detriment of the residential amenity of occupiers through its overbearing nature and harm to outlook. The proposal will result in overlooking to the detriment of appropriate levels of amenity of habitable rooms and private garden spaces to neighbouring properties. In addition the existence of the adjacent public foot path in relation to the proposed property located at a lower level will be likely to result in a significant loss of privacy for the residents of the proposed new dwelling. Therefore, the proposal is considered contrary to Part 12 of the NPPF and contrary to Policy D6 of the Bath and North East Somerset Placemaking Plan (2017)

3 The proposal represents over-development of this restricted site and does not respond to the local context in terms of siting, mass, bulk, design, spacing and layout. The setting down of the property within the site in conjunction with the scale of the development results in a form of development which does not reflect the surrounding context and is therefore, considered contrary to Policies D1, D2, D3, D4, D5 and D7 of the Bath and North East Somerset Placemaking Plan (2017) and the provisions of the National Planning Policy Framework (2019).

PLANS LIST:

This decision relates to the following drawings:

PL01 Rev A - 22 September 2019
PL02 Rev C - 5 January 2020
PL03 Rev E - 5 January 2020
PL04 Rev E - 5 January 2020
PL05 Rev E - 5 January 2020
PL07 Rev E - 5 January 2020
PL08 Rev D - 5 January 2020
PL10 Rev A - 5 January 2020
PL11 - 5 January 2020

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. Whilst the application was recommended for permission by Officers the Development Management Committee considered the proposal to be unacceptable for the stated reasons.

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