

DEVELOPMENT MANAGEMENT COMMITTEE

Minutes of the Meeting held

Wednesday, 23rd September, 2015, 2.00 pm

Councillor Tim Ball (In place of - Bath and North East Somerset Council
Councillor Rob Appleyard)
Councillor Jasper Martin Becker- Bath & North East Somerset Council
Councillor Matthew Davies - Bath & North East Somerset Council
Councillor Sally Davis - Bath & North East Somerset Council
Councillor Eleanor Jackson - Bath & North East Somerset Council
Councillor Les Kew - Bath & North East Somerset Council
Councillor Bryan Organ - Bath & North East Somerset Council
Councillor Will Sandry (In place - Bath and North East Somerset Council
of Councillor Paul Crossley)
Councillor David Veale - Bath & North East Somerset Council

48 EMERGENCY EVACUATION PROCEDURE

The Senior Democratic Services Officer read out the procedure

49 ELECTION OF VICE CHAIRMAN (IF DESIRED)

A Vice Chairman was not required

50 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were apologies for absence from Councillors Rob Appleyard, Paul Crossley and Caroline Roberts. Their substitutes were Councillors Tim Ball and Will Sandry.

51 DECLARATIONS OF INTEREST

Councillor Will Sandry declared a disclosable pecuniary interest in the planning application at 43 Upper Oldfield Park, Bath (Item 1, Report 9) as he could see the building from his house. He would therefore make a statement as the adjoining Ward Councillor and then leave the room for its consideration. Councillor Eleanor Jackson gave reasons why she had no interest to declare on the MoD Foxhill application (Item 2, Report 9). She explained that, in her capacity as a member of the Council, she attended the Curo Partnership meeting, the function of which was primarily to represent the views of Curo residents on matters relating to their tenancy. The position had no relevance to this planning application. Councillor Tim Ball stated that the same situation applied to him.

52 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was none

53 ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS,

PETITIONS OR QUESTIONS

The Senior Democratic Services Officer advised that there were a number of speakers on planning applications who would be able to make their statements when reaching their respective items in Report 9.

54 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

There was none.

55 MINUTES: 26TH AUGUST 2015

The Minutes of the previous meeting held on Wednesday 26th August 2015 were approved as a correct record and signed by the Chairman.

56 PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE

The Committee considered

- The report of the Group Manager – Development Management on various applications for planning permission etc.
- An Update Report by the Group Manager on Item Nos 1-5, a copy of which is attached as *Appendix 1* to these Minutes
- Oral statements by members of the public etc. on Item Nos 1-8, a copy of the Speakers List being 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 No 43 Upper Oldfield Park, Bath – Erection of 14 residential apartments with parking and shared grounds (Revised proposal) (Retrospective) – The Case Officer reported on this application and her recommendation to (A) authorise the Head of Legal and Democratic Services to enter into a S106 Agreement to secure the provision of a parking space for the local car share club and membership of the aforementioned club for future residents on a lifetime basis at a ratio of 2 memberships per flat; and (B) subject to the prior completion of the above Agreement, authorise the Group Manager to grant permission subject to conditions. She referred to the Update Report which informed of additional local representations and a correction to the Recommendation whereby Condition 1 would be replaced by 2 conditions.

The public speakers made their statements against and in favour of the application. Councillor Will Sandry made a statement as the adjoining Ward Member for Oldfield and then left the meeting for its consideration. Then Councillor Patrick Anketell-Jones as Cabinet Member for Economic Development commented on the application. The Group Manager gave advice on a reference in the statement by the Chief Executive of the Bath Preservation Trust to the effect that the Ministerial statement concerning intentional unauthorised development was not applicable in this case because the application was received prior to 31st August 2015.

Members asked questions for clarification to which Officers responded. Councillor Les Kew stated that this was a good use of the land and would provide much needed housing. The materials would eventually weather. He therefore moved the Officer recommendation as amended in the Update Report which was seconded by Councillor Bryan Organ.

Members debated the motion. After a short discussion, including reference to the time limit for work to be undertaken, the motion was put to the vote and was carried unanimously.

Item 2 Former MoD site, Foxhill, Combe Down, Bath – Approval of reserved matters with regard to outline application 14/03454/EOUT for the development of 276 dwellings, public open space and all associated infrastructure – The Case Officer reported on this application and his recommendation to Approve subject to conditions. He referred to the Update Report which advised of amended plans being received and Officer's comments on further representations received. Also the recommended Condition 2 could now be deleted and the Plans List numbers updated.

The public speakers made their statements against and in favour of the application which was followed by a statement by the Ward Councillor Cherry Beath in favour of the proposal.

Members asked questions about the application for clarification to which Officers responded.

Councillor Will Sandry liked the proposal for this key development site and which provided a good variety of buildings. The views from the north of the City would not in his opinion be detrimentally affected. He therefore moved the Officer recommendation. The motion was seconded by Councillor Les Kew who considered that it was an excellent design scheme; it would provide affordable housing; and give a good quality of life for the occupiers. The materials were satisfactory but it was important that sample panels remained on site for the duration of the construction period.

Members debated the motion. Councillor Tim Ball considered that a condition should be added so that sufficient litter bins should be provided on the site. The mover and seconder agreed to this amendment.

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

Item 3 Echo Gate, 27 Rodney Road, Saltford – Erection of 3 detached dwellings and garages – The Case Officer reported on this application and his recommendation to grant permission subject to conditions. The Update Report referred to a correction in the Report and to Officer's comments on representations received on ecology issues.

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

A Member asked a question about the proposal for clarification to which the Case Officer responded.

Councillor Tim Ball considered that the character and size of the development was appropriate for this site and therefore moved the Officer recommendation which was seconded by Councillor Eleanor Jackson.

Members debated the motion. A Member commented that the Arboricultural Method Statement needed careful consideration.

After a short discussion, the motion was put to the vote and was carried, 8 voting in favour and 0 against with 1 abstention.

Item 4 No 5 St James' Square, Bath – Change of use from Use Class C3 (last used as a House in Multiple Occupation) to House in Multiple Occupation (large HMO) (Use Class Sui Generis) and reconstruction of front lightwell staircase – The Planning Officer reported on this application and the recommendation to grant permission subject to conditions. She informed Members that the proposal was for a 7 bed HMO and not 8.

The public Speakers made their statements against and in favour of the application which was followed by a statement by the Ward Councillor Chris Pearce expressing concerns about the proposal.

Councillor Tim Ball could not see that there were reasons to refuse permission noting that the proposal was policy compliant and therefore moved the Officer recommendation. The motion was seconded by Councillor Eleanor Jackson.

Members debated the motion. It was generally felt that the HMO policy applied to all areas of the City and a mix of tenure helped to create a diverse community. There was a demand for accommodation by young people.

The motion was put to the vote and was carried, 7 voting in favour and 2 against.

Item 5 No 10 Entry Hill, Bath – Erection of 2 two bed dwelling – The Case Officer reported on this application and his recommendation to grant permission subject to conditions.

The public speakers made their statements against and in favour of the application which was followed by a statement by the Ward Councillor Mark Shelford against the proposal.

Members asked questions about the application for clarification to which the Case Officer responded.

Councillor Les Kew felt that there were issues that needed clarification on the ground and therefore moved that the application be deferred for a Site Visit which was seconded by Councillor Bryan Organ.

The motion was put to the vote which was carried unanimously.

Item 6 Land at rear of 25-32 Sladebrook Avenue, Southdown, Bath – Erection of new single storey dwelling with associated parking and access (Resubmission) – The Case Officer reported on this application and her recommendation to refuse permission.

The applicant's Agent made a statement in favour of the proposal.

Members asked questions about the proposal for clarification to which Officers responded.

Councillor Tim Ball was against the application. He considered that this was backland development at the rear of established terraced housing. It would affect the parkland to the rear and the unsurfaced track could be made up which may not be wanted by residents in the terrace. He therefore moved the Officer recommendation to refuse permission which was seconded by Councillor Eleanor Jackson.

Members debated the motion. There was a divergence of opinion on the matter. Some Members felt that this development would tidy up the area of land and provide some housing with no harmful effects. However, some Members supported the motion to refuse permission as it was considered that it was an isolated site with no relationship to existing properties. It was an inappropriate site for a house which was of poor design and could set a precedent culminating in another street being formed at the rear of the terrace.

The Group Manager – Development Management gave advice on some of the issues raised after which the motion to refuse was put to the vote. Voting: 4 in favour and 5 against. Motion lost.

On the basis that this was just one house, whereas the previous Inspector's decision related to a scheme for 2 houses, being provided on derelict land in a housing area which would not, in his opinion, have a harmful effect on adjoining properties or the open green space, Councillor Les Kew moved that permission be delegated to Officers with appropriate conditions. This was seconded by Councillor Bryan Organ.

Members debated the motion. It was considered by one Member that these were not sufficient reasons to overturn the Officer's recommendation. Reference was made to the earlier appeal decision on the site upholding refusal but it was explained by Officers that this related to 2 dwellings so a different situation although the Officer advice was that the same amount of harm would result. Some Members considered that this was a sensible use of derelict land which would not harmfully affect adjoining properties or the open space.

The motion was put to the vote and was carried, 5 voting in favour and 4 against.

Item 7 Rosebank, Common Lane, Compton Dando – Erection of two storey side extension following the removal of existing conservatory – The Case Officer reported on this application and her recommendation to refuse permission. She emphasised that this was a 186% size increase above that of the original dwelling.

The Senior Democratic Services Officer read out a statement received from Compton Dando Parish Council supporting the application. The applicant and his Architect then made statements in support of the proposal.

Councillor Bryan Organ felt that further information was required on the increase in size and that the application needed to be assessed on the ground. He therefore

moved that it be deferred for a Site Visit which was seconded by Councillor Les Kew.

Members debated the motion. It was considered by one Member that special circumstances had been demonstrated in that accommodation was required for elderly parents. The Group Manager – Development Management advised that limited weight was given to personal circumstances but significant weight to harm to the Green Belt. It was considered by a Member that the relationship to other houses in the vicinity needed to be assessed.

The motion was put to the vote and was carried, 7 voting in favour and 0 against with 1 abstention.

Item 8 Woodborough Mill Farm, Woodborough Mill Lane, Woollard – Conversion and extension of existing barns to staff accommodation unit ancillary to equestrian use, American barn stabling and all weather riding arena – The Case Officer reported on this application and her recommendation to grant permission subject to conditions. She informed Members that ecology issues had now been addressed and that 2 further conditions - relating to lighting and the development being carried out in accordance with the report - needed to be added to the recommendation.

The applicant and her Agent then made statements in support of the proposal.

Councillor Sally Davis stated that the Parish Council supported the application. Councillor Les Kew stated that S28 of the NPPF supported employment in rural areas. This was a successful equestrian enterprise where it was normal for barns and stabling to be attached. There would not be any harm to the setting of the Green Belt. He therefore moved the Officer recommendation which was seconded by Councillor Eleanor Jackson who considered that there were no good reasons to withhold permission.

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

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

The Committee considered the report of the Group Manager – Development Management.

Councillor Eleanor Jackson referred to the appeals in Radstock that had been dismissed and expressed her appreciation for the work undertaken by Officers in that regard. Councillor Les Kew referred to the appeal at Temple Inn Lane, Temple Cloud that had been allowed and stated that the access that would have to be determined by the Committee would need careful consideration. He drew attention to some applications that mistakenly stated that the Decision Level was “Chair Referral”.

The report was noted.

The meeting ended at 5.30 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services