

PLANNING COMMITTEE

Minutes of the Meeting held

Wednesday, 15th November, 2023, 11.00 am

Councillors: Duncan Hounsell (Chair), Ian Halsall (Vice-Chair), Paul Crossley, Lucy Hodge, Hal MacFie, Shaun Hughes, Dr Eleanor Jackson, Tim Warren CBE, Ruth Malloy and Fiona Gourley

58 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

59 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Cllr Ruth Malloy was substituting for Cllr Toby Simon.

60 DECLARATIONS OF INTEREST

Cllr Fiona Gourley declared an interest in item (1) 22/02169/EOUT – Parcel 4234, Combe Hay Lane, Combe Hay, Bath as she had already commented on the application and would stand down from the Committee during consideration of the item and speak as ward member.

Cllr Paul Crossley declared a minor interest in item (1) 22/02169/EOUT – Parcel 4234, Combe Hay Lane, Combe Hay, Bath as a Council representative on Cotswolds AONB Conservation Board but confirmed that this would not prejudice him in considering this item and he had not prejudged the application.

Cllr Paul Crossley declared an interest in item (6) 23/02731/FUL 1 Drake Avenue, Combe Down, Bath as he had a relative who lived near the application site and withdrew from the meeting during this item.

Cllr Duncan Hounsell declared an interest in item (7) 23/03159/FUL Rockside, Mead Lane, Saltford, Bristol as he would be speaking on behalf of the applicants as ward member. He confirmed that he would withdraw from the meeting during the debate on the item and that Cllr Ian Halsall would take the Chair.

61 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was no urgent business.

62 ITEMS FROM THE PUBLIC

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.

63 MINUTES OF THE PREVIOUS MEETING

It was moved by Cllr Eleanor Jackson, seconded by Cllr Paul Crossley and:

RESOLVED that the minutes of the meeting held on Wednesday 18 October 2023 be confirmed as a correct record for signing by the Chair.

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

The Committee considered:

A report and update report by the Head of Planning on various planning applications under the main applications list.

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 Main decisions list attached as Appendix 2 to these minutes.

(1) 22/02169/EOUT – Parcel 4234, Combe Hay Lane, Combe Hay, Bath

The Planning Case Officer introduced the report which considered a hybrid application as follows:

1. an outline application for Phases 3 and 4 for up to 290 dwellings; landscaping; drainage; open space; allotments; footpaths and emergency access; all matters reserved, except access from Combe Hay Lane via the approved Phase 1 spine road.
2. Detailed application for the continuation of the spine road (from Phase 1), to and through Sulis Manor and associated works comprising: the demolition of existing dilapidated buildings and tree removal; drainage; landscaping; lighting; boundary treatment; and the erection of 4 x Bat Night Roosts; to enable construction of the spine road; with the ecologic mitigation on Derrymans and the field known as 30Acres.

He confirmed the recommendation that officers be delegated to permit the application subject to:

- (1) Authorising the Head of Legal and Democratic Services to enter into a Section 106 Agreement to cover the heads of terms detailed within the report.
- (2) the conditions set out in the report (or such conditions as may be appropriate).

He drew attention to a number of issues raised by objectors and responded as follows:

1. *Number of dwellings for both phases was 461 which was higher than the 300 allocation* – the figure of 300 in the Core Strategy was not a cap, the number could be greater if the placemaking principles of the allocation could be met.
2. *The Masterplan was not comprehensive* – the masterplan did cover the full extent of the allocation with sufficient level of detail of what is proposed.
3. *The allocation was for mixed use and the application was for residential* - the requirement for mixed and community use covered the whole allocation and

there were other uses outside of this application. The application also included allotments and community squares.

4. *Highways impact had not been properly assessed* – traffic surveys and modelling had been undertaken and the highways team were satisfied with the process and conclusions.
5. *Loss of trees due to the spine road* – there would be a loss of 69 trees and this was regrettable. Other options to access the site were not considered to be viable. The impact on trees was minimalised and there would be replacement planting.
6. *AONB exceptional circumstances were not met* – officers considered there to be exceptional circumstances due to the housing need.
7. *Brownfield sites should be used for development before greenfield sites* – there was no requirement to deliver on brownfield sites first, both greenfield and brownfield sites were required to deliver on housing needs, including affordable housing. The scheme consisted of 40% affordable housing and no other scheme in Bath had delivered this much (except for phase 1).

The following public representations were received:

1. Malcolm Austwick, Combe Hay Parish Council objecting to the application.
2. Paul Beazley-Long, South Stoke Parish Council objecting to the application.
3. Ned Garnett (South of Bath Alliance) and Alex Sherman (Bath Preservation Trust) objecting to the application.
4. Peter Frampton, Frampton Town Planning, supporting the application.

Cllr Joel Hirst addressed the Committee as adjacent ward member and raised the following issues:

1. The application would cause irreversible damage to ecology and traffic management in the surrounding area.
2. There was a large number of objectors who considered the application to be harmful.
3. The AONB test for exceptional circumstances had not been met as it was tested against the 2014 Core Strategy. There had been changes since 2014 with the Council declaring a climate emergency. The proposal was too big, and the location would encourage car dependency. The Council also declared a nature emergency and the application would harm bats and nesting skylarks.
4. Housing needs had changed since 2014, and B&NES now had a 7-year housing supply as identified in the LPPU.
5. The combined harm of the following factors had not been taken into consideration: traffic management; ecology; built in car dependency; AONB; world heritage site; loss of mature trees; impact on Sulis Manor and the Wansdyke Scheduled Ancient Monument.
6. It was the wrong housing in the wrong place with no infrastructure e.g., schools, medical facilities.

He asked the Committee to refuse the application.

Cllr Fiona Gourley addressed the Committee as local ward member and raised the following issues:

1. The Core Strategy Inspector approved a plan for 300 homes in the area to balance meeting an exceptional housing need with minimising the harm to the area.
2. The application was more harmful than the Inspector intended with 290 proposed dwellings in addition to the 171 agreed as part of the phase 1 development.

3. There was a lot of public concern about the proposed development as demonstrated by the number of objectors including Parish Councils and local members.
4. The key benefit of the application was to meet the need for affordable housing, but affordable housing needed to be located in the right place. This application would result in an unsustainably large housing estate with an absence of community facilities.
5. There was also a concern that when the site was sold for development the number of affordable houses could be reduced.
6. The proposed Section 106 agreement contribution to highways was not enough to mitigate the traffic problems that would be caused by the development.
7. 2017 traffic modelling concluded that there would be a severe impact on highways network, but further modelling in April 2022 suggested that the volume of traffic had reduced. However, since 2022, the volume of traffic had started to increase again. There had been no traffic modelling to assess the impact on nearby villages.
8. Nearby roads were acting at capacity and the traffic impact analysis needed to be revisited.
9. The proposal would cause irrevocable harm to the environment and heritage setting.

She urged the Committee to refuse the application.

In response to Members' questions, it was confirmed:

1. The Odd Down Area VISSIM model referred to in the highways section of the report was a simulation model that assessed the impact of multiple junctions rather than individual junctions in isolation. It had not been used by the applicant as it was not considered to reflect the changing nature of trips post-Covid. Instead, standalone modelling was used, and the process and conclusions were deemed to be acceptable by Highways officers.
2. In response to suggestions that traffic levels were now increasing to pre-Covid levels, Highways officers had assessed this using B&NES data and found there to be little difference (1%) from the assessment in Spring 2022 to September 2023.
3. Officers were satisfied that the applicants would be granted a licence to disturb bats.
4. The arrangements for the management of allotments and allotment allocations would be part of the Section 106 Agreement.
5. Sulis Manor/agricultural land could not be protected by legal agreement or condition as it was not part of this application.
6. The spine road would be required to access the residential development even if the proposed number of dwellings was lower and the road would be delivered via the Section 106 Agreement.
7. Officers were not aware of any difficulties in the affordable housing figures being met in relation to phase 1 of the development. The affordable housing would be secured by the legal agreement and the applicant would be unable to challenge this for a 5 year period.
8. The applicant was required to undertake reasonable endeavours to secure Schedule Monument Consent (SMC) to deliver the Wansdyke crossing. If consent was not secured, they would need to propose an alternative route. There was no obligation for the applicant to apply for this consent in advance of

- applying for planning permission, and requiring confirmation of the SMC was not a sufficient reason in itself to delay making a decision on this application.
9. Since the Core Strategy in 2014, there was still an identified need for housing and affordable housing in the area and so the exceptional need still applied. There were a number of tests in paragraph 177 of NPPF to allow development in an AONB and officers considered that these had been met.
 10. The policy requirement for mixed use referred to the whole allocation and not just the site of the current planning application.
 11. In relation to archaeology, there were investigations carried out as part of the phase 1 development and it was concluded that no further investigations were required as part of this application. In terms of the Wansdyke, SMC had been secured to undertake archaeological investigations and so there would be controls outside of this planning application.
 12. Officers considered the S106 contribution in relation to sustainable transport and education to be proportionate. The site was close to the Park and Ride and there was sufficient capacity in local schools.
 13. In relation to the accuracy of the plans, further details would be confirmed in a reserved matters application.

Cllr Duncan Hounsell opened the debate and stated that he felt further information was required on traffic impact; the Wansdyke crossing and AONB exceptional circumstances before a decision could be taken.

Cllr Eleanor Jackson agreed with the need for further information before making a decision. She also stated that she would also like more information about the number of trees as she was aware that some trees on the site had been lost to Ash dieback disease.

Cllr Duncan Hounsell proposed that a decision be deferred for further information. This was seconded by Cllr Ian Halsall.

Cllr Paul Crossley stated that he felt that the Committee had sufficient information to take a decision and he did not support a deferral.

Cllr Lucy Hodge agreed with the motion to defer and requested that a further traffic assessment take into account the impact of local communities and roads and should also include recent planning developments.

Cllr Tim Warren stated that he did not support the motion to defer a decision.

The Planning Officer confirmed it was appropriate for the Committee to defer a decision for more information, however the officers' view was that there was a sufficient information for the Committee to take a decision. He advised the Committee that there was a risk that the applicant may appeal for non-determination or choose not to supply additional information.

On voting for the motion, it was CARRIED (6 in favour, 3 against)

RESOLVED that a decision be deferred pending further information in relation to:

1. Further traffic survey analysis including the impact on local villages and local roads to include all recent planning developments.
2. Update on securing of Schedule Monument Consent for the Wansdyke crossing.

3. Clarification on the number of trees to be retained/replaced/lost including those lost to ash dieback.
4. More information on exceptional circumstances relating to Areas of Outstanding Natural Beauty (AONB).

(2) 23/00660/FUL Proximity House, Pixash Business Centre, Pixash Lane, Keynsham

The Planning Officer introduced the report which considered an application for the construction of 2 industrial units (Use classes B8 and E(g)) with associated parking, external yards, landscaping and services.

He updated that Keynsham Town Council had now submitted an objection to the application.

He reported that a decision on the application had been deferred from the September Committee pending a site visit and further information in relation to the following:

- a) To allow the developer to provide a swept path analysis for 16m vehicles.
- b) To allow further information to be provided to demonstrate that there would be no negative impact on the viability of existing businesses.
- c) To give clarity on the access road in terms of ownership and use.
- d) To review the class B2 use to see if conditions could be attached in relation to the future use of the site.
- e) To allow further information to be provided on the viability of the loading and unloading of forklift trucks.

He confirmed that the issues raised previously had now been addressed and recommended that permission be granted subject to the conditions set out in the report.

The following public representations were received:

1. Chris Beaver objecting to the application.
2. Mike Taylor, agent, supporting the application.

Cllr Andy Wait, ward member was unable to attend the meeting and a statement was read in his absence:

1. He had objected to the B2 use but understood that this classification had now been withdrawn.
2. He remained concerned that the application constituted overdevelopment of the site and would impact on existing businesses.
3. He was concerned about highway safety, in particular in relation to HGV deliveries; restrictions caused by the covenant on the land and HGVs reversing out onto Pixash Lane.

He asked the Committee to refuse the application.

In response to Members' questions, it was confirmed:

1. In relation to the concerns expressed about the covenant, interests in land was related to deliverability, which was not generally a material consideration.
2. Keynsham Town Council's objection referred to the B2 classification, but this had now been withdrawn.
3. The removal of B2 would reduce concerns about noise associated with the

application.

4. The swept path analysis had demonstrated that HGVs would not need to reverse onto Pixash Lane.
5. There would be no material change in the use of forklift trucks as a result of the development.
6. The number of additional vehicles visiting the site was negligible in relation to the impact on the local highway network.
7. There would be an impact on Wessex House in terms of overshadowing, but as this was an office, there would not be an impact on residential amenity.

Cllr Hal MacFie opened the debate as ward member, he welcomed the removal of B2 classification but stated that he was still unable to support the application as he considered the scale and massing to constitute an overdevelopment of the site. He also raised concerns about HGV movement within the application site. He moved that the application be refused.

Cllr Shaun Hughes seconded the motion. He acknowledged that a lot of the previous concerns had been addressed but he was still concerned about the size of the development and the loss of amenity to Wessex House due to overshadowing.

Cllr Tim Warren spoke in support of the application, he stated that there was a shortage of industrial space, and he did not consider there to be any issues with HGV movements within the site.

Cllr Ian Halsall also spoke in support of the application, stating that the withdrawal of the B2 classification addressed comments about noise and he did not have concerns about the scale and massing of the proposed development.

Members were advised that the reason relating to HGVs would be difficult to sustain as Highways officers had not raised an objection. It was agreed that this reason be removed from the motion.

On voting for the motion, it was NOT CARRIED (3 in favour, 7 against)

Cllr Tim Warren moved the officers' recommendation that permission be granted. This was seconded by Cllr Ian Halsall.

On voting for the motion, it was CARRIED (7 in favour, 3 against)

RESOLVED that permission be granted subject to the conditions set out in the report.

Items 3 and 4 were considered together.

(3) 23/01692/LBA Bloomfield House, 146 Bloomfield Road, Bloomfield, Bath

(4) 23/23/01693/FUL Bloomfield House, 146 Bloomfield Road, Bloomfield, Bath

The Planning Officer introduced the report which considered an application for the provision of a garden room building and new entrance gates and an application for listed building consent in relation to the new entrance gates.

He confirmed the recommendation that listed building consent and planning permission be granted subject to the conditions set out in the reports.

The following public representations were received:

1. James Leyland objecting to the application.
2. Roger Parsons, applicant, supporting the application.

Cllr Deborah Collins addressed the Committee on behalf of herself and Cllr Alison Born as local ward members and raised the following issues:

1. There was a concern about the impact on the residential amenity of neighbouring properties as a result of the proposed garden room.
2. The proposed garden room was large and intended for social use and there were concerns about unacceptable levels of noise in a quiet residential street.
3. There were no concerns about the proposed gates.

She asked the Committee to refuse the application.

Cllr Jess David addressed the Committee as adjacent ward member and raised the following issues:

1. A number of local residents were concerned about the impact on residential amenity.
2. There were also concerns that there may be a potential application for change of use to holiday lets which was considered inappropriate.

In response to Members' questions, it was confirmed:

1. The dimensions of the proposed building were 11m w 4m d and 44 square metres (66 square metres including the decking area).
2. It would be possible to add conditions to limit the hours of use of the proposed garden building, but restrictions could not be applied to the rest of the site including the garden.
3. There had been no objection from the Conservation Officer in relation to the design of the gates.
4. The positioning and site of the proposed garden building would ensure that neighbouring properties would not be overlooked.

Cllr Eleanor Jackson moved the officers' recommendation to permit the applications. This was seconded by Cllr Tim Warren.

Members debated whether to add a condition to limit the hours of operation of the garden room, but as there was no time limit to using the garden it was agreed that this would not be appropriate.

Cllr Ruth Malloy spoke against the application due to reservations about the design of the garden room in the context of a listed building within the Bath Conservation Area and World Heritage Site.

Vote on item (3)

23/01692/LBA Bloomfield House, 146 Bloomfield Road, Bloomfield, Bath

On voting for the motion, it was CARRIED (9 in favour, 1 against)

RESOLVED that listed building consent be granted subject to the conditions set out in the report.

Vote on item (4)

23/23/01693/FUL Bloomfield House, 146 Bloomfield Road, Bloomfield, Bath

On voting for the motion, it was CARRIED (6 in favour, 4 against)

RESOLVED that permission be granted subject to the conditions set out in the report.

(5) 22/04109/FUL Elm Grove Farm, Lower Road, Hinton Blewett, Bristol

The Planning Case Officer introduced the report which considered an application for the conversion and extension of a barn to create 1 dwelling and replacement of all remaining buildings with 4 dwellings together with associated hard/soft landscape works, drainage, and access improvements.

She reported that due to the proposed development conflicting with policy RA1 and RA2 of the Placemaking Plan, the application had been advertised as a departure and the period of public consultation would expire on the 23 November 2023. She confirmed the recommendation as amended in the update report that officers be delegated to permit subject to the period of the advertisement of the departure expiring without any substantive new issues arising.

The following public representations were received:

1. David Duckett, Hinton Blewett Parish Council.
2. Rebecca Morgan, speaking in support of the application.

Cllr David Wood addressed the Committee as ward member and raised the following issues:

1. Hinton Blewett was a small village with very few amenities.
2. The proposed site was outside the development area.
3. The original application for the conversion of agricultural buildings was supported, but the new application sought to demolish the existing buildings and rebuild them in a different location and at a higher level which was not appropriate.

He asked the committee to reject the application.

In response to Members' questions, it was confirmed:

1. As there was an extant consent on the site, weight could be given to whether the new scheme was better than the fallback position. It was the view of officers that it was better in terms of design, landscaping, sustainable construction and biodiversity net gain provision.
2. The extant consent was a material consideration in considering the application.
3. The area was outside the housing boundary, but the principle of residential development had been established by the extant permission.
4. It would be possible to include a condition to restrict the building of outbuildings if the Committee was minded to do so.
5. The prior approval was granted based on statutory instruments, conditions were imposed as part of the approval, but these were limited to prior approval matters and would not cover sustainable construction or biodiversity net gain.
6. In terms of CIL charges, it was not possible to confirm whether the prior approval application would result in a charge, but in relation to the proposed scheme, the

new buildings would likely be liable for a CIL charge but there may be an offset from the buildings being demolished.

7. There was no community benefit such as social housing/housing for farmworkers.
8. It was not known if there had been a request to move the housing boundary to include this site as part of the Local Plan Partial Update process.
9. The buildings proposed for demolition were considered to be capable of conversion.

Cllr Ian Halsall acknowledged the difficult situation with the prior approval, but stated that he did not support the application and proposed that it should be refused. This was seconded by Cllr Paul Crossley who stated that the application was contrary to the development plan in terms of an unacceptable design and siting in the context of the rural location and due to its unsustainable location, which was outside the housing development boundary.

On voting for the motion, it was CARRIED (10 in favour, 0 against UNANIMOUS)

RESOLVED that the application be refused for the following reason:

1. The application was contrary to the Development Plan due to its unacceptable design and siting in the context of the rural location and its unsustainable location outside of the housing development boundary.

(6) 23/02731/FUL 1 Drake Avenue, Combe Down, Bath

The Planning Case Officer introduced the report which considered a retrospective application for change of use from a 5-bedroom dwelling (Use Class C3) to a 5-bedroom House in Multiple Occupation (HMO) for 3-6 people (Use Class C4).

He confirmed the recommendation that the application be permitted subject to the conditions set out in the report.

The following public representations were received:

1. Malcolm Morgan objecting to the application.
2. Jo Lumb, Julian House, supporting the application.

In response to Members' questions, it was confirmed:

1. A management plan would be secured by condition and the non-compliance of residents could result in eviction. It was not known if the plan was already being used by the operators.
2. The operators would be responsible for ensuring residents complied with the terms of the management plan. If the Council received complaints, enforcement action could be taken.
3. The application had been submitted by the owner of the property and not the operator. Although the current operators were exempt from HMO licensing as social housing providers, a future operator may not be exempt.
4. The management plan would stay in place if the occupants changed but an application could be submitted to vary the condition.
5. Avon and Somerset Police had raised an objection but could not provide information on whether incidents of crime and anti-social behaviour were connected to the residents of the house.

6. There was a duty for local authorities to give due regard to crime and disorder when exercising functions.
7. In terms of the safety of the tenants, there was a condition requiring the submission of details of the security measures to be incorporated into the development.

Cllr Shaun Hughes stated that without knowing if the management plan was already in use, it was difficult to know if it would mitigate the concerns of residents.

Cllr Hal MacFie proposed that a decision be deferred pending a visit to the site. This was seconded by Cllr Eleanor Jackson who stated that, as a retrospective application, it would be beneficial to see how the site was currently operating.

On voting for the motion, it was CARRIED (5 in favour, 4 against)

RESOLVED that a decision be deferred for a site visit.

Cllr Duncan Hounsell stood down from the Committee at this point to speak on the next application as the Ward Member.

[Cllr Ian Halsall chaired the meeting during the following application].

(7) 23/03159/FUL Rockside, Mead Lane, Saltford, Bristol

The Planning Case Officer introduced the report which considered an application for the erection of a front balcony, two storey side extension, garage and associated alterations following removal of conservatory and existing garage.

He confirmed the recommendation that the application be refused.

The following public representations were received:

1. Ian Campbell supporting the application.

Cllr Duncan Hounsell addressed the Committee as the ward member and raised the following points:

1. Although Mead Lane was in the green belt, it did not meet the tests of a green belt location.
2. Adjacent properties have been rebuilt, modernised, and extended and Saltford Parish Council had commented that the application would be in keeping with neighbouring properties.
3. The application would improve vehicular access.
4. There were exceptional circumstances in that none of tests for green belt were served in this location.

In response to Members' questions, it was confirmed:

1. In relation to whether the extensions of neighbouring properties were recent, some had taken place in the last 10 years.
2. The application would result in a 155% increase above the size of the original property.
3. If the property was demolished and rebuilt, it would still need to comply with green belt policies relating to the volume of the development.

Cllr Tim Warren stated that every house in the road was unique, and the application site was in need of improvement. In view of this he considered there were very special circumstances and he proposed that officers be delegated to permit the application subject to suitable conditions. This was seconded by Cllr Hal MacFie. Both mover and seconder agreed that there was no significant impact on residential amenity.

Cllr Eleanor Jackson spoke in support of the motion as she considered that it would improve the appearance of the street scene by introducing more uniformity.

Cllr Lucy Hodge stated the need for the Committee to be consistent in applying policy and that she did not think special circumstances had been met to allow the development within the green belt.

On voting for the motion, it was CARRIED (8 in favour, 1 against)

RESOLVED that officers be delegated to permit the application subject to suitable conditions for the following reasons:

1. There were very special circumstances that clearly outweighed the harm to the green belt due to the context of the site and the improvements to the street scene.
2. There was no significant impact on residential amenity.

[Cllr Duncan Hounsell resumed the Chair]

(8) 22/04565/FUL The Old Post Office, Tucking Mill Lane, Midford, Bath

The Planning Case Officer introduced the report which considered an application for the erection of new single storey rear extension to dwelling and relocated pedestrian gate access.

He gave a verbal update to report that South Stoke Parish Council was content with the revised proposals but had asked the Committee to consider the impact on a non-designated heritage asset.

He confirmed that officers had concluded that there were benefits to the application to outweigh the impact on the non-designated heritage asset and recommended that the application be permitted subject to the conditions set out in the report.

The following public representations were received:

1. Mike Coupe, applicant supporting the application.

Cllr Fiona Gourley opened the debate as ward member and stated that she supported the application.

Cllr Lucy Hodge moved the officers' recommendation to permit the application. This was seconded by Cllr Fiona Gourley.

Cllr Ian Hounsell stated that although he acknowledged the impact on the non-designated heritage asset, he concluded that this was outweighed by the public benefits of the application.

On voting for the motion, it was CARRIED (10 in favour, 0 against)

RESOLVED that permission be granted subject to the conditions set out in the report.

(9) 23/02958/VAR Waterworks Cottage, Charlcombe Way, Fairfield Park, Bath

The Planning Case Officer introduced the report which considered an application for variation of conditions 5 (Bicycle Storage (Pre-occupation)), 7 (Implementation of Landscaping Scheme (Bespoke Trigger)) and 15 (Plans List (Compliance)) of application 23/00895/FUL.

She confirmed the recommendation that permission be granted subject to the conditions set out in the report.

The following public representations were received:

1. David Metcalfe, objecting to the application.
2. Tom Rocke, supporting the application.

Cllr Joanna Wright addressed the Committee as ward member and raised the following points:

1. This application and previous applications had been the subject of many local objections.
2. She was concerned about the proposed variation to condition 7 in relation to landscaping and condition 15 which would result in a 4-bedroom house rather than a 3-bedroom house.

She asked the Committee to refuse the variation.

In response to Members' questions, it was confirmed:

Condition 5 – This had originally been worded to request the applicant supply further plans and as the plans had now been submitted, the condition had been rewritten accordingly.

Condition 7 – It was proposed to take out the last sentence “all hard and soft landscape works shall be retained in accordance with the approved details for the lifetime of the development”. This was considered onerous as plants would die and be replaced during the lifetime of the development. The amended condition would protect landscaping for a maximum of 10 years. The original wording was more appropriate for larger developments rather than individual dwellings.

Condition 15 – The variation would result in an increase in footprint. The footprint would be similar to that of the application that was refused on appeal but in that case the plot was more restricted. Permitted development rights had not been removed as part of the original consent, but it was not possible to confirm that the applicants could achieve the same through permitted development rights.

Members were advised that if they were concerned with the changes to the plans (condition 15) they needed to consider the application as a whole rather than each separate variation.

Cllr Ruth Malloy stated that the change to the plans to include an additional bedroom

did make a difference in terms of overdevelopment of the site and the residential amenity of other residents.

Cllr Ian Halsall expressed concern about the amendment to the landscaping condition as the condition had offered mitigation against concerns about the impact on ecology and the rural setting of the development.

Cllr Paul Crossley stated that there had been a lot of unease about the previous application and that the variation to increase the floorplan to make the 3-bedroom house a 4-bedroom house was unacceptable, and he did not support the variation of Condition 15.

Cllr Tim Warren expressed the view that the variation to the landscaping condition was reasonable as it was not possible to protect the landscaping for the life of the development. He questioned if it was better to accept the variation to Condition 15 and remove permitted development rights. The Legal Officer advised that it was too fundamental a change to include this as part of this application at this stage.

Cllr Lucy Hodge proposed that the application to vary conditions be refused as the change to the plans would result in overdevelopment of the plot and would be out of character with the area and the change to the landscaping condition would have a detrimental impact on ecology and the rural setting. This was seconded by Cllr Shaun Hughes.

On voting for the motion, it was CARRIED (9 in favour, 1 against)

RESOLVED that the application be refused for the following reasons:

Condition 7 – landscaping: the amendment to delete the requirement to retain landscaping for the lifetime of the development would have a detrimental impact on ecology and the rural setting of the development.

Condition 15 – plans: the amendment to the plans to increase the footprint to allow for a 4 bedroom rather than 3-bedroom house would result in over- development of the plot and would be out of character with the area.

(10) 23/23/02496/FUL 9 St Ann's Way, Bathwick, Bath

The Planning Officer introduced the report which considered an application for the erection of single storey rear extension, two storey and single storey side extension (replacing existing), internal re-organisation and extended loft conversion (including new dormers).

She reported that the application had been referred to Planning Committee under the scheme of delegation as the officer was an employee of the Council.

She confirmed the recommendation that permission be granted subject to the conditions set out in the report.

There were no public speakers on this application.

Cllr Duncan Hounsell moved the officers' recommendation that permission be granted. This was seconded by Cllr Eleanor Jackson.

On voting for the motion, it was CARRIED (10 in favour, 0 against)

RESOLVED that permission be granted subject to the conditions set out in the report.

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

The Committee considered the appeals report.

RESOLVED that the report be noted.

The meeting ended at 6.38 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services