

## PLANNING COMMITTEE

### Minutes of the Meeting held

Wednesday, 13th December, 2023, 11.00 am

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

#### 66 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer drew attention to the emergency evacuation procedure.

#### 67 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence or substitutions.

#### 68 DECLARATIONS OF INTEREST

Cllr Lucy Hodge declared an interest in item (3) under the main applications list: 23/03896/TCA - Audley House, Park Gardens, Lower Weston, Bath due to her association with the notification and withdrew from the meeting during consideration of the item.

Cllr Toby Simon declared an interest in item (3) under the main applications list: 23/03896/TCA - Audley House, Park Gardens, Lower Weston, Bath as a resident of a neighbouring property and withdrew from the meeting during consideration of the item.

#### 69 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was no urgent business.

#### 70 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.

#### 71 MINUTES OF THE PREVIOUS MEETING

It was moved by Cllr Eleanor Jackson seconded by Cllr Tim Warren and:

**RESOLVED** that the minutes of the meeting held on Wednesday 15 November 2023 be confirmed as a correct record for signing by the Chair.

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

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

This item was withdrawn from the agenda.

73 **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) 23/02958/VAR - Waterworks Cottage, Charlcombe Way, Fairfield Park, Bath**

The Lead Planning Officer reported that the application had been considered at the previous meeting where the Committee had agreed to overturn the officers' recommendation and refuse the permission. He confirmed that the application had come back to Committee for reconsideration in the interest of fairness as advice given in relation to permitted development rights was not clear and Members were advised to consider the application and make a fresh decision.

Cllr Paul Crossley arrived at this point in the meeting and the Planning Officer reiterated the above advice for his benefit.

The Planning 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.

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

The following public representations were received:

1. Chris Parkin, objecting to the application.
2. Tom Roche, supporting the application.

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

1. She referred to the history of the application site and the Planning Inspector's decision to dismiss an appeal for a larger scheme. She expressed concern that the application to vary Condition 15 was at odds with this decision.

2. She stated that local residents and the wider community had been opposed to the scheme for the reasons of over-development, loss of amenity and detrimental impact on ecology.
3. She asked the Committee to refuse the application rather than include a condition to restrict permitted development rights.
4. She questioned the legality of the prior approval application to demolish the cottage.

In response to Members' questions, it was confirmed:

1. In relation to whether the application to demolish the cottage was permitted development, it was confirmed that the previous prior approval application was in accordance with regulations. It was also confirmed that plots 1 and 2 would have permitted development rights if constructed under the current permission.
2. The Council's Ecologist had no objection to the variation to condition 7. The timescale for the retention of landscaping was 10 years rather than 5 in accordance with the Biodiversity Net Gain policy. After 10 years, the balance of plants to hard landscaping could change.
3. If Members were minded to remove permitted development rights, they would need to set out specific reasons to justify the decision. Officers' advice was that it would be difficult to justify removing permitted development rights associated with plot 1 as the current variation application only related to plot 2.
4. The size of the patio of plot 2 would be slightly larger if the variation to condition 15 was agreed. It was not possible to clarify whether the additional bedroom would be a double or single room.
5. In relation to the decision of the Planning Inspector to dismiss an appeal for a previous planning application on the site due to overdevelopment, this referred to a slightly larger building on a smaller footprint. The application that had been subsequently granted, which was the subject of this variation application, was a larger footprint and therefore was less overdeveloped in the context of the site.
6. The Highways Authority was satisfied that there would still be adequate car parking spaces as a result of the variation to condition 15.

The Chair advised the Committee 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 Tim Warren moved that officers be delegated to permit the application with an additional condition to restrict permitted development rights on plot 2 to prevent over development of the site and to preserve the character of the area and the openness of green belt. He stated that he did not feel restricting permitted development rights in relation to plot 1 could be justified in the context of this application. This was seconded by Cllr Eleanor Jackson.

Cllr Ian Halsall stated that he was still concerned about the variation to condition 7 and the loss of landscaping after a 10-year period in view of the sensitivity of the setting and the impact on ecology. However, it was noted that it was difficult to retain planting in perpetuity and following further debate there was general agreement that landscaping could also be protected by restricting permitted development rights in relation to hardstanding areas as well as extensions and outbuildings.

Cllr Shaun Hughes spoke against the motion as he was of the view that the current

conditions should be retained.

Cllr Lucy Hodge stated that she was concerned about the variation to condition 7 and did not support the motion.

Before voting on the motion, it was noted that although the Committee had previously refused the application on 15 11 23, there had been a change of circumstances since that meeting whereby additional information was now available in relation to the option available to the Committee to restrict permitted development rights which would address concerns relating to the over development of the site and loss of landscaping.

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

**RESOLVED** that officers be delegated to permit the application subject to:

1. The conditions set out in the report.
2. An additional condition to remove permitted development rights for plot 2 in relation to extensions, outbuildings and hardstanding areas to prevent over development of the site and to preserve the character of the area and the openness of green belt.

**(2) 23/02194/FUL - Agricultural Buildings and Land, Blackrock Lane, Publow, Bristol**

The Planning Case Officer introduced the report which considered an application for the erection of a 4-bed dwelling and associated works.

He confirmed his recommendation that the application be permitted.

The following public representations were received:

1. Jonathan Piper, supporting the application.

In response to Members' questions, it was confirmed:

1. Prior approval was a material consideration in determining a planning application and there was an existing permission for residential use on the site. The prior approval process was legitimate, a number of tests needed to be met to gain approval and each case was considered on its merits.
2. Officers had made a judgement that the proposed development was better than the prior approved scheme (the 'fall-back' position) in regard to design, siting and ecological and environmental benefits. The 'fall-back' position proposed the use of render and timber where the new scheme would include a slate roof, timber boarding and stone.
3. The proposed building would be 2.5m higher than the 'fallback' position and it would be set further back from the road.
4. The barn was considered appropriate for conversion as this was one of the tests to secure prior approval permission.
5. If permission was granted for this application, the removal of the barn would be secured by a condition.
6. The sustainable construction checklist had not been included with the application but had since been submitted and was policy compliant.
7. The application would not result in the felling of trees and the site was not landscaped.

8. The application site was not close to the housing development boundary.
9. It was an option to restrict permitted development rights as a condition attached to planning permission, as long as there was a clear justification for doing so.

Cllr Tim Warren stated that the application was an improvement on the 'fall-back' position in terms of its siting and environmental benefits. He moved the officers' recommendation that permission be granted, and this was seconded by Cllr Paul Crossley.

A number of Members spoke in support of the application for the reasons that it was preferable to the prior approved scheme, it was a self-build and the design was sympathetic to a rural setting.

The Committee debated whether permission should be subject to a condition to restrict permitted development rights but concluded that this could not be justified in the case of this application.

On being put to the vote the motion was CARRIED (9 in favour, 1 against).

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

**(3) 23/03896/TCA - Audley House, Park Gardens, Lower Weston, Bath**

Cllrs Lucy Hodge and Toby Simon declared an interest and withdrew from the meeting during the discussion of this item.

The Tree Officer introduced the report which considered a Tree Works Notification in a conservation area and confirmed that the application had been referred to the Committee under the scheme of delegation as the notification was associated with a Councillor.

She confirmed her recommendation that no objection be raised to the notification.

In response to questioning, the Tree Officer confirmed that the applicant was intending to plant a replacement tree elsewhere on the site.

Cllr Tim Warren moved the officers' recommendation, seconded by Cllr Eleanor Jackson and on being put to the vote the motion was CARRIED (8 in favour, 0 against - UNANIMOUS).

**RESOLVED** that permission be granted.

**74 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 1.31 pm

Chair .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**