

DEVELOPMENT MANAGEMENT COMMITTEE

Minutes of the Meeting held

Wednesday, 13th February, 2019, 2.00 pm

Councillors: Sally Davis (Chair), Rob Appleyard, Paul Crossley, Matthew Davies, Ian Gilchrist (Reserve) (in place of Caroline Roberts), Eleanor Jackson, Les Kew, Bryan Organ and David Veale

99 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

100 ELECTION OF VICE CHAIRMAN (IF DESIRED)

A Vice Chairman was not required on this occasion.

101 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from:

Cllr Jasper Becker

Cllr Caroline Roberts – substitute Cllr Ian Gilchrist

102 DECLARATIONS OF INTEREST

Cllr Matthew Davies declared a disclosable pecuniary interest in planning application number 18/05203/VAR – Richmond Lodge, Weston Lane, Lower Weston, Bath, BA1 4AB as he was the applicant. Cllr Davies stated that he would leave the meeting when this item was discussed.

103 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was no urgent business.

104 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.

105 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

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

106 **MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 16 January 2019 were confirmed and signed as a correct record.

107 **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 on items 1 and 3 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. 18/03674/FUL

Site Location: Lake View, Stoke Hill, Chew Stoke – Change of use from existing garage with office above into holiday let accommodation

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

The agent spoke in favour of the application.

A statement from Cllr Liz Richardson, local ward member, in favour of the application was read out at the meeting. Cllr Richardson referred to a recent planning application for The Byre House, Knowle Hill, Chew Magna which also revolved around Policy RE6 and was allowed on appeal by the Planning Inspector. She also stated that the application had been supported by the Parish Council who was keen to support the development of small scale tourist accommodation within the Parish.

The Case Officer and Team Manager, Development Management, then responded to questions as follows:

- Policy RE6 of the Placemaking Plan related to the re-use of rural buildings. This proposal was seen to be contrary to policy as the building was isolated from public services and community facilities and unrelated to an established group of buildings. He explained that the term “group” was not specifically defined within the Placemaking Plan.
- The 1km distance to local facilities was not considered to be sustainable as the footpath link was poor.
- The property currently had a “home office” set up so this would not result in losing any commercial office accommodation.
- This application had originally been scheduled to be considered at the December meeting of the Committee but had subsequently been withdrawn

from the agenda because it was considered that it complied with policy RE6 of the Placemaking Plan. However, when officers then reviewed the application in more detail they felt that the application was still contrary to policy due to the site's remoteness from services and it did not relate to an established group of buildings.

- It was possible that permitted development rights would allow for another garage to be built on the site without requiring planning permission.
- The issue of recreational benefit should be given little weight as no supporting information had been provided by the applicant.

Cllr Kew stated that the structures could be considered as an "established group of buildings" and noted that this was a matter of opinion as there was no clear definition in the planning policy documents. He also pointed out that water and electricity facilities were already available on the site.

Cllr Appleyard stated that the policy was unclear on the issue of what actually constituted a group and felt that this should be reviewed to give clarity.

Cllr Jackson stated that officers were clear on their interpretation of the policy. She also felt that the appearance of the proposal was unsatisfactory and that the garage was not subservient to the main building. The site was isolated with no pavement to walk to local services and no bus service. In effect it would create an additional dwelling in the Green Belt. She then moved the officer recommendation to refuse the application. This was seconded by Cllr Crossley.

Cllr Kew stated that this was a good location for tourism which was close to a cycle track and close to the lake which is a major tourist and fishing attraction. There were villages nearby such as Chew Stoke and West Harptree which provided local facilities. The application preserved the openness of the Green Belt and no new building would be constructed. He did not feel that the application would be detrimental to the area and pointed out that the Parish Council was supportive.

The motion was put to the vote and there were 2 votes in favour, 6 votes against and 1 abstention. The motion was therefore LOST.

The Team Manager, Development Management, advised the Committee that he did not think it would be appropriate in this case to remove permitted development rights for extensions. A section 106 Agreement could, however, be put in place to permanently tie the holiday lets to the permanent dwelling.

Cllr Organ supported the proposal to provide holiday lets in this location and moved that the Committee delegate to permit the application subject to conditions which would include the removal of permitted development rights for new outbuildings and a Section 106 agreement as detailed above. This was seconded by Cllr Kew.

The motion was put to the vote and it was RESOLVED by 7 votes in favour and 2 votes against to DELEGATE TO PERMIT the application subject to appropriate conditions and the provision of a Section 106 Agreement restricting the use to holiday lets and retaining the units in the same ownership as Lake View.

Item No. 2

Application No. 18/03120/FUL

Site Location: Selwood Farm, Norman Road, Saltford, BS31 3BQ – House transformation comprising an extension, changes of materials with additional internal and external works

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

Two local residents spoke against the application one of which referred to the accurate measurements of the proposal.

The Agent and Architect spoke in favour of the application.

The Case Officer then responded to questions as follows:

- The distance between the balcony and the neighbouring property was approximately 130ft. The balcony was contained within the envelope of the building with walls at either end.
- The property was outside of the Conservation Area although it was on the boundary. The glassed part of the development was on the West elevation which faced away from the Conservation Area.

Cllr Kew stated that he understood the concerns of the objectors regarding overlooking; however, he noted that the balcony was north facing, enclosed and some distance from the nearest property. He moved the officer recommendation to permit the application. This was seconded by Cllr Matthew Davies.

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

Note: Cllr Matthew Davies left the meeting at this point having declared a disclosable pecuniary interest in the following application.

Item No. 3

Application No. 18/05203/VAR

Site Location: Richmond Lodge, Weston Lane, Lower Weston, Bath, BA1 4AB – Variation of condition 3 of application 16/02046/FUL granted on 30.06.2018

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

A local resident spoke against the application.

The agent spoke in favour of the application.

In response to a question the Team Manager, Development Management, confirmed that the Committee could delegate to permit the application if members wished to amend any conditions.

Cllr Jackson asked whether there were any relevant policies regarding drain-off to avoid the risk of flooding. The Case Officer explained that there was some guidance regarding driveways and materials but this did not contain specific ratios regarding plot or garden size.

Cllr Veale stated that the site appeared to be complex and moved to defer consideration of the application pending a site visit. This was seconded by Cllr Jackson.

The motion was then put to the vote and there were 2 votes in favour, 4 votes against and 2 abstentions. The motion was therefore LOST.

Cllr Kew felt that the variation offered an improved layout and stated that there was unlikely to be any water run-off. He moved the officer recommendation to permit. This was seconded by Cllr Organ.

The motion was then put to the vote and it was RESOLVED by 4 votes in favour, 3 votes against and 1 abstention to PERMIT the application subject to the conditions set out in the report.

108 QUARTERLY PERFORMANCE REPORT - OCTOBER TO DECEMBER 2018

The Committee considered a report setting out the quarterly performance statistics from October to December 2018.

The Team Manager, Development Management, advised the Committee that future reports would show the actual number of planning applications in time as well as the percentage figures.

The Committee was pleased to note the excellent performance with regard to planning appeals.

The Team Manager, Development Management, explained that, although the number of Enforcement Notices issued appeared to be low (4 notices between October and December 2018), officers did their best to resolve issues by negotiation with Notices being issued as a last resort.

RESOLVED: To note the report.

109 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 3.30 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services

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BATH AND NORTH EAST SOMERSET COUNCIL

Development Management Committee

Date

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

ITEM

ITEMS FOR PLANNING PERMISSION

Item No.	Application No.	Address
1	18/03674/FUL	Lake View Stoke Hill
3	18/05203/VAR	Richmond Lodge, Weston Lane

Additional plan received on 7th Feb 2019, plan number 102- Site Layout Plan.
This plan to be added to the list of plans on the decision notice.

Revised plans have been received as follows:

RICH 1 B received 1st February 2019
H5910 101C received 5th February 2019
Site Location Plan received 11th February 2019

Plan RICH 1 B corrected an error on the submitted floor plan drawing and now correctly shows the position of the window on the first floor.

Plan H5910 101C has been amended to include a gutter for the car port to control rain water.

The site location plan identifies the land to which the application relates and is the same as the original planning application.

The amended plans do not affect the recommendation, being submitted to correct errors or clarify details. The changes will not impact upon the character or appearance of the development, residential amenity, the conservation area or adjacent listed buildings.

The approved plans list will be amended as follows:

This decision relates to drawings H5910/100A and RICH5-F dated as received 24th January 2019, RICH0-G, approved floor plans and RICH 3/B dated as received 29th January 2019, RICH 1 B dated as received 1st February 2019, H5910 101C dated as received 5th February 2019 and site location plan dated as received 11th February 2019.

BATH AND NORTH EAST SOMERSET COUNCIL

MEMBERS OF THE PUBLIC AND REPRESENTATIVES WISHING TO MAKE A STATEMENT AT THE MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE ON WEDNESDAY 13 FEBRUARY 2019

MAIN PLANS LIST			
ITEM NO.	SITE NAME	SPEAKER	FOR/AGAINST
1	Lake View, Stoke Hill, Chew Stoke	John White (Agent)	For
2	Selwood Farm, Norman Road, Saltford, BS31 3BQ	Sarah Pope	Against (To share 3 minutes)
		Paul Beacham	
		Jon Foulds (Architect)	For (To share 3 minutes)
3	Richmond Lodge, Weston Lane, Lower Weston, Bath, BA1 4AB	Elaine Robinson	Against
		John White (Agent)	For

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BATH AND NORTH EAST SOMERSET COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE

13th February 2019

DECISIONS

Item No:	01	
Application No:	18/03674/FUL	
Site Location:	Lake View, Stoke Hill, Chew Stoke, Bristol	
Ward: Chew Valley North	Parish: Chew Stoke	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Change of use from existing garage with office above into holiday let accommodation.	
Constraints:	Bristol Airport Safeguarding, Agric Land Class 1,2,3a, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Greenbelt, LLFA - Flood Risk Management, Policy NE1 Green Infrastructure Network, Policy NE2 AONB, Policy NE5 Ecological Networks, Policy NE5 Strategic Nature Areas, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,	
Applicant:	KP	
Expiry Date:	28th February 2019	
Case Officer:	Christine Moorfield	

Delegated to officers to permit, following the signing of a 106 agreement restricting the use to holiday lets and retaining the units in the same ownership as Lake View and subject to any conditions considered necessary by officers.

Item No:	02
Application No:	18/03120/FUL
Site Location:	Selwood Farm , Norman Road, Saltford, BS31 3BQ
Ward: Saltford	Parish: Saltford LB Grade: N/A
Application Type:	Full Application
Proposal:	House transformation comprising an extension, changes of materials with additional internal and external works.
Constraints:	Saltford Airfield 3km buffer, Agric Land Class 1,2,3a, Conservation Area, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Housing Development Boundary, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE2A Landscapes and the green set, Railway, SSSI - Impact Risk Zones,
Applicant:	Mr & Mrs Claire & Nick Selwood
Expiry Date:	2nd November 2018
Case Officer:	Dominic Battrick

DECISION PERMIT

1 Standard Time Limit (Compliance)

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permission.

2 Materials - Submission of Schedule and Samples (Bespoke Trigger)

No construction of the external walls of the development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies D1, D2, D3 and D5 of the Bath and North East Somerset Placemaking Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

3 Plans List (Compliance)

The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.

Reason: To define the terms and extent of the permission.

PLANS LIST:

This decision relates to the following plans:

501, 502, 503, 504 and 505, received 13/07/2018; 516 and 517, received 04/09/2018; 510B, 511B, 512C, 514C and 515D, received 26/10/2018; 518A, received 08/11/2018.

Condition Categories

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

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

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

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

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

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

Where approval of further information is required you will need to submit an application to Discharge Conditions and pay the relevant fee via the Planning Portal at www.planningportal.co.uk or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

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. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council before development commences, failure to comply with the regulations can result in surcharges and additional payments. Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: www.bathnes.gov.uk/cil

Protected Species

Bats are protected species under EU and national law. If bats are found during the construction phase, works must cease the Bat Helpline (Tel 0345 1300 228) or a licenced bat worker must be contacted for advice before proceeding.

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

Item No:	03
Application No:	18/05203/VAR
Site Location:	Richmond Lodge, Weston Lane, Lower Weston, Bath
Ward: Weston	Parish: N/A LB Grade: N/A
Application Type:	Application for Variation of Condition
Proposal:	Variation of condition 3 of application 16/02046/FUL granted on 30.06.2018
Constraints:	Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, Policy NE2A Landscapes and the green set, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,
Applicant:	Matthew Davies
Expiry Date:	15th February 2019
Case Officer:	Martin Almond

DECISION PERMIT

1 Material (Compliance)

The development hereby approved shall be carried out in accordance with the materials schedule dated as received 30th January 2019.

Reason: The proposed dwellings will be constructed adjacent to a Grade II listed building within the Conservation Area. Details of materials are required to ensure that the development will preserve the character of the Conservation Area and setting of the nearby listed building in accordance with policy D2 and HE1 of the 2017 Placemaking Plan.

2 Plans List (Compliance)

The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.

Reason: To define the terms and extent of the permission.

PLANS LIST:

This decision relates to drawings H5910/100A and RICH5-F dated as received 24th January 2019, RICH0-G, approved floor plans and RICH 3/B dated as received 29th January 2019, RICH 1 B dated as received 1st February 2019, H5910 101C dated as received 5th February 2019 and site location plan dated as received 11th February 2019.

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

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