

DRAFT MINUTES PENDING CONFIRMATION AT THE NEXT MEETING

BATH AND NORTH EAST SOMERSET

MINUTES OF DEVELOPMENT CONTROL COMMITTEE

Wednesday, 9th April, 2014

Present:- Councillors Gerry Curran, Ian Gilchrist, Liz Hardman, Eleanor Jackson, Les Kew, Malcolm Lees, Bryan Organ, Vic Pritchard (In place of David Veale), Manda Rigby, Nigel Roberts, Martin Veal and Brian Webber

Also in attendance: Councillors Rob Appleyard, June Player and Ben Stevens

155 TEMPORARY ABSENCE OF THE CHAIR

Councillor Manda Rigby was elected to Chair the start of the meeting in the absence of Councillor Gerry Curran

156 EMERGENCY EVACUATION PROCEDURE

The Senior Democratic Services Officer read out the procedure

157 ELECTION OF VICE CHAIR (IF DESIRED)

A Vice Chair was not required

158 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There was an apology for absence from Councillor David Veale whose substitute was Councillor Vic Pritchard, There was also an apology from Councillor Doug Nicol.

159 DECLARATIONS OF INTEREST

Councillor Martin Veal stated that, in the report on the planning application at Bath Soft Cheese, Park Farm, Church Lane, Kelston (Item 3, Report 9) there was a reference to him supporting the proposal; however, he had not predetermined the application and would hear the debate before voting. Councillor Manda Rigby later declared a non-prejudicial interest in the application at 66 Upper East Hayes, Bath (Item 5, Report 9) as her property was across the road (A4) from the site and therefore she would speak and vote on the application.

160 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none

161 ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS

The Senior Democratic Services Officer explained the process for public speaking and indicated that there were a number of people wishing to make statements on

planning applications in Report 9 and that they would be able to do so when reaching those items. The Chair had previously indicated that the speaking time on the application at 60 Ringwood Road could be extended from the standard 3 minutes to 5 minutes in view of the number of objectors.

162 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

There was none

163 MINUTES: 12TH MARCH 2014

The Minutes of the previous meeting held on 12th March 2014 were approved as a correct record and signed by the Chair

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

The Committee considered

- A report by the Divisional Director – Development on various applications for planning permission etc
- An Update Report by the Divisional Director – Development on Item Nos 1 and 6, a copy of which is attached as *Appendix 1* to these Minutes
- Oral statements by members of the public etc on Item Nos 1, 3, 4, 6 and 7, the Speakers List being attached as *Appendix 2* to these Minutes

The Team Manager – Development Management stated that, where reference was made in the report to the Development Manager, Head of Planning Services etc, it should now read Divisional Director – Development.

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 Milford Head, Stitchings Shord Lane, Bishop Sutton – Demolition of existing buildings and redevelopment of the site to provide 9 dwellings (Outline with all matters reserved except access)(Resubmission of 12/05599/OUT)

– The Case Officer reported on this application and his recommendation to (A) authorise the Divisional Director - Development to grant permission subject to the applicant entering into a legal agreement to secure various provisions relating to Education, Open space and recreational facilities, Transport and Protection of boundary hedges; and (B) subject to the prior completion of the above Agreement, authorise the Divisional Director - Development to grant permission subject to conditions.. He referred to submission of an indicative plan showing a revised layout of the development as set out in the Update Report.

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

Councillor Vic Pritchard as Ward Member on the Committee opened the debate. He was not comfortable with the proposal for many reasons including that it was in the AONB, adjoining the Green Belt and outside the housing boundary, it was designated an RA1 village in the Emerging Core Strategy, there was risk of flooding

in the Lane and it affected the 5* caravan park adjoining the site. Councillor Les Kew supported these views and in addition considered that it was overdevelopment and the cumulative effect of housing development in the village would undermine the plan-making process. He therefore moved that Officers be authorised to refuse permission on the basis of these comments which was seconded by Councillor Eleanor Jackson. The Team Manager – Development Management gave advice on how housing schemes such as this could have an adverse cumulative effect on the Council's plan-making process by undermining the Council's housing strategy as set out in the Emerging Core Strategy. At Councillor Nigel Robert's request, the mover and seconder agreed that the impact on the AONB should be included as a reason for refusal. After a short debate, the motion was put to the vote and was carried, 8 voting in favour with 0 against and 3 abstentions.

(Note: Councillor Gerry Curran was not present for consideration of this item)

Item 2 No 40 Bryant Avenue, Westfield, Radstock – Construction of new dwelling – The Case Officer reported on this application and the recommendation to refuse permission.

The Ward Councillor Rob Appleyard made a statement in support of the application.

Members discussed the application. Councillor Bryan Organ considered that the design was not acceptable and moved the Officer recommendation to refuse permission which was seconded by Councillor Les Kew.

Members debated the motion. Various issues were raised including the design, car parking, overlooking and the fact that there had been no objections to the proposal. Councillor Malcolm Lees pointed out that the existing property had permission for a single storey side extension which would leave little amenity space. Members had opposing views on some of these issues. The Team Manager – Development Management responded to some of the comments raised and stated that it would not be appropriate to use obscured glass in the first floor rear bedroom window to prevent overlooking. If the motion to refuse was agreed, the applicant could appeal against the decision or submit a revised proposal. The motion was then put to the vote and was carried, 6 voting in favour and 4 against with 1 abstention.

(Note: Councillor Gerry Curran was not present for consideration of this item)

Item 3 Bath Soft Cheese, Park Farm, Church Lane, Kelston - Erection of extension to existing agricultural building to create a cheese dairy – The Case Officer reported on this application and her recommendation to refuse permission.

The applicant made a statement in support of the proposal.

Councillor Martin Veal, the Ward Member on the Committee, read a statement by Councillor Geoff Ward, one of the other Ward Members. He then gave his own views on the application but considered that it would be useful if Members saw the site. He therefore moved that the application be deferred for a site visit which was seconded by Councillor Les Kew.

The motion was put to the vote and was carried, 9 voting in favour and 1 against with 1 abstention.

(Note: Councillor Gerry Curran was not present for consideration of this item)

Item 4 No 60 Ringwood Road, Twerton, Bath – Erection of single storey rear extension, new dormer to rear roof slope and alterations to form 6 bedroom House in Multiple Occupation (HMO) – The Case Officer reported on this application and her recommendation to grant permission with conditions.

The public speakers made their statements against and in favour of the proposal which was followed by a statement by the Ward Councillor June Player expressing concerns about the proposed development.

Members discussed the application. The Team Manager – Development Management informed the Committee that this was not an application to change the use of the existing property to an HMO but an extension of the building in its current use which could be occupied by up to 6 persons without requiring planning permission. There was no restriction on use by students or on car use by occupiers and any such restriction would be difficult to enforce. The Case Officer stated that there were no facilities for cycle storage at the front of the property although provision could be made at the rear. Councillor Nigel Roberts pointed out that there was a cycle path at the rear of the property and that a tenancy agreement could be negotiated to limit car use and encourage the use of cycles.

Members continued to discuss the proposal and possible reasons for refusal. Councillor Vic Pritchard felt that the proposed development exceeded reasonable limits for this size of property and therefore moved that Officers be delegated to refuse permission on the grounds of loss of amenity to local residents, car parking problems being exacerbated and overdevelopment. The motion was seconded by Councillor Brian Webber. The Team Manager – Development Management clarified some wording of the motion by stating that it could refer to the intensification of the use to the detriment of adjoining residents. Members debated the motion but it was felt by some Members that these were not adequate grounds for refusal. The motion was put to the vote. Voting: 4 in favour and 6 against with 1 abstention. Motion lost.

Councillor Les Kew therefore moved the Officer's recommendation to grant permission subject to conditions which was seconded by Councillor Eleanor Jackson. After a short discussion regarding restricting car use by occupiers under a tenancy agreement, the motion was put to the vote and was carried, 5 voting in favour and 2 against with 4 abstentions.

(Note: After this item at 4.05pm, the meeting adjourned for 10 minutes for a comfort break after which Councillor Gerry Curran took the Chair for the remainder of the meeting)

Item 5 No 66 Upper East Hayes, Walcot, Bath – Change of use from a House in Multiple Occupation (HMO)(Use Class C4) to Use Class Sui Generis for up to 9 persons – The Case Officer reported on this application and her recommendation to grant permission subject to conditions. Councillor Manda Rigby declared a non-prejudicial interest as her house was across the road (A4) and therefore she would still speak and vote on the matter.

Councillor Nigel Roberts considered that it would be difficult to refuse the application and moved the recommendation to grant permission with conditions. The motion was seconded by Councillor Les Kew.

Members debated the motion. It was queried whether the application passed the Stage 2 test for HMOs as prescribed in the Supplementary Planning Document. The Officer confirmed that it was not necessary as it had passed the Stage 1 test.

The motion was put to the vote and was carried, 10 voting in favour and 0 against with 1 abstention.

Item 6 No 61 Lorne Road, Westmoreland, Bath – Change of use from dwelling (Use Class C3) to House in Multiple Occupation (HMO) (Use Class C4) – The Planning Officer reported on this application and the recommendation to refuse permission. The Update Report referred to the receipt of a further representation.

The applicants made statements in support of the proposal which was followed by a statement by the Ward Councillor Ben Stevens.

Councillor Ian Gilchrist opened the debate as the Ward Member on the Committee. He supported the comments of the other Ward Member and moved that permission be granted subject to appropriate conditions. Councillor June Player made a statement on the matter and gave reasons why the road should be exempt from the Article 4 Direction which controls changes of use to HMOs. The motion was seconded by Councillor Martin Veal who felt that this Road should be exempt from the Direction. The Team Manager – Development Management informed Members that the Stage 2 test had been undertaken and it had been confirmed that 50% of properties within 100m of the site were currently in use as HMOs. As the applicants had stated that approximately 80% of the houses in Lorne Road were HMOs, he advised that it would be more appropriate to defer consideration of the application to give Officers time to obtain further information on the number of properties in the Road that were currently being used as HMOs.

Members discussed the situation and this recommendation. There were mixed views on the proposed development and the way forward to make a decision. Councillor Ian Gilchrist therefore withdrew his motion and moved that consideration be deferred for a further report on the figures relating to HMOs in this Road and asked if Cabinet could consider a review of the Article 4 Direction with a view to making this Road exempt. The motion was seconded by Councillor Martin Veal.

Members debated this motion. It was considered that the Ward Councillor Ben Stevens as a Cabinet Member could raise this on behalf of the Committee. The timescale was discussed and the Team Manager – Development Management stated that the figures could be assessed within a matter of weeks but any review of Policy would take much longer. The Chair summed up the debate and stated that the numbers of HMOs in Lorne Road needed to be clarified but that the Policy of controlling the number of HMOs needed to be reviewed by Cabinet.

The motion was put to the vote and was carried, 9 voting in favour and 0 against with 2 abstentions.

Item 7 No 3 Stirtingale Avenue, Kingsway, Bath – Provision of loft conversion to include side and rear dormer and roof lights to front elevation roof slope –
The Planning Officer reported on this application and the recommendation to refuse permission.

The applicant made a statement in support of the proposal.

Councillor Nigel Roberts drew attention to the large extension at the side and rear of the adjoining property. He felt that the properties in the street had no special architectural merit and therefore moved that the recommendation be overturned and that Officers be authorised to grant permission subject to appropriate conditions. This was seconded by Councillor Liz Hardman.

The Members debated the motion. It was considered that it was in accord with paragraph 56 of the NPPF and would provide better living accommodation.

The motion was put to the vote and was carried, 11 voting in favour and 0 against with 1 abstention.

Item 8 Land and buildings to rear of Nos. 1-7 High Street, Mill Hill, Wellow – External alterations to include changes to glazed screen to kitchen and roof materials on barn to approved scheme (13/02813/LBA) - The Case Officer reported on this application and his recommendation to grant consent subject to conditions.

Councillor Nigel Roberts moved the Officer recommendation which was seconded by Councillor Bryan Organ.

Members debated the motion and asked questions to which the Case Officer responded. It was felt that the restoration work was creditable but the roof materials were not appropriate for this building in this locality. The motion was put to the vote. Voting: 4 in favour and 7 against with 1 abstention. Motion lost.

Councillor Eleanor Jackson therefore moved that consent be refused on the grounds that the roof materials did not preserve or enhance the Conservation Area contrary to S12 of the NPPF and detracted from the character of this listed building. It was seconded by Councillor Les Kew. The motion was put to the vote and was carried, 7 voting in favour and 4 against with 1 abstention.

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

The Team Manager – Development Management pointed out that the decision on the appeal at Tree Tops, Horsecombe Grove, Combe Down, Bath, had been allowed and not dismissed as indicated in the report.

The Committee noted the report.

The meeting ended at 5.30 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services