

## **DEVELOPMENT MANAGEMENT COMMITTEE**

### **Minutes of the Meeting held**

Wednesday, 26th July, 2017, 2.00 pm

**Councillors:** Sally Davis (Chair), Patrick Anketell-Jones (Reserve) (in place of Les Kew), Jasper Becker, Matthew Davies, Liz Hardman (Reserve) (in place of Eleanor Jackson), Bryan Organ, Dine Romero (Reserve) (in place of Paul Crossley), Caroline Roberts and Vic Pritchard (Reserve) (in place of David Veale)

#### **23 EMERGENCY EVACUATION PROCEDURE**

The Democratic Services Officer read out the emergency evacuation procedure.

#### **24 ELECTION OF VICE CHAIRMAN (IF DESIRED)**

A Vice Chairman was not required on this occasion.

#### **25 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were received from:

Cllr Paul Crossley – substitute Cllr Dine Romero  
Cllr Eleanor Jackson – substitute Cllr Liz Hardman  
Cllr Les Kew – substitute Cllr Patrick Anketell-Jones  
Cllr David Veale – substitute Cllr Vic Pritchard

#### **26 DECLARATIONS OF INTEREST**

There were no declarations of interest.

#### **27 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN**

There was no urgent business.

#### **28 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.

#### **29 ITEMS FROM COUNCILLORS OR CO-OPTED MEMBERS**

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

## 30 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 28 June 2017 were confirmed and signed as a correct record.

## 31 SITE VISIT LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE

The Committee considered:

- A report by the Group Manager (Development Management) on various planning applications.
- An update report by the Group Manager (Development Management) on item no 1 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 Committee's 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. 16/06140/FUL

**Site Location: 30 Flatwoods Road, Claverton Down, Bath, BA2 7AQ – Erection of 2 dwellings, internal access drive and landscaping at rear of existing dwelling**

The Case Officer reported on the application and her recommendation to permit. She informed the Committee that the applicant had submitted revised plans which reduced the height of the dwellings by 0.95m. A further objection had also been received relating to the availability of broadband in the area.

The registered speakers spoke for and against the application.

Cllr Cherry Beath, local ward member, spoke against the application. A statement against the application submitted by Cllr Bob Goodman, local ward member, was also read out at the meeting.

Councillor Pritchard asked a question regarding the access to the site. The Highways Case Officer explained that both dwellings would include double garages and that the access to the dwellings complied with the required width specified by the Department of Transport.

Councillor Romero stated that the plot appeared small for the proposed development.

Councillor Hardman stated that while she had sympathy with the neighbours there was already a precedent for back garden development in the area. She also noted that the Bath Skyline footpath route would be screened,

Councillor Organ moved that permission be granted subject to conditions. This was seconded by Councillor Matthew Davies.

The motion was then put to the vote and it was RESOLVED by 6 votes for, 2 votes against and 1 abstention to PERMIT the application subject to the conditions set out in the report.

## **Item No. 2**

### **Application No. 17/01411/FUL**

**Site Location: 10 Stonehouse Lane, Combe Down, Bath, BA2 5DW – Three storey side extension and garage to include demolition of existing single storey side extension, partial demolition of existing garage, minor changes to rear ground floor fenestration of existing main house and front landscaping**

The Case Officer reported on the application and her recommendation to refuse. Since the publication of the report there had been one further objection relating to the overbearing impact of the development, overlooking, parking and not being in keeping with the character of the area received from a direct neighbour.

The registered speakers spoke in favour of the application.

Councillor Cherry Beath, local ward member, spoke against the application. A statement in favour of the application submitted by Cllr Bob Goodman, local ward member, was also read out at the meeting.

In response to a question the Case Officer explained that the extant planning permission would still remain in place if the current application were refused.

Councillor Becker felt that the design was good and noted that there were other tall buildings in the area.

Councillor Organ moved that permission be refused for the reasons set out in the report. He felt that the extension was too dominant. This was seconded by Councillor Roberts.

The motion was then put to the vote and it was RESOLVED by 7 votes in favour and 2 against to REFUSE the application for the reasons set out in the report.

## **Item No. 3**

### **Application No. 17/00163/FUL**

**Site Location: Stonedge Cottage, Stoneage Lane, Tunley, Bath – Alterations to raise the wall to the same level as the neighbour's wall, including the existing panel fence (Resubmission)**

The Case Officer reported on the application and her recommendation to refuse. In response to a question it was confirmed that the height of the wall would be between 2.2 and 2.4m.

Councillor Roberts moved that the Committee delegate to permit the application subject to conditions. She felt that the proposal would not be disproportionate and would therefore comply with greenbelt policy. This was seconded by Councillor

Hardman.

Councillor Pritchard noted that there had been no local dissent regarding the application and felt that it would improve the appearance of the area.

The motion was then put to the vote and it was RESOLVED unanimously to DELEGATE TO PERMIT the application subject to conditions.

## 32 **MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE**

The Committee considered:

- A report by the Group Manager (Development Management) on various planning applications.
- An update report by the Group Manager (Development Management) on item 1 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 4* to these minutes.

### **Item No. 1**

#### **Application No. 16/051219/EOUT**

**Site Location: Street Record, Foxhill, Combe Down, Bath - Application for outline planning permission for the redevelopment of the Foxhill Estate comprising:**

- **The demolition of up to 542 dwellings;**
  - **The re-provision of up to 700 dwellings;**
  - **Demolition and re-provision of the local centre to include up to 560 sqm of A1, A3, A4 and A5 uses;**
  - **All associated access roads, infrastructure, landscaping, open space and cycle/footways;**
- (All matters reserved)**

The Case Officer reported on the application and his recommendation to delegate to permit. An illustrative masterplan was presented and the Case Officer explained that there would be up to 158 additional dwellings although there would be a net loss of 204 affordable homes. The proposals would deliver a 30% affordable housing provision which was policy compliant. This would be made up of a 75/25 social rent/shared ownership split. The development would be delivered in a number of phases.

The Case Officer explained that although the net loss of affordable housing was significant an independently verified viability report had been submitted. Officers were content that this was compliant with Policy H8.

There were a number of updates to the report as follows:

- Correspondence had been received from Mr Mark Hepworth, the author of the “Foxhill at the Crossroads” report (2012) who had expressed concern at the use of this report to justify the proposal to demolish homes.
- Further advice regarding bat licences.
- A Section 106 Agreement would require the delivery of affordable housing.
- There were minor changes to Condition No. 30.
- The Highways Officer had suggested some amendments to the conditions relating to garage dimensions, materials and method of construction, footways and a road condition survey.
- There would be an additional condition relating to bus access and turning areas during construction.

The registered speakers spoke for and against the application.

Cllr Cherry Beath, local ward member, spoke against the application. Cllr Lisa O’Brien read out a statement against the application on behalf of Cllr Bob Goodman, the local ward member.

Cllrs Lisa O’Brien, Joe Rayment and Alan Hale also spoke against the application.

Officers then responded to a number of questions from members as follows:

- The Compulsory Purchase Order (CPO) process was separate from the planning process. If CPOs were to be proposed then the Council would have to formally resolve for this to happen. The Committee should focus on the planning issues.
- The Mulberry Park development would deliver facilities that Foxhill residents would have access to. As Mulberry Park was currently being developed there was the opportunity for Foxhill residents to be offered homes on this site. All matters were reserved and plans were only illustrative at this stage. The purpose of the outline application was to put forward the principle of demolishing properties and redeveloping the site. It gives a framework for the regeneration project and detailed planning applications would subsequently be put forward for the various phases of the development.
- There would be a net loss of approximately 100 houses for social rent across both sites but this would be replaced with shared ownership affordable housing.
- Any tenants who had moved onto the estate after 2013 (approximately 100) were given a shorthold tenancy and made aware of the regeneration proposals.
- There would be a net gain of open space on the site (although individual gardens may be smaller).
- Curo were in a position to provide affordable housing on the Foxhill site using cross subsidy from the Mulberry Park development. This would not be viable for a private developer.

Councillor Roberts moved that consideration of the application be deferred pending a second site visit to gain more information and to enable further consultation to take place with local residents. This was seconded by Councillor Romero.

Councillor Hardman stated that although the plan to redevelop was welcomed she was concerned about the net loss of social rented homes. Not all residents could be accommodated and some people would find themselves substantially worse off. There would be a significant impact on people being displaced.

Officers explained that some, but not all, of the houses on the estate were substandard. Any refurbishment would incur additional costs.

The Group Manager, Development Management, explained that all the necessary consultation from a planning perspective had taken place. A decision to approve outline planning permission did not preclude further consultation from going ahead. Full details of each phase of the development would still need to come forward to the Council for consideration.

On further consideration Councillor Roberts withdrew her motion to defer, with the agreement of Councillor Romero. She then moved that permission be refused due to the lack of social rented homes being proposed. This was seconded by Councillor Romero.

The Group Manager, Development Management, explained that the proposal complied with Policy CP9 relating to affordable housing.

Councillor Pritchard noted that the plans constituted major change to the area but that it also offered an opportunity to regenerate the Foxhill Estate. He also noted that tenants would be offered equivalent properties on the new development with no increase in rent.

Councillor Becker acknowledged that the loss of a home was a traumatic experience and that there were uncertainties. However, the proposal offered a significant investment in a deprived area. Curo were under no legal obligation to regenerate in this way and he felt that the offer should not be rejected. It would be important to monitor the regeneration project closely to obtain the best possible development for residents.

Councillor Matthew Davies was minded to support the application provided that all permanent tenants would be rehoused while suffering no financial loss.

Councillor Anketell-Jones had visited the site independently and noted that it was a settled community. This development provided an opportunity to create a designed community and to improve the post-war legacy of the area. The new properties would be more energy efficient leading to reduced costs for residents. The majority of residents would have the opportunity to remain in the area.

Councillor Romero stated that while she had sympathy for Curo, who were aiming to improve the area, she felt that further consultation with residents was necessary as they were not all being offered "like for like" accommodation.

The motion was then put to the vote and there were 4 votes in favour and 5 votes against. The motion was therefore LOST.

Councillor Pritchard then moved that the Committee delegate to permit as set out in

the report and amended through the officer update. This was seconded by Councillor Matthew Davies.

The motion was then put to the vote and it was RESOLVED by 5 votes in favour and 4 against to DELEGATE TO PERMIT the application subject to conditions as set out in the report, and amended through the officer update, and the prior completion of a Section 106 Agreement to secure the matters set out in the report.

**Item No. 2**

**Application No. 17/02383/FUL**

**Site Location: 2 Ivy Villas, Ivy Avenue, Southdown, Bath – Change of use from 3 bed dwelling house (use class C3) to a 4 bed house in multiple occupation**

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

The registered speaker spoke in favour of the application.

Councillor June Player, local ward member, spoke against the application.

In response to a question the Group Manager, Development Management, confirmed that the successful outcome of the recent appeal relating to Lymore Gardens was a material consideration because this property was also located in an area where there were fewer than 25% HMOs. He also explained that a temporary planning permission would be very unusual for this type of application.

Councillor Pritchard stated that while he had sympathy with the local ward member he noted that this application was compliant with current Council policies. He then moved the recommendation in the report that permission be granted subject to conditions. This was seconded by Councillor Matthew Davies.

The motion was put to the vote and it was RESOLVED by 7 votes for, 1 vote against and 1 abstention to PERMIT the application.

**Item No. 3**

**Application No. 17/02214/FUL**

**Site Location: 10 Berkeley Place, Walcot, Bath, BA1 5JH – Erection of garden building**

The Case Officer reported on the application and her recommendation to permit. She confirmed that the building would be located at the end of the rear garden when Councillor Anketell-Jones sought clarification.

Councillor Pritchard moved that permission be granted subject to conditions. This was seconded by Councillor Organ.

The motion was then put to the vote and it was RESOLVED unanimously to PERMIT the application subject to the conditions set out in the report.

**33 PLANNING ENFORCEMENT REPORT**

This item was withdrawn from the agenda.

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

The Committee considered the appeals report. It was noted that the appeal relating to 10 Lymore Gardens, Twerton had been allowed and not dismissed as set out in the report.

**RESOLVED** to **NOTE** the report.

The meeting ended at 5.15 pm

Chair .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**