

DEVELOPMENT MANAGEMENT COMMITTEE

Minutes of the Meeting held

Wednesday, 19th October, 2016, 12.00 pm

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

56 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

57 ELECTION OF VICE CHAIRMAN (IF DESIRED)

A Vice Chairman was not required on this occasion.

58 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillor David Veale and Karen Warrington attended in his place as a substitute.

59 DECLARATIONS OF INTEREST

There were no declarations of interest.

60 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was no urgent business.

61 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.

62 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

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

63 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 21 September 2016 were confirmed and signed as a correct record.

64 **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 one planning application.

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. 16/02441/FUL

Site Location: St Nicholas Church, Church Road, Whitchurch – Erection of disabled WC to front elevation

The Case Officer reported on the application and his recommendation to grant planning permission.

A statement against the application from the local ward member, Councillor Paul May, was read out.

In response to a query the Case Officer explained that the timber framed structure would be fixed to the masonry of the building.

Councillor Crossley stated that he believed any harm to the building would be outweighed by the benefit the facility would bring to worshippers at the church who may be frail or elderly. He moved that planning permission be granted subject to the conditions outlined in the report. This was seconded by Councillor Jackson.

Councillor Kew felt that the materials were inappropriate for the listed building and that stone should be used rather than timber. The structure would also be detrimental to the stained glass window.

Councillor Organ was also opposed to the application as it would be situated at the main entrance to the church and would spoil the façade and view of the stained glass window.

The motion was put to the vote and there were 3 votes for, 6 votes against and 1 abstention. The motion was therefore **LOST**.

Councillor Kew then moved that the application be refused due to inappropriate materials, location and design. This was seconded by Councillor Organ.

The motion was put to the vote and it was **RESOLVED** by 6 votes for, 3 votes against and 1 abstention to **REFUSE** the application for reasons of inappropriate materials, location and design which would be harmful to the listed Church.

65 **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 items 1, 2, 3, 5, 6, 7, 8 and 11 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. 16/02055/FUL

Site Location: Land East of The Mead, Queen Charlton Lane, Whitchurch – Erection of 100 1, 2, 3 and 4 bedroom dwellings including public open space, attenuation and associated works. New vehicular access from Queen Charlton Lane

The Case Officer reported on the application and the recommendation to delegate to permit the application. The officer explained that Condition 5 relating to flood risk and drainage would be amended and that there were a number of unresolved issues which would be resolved by the Case Officer if the Committee agreed to delegate to permit planning permission.

The registered speakers spoke for and against the application

A statement from the local ward member, Councillor Paul May, was read out stating that he now found the application acceptable although still had some concerns around road safety.

In response to a question the Case Officer stated that there were no significant concerns regarding the issue raised by the Urban Designer. He confirmed that the vast majority of the hedgerow would be retained. The translocation of grassland was one of the issues to be delegated to officers to resolve but it was likely that turf would be lifted and relocated.

The Case Officer confirmed that when the Bellway Homes scheme was completed there would be a safe alternative walking route to school through that development. It was also noted that there was not a requirement for a 4 bed dwelling to have 4 parking spaces.

Councillor Kew queried whether bringing this application to committee was premature given the amount of outstanding issues. Officers explained that the outstanding issues were matters of detail and not significant. Councillor Jackson pointed out that it would be preferable for an officer to negotiate on the outstanding matters rather than having to vary conditions in the future.

Councillor Jackson moved that the Committee agree to delegate to permit planning permission subject to conditions. This was seconded by Councillor Organ.

The motion was then put to the vote and it was **RESOLVED** unanimously to delegate to **PERMIT** planning permission subject to conditions.

Item No. 2

Application No: 16/02658/REM

Site Location: Rockery Tea Gardens, Vacant Premises, North Road, Combe Down, Bath – Removal of condition 11 on application 13/01733/FUL, allowed on appeal 15 May 2015 (Erection of a detached single storey dwelling (revised proposal))

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

The registered speaker spoke against the application.

Local ward members Councillors Cherry Beath and Bob Goodman spoke against the application.

Councillor Appleyard stated that he believe the Committee should refuse the application. The development was allowed on appeal and the Planning Inspector had recognised the need for Smart Glass to be used. It was important to protect the bats in this location and cost of providing this glass was not a planning consideration. He then moved that planning permission be refused. This was seconded by Councillor Crossley.

Councillor Jackson queried whether the Committee could amend a Planning Inspector's decision.

The Team Manager, Development Management, confirmed that whilst in some circumstances costs are capable of being a material consideration no viability issues had been raised by the applicant in this case. What was key was the reason that the condition was originally required was in the interests of protection of ecology and there were no reasons why alternatives could not be proposed that addressed this matter. She pointed out that the alternative proposal was regarded to be satisfactory and that no objections had been received from either the ecologist or Natural England.

Councillor Crossley queried how the alternative lighting solution would be enforced. This was a prominent site and the original condition should stand.

Councillor Kew agreed that the original condition should remain because Smart Glass offered the most effective solution and means of controlling the light.

Councillor Jackson in addition added that the proposal would be harmful to the Council's dark skies policies.

On being put to the vote it was **RESOLVED** unanimously to **REFUSE** planning permission as the proposal would be harmful to ecology, was less effective than Smart Glass and would be contrary to the Council's Dark Skies Policy.

Item No. 3

Application No: 16/03069/FUL

Site Location: Workshop, 239A London Road East, Batheaston, Bath – Conversion and extension of existing industrial building to create a Live Work Unit

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

The registered speakers spoke for and against the application.

Local ward member, Councillor Alison Miller, spoke against the application.

Councillor Crossley pointed out that this was an unconventional building located between two listed buildings. He then moved that planning permission be refused due to loss of amenity for the neighbouring properties, poor design, the adverse effect on the setting and being out of character for the area. This was seconded by Councillor Appleyard who also felt that the height of the proposed extension was an issue.

Councillor Jackson stated that the extension would conserve and enhance the conservation area and was an improvement on the existing building.

Councillor Kew was not familiar with the area and felt that it would be helpful to view it first. He pointed out that the site was within the housing development boundary.

Councillor Roberts stated that just because a building was not currently very attractive did not mean that it should be replaced with just anything.

The motion was put to the vote and there were 4 votes for, 5 votes against and 1 abstention. The motion was therefore **LOST**.

Councillor Kew then moved that consideration of the application be deferred for a site visit. This was seconded by Councillor Warrington.

The motion was then put to the vote and it was **RESOLVED**, by 9 votes for and 1 against to **DEFER** consideration of the application pending a site visit.

Item No. 4

Application No. 16/03043/FUL

Site Location: 18 Eden Park Drive, Batheaston, Bath BA1 7JJ – Erection of 2 detached dwellings with associated works

The Case Officer reported on the application and her recommendation to grant planning permission. She informed the Committee that one further objection had been received and this was noted.

The registered speakers spoke for and against the application.

Councillor Kew moved that planning permission be granted subject to the conditions set out in the report. This was seconded by Councillor Davies.

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

Item No. 5

Application No. 16/1465/FUL

Site Location: Land Adjacent to White Hill Cottages, White Hill, Shoscombe – Erection of attached garage and refurbishment of domestic store/workshop following demolition of existing garage (Resubmission)

The Case Officer reported on the application and her recommendation to permit the application. She explained that she now wished to add an additional condition to ensure that fencing is constructed to prevent parking on the grass verge. She also explained that although the site was in the greenbelt it was only a marginal extension to an existing building.

The registered speaker spoke against the application.

Councillor Organ moved that planning permission be granted subject to the conditions outlined in the report and an additional condition regarding fencing as mentioned by the Case Officer. This was seconded by Councillor Kew.

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

Item No. 6

Application No. 16/03724/FUL

Site Location: Lea Meadow House, Wells Road, Hallatrow – Erection of 4 detached dwellings (Resubmission of 15/04514/FUL)

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

The registered speakers spoke in favour of the application.

Councillor Kew spoke as local ward member in favour of the application. He pointed out that the location was a brownfield site and that new developments were taking place at the local school. This meant that spare places would soon become available. There were currently 156 pupils on roll with a planned admission number of 175 meaning that there were 19 places available in the school. Farrington Gurney School which was equidistant to the proposed development also had 16 places available. Councillor Kew felt that the development would enhance the site and the village. There had been no objections to the planning application. For these reasons he moved that planning permission be granted subject to appropriate conditions. This was seconded by Councillor Organ.

On being put to the vote it was **RESOLVED** by 8 votes for and 2 votes against to delegate to **PERMIT** the application subject to conditions.

Item No. 7

Application No. 16/03724/FUL

Site Location: 8 Warminster Road, Bathampton, Bath, BA2 6SH – Erection of two-storey rear extension with first floor rear balcony

The Case Officer reported on the application and her recommendation to grant planning permission.

The registered speakers spoke for and against the application.

Councillor Appleyard stated that, having heard the speakers, he wished to more fully understand the layout and impact of this proposal. He therefore moved that consideration of the application be deferred pending a site visit. This was seconded by Councillor Kew.

The motion was put to the vote and it was **RESOLVED** by 9 votes for and 1 abstention to **DEFER** consideration of the application pending a site visit.

Items No 8 and 9

Application No's: 16/03659/FUL and 16/03660/LBA

Site Location: 22 Prospect Place, Walcot, Bath, BA1 5JD – Erection of single storey rear extension and internal and external alterations following demolition of existing single storey rear extension

The Case Officer reported on the application and her recommendation to permit and to grant consent for the applications.

Councillor Crossley moved that planning permission and listed building consent be granted. This was seconded by Councillor Kew.

The motion was put to the vote and it was **RESOLVED** unanimously to **PERMIT** planning permission and to **GRANT** listed building consent subject to the conditions set out in the report.

Item No. 10

Application No. 16/03572/FUL

Site Location: High View, The Street, Compton Martin, BS40 6JQ – Installation of 2 south side dormers and erection of double garage

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

The registered speaker spoke in favour of the application.

Councillor Kew moved that planning permission be granted subject to the conditions set out in the officer report. This was seconded by Councillor Roberts.

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.

Item No. 11

Application No. 16/03572/FUL

Site Location: Green Park Station, Green Park Road, Bath – Exterior alterations to attach a metal plaque

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

The registered speaker spoke in favour of the application.

In response to a query the Case Officer confirmed that the plaque was 500mm in diameter and would be positioned at a height of 2.5m from the ground.

Councillor Jackson raised concern about locating the plaque behind railings and the health and safety implications of this.

Councillor Crossley moved that consent be granted subject to the conditions set out in the report. This was seconded by Councillor Organ.

The motion was put to the vote and it was **RESOLVED** by 9 votes for and 1 against to **GRANT** listed building consent subject to the conditions set out in the report.

Items No. 12 and 13

Application No's: 16/03018/FUL and 16/03019/LBA

Site Location: The Firs, Main Road, Chelwood – Internal and external alterations to erect a rear garden room and first floor extension

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

The registered speaker spoke in favour of the application.

The local ward member, Councillor Karen Warrington, spoke in favour of the application. She felt that the extension would not be detrimental to the greenbelt location and that it was not intrusive being at the rear of the property. The volume area was within the greenbelt requirement and the building next door already has an extension. She moved that planning permission be granted subject to conditions. This was seconded by Councillor Kew.

Councillor Crossley stated that the building was listed and felt that the whole of the building was important. He noted that the next door extension was permitted in the 1980s and felt that this decision should have no bearing on the consideration of this application.

Councillor Kew stated that the extension would improve living conditions and did not affect the street scene.

Councillor Jackson felt that the extension would be detrimental to the symmetry of the building.

The motion was then put to the vote and there were 5 votes for and 5 votes against. The Chairman used her casting vote against the motion which was therefore **LOST**.

Councillor Appleyard then moved that the application be refused for the reasons set out in the report. This was seconded by Councillor Jackson. The motion was put to the vote and there were 5 votes for and 5 votes against. The Chairman used her casting vote in favour of the motion. It was therefore **RESOLVED** to **REFUSE** planning permission for the reasons set out in the report.

Item No. 14

Application No. 16/03715/FUL

Site Location: 10 Woodborough Hill Cottages, Woodborough Hill, Peasedown St John – Erection of two storey extension

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

The registered speaker spoke in favour of the application.

The local ward member, Councillor Karen Walker, also spoke in favour of the application.

Councillor Jackson did not feel that timber cladding was a suitable material for the extension. She did not feel that the extension was of an appropriate design for a traditional terrace and believed that it would be contrary to policy D4. She stated that it was out of keeping with the area and moved that permission be refused for the reasons set out in the report. This was seconded by Councillor Organ.

The motion was put to the vote and it was **RESOLVED** by 8 votes for, 1 vote against and 1 abstention to **REFUSE** planning permission for the reasons set out in the report.

Item No. 15

Application No. 16/03446/FUL

Site Location: Blackhorse Cottage, Pilgrims Way, Chew Stoke – Erection of single dwelling adjacent to existing property

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

The registered speaker spoke in favour of the application.

In response to a question from Councillor Jackson as to the sustainability of the development in this location due to lack of public transport, the Team Manager, Development Management, advised that sustainable development had wider considerations beyond the sole issue of transport and confirmed that it was sustainable to allow for small scale incremental growth in villages as it supports economy and community.

Councillor Kew stated that he felt this was a good design and moved that planning permission be granted subject to the conditions set out in the report. This was seconded by Councillor Appleyard.

The motion was put to the vote and it was **RESOLVED** unanimously to **PERMIT** the

application subject to the conditions set out in the report.

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

The Committee considered the appeals report and noted that there was a 100% success rate.

RESOLVED to **NOTE** the report.

The meeting ended at 3.40 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services