

## DEVELOPMENT MANAGEMENT COMMITTEE

### Minutes of the Meeting held

Wednesday, 16th November, 2016, 2.00 pm

**Councillors:** Sally Davis (Chair), Rob Appleyard, Jasper Becker, Paul Crossley, Matthew Davies, Eleanor Jackson, Les Kew, Bryan Organ, Caroline Roberts and David Veale

#### 67 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

#### 68 ELECTION OF VICE CHAIRMAN (IF DESIRED)

On motion by Councillor Jackson, seconded by Councillor Crossley it was:

**RESOLVED:** To elect Councillor Kew as Vice Chairman for this meeting.

#### 69 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence.

#### 70 DECLARATIONS OF INTEREST

The Chairman, Councillor Sally Davis, declared a non-pecuniary interest in application number 16/04284/FUL, Farmborough Memorial Hall, Little Lane, Farmborough. The land belongs to Farmborough Parish Council and Councillor Davis is a member of the Parish Council. She stated that she would leave the meeting while this application was considered.

#### 71 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

The Chairman informed members that planning application number 16/03652/FUL, relating to Applegate Stables, Shockerwick Lane, Bathford, Bath, BA1 7LQ had been withdrawn from the agenda.

#### 72 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.

#### 73 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

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

## 74 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 19 October 2016 were confirmed and signed as a correct record.

## 75 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 on items 1 and 2. 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. 16/00792/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 permit the application.

The registered speakers spoke for and against the application.

In response to a question the Case Officer confirmed that the proposed wall would be the full height of the veranda of the neighbouring property.

Councillor Roberts moved that planning permission be refused due to the proposed extension being overbearing, loss of light to the adjoining property and the resulting detrimental impact on the amenity. This was seconded by Councillor Crossley.

Councillor Kew noted that there would be some impact on the neighbouring property but questioned whether this would be unreasonable. He felt that the extension would not be too overbearing.

Councillor Jackson noted that the applicant wished to provide disabled access to the garden, officers confirmed that this was a consideration but usually relevant to planning in a specific exceptional situation and normally covered by building regulations. Councillor Jackson also pointed out that there would be some loss of light to the neighbours' kitchen.

The motion was then put to the vote and there were 4 votes in favour, 5 votes

against and 1 abstention. The motion was therefore **LOST**.

Councillor Kew then moved that planning permission be granted subject to conditions. This was seconded by Councillor Organ.

The motion was then put to the vote and it was **RESOLVED** by 6 votes in favour and 4 votes against to **PERMIT** planning permission subject to the conditions set out in the report.

## **Item No. 2**

### **Application No. 16/03069/FUL**

**Site Location: Workshop, 239A London Road East, Batheaston, Bath, BA1 7RL – 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 speaker spoke in favour of the application.

Councillor Kew moved that planning permission be granted subject to conditions. He stated that the development would enhance the area and was not overbearing. The motion was seconded by Councillor Jackson who felt that the development would be a vast improvement. She then asked whether a condition could be included to remove permitted development rights to prevent further extension of the property. The Team Manager, Development Management confirmed that this could be included and Councillor Kew agreed to include this in his motion.

Councillor Roberts stated that she would be minded to refuse the application as she felt the development would be overbearing and would lead to loss of light for neighbouring properties.

Councillor Appleyard was not in favour of the application due to the impact on neighbouring properties. He felt that the building would be too high and that it would be detrimental to their outside space and was overbearing.

Councillor Organ supported the proposal and stated that it would improve the area and that he felt the height was not excessive.

The motion was then put to the vote and it was **RESOLVED** by 6 votes in favour and 4 votes against to **PERMIT** the application subject to the conditions set out in the report and an additional condition to remove permitted development rights.

## **76 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

7 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. 16/03114/ERES**

**Site Location: Proposed Development Site, Roseberry Road, Twerton, Bath – Approval of Reserved Matters in relation to outline application 15/01932/EOUT (Phase 1 of the development comprising 171 flats, local needs shopping unit and associated development)**

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

The registered speaker spoke in favour of the application.

In response to a question the Case Officer confirmed that the Section 106 agreement included a requirement for a marketing strategy and plan and also that the provision of a cycle strategy had been agreed at the outline stage. She explained that the retail unit would cater for local needs and that 40 parking spaces would be provided. The Section 106 Agreement also set out the requirements for affordable housing.

Councillor Jackson had some reservations about the height of the buildings and felt these could be overbearing. The Case Officer confirmed that the height did not exceed that of the buildings at the Western Riverside development. Councillor Jackson then moved that planning permission be granted subject to conditions. This was seconded by Councillor Organ.

Councillor Crossley stated that this was a very good application which contained roofscape, variation, a number of balconies, underground car parking and a mix of units. He welcomed the fact that it would provide a mixed community which included affordable housing. There was a need for this type of housing in Bath and he welcomed the imaginative and diverse design.

Councillor Becker felt that the application should be rejected and a request made for a more aesthetically pleasing design. He stated that this proposal did not follow the design principles required for Bath as a world heritage city. The Placemaking Plan had not been followed and the proposal undermined and contradicted Palladian architecture. He felt that the design could easily be improved to address these concerns at this key site and that the proposal as it stands was currently featureless and monotonous.

Councillor Kew stated that he agreed with the comments made by Councillor Crossley. He pointed out that the site was not within a conservation area and that the development would address the need for this type of housing in the area. There were many good features within the design and the modern materials were acceptable.

Councillor Organ stated that this was a good use of a derelict site.

Councillor Appleyard stated that this was a good proposal and that he would support it.

The motion was then put to the vote and it was **RESOLVED** by 9 votes in favour and 1 against to **APPROVE** the application subject to the conditions set out in the report.

#### **Item No's 2 and 3**

**Application No's. 16/01435/FUL and 16/01436/LBA**

**Site Location: Parking Area Rear of 4A York Place, London Road, Walcot, Bath – Erection of a building comprising 4 residential apartments and external alterations**

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 the Case Officer confirmed that changes had been made to address Councillor Brett's public safety concerns and a turning area for large vehicles would now be provided.

Councillor Jackson moved that planning permission and listed building consent be granted subject to conditions. This was seconded by Councillor Kew who felt that this was a good use of the land.

The motion was then 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. 4 and 5**

**Application No's 15/04085/FUL and 15/04179/LBA**

**Site Location: Holly Farm, The Green, Farmborough – Erection of 2 new dwellings to the rear of the plot and conversion of existing barn and cowshed to create 2 dwellings with associated works and internal and external alterations (Resubmission)**

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

In response to a question officers confirmed that this would be considered as infill rather than back garden development.

Councillor Organ moved that consideration of the application be deferred pending a site visit due to the location close to the hazardous junction with the A39 and proximity to a school. This was seconded by Councillor Kew.

Councillor Davis pointed out that traffic calming measures were already being considered for the area.

Councillor Crossley felt that there was no need for a site visit as all the information required was provided in the report.

The motion was put to the vote and there were 2 votes in favour and 8 votes against. The motion was therefore **LOST**.

Councillor Jackson asked whether this was a sustainable location and queried whether there should be a contribution to bus services. Officers stated that this was not considered necessary; however, a contribution could be dealt with via CIL (Community Infrastructure Levy).

Councillor Crossley moved that planning permission and listed building consent be granted subject to conditions. He felt that this was a good scheme and that it would be advantageous to develop this land. The motion was seconded by Councillor Jackson.

The motion was put to the vote and it was **RESOLVED** unanimously to **PERMIT** the application and to **GRANT** listed building consent subject to the conditions outlined in the report.

#### **Item No. 6**

**Application No. 16/04284/FUL**

**Site Location: Farmborough Memorial Hall, Little Lane, Farmborough –  
Erection of community shop**

The Chairman left the meeting while this application was considered having declared a non-pecuniary interest in the item due to being a member of Farmborough Parish Council who owned the land. The Vice Chairman, Councillor Kew, then took the chair.

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

Councillor Organ moved that planning permission be granted subject to conditions and the inclusion of a landscaping condition to ensure that the hedge was retained. This was seconded by Councillor Appleyard.

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 and an additional landscaping condition to ensure that the hedge is retained.

Councillor Sally Davis then resumed the chair.

#### **Item No. 7**

**Application No. 16/03652/FUL**

**Site Location: Applegate Stables, Shockerwick Lane, Bathford, Bath, BA1 7LQ –  
Erection of additional livery stables and a rural workers accommodation unit**

This application was withdrawn from the agenda.

**Item No. 8**

**Application No. 16/04282/FUL**

**Site Location: 101 Wellsway, Keynsham, BS31 1HZ – Erection of an extension to form 2 one bedroom flats**

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

The registered speaker spoke in favour of the application.

Councillor Organ stressed that the extension should be consistent with the other houses in the terrace. The Case Officer confirmed that a condition stated that the materials should match those existing. It was also confirmed that the extension would contain bay windows to match the rest of the terrace.

Councillor Jackson asked whether there could be a similar development at the other end of the terrace to maintain symmetry. The Case Officer stated that this would not be possible due to space constraints.

Councillor Organ moved that planning permission be granted subject to conditions and noted that highway safety would be improved by the development. 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 the conditions set out in the report.

**77 ENFORCEMENT REPORTS**

The Committee considered a report by the Group Manager (Development Management) on various enforcement matters.

**Item No. 1**

**Reference: 09/00168/UNAUTH**

**Site Location: Rough Ground and Buildings, Queen Charlton Lane, Queen Charlton – Without planning permission the unauthorised use of the land for residential purposes. The use of the land is in breach of planning control.**

The Case Officer reported on the matter and his recommendation to continue with injunction proceedings. The report set out the changes to the personal circumstances of the applicants since the decision of the Development Management Committee on 21 October 2015 to authorise the issue of injunction proceedings. He explained that the Council works with organisations to provide educational support and to assist with making short term arrangements for education provision as necessary. The Parish Council were in favour of continuing to pursue enforcement action.

The registered speakers spoke in favour of allowing the use of the land to continue and against injunction proceedings.

Councillor Crossley moved that the Council take no action until March 2017 pending the Court decision on this injunction. This was seconded by Councillor Appleyard.

The Senior Legal Advisor explained that due to injunction proceedings having been started by the Council, and with that a court timetable to comply with, the Committee should decide either to continue with the injunction or to discontinue the action. A suspension of action would not work in the current situation. It was noted that a Public Inquiry in relation to refused planning application 14/01379/FUL had been held in October 2016 and a decision from the Planning Inspectorate was due by 5 December 2016. If the planning appeal was successful and planning permission granted by the Planning Inspector then the injunction proceedings were very likely to halt.

Councillor Jackson felt that proceedings should be stopped due to the right of the applicant to a stable family life. This would be difficult if the family were forced to live on the roadside. She stated that enforcement action was at the discretion of the Council and that human rights considerations should be taken into account.

Councillor Crossley then withdrew his original motion with the consent of his seconder and moved that the injunction proceedings be discontinued. This was seconded by Councillor Jackson.

Councillor Kew stated that it had taken many years to reach this point and that the injunction proceedings should go ahead due to the unauthorised use of the land and unlawful occupation of a greenfield site. Although this was a difficult case it was important to follow Council policy.

The motion was then put to the vote and there were 4 votes in favour and 6 votes against. The motion was therefore **LOST**.

Councillor Kew then moved that the Council proceed with injunction proceedings for the reasons set out in the officer recommendation. This was seconded by Councillor Organ.

The motion was put to the vote and it was **RESOLVED** by 6 votes in favour and 4 votes against to continue to pursue the injunction as previously resolved by the Committee on 21 October 2015 to restrain the breach of planning control.

## **Item No. 2**

### **Application No. 06/0009/UNDEV**

#### **Site Location: Stowey Nursery, Folly Lane, Stowey, BS39 4DW – Unauthorised building**

The Case Officer reported on the matter and his recommendation to take direct action to resolve the breach of planning control. The breach had been continuing for 6 years and was harmful to the greenbelt. A conviction had been secured for non-compliance with the requirements of the enforcement notice.

The registered speaker spoke against direct action being taken.

Councillor Jackson asked what action had been taken between 2010 and 2015. Officers confirmed that there had been dialogue during this time but that it had since tailed off. It was accepted that there had been some time delay.

Councillor Kew noted that this case had been ongoing for a long period of time and

any issues mentioned by the registered speaker at this meeting would have already been considered. He felt that enforcement action should be taken in line with the Council's policy. He then moved the recommendation set out in the officer report. This was seconded by Councillor Appleyard.

The motion was then put to the vote and it was **RESOLVED** unanimously to delegate authority to the Group Manager – Development Management, in consultation with the Head of Legal and Democratic Services to:

- Exercise the powers of the authority under S178 of the Town and Country Planning Act 1990 to enter the Land and take the steps required by the Notice; and
- Exercise any powers of the authority to recover the expenses of doing so.

**78 QUARTERLY PERFORMANCE REPORT - JULY TO SEPTEMBER 2016**

The Committee considered the quarterly performance report for July to September 2016. Officers agreed to check the 41% figure for “invalid” applications received.

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

**79 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 4.45 pm

Chair .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**