

DEVELOPMENT MANAGEMENT COMMITTEE

Minutes of the Meeting held

Wednesday, 14th December, 2016, 2.00 pm

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

80 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

81 ELECTION OF VICE CHAIRMAN (IF DESIRED)

A Vice Chairman was not required on this occasion.

82 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillor Paul Crossley who was substituted by Councillor Neil Butters.

83 DECLARATIONS OF INTEREST

Councillor Eleanor Jackson stated that she thought she may know the applicant for application number 16/04549/FUL. If this were the case (when she saw the applicant who would be speaking at this meeting) then she would leave the meeting for the consideration of this item.

84 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was no urgent business.

85 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.

86 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

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

87 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 16 November 2016 were confirmed and signed as a correct record.

88 **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, 6 and 8 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. 16/00850/OUT

Site Location: Land Parcel 7200, Bath Road, Keynsham – Residential and related development comprising approximately 250 dwellings, new Primary School with associated outdoor playing facilities, means of access thereto, associated open space, landscaping, access roads, footways/cycleways and infrastructure works (Revised Plans)

The Case Officer reported on the application and her recommendation to delegate to permit the application. She updated the Committee regarding an additional condition stating that no more than 250 dwellings shall be approved under the reserved matters application. The proposed conditions would also be amended where relevant to include additional wording to allow for phasing of the development. Additional wording would also be added to condition 9 to ensure that this was implemented in accordance with approved details under this condition.

The registered speakers spoke for and against the application.

Councillor Emma Dixon, local member for the adjoining ward, spoke against the application.

Councillor Organ, local ward member, spoke against the application. He stated that the drainage on the site was unsatisfactory; the traffic congestion in this area was already appalling; air quality was poor; the proposal to cut the access to Teviot Road and the school site would isolate the community; although a new primary school would be built there were no additional places available in the local secondary schools. He felt that a great deal more detailed information was required about the development, particularly regarding the highways issues.

The Group Manager (Development Management) explained that this was an outline application and that it was entirely appropriate for detail to be supplied at a later stage. Lack of full details on an outline application would not be a valid reason for refusal. He also clarified that the junction of the development would be a priority

junction and not a signalised one.

Councillor Jackson asked what provision would be made for pedestrians and cyclists. The Highways Officer explained that there would be a signalised pelican crossing on the East side of the junction. Cycle links would run through the site to Teviot Road and links on the Chandag Estate would be improved in the future. He also stated that it was likely that a large number of vehicles would choose to turn left out of the site as it would be quicker than making a right turn onto the A4.

The Case Officer explained that the site was outside of the air quality management area. The Council's air quality officer did not object to the application provided that the appropriate measures were in place and that these would be secured by condition.

Councillor Kew asked why the entrance to the site was not located at the Broadmead roundabout. The Group Manager (Development Management) explained that the Committee had to consider the proposal in front of it as the current layout had passed a safety assessment. He also pointed out that the location has already been allocated as a housing site in the Core Strategy and that direct access onto the roundabout would also cross an area vulnerable to flooding which was required for the SUDs related to the development.

Councillor Jackson stated that she would like to refuse the application due to the junction, pedestrian crossing and air pollution. However, she did not feel that the Council could win an appeal on this basis and therefore she moved that the application be delegated to officers to permit.

Councillor Becker asked how the traffic modelling had been carried out. The Highways Officer confirmed that the standard modelling tools approved by the Department of Transport had been used. He then gave details of the traffic flows as measured at peak hours.

Councillor Roberts then seconded the motion. She also suggested that other modes of transport be considered for this area such as the existing local bus service which was excellent in the vicinity of the site.

Councillor Kew stated that on balance he felt that the Committee had no option but to approve the application. He was disappointed that the access was not on the roundabout. He stressed that the detailed proposals must come back to the Committee for consideration and that it would be important at that stage to obtain the best development possible for the site.

The motion was then put to the vote and it was **RESOLVED** by 8 votes in favour and 2 votes against to **DELEGATE TO PERMIT** subject to conditions.

Item No. 2

Application No. 16/03306/OUT

Site Location: Milland House, Rock Road, Keynsham – Erection of a building comprising a convenience store, 15 flats and 1 maisonette following demolition of the existing office building and detached dwelling house (REVISED PLANS)

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

The registered speakers spoke for and against the application.

Councillor Charles Gerrish, local ward member, spoke against the application and also read out a statement on behalf of Councillor Alan Hale, local ward member, against the application.

Councillor Jackson asked how many car parking spaces were required for the development. The Highways officer stated that the standards required a maximum of one space per flat. Councillor Jackson then moved that planning permission be refused due to inadequate parking and access leading to concerns regarding loading and unloading. The motion was seconded by Councillor Organ.

The Group Manager (Development Management) explained that the Committee had previously refused planning permission on highway grounds which had been overturned by the Planning Inspector. Therefore the Council would be very unlikely to win any subsequent appeal against refusal on that basis. He explained that the design was a material consideration along with the history of the site to which members needed to have regard.

Councillor Kew stated that in some ways he was unhappy with the application but noted that decisions must be made in accordance with planning legislation. There was a demand for housing within the area and the design was an improvement on the previous application. On balance he felt that there was no option other than to permit the application.

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

Councillor Kew then moved that planning permission be granted subject to conditions plus an additional condition that hours of operation for the convenience store to be from 8am to 8pm.

Councillor Appleyard queried the reality of a convenience store closing at 8pm and proposed that it should close at 10pm. Councillor Kew accepted this amendment to his motion and Councillor Appleyard then seconded the motion.

The motion was put to the vote and it was **RESOLVED** by 8 votes in favour, 1 against and 1 abstention to **APPROVE** the application subject to the conditions outlined in the report and an additional condition to require hours of operation of the convenience store to be from 8am to 10pm.

Item No. 3

Application No. 16/04512/FUL

Site Location: Church Farm, Church Lane, Stanton Drew – Change of use to convert farm building to provide a farm dwelling

The Case Officer reported on the application and her recommendation to permit the application. In response to a question she confirmed that there was a condition to tie the property to be for the use only of people employed or last employed within the

agricultural unit at Church Farm or their dependents.

The registered speaker spoke in favour of the application.

Councillor Kew supported the application as it was adjacent to the housing development boundary, was a good use of the building and complied with the National Planning Policy Framework. He moved that planning permission be granted. This was seconded by Councillor Butters.

The motion was put to the vote and it was **RESOLVED** by 9 votes for and 1 abstention to **PERMIT** the application subject to the conditions set out in the report as amended.

Item No. 4

Application No. 15/03650/OUT

Site Location: New Kingdom Hall, Charlton Road, Keynsham – Erection of a three storey block comprising 8 residential apartments following demolition of the existing buildings (access and layout to be determined with all other matters reserved)

The Case Officer reported on the application and her recommendation to approve. She explained that there had been a change to the National Planning Practice Guidance relating to the requirement to provide affordable housing in developments of fewer than 10 dwellings. When members originally resolved to permit, the development would have included a contribution towards affordable housing. However, in light of the change in national policy, it was now being recommended for approval with no affordable housing. The application was therefore being referred back to the Committee to be considered again.

Councillor Charles Gerrish, local ward member, spoke against the application.

Councillor Organ queried whether rights of way have been preserved. The Case Officer confirmed that the public right of way which runs to the rear of the site would be retained along with vehicular access to the rear of the funeral parlour and the Conservative Club.

Councillor Appleyard then moved that the application be approved subject to conditions. This was seconded by Councillor Kew.

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

Item No. 5

Application No. 16/04885/FUL

Site Location: The Grove, Langridge Lane, Swainswick, Bath – Demolition of existing garage and erection of a replacement building for use as an annex providing ancillary residential accommodation

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

The registered speakers spoke for the application.

Councillor Geoff Ward, local ward member, spoke in favour of the application.

Councillor Jackson noted that the increase in volume of the cumulative development on site would rise to 52.7% over the 1948 volume as a result of this application. She recognised the reasons for the development as being to provide accommodation for the applicant's parents. She queried how much weight should be given to these reasons balanced against the weight given to development in the greenbelt.

The Group Manager (Development Management) explained that the application must be considered in accordance with the relevant policies and plans. He advised the members that they needed to consider whether this was an annexe or not because the officer view was that this was a new dwelling in the green belt. If members decided it was an annexe then they needed to consider whether it was an extension to the property. If they concluded that it was they then needed to consider whether the extension was disproportionate and whether it would impact on openness. If they concluded that it was inappropriate development or harmful to openness then they would need to decide whether very special circumstances existed which clearly outweighed the harm to the green belt and any other harm. He went on to advise that personal circumstances will rarely constitute very special circumstances. He informed the Committee that planning permission to extend the existing dwelling had been granted in 2006 and had not been implemented. This application comprised a separate dwelling which was located on the opposite side of the road.

Councillor Kew stated that the principle of greenbelt development was clear but noted the amount of local support for the application. He found some parts of the report complicated and therefore moved that consideration of the application be deferred pending a site visit to view the impact of the proposed development on the greenbelt. This was seconded by Councillor Jackson.

The motion was put to the vote and it was **RESOLVED** unanimously to **DEFER** consideration of the application pending a site visit.

Item No. 6

Application No. 16/04250/FUL

Site Location: Land East of Alma Cottage, Charlcombe Lane, Charlcombe, Bath – Erection of one dwelling following the demolition of existing stables

The Case Officer reported on the application and her recommendation to grant planning permission. She updated the committee on an additional representation which raised concerns about the safety of the access and the previous use of the site.

The registered speakers spoke for and against the application.

Councillor Geoff Ward, local ward member, spoke against the application and also read out a statement from Councillor Martin Veal, local ward member, against the application.

Councillor Jackson queried whether there was planning permission for the existing stables. Officers confirmed that the stables would be considered as a lawful

development because they had clearly been in existence for over four years.

Councillor Organ moved that consideration of the application be deferred pending a site visit to view the access and scale of the site. This was seconded by Councillor Kew.

The motion was put to the vote and it was **RESOLVED** unanimously to **DEFER** consideration of the application pending a site visit.

Item No. 7

Application No. 16/04549/FUL

Site Location: 186 The Hollow, Southdown, Bath – Installation of a dormer window (resubmission)

The Case Officer reported on the application and her recommendation for refusal.

The registered speakers spoke in favour of the application.

Councillors Crossley and Romero, local ward councillors, spoke in favour of the application.

Councillor Kew noted the history of the application and that similar applications had been approved in the area, including the neighbouring property. He had no concerns about this development and noted that the window was on a side elevation. He moved that planning permission be granted. This was seconded by Councillor Appleyard. The Group Manager explained that members needed to be satisfied that the previous reason for refusal upheld on appeal had been overcome if they were to overturn the officer recommendation.

Councillor Jackson felt that the development added interest to the street and stated that the houses in this road were all different. She felt that the dormer window was unobtrusive. She noted that the scheme had now been reduced in height which had made a difference.

The Case Officer explained that the application originally submitted for 188 The Hollow included a side dormer window. However the plans were subsequently revised and the application that was permitted was for a two storey rear extension with no dormer.

Councillor Butters supported the application as he felt it was unobtrusive, not detrimental to the street scene and was not in a conservation area.

The motion was put to the vote and it was **RESOLVED** unanimously to **PERMIT** the application as it is unobtrusive and not detrimental to the street scene.

Item No. 8

Application No. 16/03885/LBA

Site Visit: Great Dell, Drive Through Royal Victoria Park, Lower Weston, Bath – External alterations for the cleaning and re-lettering of the Shakespeare Monument

This application was withdrawn by the applicant.

Item No. 9

Application No. 16/04668/FUL

Site Location: 13 Horsecombe Brow, Combe Down, Bath

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

The registered speaker spoke in favour of the application.

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.

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

The Committee considered the appeals report.

The Group Manager (Development Management) informed the Committee that the Rough Ground and Buildings, Queen Charlton Lane appeal had been successful. This meant that the land could now be used for residential purposes and there was no breach of planning control. Therefore the injunction proceedings agreed at the last meeting on 16 November 2016 would now be withdrawn as officers advised they would be in the event of an allowed appeal in the November Committee report.

RESOLVED to **NOTE** the report.

The meeting ended at 5.00 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services