

DEVELOPMENT MANAGEMENT COMMITTEE

Minutes of the Meeting held

Wednesday, 11th January, 2017, 2.00 pm

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

90 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

91 ELECTION OF VICE CHAIRMAN (IF DESIRED)

A Vice Chairman was not required on this occasion.

92 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillor Bryan Organ and Councillor Brian Simmons attended as substitute member.

93 DECLARATIONS OF INTEREST

Councillor Brian Simmons declared an other interest in planning application number 16/05085/FUL – 44 St Clement's Road, Keynsham. Councillor Simmons stated that he had previously made a decision on this application in his role as a Keynsham Town Councillor and so would leave the meeting while it was discussed.

94 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was no urgent business for consideration. The Chairman informed members that the webcasting trial for this Committee had been completed and the results would now be analysed.

95 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.

96 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

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

97 **MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 14 December 2016 were confirmed and signed as a correct record.

98 **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) 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. 16/04250/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.

The registered speakers spoke for and against the application.

The local ward members, Councillors Martin Veal and Geoff Ward spoke against the application.

In response to a question the Case Officer explained that conditions 10, 11 and 12, set out in the report, propose the removal of permitted development rights so the applicants would have to apply for planning permission if they wished in future to extend the dwelling.

Councillor Roberts then moved that planning permission be refused on the grounds that the development would be detrimental to the openness of the greenbelt as a result of external lighting, storage and domestic paraphernalia. A further reason for refusal was highway safety due to the difficult access and egress to and from the property as visibility along this road was already substandard. This was seconded by Councillor Kew.

The motion was then put to the vote and it was **RESOLVED** by 7 votes for and 3 votes against to **REFUSE** the application for the reasons set out above.

Item No. 2**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 in favour of the application.

The local ward members, Councillors Martin Veal and Geoff Ward also spoke in favour of the application.

Councillor Appleyard moved to delegate to permit planning permission subject to conditions. He pointed out that the family aspect of this application meant that there were exceptional circumstances in this case. The proposed annex would provide accommodation for the applicant's mother and would enable the family to remain together in their existing property. He had found the site visit very helpful and subsequently did not feel that the visual aspect of the site would be affected greatly by the development.

Councillor Jackson had concerns that the proposed development would consist of two storeys which was too intrusive. She also pointed out that the needs of the family could change in the future and felt that there would be other options available to them. She had concerns that the development was contrary to policy and felt that the human factors outlined could not be taken into account.

Councillor Roberts seconded the motion and stated that she did not feel the development would be too intrusive to the greenbelt.

Councillor Kew noted that the previous planning permission had not been acted on but accepted that circumstances can change. He had concerns that the application was contrary to policy and would create a new house in the greenbelt.

Councillor Crossley felt that the development did not constitute a new property but simply an annex which was secondary to the main house. He queried whether a condition could be added to ensure that the annex remained tied to the original property. He noted that the family had lived in this area for a number of years and that a tie-in would provide the required security. Any request to remove the tie-in would then have to be considered by planning officers or this committee.

The Team Manager (Development Management) explained that there could be a tie-in but that the harm associated with the development would be the same, irrespective of whether the building was tied or not. If an application were made to remove the tie there would be considered no grounds to resist its removal, given that the new development was physically separate and functionally capable of being separate from the main property. It was explained that, for these same reasons, the development was tantamount to a new dwelling in the green belt as opposed to an annexe and that it would be there beyond the current occupiers' residence causing permanent harm. A condition to tie the application to the existing property as an annexe would not meet the conditions test as it would not be reasonable.

Councillors advised officers that any tie-in should be specified as a condition rather than a legal agreement.

The motion was then put to the vote and it was **RESOLVED** by 5 votes for, 4 votes against and 1 abstention to **DELEGATE TO PERMIT** the application subject to conditions.

Item No. 3

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**

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

The registered speakers spoke in favour of the application.

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

Councillor Jackson asked about the advantage of having a temporary permission rather than a permanent one. Officers explained that a temporary permission would enable the business expansion plans to be tested before allowing a permanent permission. However, the application before the Committee was for a permanent dwelling.

On balance Councillor Jackson felt that the economic benefits to the local area would outweigh any harm to the greenbelt in this area.

Councillor Appleyard noted that the business concerned was viable and that a need had been proven for 24 hour staff accommodation to allow breeding and round the clock care for the horses and foals on site.

The Team Manager (Development Management) informed the Committee that to date there had been no requirement for a 24 on-site presence and that this would possibly only be required if the breeding part of the business were to expand.

Councillor Jackson stated that the business was made up of three parts namely, livery, teaching and breeding. The rural economy should be encouraged and this development would not cause great harm to the greenbelt. Councillor Jackson then moved to delegate to permit the application subject to conditions. This was seconded by Councillor Matthew Davies who noted the need for this accommodation if the business were to expand.

Councillor Crossley also supported the application to encourage a sustainable rural economy and to provide employment.

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

99 **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) 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. 16/04615/FUL

Site Location: Horseworld, Staunton Lane, Whitchurch – Residential development of 97 dwellings with land reserved for early years provision and alterations to the front boundary wall of Staunton Manor Farm, Staunton Lane, Whitchurch

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

The registered speakers spoke in favour of the application.

The local ward member, Councillor Paul May spoke in favour of the application.

Councillor Kew queried whether the application was premature bearing in mind that the Conservation Officer, Ecologist and Landscape Officer had stated that the application was not acceptable in its current form. The Case Officer explained that these officers had not yet provided comments on the amended plans and that the applicant had now considered and largely overcome the concerns they had raised.

Councillor Jackson requested a condition regarding the retention of the allotments. She also queried whether a condition was required to ensure that if the nursery school was not provided then this area be retained for community use. The Case Officer explained that there was provision in the S106 agreement regarding the allotments and further discussions would take place with the applicant. She also explained that the policy was clear regarding the provision of an early years facility but that any subsequent proposals would have to be considered on their own merits so it would be difficult to specify only community use for this area.

Councillor Crossley moved to delegate to permit the application subject to conditions. He noted that officers had done an excellent job and had listened to concerns raised by the local community and worked hard to resolve these. This was seconded by Councillor Kew.

The motion was put to the vote and it was **RESOLVED** by 9 votes in favour and 1 abstention to **DELEGATE TO PERMIT** the application subject to conditions and the completion of a Section 106 Agreement.

Item No. 2

Application No. 16/04629/FUL

Site Location: Kielder, Church Lane, East Harptree – Demolition of existing dwelling and erection of 4 dwellings with associated car parking, gardens and amenity space

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

The registered speakers spoke for and against the application.

Councillor Geoff Ward read out a statement from Councillor Tim Warren, local ward member, against the application.

Councillor Jackson asked a question regarding the removal of trees. The Case Officer explained that some trees would be removed to provide access to the site but that the majority of the landscaping would be retained.

Councillor Kew asked whether the hedgerows would be protected and the Case Officer confirmed that they would be protected during the construction phase through the use of conditions. There would also be a standard landscape condition.

The Case Officer also confirmed that the proposed materials to be used were considered to be appropriate and in keeping with the rest of the village.

Councillor Kew queried whether this was overdevelopment of the site. The Team Manager explained that if the application were refused due to overdevelopment then the Committee would have to be clear regarding the specific harm this would cause.

The Case Officer confirmed that the site was not within a critical drainage area and was outside of any flood risk area. It was considered that an appropriate drainage system could be secured through conditions.

Councillor Crossley moved that planning permission be granted subject to conditions. He felt that this was a large plot which was sufficient for 4 buildings. This was seconded by Councillor Kew who stressed the importance of using the correct materials and the retention of the hedges.

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

Item No. 3

Application No. 16/02230/FUL

Site Location: 10 Lymore Gardens, Twerton, Bath, BA2 1AQ – Change of use from a 4 bed dwelling (use class C3) to a 4 bed house of multiple occupation (HMO) (Use class C4)

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

planning permission. She explained that following the Stage 2 test, in accordance with the Supplementary Planning Document, the percentage of HMOs in the area was 20.48%. Councillor Matthew Davies asked a question regarding how the numbers of HMOs were calculated and whether or not the properties encroaching on the radius circle were counted. The Case Officer explained that these properties were not counted unless more than half of the building was included irrespective of the size of the garden. She stated that the 100m radius was calculated from a central point in the property and confirmed that this calculation had been double checked.

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

Councillor Kew acknowledged that there were problems with HMOs in this area; however, the application was in line with the Council's HMO policy. He then moved that planning permission be granted subject to the conditions set out in the report. This was seconded by Councillor Sally Davis.

Councillor Roberts noted that there was no proposed increase in the number of bedrooms in the property. She felt that the proposal could put further pressure on parking spaces in the area. The Case Officer explained that evidence from surveys undertaken by the Department for Communities and Local Government showed that for some tenures the level of car ownership is generally lower. The Team Manager (Development Management) pointed out that the Supplementary Planning Document (SPD) "Houses in Multiple Occupation in Bath" 2013 was a clear and material consideration that would be likely to be given great weight by an Inspector at appeal. It was further pointed out that the process for considering HMOs was clearly set out within the SPD including the process for assessing the number of HMOs in the 100m radius and that the proposal was in line with the Council's own SPD.

Councillor Jackson pointed out that the number of students in Bath had increased since 2013 and also that both universities were located on the fringes of the city and so students were more likely to use their own vehicles.

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

Councillor Roberts then moved that planning permission be refused due to insufficient car parking availability in the locality and over intensification of the dwelling taking into account the large amount of HMOs already in this area. This was seconded by Councillor Crossley.

Members also requested that the Council policy relating to HMOs be reviewed across the whole city as a matter of urgency and also that the Policy Development and Scrutiny Committee responsible for housing should consider this issue. The Chairman confirmed that the Cabinet Member for Housing was currently reviewing the policy.

The motion was then put to the vote and it was **RESOLVED** by 6 votes for, 1 vote against and 3 abstentions to **REFUSE** the application for the reasons set out above.

Item No. 4**Application No. 16/05085/FUL**

Site Location: 44 St Clement's Road, Keynsham, BS31 1AF – Demolition of existing garage and erection of 1 detached dwelling in its place

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

The registered speaker spoke in favour of the application.

Councillor Jackson stated that she felt the proposal would constitute overdevelopment of the site. She moved that planning permission be refused for the reasons set out in the report. This was seconded by Councillor Appleyard.

The motion was put to the vote and it was **RESOLVED** by 6 votes for, 2 votes against and 1 abstention to **REFUSE** planning permission for the reasons set out in the report.

Note: Councillor Simmons left the meeting while this item was considered and took no part in the discussion or vote.

Item No. 5**Application No. 14/05836/FUL**

Site Location: Land rear of Yearten House, Water Street, East Harptree – Erection of 8 dwellings and access

The Case Officer reported on the application and her recommendation to delegate to permit the application. 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 re-submitted to the Committee for consideration.

The registered speakers spoke for and against the application.

Following a question the Case Officer explained that the application was for 8 houses – 1 with 2 bedrooms, 6 with 3 bedrooms and 1 with 4 bedrooms.

Councillor Crossley was disappointed at the loss of the affordable unit and felt that it should be provided. Officers confirmed that one affordable housing unit had been agreed by the Committee when it considered the application in July as that was the requirement of policy at that time but that due to the changes there was now no policy justification on which to insist on affordable housing for this application. The Development Management Team Manager explained that there was no basis to require an affordable housing unit so the only option members would have, if following their 2015 resolution, would be to refuse the application on the basis that the change in circumstances was relevant to their previous consideration which was not advised.

Councillor Kew moved to delegate to permit the application subject to conditions.

This was seconded by Councillor Simmons.

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

Item No. 6

Application No. 16/05256/FUL

Site Location: Avalon House, Fosseway, Dunkerton, Bath – Erection of wall and feather edged panelling fence between pillars following removal of old fence (Retrospective) (Resubmission)

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

A statement by the applicant (who was unable to attend the meeting) was read out by the Democratic Services Officer.

Councillor Kew queried whether this could simply be resolved by cladding the wall that contained fence panels. Officers explained that to comply with the existing planning permission the applicant was also required to lower the height of the adjacent fence.

Councillor Jackson felt that the fence should be the same height along the whole boundary. She moved that planning permission be refused for the reasons set out in the report. This was seconded by Councillor Roberts.

The motion was put to the vote and it was **RESOLVED** by 5 votes in favour, 4 votes against and 1 abstention to **REFUSE** planning permission for the reasons set out in the report.

Item No. 7

Application No. 16/04535/FUL

Site Location: 33 Parklands, High Littleton, BS39 6LB

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

Councillor Kew noted that the Parish Council had objected to this application for reasons of overdevelopment of the site. However, he felt that the plot was quite large. He also noted that objections had been received regarding loss of light and height of the proposed development.

Councillor Roberts queried parking arrangements due to the loss of one garage. It was confirmed that there would be two parking spaces for the new property, one in the garage and one on the driveway. A new garage would be constructed.

Councillor Jackson felt that the development could overlook adjacent properties and queried whether a site visit would be helpful.

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

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

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

The Committee considered the appeals report. Members noted the decision to allow the appeal at Rough Ground and Buildings, Queen Charlton Lane. The Committee noted that the inspector had given weight to the personal circumstances of the applicant.

The Committee asked the Group Manager (Development Management) to provide some feedback on the implications of this decision. Members also requested an update on the current position regarding gypsy and traveller sites in the B&NES area including total numbers and details of whether there was a shortfall of a particular type of provision in light of the Queen Charlton appeal.

RESOLVED to **NOTE** the report.

The meeting ended at 6.00 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services