

DEVELOPMENT MANAGEMENT COMMITTEE

Minutes of the Meeting held

Wednesday, 8th February, 2017, 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

101 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

102 ELECTION OF VICE CHAIRMAN (IF DESIRED)

A Vice Chairman was not required on this occasion.

103 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence or substitutions.

104 DECLARATIONS OF INTEREST

- Councillor Eleanor Jackson declared an interest in planning application number 16/05498/AR as she knew the Chair of the Parish Council, who was speaking on the item, due to her involvement in the Britain in Bloom competition. She stated that she would leave the meeting while this item was considered and therefore would not speak or vote.
- Councillor Bryan Organ declared a disclosable pecuniary interest in planning application number 16/05771/FUL - 6 Fairways, Saltford as he was the applicant. He stated that he would leave the meeting while this item was considered and therefore would not speak or vote.

105 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was no urgent business.

106 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.

107 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

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

108 **MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 11 January 2017 were confirmed and signed as a correct record subject to the following amendment:

Page 7 – paragraph 5 – Add the wording:

“Councillor Jackson stated that the proposal would result in an unacceptable loss of amenity to neighbouring properties.”

109 **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. 16/04535/FUL

Site Location: 33 Parklands, High Littleton, BS39 6LB – Erection of a dwelling following demolition of the outbuilding

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

The registered speaker spoke against the application.

Councillor Kew, local ward member, stated that whilst he appreciated the concern of residents he did not feel that the development would be too intrusive. He noted that the area was already quite densely populated.

Councillor Jackson stated that she had found the site visit very helpful. She stated that the concerns of the neighbours regarding being overlooked should be taken into account. They would suffer loss of amenity due to the drop in land levels. If permission were to be granted she felt that an additional condition relating to screening between the new property and 26 Parklands should be included.

Councillor Roberts agreed with the need to consider screening and moved that planning permission be granted subject to the inclusion of an additional condition to

provide sufficient screening. This was seconded by Councillor Appleyard.

The Team Manager, Development Management, explained that the Committee could delegate authority to officers to negotiate with the applicant to provide appropriate screening or to impose a condition. He stated that a fence could appear dominant in this location and that a hedge may be more appropriate.

Councillor Roberts and Councillor Appleyard agreed to amend the motion to delegate to permit including a condition to ensure that appropriate and reasonable planting/screening was provided by the applicant.

Councillor Kew agreed that a hedge would be more appropriate than a high fence. He suggested that the existing hedge could be retained and extended if necessary.

The motion was put to the vote and it was **RESOLVED** by 6 for, 2 against and 2 abstentions, to **DELEGATE TO PERMIT** the application subject to the conditions outlined in the report and an additional condition to provide appropriate and adequate planting/screening along the boundary between the new property and 26 Parklands.

110 **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.
- 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. 16/04289/EFUL

Site Location: Ministry of Defence, Warminster Road, Bath – Erection of 6 apartment blocks to provide 87 new dwellings (Partial revision of application no. 14/02272/EFUL)

The Case Officer reported on the application and his recommendation to delegate to permit. He explained that the application would mean an increase of 39 units due to the replacement of some terraced housing with apartment blocks. He also pointed out an amendment to Condition 2 which changed the starting time for working hours on site (Mondays to Fridays) from 7.30am to 8am.

The registered speakers spoke for and against the application.

The local ward member, Councillor Matt Cochrane, spoke against the application.

In response to a question the Case Officer confirmed that the nearest properties to the development were approximately 35 metres away. He also confirmed that the land sloped away to the North.

Councillor Organ stated that he would like the Development Management Committee to be kept informed of progress on the various aspects of the Section 106 agreement if permission was granted.

Councillor Crossley asked a question regarding the affordable housing aspect of this scheme. The Case Officer explained that the scheme permitted in 2014 consisted of 40% affordable housing. The revised application consisted of 33% affordable housing. An independent viability appraisal had been carried out and the revised scheme would return a 19.33% profit (as opposed to 13% under the original scheme). The rent reduction programme had affected profitability along with some unknown development costs. The surplus £400k would be commuted to the Council to fund the off-site provision of affordable housing. Councillor Crossley remained concerned at the reduction in the percentage of affordable housing in the development. The Case Officer confirmed that there was no reduction in the number of affordable housing units which remained at 81.

Councillor Appleyard also expressed concern at the reduced percentage of affordable housing and pointed out that house prices were likely to increase once the scheme was completed. He questioned the viability process.

Councillor Veale stated that he felt the original scheme had been very good but that he could not support the revised application.

Councillor Jackson then moved that planning permission be refused for the following reasons:

- the development is an inappropriate development for the gateway to a world heritage site
- the height of the buildings would have an adverse impact on the amenity of the area
- the development would have an unacceptable impact on the vista of the city
- environmental reasons, such as light spillage would impact on wildlife; and
- the asymmetrical design is unacceptable so close to the road.

She also pointed out that the Urban Design Officer and Historic England had both made objections to the scheme which should be taken into account.

Councillor Appleyard seconded the motion as he felt the scheme was not policy compliant with regard to the percentage of affordable housing units. He also had concerns regarding the view of the development from the opposite side of the valley.

Councillor Kew stated that he did not believe that the application should be refused. This was an appropriate development that would provide 81 affordable housing units which were needed in Bath. The development would be on a brownfield site and the increased density was appropriate for the central Bath location. The height of the

buildings was not a great concern because the buildings would be set into the ground.

The Team Manager, Development Management, pointed out that the Committee was not considering the application afresh but only looking at the changes to be made to the original application. There were only minor changes to the footprint and if refused the level of harm would need to be clarified. The Ecologist had raised no objection to the proposals so it would be difficult to include ecological reasons for refusal and to demonstrate evidence of harm. The level of affordable housing could be affected by viability rules and if potential profits reduce then a development could be considered to be unviable.

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

Councillor Kew then moved the revised officer recommendation set out in the update report to delegate to permit the application subject to completion of a s106 agreement and conditions. This was seconded by Councillor Organ.

The motion was then 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 and it was **RESOLVED** to **DELEGATE TO PERMIT** the application subject to a s106 agreement and conditions.

Item No. 2

Application No. 16/05094/FUL

**Site Location: Beechen Cliff School, Kipling Avenue, Bear Flat, Bath BA2 4RE
– Extend bank southwards using existing on site spoil heap to create wider playing field**

The Case Officer reported on the application and his recommendation to permit. He explained that this was a partially retrospective application.

The registered speakers spoke for and against the application.

Local ward members, Councillors Ian Gilchrist and Mark Shelford, spoke regarding the application and asked the Committee to consider visiting the site.

Councillor Becker proposed that consideration of the application be deferred for a site visit. This was seconded by Councillor Appleyard.

Councillor Jackson stated that she did not feel that a site visit was necessary on this occasion.

The motion was put to the vote and there were 4 votes for, 4 votes against and 2 abstentions. The Chairman then used her casting vote in favour of the motion and it was therefore **RESOLVED** to **DEFER** consideration of the application pending a site visit.

Item No. 3

Application No. 16/04499/FUL

Site Location: 17 Station Road, Welton, Midsomer Norton, BA3 2AZ – Erection of 6 new dwellings following demolition of existing dwelling and outbuildings (resubmission) – revised plans

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

The registered speaker spoke against the application.

Councillor Crossley asked a question regarding the inclusion of the building within the Midsomer Norton Conservation Area Character Assessment. The Case Officer explained that the building was not referred to in the 2004 Character Assessment but that this document was currently being updated, although the building was also not referred to in the latest draft.

Councillor Jackson was concerned regarding the impact of the development on nearby dwellings. She also asked whether there would be any impact on Welton Vale as the development was on higher ground. The Case Officer felt that there would not be a significant impact and that the development would not be detrimental to the local amenity.

Councillor Kew then proposed that a site visit take place to view the building and to consider whether it should be preserved. This was seconded by Councillor Jackson.

The motion was put to the vote and it was **RESOLVED** by 8 votes for and 2 votes against to **DEFER** consideration of the application pending a site visit.

Item No. 4

Application No. 16/04261/FUL

Site Location: Unit 2, Lymore Gardens, Twerton, Bath, BA1 1AQ – Erection of 5 three bedroom, 2 two bedroom and 1 one bedroom flats following conversion and adaptation of warehouse

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 Case Officer explained that there were three entrances to the property, two of which were accessed via Lymore Gardens. She also confirmed that there had been attempts to market the property as a warehouse but that this had been unsuccessful. The white line road markings would be removed and there would be a dropped kerb to serve the garage.

Councillor Roberts stated that she understood the parking issues raised by the local ward councillor and regretted the loss of an industrial unit. However, there was provision for one parking space for each new property and cycle storage would be available. She moved the officer recommendation that planning permission be granted subject to conditions.

Councillor Kew seconded the motion. He stated that he also had sympathy with the views put forward by the local councillor but noted that the industrial units had not been sold and therefore supported a change of use.

Councillor Becker queried whether the industrial unit could be demolished as it seemed ridiculous to be retaining it in a residential area.

Councillor Jackson supported the application and noted that the apartments would be suitable for young professionals.

The motion was put to the vote and it was **RESOLVED** by 7 votes for and 3 against to **PERMIT** the application subject to the conditions set out in the main agenda report and update report.

Item No. 5

Application No. 16/05453/FUL

Site Location: Box Bush, Bromley Road, Stanton Drew – Erection of 2 storey annexe and single storey extension following demolition of existing single storey annexe

The Case Officer reported on the application and her recommendation for refusal. She explained that the property was outside the housing development area of the village.

The registered speakers spoke in favour of the application.

Councillor Karen Warrington, the local ward member, spoke in favour of the application.

Councillor Jackson did not support the reasons put forward by the applicant in support of the proposal and moved that planning permission be refused as per the officer recommendation. This was seconded by Councillor Appleyard.

Councillor Crossley asked whether a tie could be placed on the property stating that it could not be sold separately from the main dwelling. The Team Manager explained that although there could be a tie-in to the main property, due to the size of the proposal, it would be difficult to defend such an approach in policy terms. A legal agreement could be used but, again, this would be difficult to defend in this case.

The Team Manager went on to advise that the property was in a prominent location and would affect the visual amenity of the greenbelt due to the change from one storey to two storeys. Members were advised to consider whether it would affect openness and should take into account the policies relating to the greenbelt.

Councillor Appleyard stated that he understood the objectives for the proposed development but noted that guidelines and policies should be followed.

The motion was put to the vote and it was **RESOLVED** by 8 votes for and 2 votes against to **REFUSE** the application for the reasons set out in the report.

Item No. 6

Application No. 16/04960/FUL

Site Location: Beaumont House, Lansdown Road, Bath – Erection of three storey side extension to provide 3 residential apartments with associated parking and landscaping

The Case Officer reported on the application and her recommendation to permit. She informed the Committee that one further letter of objection had been received.

The registered speakers spoke in favour and against the application.

Councillor Jackson proposed a site visit; however this motion did not receive a seconder. She felt that the proposal was a radical change to the building which would alter the original concept.

Councillor Kew moved the officer recommendation that planning permission be granted subject to conditions. He felt that this was a good proposal, an excellent design and that it would enhance and balance the building. This would provide three new dwellings which were needed in this area. Councillor Appleyard seconded the motion.

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

Item No. 7

Application No. 16/05498/AR

Site Location: Bristol Water Visitor Centre and Tea Room, Walley Lane, Chew Magna – Display of 2 externally illuminated entrance signs to replace previous signs to the entrance to Chew Valley Lake picnic area and Salt & Malt Café and public car park (Resubmission)

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

The registered speaker spoke in favour of the application.

Councillor Liz Richardson, local ward member, spoke in favour of the application.

Councillor Crossley supported the Parish Council and felt that the signs should be permitted. He stated that the downlighting was acceptable and that the signage would help to advertise a local business and increase the usage of this enterprise. He then moved that consent be granted on the basis that the signs would enhance the economic viability of the enterprise and add to the visitor attraction. This was seconded by Councillor Appleyard who stated that the signs would support the business and assist motorists in finding the attraction.

Councillor Kew felt that the officer recommendation to refuse the application was correct. He was not opposed to a sign in this location but felt that the proposed design was not suitable for an Area of Outstanding Natural Beauty and Special Protection Area. An improved design which was more in keeping with the area should be sought.

The Team Manager stated that the officer opinion was that the size and illumination of the proposed sign was unacceptable in this location but there was not an objection to a sign per se.

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

Councillor Kew then moved that consent be refused for the reasons set out in the report. This was seconded by Councillor Matthew Davies.

The motion was put to the vote and it was **RESOLVED** by 4 votes for, 2 votes against and 3 abstentions to **REFUSE** the application for the reasons set out in the report.

Note: Having declared an interest in this matter, Councillor Jackson left the meeting while the application was considered and did not speak or vote on this item.

(Councillor Roberts left the room at this point in the meeting).

Item No. 8

Application No. 16/05771/FUL

Site Location: 6 Fairways, Saltford, BS31 3HX – Erection of single storey front extension, installation of 2 windows to side elevations and construction of additional parking area

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

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

Note: Having declared a disclosable pecuniary interest in this matter, Councillor Organ left the meeting while the application was considered and did not speak or vote on this item.

Item No. 9

Application No. 16/05508/FUL

Site Location: 18 Upper Camden Place, Walcot, Bath BA1 5HX – Installation of proposed mansard roof and associated dormer windows to front and rear elevations

Item No. 10

Application No. 16/05509/LBA

Site Location: 18 Upper Camden Place, Walcot, Bath, BA1 5HX – Internal and external alterations to install mansard roof and associated dormer windows to front and rear elevations

The Case Officer reported on the applications and her recommendation to refuse. She drew attention to the update report which stated that the Ecologist had advised

that an ecology survey was required in support of the application. This information had not yet been received.

The registered speakers spoke in favour of the application.

Councillor Kew stated that he was sympathetic to the applications and felt that there would be no significant harm. He noted that there were already some properties in the area with mansard roofs and felt that the street scene would be enhanced. He pointed out that there was already a mixture of roof types in this street. Councillor Kew then moved to delegate to permit the application subject to conditions, noting the need to deal with any outstanding ecological issues. Councillor Matthew Davies seconded the motion.

Councillor Jackson strongly opposed the applications and stated that the Committee should take into account the comments expressed by Bath Preservation Trust and Historic England. She felt that the internal staircase should not be lost. The proposed roof was too big and would be dominant and overbearing upon the street scene.

The Team Manager stated that listed building consent for a mansard roof had previously been granted for this property in 1988 and 1993; however, planning policies and guidance relating to listed buildings had since been strengthened. These policy changes now stressed the importance of preserving historic features. Historic England had raised objections in the light of current Council policy and the NPPF.

The Principal Solicitor advised the Committee that if they were minded to grant planning permission and listed building consent then they should defer their decision until the outstanding ecology information had been submitted and considered.

Members were also advised that this would give officers the opportunity to clarify whether the internal staircase would be retained or removed as there appeared to be some confusion on this point.

Following this advice Councillor Kew, with the consent of Councillor Matthew Davies withdrew his motion. He then moved that consideration of the applications be deferred pending a site visit and an ecology report.

The motion was then put to the vote and it was **RESOLVED** unanimously to **DEFER** consideration of the applications pending a site visit and an ecology report.

(Councillor Roberts returned to the meeting room)

Item No. 11

Application No. 16/05059/FUL

Site Location: 5 Crown Hill, Upper Weston, Bath, BA1 4BP – Erection of single storey rear extension

Item No. 12

Application No. 16/05060/LBA

Site Location: 5 Crown Hill, Upper Weston, Bath, BA1 4BP – Demolition of rear extensions and construction of new single-storey extension, replacement of

dormer (front and rear) and casement (rear) windows and stone cleaning to front façade

The Case Officer reported on the applications and her recommendation to grant planning permission and listed building consent.

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** the application for planning permission and to **GRANT** listed building consent.

111 QUARTERLY PERFORMANCE REPORT - OCTOBER TO DECEMBER 2016

The Committee considered the quarterly performance report for the period from October to December 2016. Members queried the figure for the number of “invalid” applications which was quoted as being 41%. The Team Manager agreed to look into this and respond to members after the meeting.

RESOLVED to **NOTE** the report.

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

The Committee considered the appeals report.

RESOLVED to **NOTE** the report.

The meeting ended at 6.00 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services