

DEVELOPMENT MANAGEMENT COMMITTEE

Minutes of the Meeting held

Wednesday, 31st May, 2017, 2.00 pm

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

1 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

2 ELECTION OF VICE CHAIRMAN (IF DESIRED)

A Vice Chairman was not required on this occasion.

3 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillor Paul Crossley – substitute Councillor Ian Gilchrist.

4 DECLARATIONS OF INTEREST

(a) Councillor Kew asked that it be recorded that he had considered whether he had an interest in item number 17/00955/FUL – Wansdyke Business Centre - due to owning an industrial estate in Temple Cloud. He had taken advice and considered this did not constitute an interest. He would therefore take part in the debate and decision making on this item.

(b) Councillor Veale stated that he had an “other” interest in item number 17/00299/OUT as he was a Camerton school governor. However, as he did not consider this interest was significant to prejudice his judgment he would take part in the debate and decision making on this item.

5 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was no urgent business.

6 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.

7 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

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

8 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 3 May 2017 were confirmed and signed as a correct record subject to the following amendment:

Minute 144 – Item No. 3 – Add the words “Councillor Jackson requested a definition in due course of what actually constitutes a trading estate.”

9 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. 17/00568/FUL

Hartley Farm Cottage, Hartley Lane, Swainswick, Bath, BA1 8AF – Erection of side and rear extensions (Revised proposal)

The Case Officer reported on the application and her recommendation for refusal. She explained that the proposal would lead to a 130% volume increase to the original building.

The registered speakers spoke in favour of the application.

Councillors Veal and Ward, local ward members, spoke in favour of the application.

Councillor Jackson asked a question regarding the rules relating to the extension of a rendered property in the greenbelt. The Case Officer explained that it was not possible to extend a rendered building under permitted development rights in an Area of Outstanding Natural Beauty. A planning application was therefore required.

The Group Manager, Development Management, explained that a recent application for a similar scheme had been refused under delegated powers, in part owing to the impact of the proposal on the Green Belt by reason of inappropriate development

and the design of the proposal.

Councillor Kew moved that the Committee delegate to permit the application. He stated that the site visit had been very helpful and that it had been useful to see the size and condition of the existing property which was very small. He also noted the strong support for this application from the local Councillors and the Parish Council. He stated that the special reasons for permitting the application were to keep the family (who had lived in the area all their lives) together and to comply with the Disability Discrimination Act. He felt that there would be very little impact on the Green Belt. The motion was seconded by Councillor Matthew Davies.

Councillor Roberts felt that the proposal would not be detrimental to the character and appearance of the building.

Councillor Jackson noted that the Committee should not take the personal circumstances of the applicant into account when making decisions. She felt that a revised design would be more appropriate and that this could be achieved within the existing footfall.

Councillor Appleyard felt that the personal circumstances did not carry enough weight to make a decision that was contrary to policy and also stated that the design could be improved.

The motion was then put to the vote and it was RESOLVED by 7 votes for, 2 votes against and 1 abstention to DELEGATE TO PERMIT the application subject to conditions.

10 **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. 17/00955/FUL

Site Location: Wansdyke Business Centre, Oldfield Lane, Oldfield Park, Bath – Demolition of the existing buildings and structures (partial retention of façade fronting/adjoining Monksdale Road) and mixed-use redevelopment to provide 126 student studios (Sui Generis), commercial units (B1, B8), fitness centre (D2), coffee shop (A3), with associated access, parking and servicing space,

landscaping and associated works (Resubmission)

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

The registered speakers spoke for and against the application.

The local ward members, Councillors Shaun Stephenson-McGall and Will Sandry spoke against the application.

(Note: At this point Councillor Bryan Organ left the meeting).

The Group Manager (Development Management) explained that the previous application for this site had been determined by officers under delegated powers and that this should be taken into account by the Committee when making its decision.

Councillor Kew felt that a decision should not be made at this meeting because he had not seen the site and given the large number of objections and the comments of local members it was important to do so. He pointed out that 410 representations had been received, of which 408 were against the application. He then moved that consideration of the application be deferred pending a site visit. This was seconded by Councillor Veale.

Councillor Appleyard was concerned about car parking in the area and asked how successful the use of a Section 106 agreement to deliver a car-free environment would be. Officers explained that the planning enforcement team would be required to undertake observation and log information which would then be raised with the University if students were bringing their cars to the area. Councillor Appleyard requested that a report be brought to a future meeting giving details of how effective the enforcement of student parking controls had been in the past.

The motion was then put to the vote and there were 4 votes in favour, 4 votes against and 1 abstention. The Chair then used her casting vote against the motion which was therefore LOST.

Councillor Jackson stated that she felt the design was unsuitable, ugly and unsightly. This was not the right location for this building as it should be an employment site. She then moved that the application be refused for poor design reasons and due to the adverse impact the development would have on the Grade II* listed Church of Our Lady and St Alphege.

Councillor Roberts seconded the motion and stated that she believed the Council should review its policy on HMO properties.

The Group Manager, Development Management, outlined the reasons for refusal of the previous application for this site and advised members not to introduce new reasons which would be difficult to defend on appeal. He stated that there had now been significant changes to the design.

Councillor Jackson stated that each application should be considered on its merits and felt that the application, although an improvement, was still contrary to the NPPF and that the density was too high for the area.

Councillor Appleyard noted that the application had not previously been considered by the Development Management Committee and stated that he understood local concerns.

Councillor Veale expressed concern about the parking arrangements for the development.

The motion was then put to the vote and it was RESOLVED by 5 votes for, and 4 abstentions to REFUSE the application for reasons of poor design and adverse impact on a Grade II* listed church building.

(Note: At this point Cllr Bryan Organ returned to the meeting).

Item No. 2

Application No. 17/00504/REG03

Site Location: Private Parking Area East of Horstman Defence Building, Locksbrook Road, Newbridge, Bath – Provision of vehicle parking and erection of 2 secure storage containers, office and staff amenity building, road sweeper and street litter bay, waste storage skips, vehicle wash down area and associated landscaping, lighting and security fixtures following demolition of existing buildings on site

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

The registered speaker spoke against the application.

Councillor Chris Pearce, local ward member, spoke against the application.

Councillor Appleyard asked a question regarding the accepted noise levels for an industrial area. The Case Officer explained that the noise survey took into account the existing background noise levels and whether significant harm would be caused.

Councillor Becker asked a question regarding traffic levels. The Case Officer explained that the highways team considered that there would be less movement at morning and evening peak hours, there would be around 12 more movements per day but that there would be fewer HGV vehicles.

Councillor Jackson asked about the hours of operation. The Case Officer explained that there would be no reversing alarms active between 6am and 7am.

Councillor Kew moved that the application be permitted subject to conditions. 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 PERMIT the application subject to the conditions set out in the report.

Item No. 3

Application No. 15/05152/FUL

Site Location: Church Hall, School Lane, Batheaston, Bath – Erection of a new single storey village hall including activity rooms, kitchen, toilets, stores and associated external works following demolition of the existing Church Hall

(resubmission)

The Case Officer reported on the application including note of a legal opinion received at the start of the meeting from the agent of another application and her recommendation to permit.

The registered speakers spoke in favour of the application.

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

Councillor Kew noted the detailed officer report and the fact that all local members and the Parish Council supported the application. He moved that the application be permitted subject to conditions. This was seconded by Councillor Roberts.

Councillor Jackson stated that this was a much needed facility and noted the great deal of local support.

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.

(Note: At this point Councillor Roberts left the meeting).

Item No. 4

Application No. 16/05845/FUL

Site Location: East Barn, Whitecross Farm, Bristol Road, West Harptree – Conversion of existing barn to office accommodation (Use Class B1)

The Case Officer reported on the application and the recommendation to permit. It was noted that two additional conditions were set out in the update report. The Case Officer also explained that officers believe the application can be considered to be retrospective but that this was inconsequential.

The registered speakers spoke for and against the application.

Councillor Tim Warren, local ward member, read out a statement from West Harptree Parish Council against the application.

Councillor Organ stated that he was familiar with this site and pointed out that there were problems with access and turning. He moved that consideration of the application be deferred pending a site visit. This was seconded by Councillor Appleyard.

The motion was then put to the vote and it was RESOLVED by 8 votes for and 1 abstention to DEFER consideration of the application pending a SITE VISIT.

(Note: At this point Councillor Roberts returned to the meeting).

Item No. 5

Application No. 17/00652/LBA

Site Location: 14 & 15 Union Street, Bath, BA1 1RR – Conversion to 14-15 Union Street of existing ancillary retail upper floors to form 4 flats, erection of

**a roof extension to form 1 flat, associated internal and external works;
replacement upper storey windows (re-submission)**

Item No. 6

Application No. 17/00651/FUL

Site Location: 14 & 15 Union Street, Bath, BA1 1RR – Conversion to 14-15 Union Street of existing ancillary retail upper floors to form 4 flats, erection of a roof extension to form 1 flat, associated internal and external works; replacement upper storey windows (re-submission)

The Case Officer reported on the applications and the recommendation to refuse.

The registered speaker spoke in favour of the applications.

Councillor Peter Turner, local ward member, spoke in favour of the applications.

Councillor Jackson moved that the applications be refused for the reasons set out in the report. She felt that the applications would not conserve or enhance the roofscape and was concerned that other properties could be overlooked. The proposal was too high and out of keeping with the area. The motion was seconded by Councillor Roberts.

Councillor Kew felt that the proposal was innovative and would not affect the Bath roofscape. This would provide much-needed, well designed living accommodation and would assist the night-time economy.

The motion was then put to the vote and there were 3 votes in favour and 7 votes against. The motion was therefore LOST.

Councillor Kew then moved that the Committee delegate to permit the application and to grant listed building consent subject to conditions, as there would be no effect on the roofscape and there was a need for residential accommodation in the centre of Bath. This was seconded by Councillor Matthew Davies who stated that it demonstrated a good use of space in the city centre.

In response to a question from Councillor Jackson the Group Manager explained that these applications added one further unit to the building. The concern of officers was the design of the mansard roof feature which was of an increased height and not considered appropriate for the area.

The motion was then put to the vote and it was RESOLVED by 7 votes in favour and 3 votes against to DELEGATE TO PERMIT application no. 17/00651/FUL subject to conditions and to DELEGATE TO GRANT listed building consent for application no. 17/00652/LBA subject to conditions.

Item No. 7

Application No. 17/00299/OUT

Site Location: Land between Homelands and 10 Camerton Hill, Camerton – Outline planning application for the erection of 1 single storey dwelling (Resubmission)

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

The registered speakers spoke for and against the application.

Councillor Veale moved that consideration of the application be deferred pending a site visit due to the concerns expressed by local residents. This was seconded by Councillor Jackson.

The motion was then 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.

Item No. 8

Application No. 17/01208/FUL

Site Location: Avonlea House, Station Road, Freshford, Bath – Erection of single storey side extension

The Case Officer reported on the application and her recommendation to permit. It was noted that the 30% volume increase to the property was considered to be proportionate.

The registered speaker spoke against the application.

Councillor Jackson stated that it was difficult to understand the distances involved.

Councillor Kew felt that the extension was very large and seemed disproportionate. He then moved that consideration of the application be deferred pending a site visit. This was seconded by Councillor Organ.

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

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

The Committee considered the appeals report. Councillor Jackson stated that Westfield Parish Council was very upset and disappointed with the outcome to allow the appeal relating to Parcel 5472, Cobblers Way, Westfield, Radstock.

RESOLVED to **NOTE** the report.

The meeting ended at 5.25 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services