

DEVELOPMENT MANAGEMENT COMMITTEE

Minutes of the Meeting held

Wednesday, 18th October, 2017, 2.00 pm

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

56 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

57 ELECTION OF VICE CHAIRMAN (IF DESIRED)

A Vice Chairman was not required on this occasion.

58 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from:

Cllr Rob Appleyard

Cllr Les Kew – substitute Cllr Patrick Anketell-Jones

Cllr David Veale – substitute Cllr Brian Simmons

59 DECLARATIONS OF INTEREST

There were no declarations of interest.

60 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was no urgent business.

61 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.

62 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

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

63 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 20 September 2017 were confirmed and signed as a correct record subject to the following amendments:

Minute 54 – Item 1 – Application No. 17/01466/FUL – paragraph 5 – Add the words “Cllr Eleanor Jackson explained the viewpoint of Westfield residents.”

Minute 54 – Item 5 – Application No. 17/01542/FUL – paragraph 4, Delete the words “Cllr Crossley acknowledged the limited increase in jobs arising from the proposal” and replace with the words “Cllr Crossley acknowledged that no new jobs would be created by the proposal.”

64 **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. 17/02591/FUL

Site Location: 143 Calton Road, Lyncombe, Bath, BA2 4PP – Erection of 2 townhouses following demolition of existing 2 bed apartment

The Case Officer reported on the application and the recommendation to permit. He explained that an additional condition was now suggested as follows:

“Notwithstanding the approved plans, the lower half of the first floor and second floor windows on the rear elevation hereby approved shall be non-opening and obscurely glazed and retained as such in perpetuity.”

The registered speakers spoke for and against the application.

Councillor Ian Gilchrist, local Ward Member, spoke against the application.

Councillor Becker, local Ward Member on the Committee, noted that the proposal would have an adverse shadowing effect on the neighbours situated below the property. He felt that further information was required, in particular, an impact study to ascertain the level of impact on neighbouring properties. The Case Officer explained that an impact assessment had already been provided. The Group Manager advised the Committee that there would be some impact on neighbours but it was for members to make a judgement “on balance” as to whether the application should be permitted or refused.

Councillor Jackson asked a question relating to the doorway on the front wall of the property. The Case Officer confirmed that this doorway would be demolished if the development went ahead. The Highways Officer confirmed that there was no allocated parking for the proposed development as it was in a sustainable location close to the city centre, train and bus stations.

Councillor Becker then moved that the application be refused for reasons of overdevelopment, shadowing and blocking of access. This was seconded by Councillor Roberts.

Councillor Anketell-Jones noted that the hillside location was a part of living in the World Heritage city of Bath. Infill development provided much needed housing and was a necessary intensification of use. This proposed new build was in keeping with the Conservation Area and was subservient to its neighbour. He did not see the reduction in lighting as significant.

Councillor Organ supported the officer recommendation and did not feel that the shadowing issue was significant.

Councillor Jackson felt that the current building did not enhance the Conservation Area and that the proposed development would be a marked improvement.

The motion was then put to the vote and there were 3 voted in favour, 6 votes against. The motion was therefore LOST.

Councillor Jackson then moved the officer recommendation 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 3 votes against to PERMIT the application subject to the conditions set out in the main report and update report.

Item No. 2

Application No. 17/01708/FUL

Site Location: 2 Manor Farm Cottages, Anchor Lane, Combe Hay, Bath – Interior and exterior alterations including a two-storey extension and creation of new vehicle access

Item No. 3

Application No. 17/01709/LBA

Site Location: 2 Manor Farm Cottages, Anchor Lane, Combe Hay, Bath – Interior and exterior alterations (part retrospective) including a two-storey extension and partial demolition of rear boundary wall to create a vehicle access

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

The registered speaker spoke for the application.

Cllr Jackson noted that the renovation work to the house was necessary but that the current proposal was unjustified given that the building was listed. Many residents in

the area do not park on their drives but in the street and there were no parking restrictions in the area. The ditch around the property also provided a habitat for wildlife. Cllr Jackson then moved the officer recommendation to refuse.

Cllr Organ seconded the motion and stated that the proposed driveway was too large for this Conservation Area.

Cllr Crossley stated that the long driveway was intrusive and domineering in this village location.

Cllr Anketell-Jones stated that he felt the application, if approved, would lead to “suburbanisation” in Combe Hay and that the village character should be maintained.

The Group Manager explained that the Committee could give weight to the reinstatement of the wall and the removal of cars from the highway. This should then be balanced against any harm to the character of the village.

The motion was put to the vote and it was RESOLVED unanimously to REFUSE the planning application and listed building consent application for the reasons set out in the officer report.

65 **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 4 and 5 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. 17/02607/FUL

Site Location: University of Bath, Claverton Down, Bath – Works to refurbish existing waste compound with the erection of raised canopy to cover plant, erection of new welfare unit following demolition of existing, relocation of confidential waste shed and alterations to entrance roadway

The Case Officer reported on the application and his recommendation to permit. He informed the Committee that an additional condition was proposed to ensure that the canopy building was constructed prior to the installation of any mechanical plant.

The registered speakers spoke for and against the application.

The local Ward Member, Cllr Matt Cochrane, spoke against the application.

In response to questions from members the Case Officer and Highways Officer clarified the following matters:

- The proposal would result in fewer vehicle movements on the campus as the volume of waste would decrease. There would be a reduction from 2 collections to 1 collection every 2-3 weeks.
- If the level of noise generated exceeded the levels specified by the conditions then residents could report this to the Council and, if a breach had occurred, measures could be put in place to resolve the issue.
- If the required operating hours were exceeded then this could be dealt with by enforcement action.
- No new types of waste would be dealt with at the site.

Cllr Crossley stated that the local residents had been surprised by this application and felt that the University should have discussed plans with their neighbours at an early stage. He noted that there were alternative sites on the University campus that could be used for a waste compound. He felt that the application now represented a change of use and intensification from storage to compacting waste which required further debate. He moved that the application be refused for the following reasons:

- Lack of consultation with local residents
- Intensification of use of the site
- Change of use of the site from waste storage to waste processing and removal

The motion was seconded by Cllr Roberts.

The Group Manager explained that the usual consultation process for planning applications had been carried out by the Council in this case. The application did not fall into the category of a major waste application. A waste facility was already sited in this location and the compacting facility would mean that fewer trucks would need to visit the site.

The motion was put to the vote and there were 3 votes in favour and 6 votes against. The motion was therefore LOST.

Cllr Jackson then moved the officer recommendation to permit the application. This was seconded by Cllr Organ.

Cllr Anketell-Jones stated that it would be essential to monitor noise levels in this location.

The motion was put to the vote and it was RESOLVED by 6 votes for and 3 against to PERMIT the application subject to the conditions set out in the officer report plus the additional condition outlined by the Case Officer regarding the canopy building.

Item No. 2**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 the recommendation to refuse. She explained that the application was being brought back to the Committee for consideration following a decision to quash the previous planning approval which had been subject to a successful legal challenge. The reason for this decision was that a non-designated heritage asset had not been properly considered when the application was determined. The previous decision should now be disregarded by the Committee.

The Group Manager informed the Committee that the Placemaking Plan policy HE1 stated that there should be a presumption in favour of safeguarding and retaining buildings and to seek alternative uses for them in the first instance. The distinction between policies HE1 and BH7 were outlined. It was noted that the Committee had previously visited the site and had viewed the existing brewery stables.

The registered speaker spoke against the application.

Cllr Jackson pointed out the historical importance of the brewery stables which were very rare. She was surprised that only one reason for refusal had been set out in the officer report. She moved that permission be refused for the following reasons:

- Poor design
- Unsustainable location – buses only run every two hours, it is a long walk to the main bus stops and there are no places available at the nearest schools
- The site is currently an employment site and should not be residential in order to prevent “suburbanisation.”

The motion was seconded by Cllr Crossley who agreed that the existing buildings should not be demolished.

Cllr Anketell-Jones stated that the existing buildings on the site should have some degree of protection to enable them to be safeguarded and reused.

In response to a question the Group Manager confirmed that officers consider that the existing buildings do make a positive contribution to the location. He advised the Committee to refuse the application for the reason set out in the officer report rather than to introduce new reasons which could be difficult to defend. The planning inspector had already ruled that the design and sustainability of the site were acceptable.

The motion was put to the vote and there were 2 votes in favour, 6 votes against and 1 abstention. The motion was therefore LOST.

Cllr Crossley moved the officer recommendation to refuse. This was seconded by Cllr Roberts.

The motion was put to the vote and it was RESOLVED by 8 votes for and 1 abstention to REFUSE the application for the reason set out in the officer report.

Item No. 3

Application No. 17/02826/FUL

Site Location: Matfen House, Packhorse Lane, Southstoke, Bath – Erection of single storey garden room extension and first floor bedroom extension over garage

The Case Officer reported on the application and her recommendation to permit. She explained that further representations had been received regarding the application. In response to the issues raised she confirmed that:

- the Conservation Officer had not needed to be consulted on the application.
- officers had considered whether a Heritage Asset Assessment was required and had concluded that it was not necessary in this case.
- The Case Officer had visited the site.
- Officers felt that the proposal would enhance the Conservation Area.

The registered speaker spoke in favour of the application.

Cllr Neil Butters, local Ward Member, spoke regarding the application and read out a statement from Mrs John, a local resident who had objected to the application.

Cllr Anketell-Jones stated that the extension appeared to be a good design and he welcomed the condition requiring external wall materials to match those of the existing dwelling. He moved the officer recommendation to permit. This was seconded by Cllr Organ.

The motion was put to the vote and it was RESOLVED by 8 votes for and 1 against to PERMIT the application subject to the conditions set out in the report.

Item No. 4

Application No. 17/03041/FUL

Site Location: 28 Meadlands, Corston, Bath, BA2 9AS – Erection of single storey rear extension

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

The registered speakers spoke for and against the application.

A statement from Corston Parish Council was also read out.

Cllr Sally Davis, local Ward Member, stated that there was a height difference between neighbouring properties. The property was in the housing development boundary and there were existing permitted development rights. The main issue was loss of light to the neighbouring property.

In response to a question the Case Officer explained that an assessment on the amenity of the neighbouring property had taken place and, although there would be some loss of light, this was not considered to warrant refusal of the application.

Cllr Roberts moved that consideration of the application be deferred pending a site visit to fully understand the issues raised. This was seconded by Cllr Jackson.

The motion was put to the vote and it was RESOLVED, by 4 votes in favour, 2 votes against and 3 abstentions to DEFER consideration of the application pending a site visit.

Item No. 5

Application No. 17/03012/LBA

Site Location: The Clock House, Bathford Hill, Bathford, Bath, BA1 7SW – Replacement front door (Retrospective)

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

Cllr Jackson noted that only one door had been replaced which did not improve the appearance of the building. She moved the officer recommendation to refuse. This was seconded by Cllr Crossley.

The motion was put to the vote and it was RESOLVED unanimously to REFUSE the application for the reasons set out in the report.

Item No. 6

Application No. 16/04872/FUL

Site Location: Church Hall, School Lane, Batheaston, Bath – Erection of new single storey Church Hall, activity rooms, kitchen, toilets, stores and associated car park/landscaping and external works following demolition of existing Church Hall

The Case Officer reported on the application and her recommendation for approval. She explained that the application was being brought to the Committee as the applicant had appealed for non-determination. Plans had now been submitted and members could only resolve as to what decision they would make had they been able to determine the application.

There was already a permission to build a hall on this site. If this application were to be permitted then either plan could be implemented going forward.

In response to a question the Case Officer explained that a notification of the planning application had been served on the landowner of the site. Once notified it would be for the applicant and landowner to agree as to which plan goes ahead.

Cllr Organ moved the officer recommendation to permit. This was seconded by Cllr Matthew Davies.

Cllr Jackson expressed concern about potential damage to trees which would not conserve or enhance the Conservation Area.

Cllr Crossley noted that this was a smaller scheme than the one that had previously been approved and that it also contained a car park area. Car parking did not appear to be an issue in this location and open space could be lost.

The motion was put to the vote and it was RESOLVED by 6 votes for and 3 against that, had an appeal on the grounds of non-determination not been submitted, the Committee would have PERMITTED the application.

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

The Committee considered the appeals report.

Members requested that details of costs awarded be included in future appeals reports.

RESOLVED to **NOTE** the report.

The meeting ended at 5.15 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services