

DEVELOPMENT MANAGEMENT COMMITTEE

Minutes of the Meeting held

Wednesday, 17th January, 2018, 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

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 Cllr Paul Crossley (substitute Cllr Neil Butters).

93 DECLARATIONS OF INTEREST

There were no declarations of interest.

94 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was no urgent business.

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 13 December 2017 were confirmed and signed as a correct record.

98 **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 2, 3, 4 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 Nos. 1 and 2

Application Nos. 17/04208/FUL and 17/05854/LBA

Site Location: Farm Shop and Café, Newton Farm, Village Road, Newton St Loe, Bath – Extension to existing farm shop/café with new entrance, office and additional seating. Internal and external alterations for the extension to existing farm shop/café with new entrance, office and additional seating within the curtilage of a listed building

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

The registered speakers spoke for and against the application.

The Case Officer explained that the reference in the listed building report to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 should be revised to read Section 16; and that Section 72 did not apply because the land was not in the Conservation Area.

Cllr Veale, local ward member, supported the application noting the success of the farm shop and its need to expand. He pointed out that much of the traffic congestion in the village stemmed from Bath Spa University rather than the farm shop.

The Case Officer responded to various questions as follows:

- 20 additional parking spaces will be provided.
- There is no pavement leading from the Bath Spa University Campus to the village.
- The proposed extension will enlarge the existing café providing seating for a further 36 covers.
- The site is located within the greenbelt.
- Material samples for the roof will be submitted to the Conservation Officer for consideration.

Councillor Kew was supportive of the proposal and moved the officer

recommendation to permit and to grant listed building consent.

Councillor Roberts seconded the motion and stated that whilst she understood the concerns of local residents regarding increased traffic movement she welcomed a thriving village business.

Councillor Appleyard supported the application and noted that any parking issues should be mitigated by the provision of additional parking spaces.

Councillor Butters was inclined to vote against the motion in light of the concerns of local residents.

The motion was then put to the vote and it was RESOLVED by 9 votes for and 1 vote against to PERMIT the planning application and to GRANT listed building consent subject to conditions as set out in the report.

Item No. 3

Application No. 17/04512/RES

Site Location: Unregistered Farm Shop and Café, Castle Farm, Midford Road, Midford, Bath – Approval of all reserved matters with regard to outline application 15/03325/OUT for the erection of an agricultural worker’s dwelling

The Case Officer reported on the application and her recommendation to permit. She informed the Committee that objections had also been received from the Bath Preservation Trust and pointed out that the correct site plan was now included in the update report. She also explained that Condition 1 should be removed as the applicant had now submitted details of the landscaping scheme which were acceptable.

The registered speakers spoke for and against the application.

Cllr Butters, local ward councillor, expressed concern about the size and height of the proposed building. He queried whether a chalet bungalow could be considered for this site. Officers advised that members had to consider the specific application before them.

In response to a question the Case Officer confirmed that the proposed materials were considered to be acceptable.

Councillor Butters moved refusal of the application on the grounds of size, height, design and materials. This was seconded by Councillor Appleyard.

Councillor Kew pointed out that this was an application to approve the reserved matters and that the principle of the development was already established. He stated that he would prefer to see stone used rather than render.

Councillor Organ stated that he would prefer rubble stone to be used on the building.

Councillor Jackson also stated that she would prefer a different material rather than render and suggested that the Committee delegate to permit the application to enable officers to carry out further negotiations regarding materials.

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 Organ then moved that the Committee delegate to permit the application requesting that natural rubble stone be used rather than render. This was seconded by Councillor Jackson.

Councillor Matthew Davies proposed that timber joinery should be used for the windows. Councillors Organ and Jackson accepted this amendment to the motion.

Councillor Butters felt that this proposal addressed some of the concerns expressed by the Parish Council.

The Team Manager, Development Management, explained to members that they could not change the decision to permit the construction of a dwelling but could refuse the application for reasons of detail such as size and design.

The motion was then put to the vote and it was RESOLVED unanimously to DELEGATE TO PERMIT the application subject to conditions including a requirement to use natural rubble stone and timber joinery.

Item No. 4

Application No. 17/04614/FUL

Site Location: Middle Road Farm, Middle Road, Hinton Blewett – Erection of a 4 bed dwelling house

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

The registered speaker spoke for the application.

Councillor Tim Warren, local ward member, spoke in favour of the application.

In response to a question the Team Manager, Development Management, explained that each application should be considered on its merits. He explained that the applicants were required to provide details of the special circumstances that existed to warrant a dwelling being constructed outside of the Housing Development Boundary. For a rural worker's dwelling they should demonstrate need and a business plan showing financial viability. No evidence had yet been provided in this case.

The Team Manager also explained that in order to be recognised as a self-build development the applicant should be on the self-build register and no evidence had been submitted to demonstrate this.

Councillor Kew stated that if permission were to be granted outside of the Housing Development Boundary then this could set a precedent for other villages. Sufficient evidence had not been provided to enable the Committee to grant permission.

Councillor Becker noted that there were areas where building could be carried out within the Housing Development Boundary and agreed that the creation of a precedent could lead to difficulties for other areas in the future.

Councillor Roberts then moved the officer recommendation to refuse. This was seconded by Councillor Organ.

The motion was put to the vote and it was RESOLVED by 7 votes for, 1 vote against and 2 abstentions to REFUSE the application for the reasons set out in the report.

Item No. 5

Application No. 17/05022/FUL

Site Location: 10 Woodborough Hill Cottages, Woodborough Hill, Peasedown St John, Bath – Erection of a two storey side extension (Resubmission)

The Case Officer reported on the application and her recommendation to refuse. She explained that the existing dwelling would be used for an elderly relative and the extension would provide a new dwelling. This would be another reason for refusal as the site is outside of a Housing Development Boundary in addition to Policy ST7 which requires two parking spaces to be provided.

The registered speakers spoke in favour of the application.

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

Councillor Jackson noted the lack of symmetry in the proposal.

Councillor Roberts moved that consideration of the application be deferred pending a site visit to provide greater clarification of the site and location. This was seconded by Councillor Jackson.

The motion was then put to the vote and it was RESOLVED by 6 votes for, 2 votes against and 2 abstentions to DEFER consideration of the application pending a site visit.

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

Item No. 6

Application No. 17/04969/FUL

Site Location: Manor Farm, Caple Lane, Chew Stoke – Change of use of agricultural land to domestic following the provision of a replacement hedge (retrospective) and the creation of a pond for natural water swimming (Resubmission)

The Case Officer reported on the application and her recommendation to refuse. The main issue for consideration was the extension of the residential/domestic curtilage and the proposal to position a pond in a greenbelt location.

The registered speaker spoke in favour of the application.

In response to a question the Case Officer explained that the applicant had submitted no evidence (such as a certificate of lawfulness) to confirm that the land had been used for domestic purposes for a number of years.

Councillor Jackson noted that the applicant had removed a leylandii hedge and replaced this with a hornbeam hedge around the new boundary. She felt that this

would be an improvement within the greenbelt.

Councillor Kew stated that he accepted the word of the Parish Council who had confirmed that the land in question had been used as a vegetable plot for over ten years and therefore was within the domestic curtilage of the property. He felt that the proposal would therefore constitute appropriate development and that it would not be harmful to the greenbelt location. He moved that the Committee delegate to permit the application subject to conditions.

Councillor Jackson seconded the motion stating that there would also be an ecological benefit due to the provision of a hornbeam hedge and a pond.

Councillor Appleyard spoke against this proposal stating that there was a valid route to achieve planning permission by obtaining a certificate of lawfulness. He felt that this could set a precedent for future planning applications.

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

Item No. 7

Application No. 17/04882/FUL

Site Location: Garden Farm Cottage, Wycotte Hill, Combe Hay, Bath – Demolition of existing cottage and erection of a replacement dwelling (Resubmission)

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

The registered speaker spoke in favour of the application.

Councillor Veale, local ward member, spoke in favour of the application noting the support of the Parish Council and stating that the new dwelling would be an improvement.

Councillor Appleyard noted that the new dwelling would be 23% larger in volume than the existing dwelling although the footprint would remain the same.

The Team Manager explained that planning policy was different for extensions to existing dwellings and replacement dwellings because the new build would then become the original dwelling. This meant that any future applicant could subsequently apply to extend the property, or extend it as permitted development, which could lead to a dwelling that was considerably larger than the original.

Councillor Jackson suggested that the permitted development rights could be removed to prevent further extensions. She also queried whether the design was appropriate for this rural location and stated that the proposed dwelling was too large. The Team Manager advised against the removal of permitted development rights and instead seek the construction of a replacement dwelling that was not materially larger than the existing one.

The Legal Advisor stated that members should focus on the proposed replacement dwelling rather than placing weight on policies relating to property extensions.

Councillor Kew felt that the application represented a clever design and noted that the new development would be built to a higher environmental specification than the existing property. He believed that it would be a great improvement and moved that the Committee delegate to permit the application subject to conditions and the removal of permitted development rights.

Councillor Matthew Davies seconded the motion noting the improved design.

Councillor Appleyard felt that the Committee should adhere to its policies and refuse the application.

The motion was then put to the vote and it was RESOLVED by 7 votes for and 2 votes against to DELEGATE TO PERMIT the application subject to conditions and the removal of permitted development rights.

Item No. 8

Application No. 17/05333/FUL

Site Location: 2 Princes Street, City Centre, Bath, BA1 1HL - Change of use from office (B1) to residential (C3)

The Case Officer reported on the application and his recommendation to permit. In response to a question he clarified that future residents would not be entitled to residents' parking permits.

Councillor Organ moved the officer recommendation to permit. This was seconded by Councillor Becker.

The motion was then put to the vote and it was RESOLVED unanimously to PERMIT the application subject to conditions as set out in the report.

99 **BATH AND NORTH EAST SOMERSET COUNCIL (WOODLAND ADJACENT TO EASTWELL, UPPER LANSDOWN MEWS, LANSDOWN, BATH NO. 313) TREE PRESERVATION ORDER 2017**

The Committee considered a report by the Group Manager (Development Management) and an update report attached as *Appendix 1* to these minutes.

The Case Officer reported on an objection that had been received from the owner of the property following the making of the Tree Preservation Order (TPO). Since the publication of the agenda there had been correspondence from a neighbour supporting the TPO and a further letter from the landowner.

The main objection is that if the Tree Preservation Order applied to the trees by the track and within the flat area of land then this would result in it being too onerous and costly to manage the land.

The registered speaker spoke against the confirmation of the Tree Preservation Officer.

The Legal Advisor informed the Committee that if the Tree Preservation Order was not confirmed then, this would, in effect, remove the Conservation Area protection because the Committee would have decided that the trees were not worthy of

protection. With regard to the objections concerning maintenance, the focus should be on the amenity value of the trees and woodland.

In response to a question the Case Officer confirmed that in the event of urgent works being required then the necessary paperwork could be put together quickly. She also confirmed that saplings in the prescribed area were covered by the TPO.

Councillor Organ moved the officer recommendation to confirm the Tree Preservation Order without modification. This was seconded by Councillor Jackson.

The motion was put to the vote and it was RESOLVED by 6 for, 2 against and 1 abstention to CONFIRM the Tree Preservation Order without modification.

100 **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 5.02 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services