

DEVELOPMENT MANAGEMENT COMMITTEE

Minutes of the Meeting held

Wednesday, 14th March, 2018, 2.00 pm

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

113 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

114 ELECTION OF VICE CHAIRMAN (IF DESIRED)

A Vice Chairman was not required on this occasion.

115 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Cllr Matthew Davies – substitute Cllr Patrick Anketell-Jones.

It was noted that Cllr Caroline Roberts would be arriving late due to a prior commitment.

116 DECLARATIONS OF INTEREST

There were no declarations of interest.

117 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was no urgent business.

118 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.

119 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

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

120 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 14 February 2018 were confirmed and signed as a correct record.

121 **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.
- 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 application be determined as set out in the decisions list attached as *Appendix 3* to these minutes.

Item No. 1

Application No. 17/05316/FUL

Site Location: Bloomfield House, 3 Braysdown Lane, Peasedown St John, BA2 8HQ – Demolition of existing rear single storey extension and replacing with new two storey rear extension

The Case Officer reported on the application and her recommendation for refusal.

The registered speaker spoke in favour of the application.

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

Cllr Kew felt that the application was acceptable, noted that changes would only be made to the side and rear elevations and stated that the extension would be a good addition to the property. He moved that the Committee delegate to permit. This was seconded by Cllr Jackson who stated that the extension would be at the rear of the property and would not be detrimental to the street scene.

Cllr Appleyard noted the importance of the site visit and stated that he supported the application provided conditions were put in place to ensure obscure glazing to prevent overlooking.

The motion was put to the vote and it was **RESOLVED** unanimously to **DELEGATE TO PERMIT** the application subject to conditions (including the provision of obscure glazing).

122 **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 1, 2, 4, 5, and 9 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: 16/03829/RES

Site Location: Land between Hillside View and Bath Road, Greenlands Road, Peasedown St John, Bath – Approval of reserved matters with regard to outline application 12/05477/OUT allowed on appeal on 3rd June 2014 for the erection of 89 dwellings (72 houses and 17 flats), provision of public open space and landscaping; 1 vehicular access from Greenlands Road, undergrounding of overhead lines

The Case Officer reported on the application and the recommendation for approval. He explained that outline planning permission had previously been granted and that this application was in respect of the reserved matters. There were a number of updates including the following representations that had been received:

A letter from residents of Hillside View expressing the following concerns:

- Stability due to the steep sloping bank on the site.
- Curo could build fewer houses on the site.
- The application is non-compliant with Policy D6.
- The application breaches Article 8 of the Human Rights Act.
- No human rights assessment has taken place.
- The scale of the development is not in keeping with the area.
- This is a poor design and there are health and safety concerns.
- The impact of HGVs has not been considered.
- A solicitor's letter had been received which set out concerns regarding open space, ecology, lack of human rights assessment, no assessment on the impact of HGV movements, inability to consider engineering works as a reserved matter and the detrimental impact on the amenity of no's 1 and 45 Hillside View.

Two letters from "Residents Protecting Peasedown" outlining concerns regarding the nature of the proposed public open space, particular concerns were expressed in relation to the inaccessible nature of some of the public open space and the removal of two areas of public open space from the earlier layout (submitted at the outline stage). Other concerns included:

- Steep nature of site
- Development is unachievable
- Outside the scope of the reserved matters
- Contrary to policy
- Poor design/out of scale and keeping
- Health and safety concerns
- Deviates from what was previously agreed

- No human rights assessment
- Poor location for allotments
- Heavily engineered platforms proposed rather than tiered arrangement

He also explained that 35% of the properties would be affordable housing with 75% of these being for social rent and 25% shared ownership. He informed the Committee that the recommendation was a delegation to permit subject to completing a deed of variation of an existing unilateral undertaking. The content of the Unilateral Undertaking imposed at the outline stage was explained by the officer as well as the variations that were now proposed to it and the reasoning behind those proposed variations.

It was noted that the Committee had visited the site.

The registered speakers spoke for and against the application.

Cllr Karen Walker, local ward member, spoke against the application.

The Case Officer responded to questions as follows:

- The public space could either be transferred to the Council for maintenance or be managed by the applicant themselves.
- There were 206 parking spaces (160 private parking spaces, 28 private garages and 18 visitor spaces).

Cllr Kew noted that this was a difficult site, although not an unusual one. He noted the large number of objections to the application. He explained that permission had been granted by the Planning Inspectorate following an appeal. He found the design acceptable with good variation, colours and materials. He noted that discussions and consultation had taken place prior to the submission of the application, the land was allocated for development and outline permission was in place. He then moved the officer recommendation to delegate to permit the application.

The motion was seconded by Cllr Organ who also noted the difficulty concerning the contours of the land on the site. He pointed out that the highway officer considered the proposed development to be acceptable.

Cllr Jackson felt that the design was unsuitable for a rural setting such as this. She also referred to a leaflet that had been circulated by Curo and whether this should be given any weight when making the decision. The Group Manager, Development Management, advised that the leaflet should be disregarded as it did not form part of the planning application process. He also confirmed that the unilateral undertaking set out a commitment to provide allotments for the residents.

Cllr Anketell-Jones felt that the design was appropriate and noted that open space would be provided.

The motion was put to the vote and it was RESOLVED by 6 votes for, 1 vote against and 2 abstentions to DELEGATE TO PERMIT the application subject to conditions and the prior completion of a deed of variation to the unilateral undertaking.

(Note: Cllr Caroline Roberts expressed concern about the way that additional papers from a developer had been posted to Committee members requiring a signature for collection).

Item No. 2

Application No. 17/04338/FUL

**Site Location: Bath Cricket Club, North Parade Road, Bathwick, Bath –
Erection of 136 bed spaces of purpose built student accommodation (sui generis) and associated communal and ancillary facilities, re-provision of car parking, demolition and replacement of indoor cricket training facility, formation of new access and landscaping works**

The Case Officer reported on the application and his recommendation for refusal. He explained that revised drawings had been submitted but that the reduction of harm did not significantly tip the balance in favour of the application. He also informed the Committee of a change to the second proposed reason for refusal and the removal of the fourth proposed reason for refusal.

The Case Officer explained that the flood risk on this site was high and that National Planning Policy required that this should be taken into consideration. The flood risk should be balanced against the public benefit. Loss of trees was also a concern.

Cllr Becker, local ward member on the Committee, supported the officer recommendation to refuse the application. He noted that the proposed development was against the National Planning Policy Framework and the Placemaking Plan. He did not think that the modern design was appropriate for this special site in the centre of Bath and felt that the opportunity should be used to create a beautiful building for this site.

The Case Officer then responded to questions as follows:

- The building would be on stilts but whether water would reach the building would depend on the severity of the flooding. There could be additional pressure on emergency services should people become trapped in the building.
- If considering the development of a site within a flood zone than the Committee must feel that no other site could meet this need.
- A condition could be put in place to ensure that replacement trees were more mature so that they would grow more quickly. However, it would still take a long time for the new trees to grow to the height of the existing trees. The replacement trees would be more evenly spaced than the existing ones.
- There is no specific target figure for the provision of purpose built student accommodation.
- A small amount of weight could be given to the potential improvements to the cricket club which could be provided by this development, however, planning issues should be the main consideration and not financial matters which fell outside the planning application.

Cllr Jackson noted that the proposed building was not accessible for anyone with a disability and was therefore not inclusive. She felt that the building would be too high, was concerned about the loss of trees in this area and also queried the

demand for additional student accommodation in Bath.

Cllr Kew noted that there would normally be advance warning if flooding was expected.

Cllr Appleyard stated that there was a shortage of student accommodation and that a recent report had shown a need for 4,000 bed spaces in the city. The Group Manager, Development Management, explained that this was a fluid situation and that the requirement for student accommodation could change. Any specific figures should be treated with caution.

Cllr Becker then moved the officer recommendation for refusal. This was seconded by Cllr Organ who stated that flooding was a concern, mature trees would be lost and the building was of poor design.

Cllr Appleyard spoke against the motion to refuse stating that the flooding arguments were not strong enough. There would not be a negative impact on the city views from above. An emergency plan would be in place should flooding occur and advance warning would normally be given. There should be modern buildings within the city and this presented a good opportunity for the Bath Cricket Club to improve its facilities.

Cllr Crossley felt that the proposal offered a chance to repurpose the car park site in an imaginative way. It would be a gain for the Cricket Club and would be a positive addition to the community. He felt that the architecture was appropriate with interesting and varied design.

Cllr Kew agreed that the design was good and felt that this development would be an asset for Bath.

Cllr Anketell-Jones noted that Bath needed to grow internally as it could not expand outwards into the greenbelt. The current car park was ugly and this development would provide much needed student accommodation and a cricket school. The site did not constitute prime green space within the city.

The Group Manager, Development Management, clarified the flooding issue, stating that there would be a 5% chance of flooding on this site in any given year (it was within Flood Zone 3a). He explained that planning advice was clear that building on flood plains should be avoided. Escape routes could be hazardous at any level of flooding.

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

Cllr Appleyard then moved that the Committee delegate to permit the application subject to conditions. This was seconded by Cllr Crossley.

The motion was put to the vote and it was RESOLVED by 5 votes in favour and 4 against to DELEGATE TO PERMIT the application subject to conditions following advertisement as a departure from the development plan and to no new planning issues being raised.

(Note: Cllr Anketell-Jones left the meeting at this point).

Item No. 3

Application No. 17/04739/FUL

Site Location: 6 Madams Paddock, Chew Magna, BS40 8PN – Demolition of the existing dwelling, associated garage and greenhouse and erection of a new dwelling and garage. The proposal also includes the associated landscape and drainage works.

The Case Officer reported on the application and her recommendation for refusal.

The registered speakers spoke in favour of the application.

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

In response to a question the Case Officer explained that the proposal represented a 118% increase in volume. She also confirmed that the property was located within the housing development boundary.

Cllr Crossley moved that consideration of the application be deferred pending a site visit. This was seconded by Cllr Appleyard.

The motion was put to the vote and it was RESOLVED by 7 votes in favour and 1 abstention to DEFER consideration of the application pending a site visit.

(Note: Cllr Anketell-Jones returned to the meeting at this point).

Item No. 4

Application No. 17/06106/FUL

Site Location: Hinton House, Branch Road, Hinton Charterhouse, Bath – Installation of helipad

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

The registered speakers spoke for and against the application.

Cllr Neil Butters, local ward member, also spoke regarding the application.

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

The motion was put to the vote and it was RESOLVED by 6 votes in favour and 3 votes against to DEFER consideration of the application pending a site visit.

(Note: Cllr Roberts arrived at the meeting at this point).

Item No. 5

Application No. 17/05969/FUL

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

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

The registered speakers spoke against the application.

Cllr Neil Butters, local ward member, spoke against the application.

Councillor Crossley moved the officer recommendation to permit the application. This was seconded by Cllr Kew.

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

Item No. 6

Application No. 17/06011/FUL

Site Location: Cromwell Farm, Combe Hay Lane, Combe Hay, Bath, BA2 8RF – Erection of a temporary (3 year) rural worker's dwelling

The Case Officer reported on the application and the recommendation to permit. He explained that an amendment was proposed to condition no. 2 restricting occupation of the temporary dwelling to a person working for the business permitted and any dependents.

The registered speakers spoke for and against the application.

Cllr Veale, local ward member on the Committee, spoke against the application and stated that he supported the objections raised by Combe Hay Parish Council.

In response to a question the Case Officer explained that after the three year temporary period any permanent dwelling associated with the business would require planning permission.

Cllr Crossley welcomed this rural business and moved the officer recommendation to permit. This was seconded by Cllr Appleyard.

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

Item No. 7

Application No. 17/05135/FUL

Site Location: Greenhill Farm, Brittons, Paulton – Resiting of existing mobile home for a temporary period of three years following demolition of existing barn

The Case Officer reported on the application and his recommendation for refusal.

The registered speakers spoke in favour of the application.

Cllr Liz Hardman, local ward member, spoke in favour of the application.

Cllr Kew stated that he did not feel that the proposal would create any harm to the character of the area. He noted that both the Parish Council and local ward member supported the application. He then moved to delegate to permit the application

subject to conditions. This was seconded by Cllr Crossley.

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.

Item No. 8

Application No. 17/06179/FUL

Site Location: 12 Williamstowe, Combe Down, Bath, BA2 5EJ – Conversion of the garage and extension of roof to create annex (Resubmission)

The Case Officer reported on the application and the recommendation for refusal.

Cllr Bob Goodman, local ward member, spoke in favour of the application.

In response to a question the Case Officer confirmed that clay tiles were the proposed roof materials.

Cllr Kew stated that he did not feel that the proposal would be harmful to the character of the area. He moved that the Committee delegate to permit the application. This was seconded by Cllr Anketell-Jones subject to the inclusion of a condition to secure appropriate roofing materials.

The motion was then put to the vote and it was RESOLVED by 8 votes in favour, 1 against and 1 abstention to DELEGATE TO PERMIT the application subject to conditions.

Item No. 9

Application No. 18/00075/FUL

Site Location: 43 Fairfield Avenue, Fairfield Park, Bath, BA1 6NJ – Erection of a two storey side extension following demolition of existing detached single garage

The Case Officer reported on the application and his recommendation for refusal.

The registered speaker spoke in favour of the application.

Cllr Appleyard, local ward member on the Committee, spoke in favour of the application stating that the property would not be overbearing and noting that there would not be a tunnelling effect on the streetscene.

It was noted that the original plan for this site had been for the erection of three terraced houses.

Cllr Jackson felt that the proposal would improve the property.

Cllr Appleyard moved that the Committee delegate to permit the application subject to conditions. This was seconded by Cllr Crossley.

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

(Note: At this point Cllr Crossley left the meeting).

Item No. 10

Application No. 17/05413/FUL

Site Location: Willow Barn, Priston Hill, Priston – Erection of two storey rear extension

The Case Officer reported on the application and his recommendation for refusal.

A statement from the applicant in favour of the application was read out at the meeting.

Cllr Kew noted that the property was neither listed nor in a Conservation Area. He felt that the design was in keeping with the area and the property and moved that the Committee delegate to permit the application subject to conditions. This was seconded by Cllr Anketell-Jones who felt that the character of the property would be retained.

Cllr Appleyard noted the 17% increase in volume which he felt was modest. He stated that the proposal would improve the usability of the property.

Cllr Jackson stated that the proposal appeared reasonable given that the property was not listed and was not a historical asset.

The Group Manager, Development Management, explained that the Case Officer objections related to the harm to the building and the need to retain its agricultural appearance.

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

Item Nos. 11 and 12

Application Nos. 17/05621/FUL and 17/05622/LBA

Site Location: 9 Henrietta Villas, Bathwick, Bath, BA2 6LX – Erection of a rear single storey timber conservatory and replacement of the first floor door with a window. Internal and external alterations for the erection of a rear single storey timber conservatory and replacement of the first floor door with a window.

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

The registered speakers spoke for and against the applications.

Cllr Peter Turner, local ward member, spoke against the applications.

In response to a query the Case Officer explained that a listed building has a great deal fewer permitted development rights than a building that is not listed.

Cllr Jackson moved that consideration of the applications be deferred pending a site visit. This was seconded by Cllr Kew.

The motion was put to the vote in respect of each application and it was RESOLVED

unanimously to DEFER consideration of each application pending a site visit.

Item Nos. 13 and 14

Application Nos. 17/06210/FUL and 17/06211/LBA

Site Location: 14 Bathford Hill, Bathford, Bath, BA1 7SL – Erection of side extension following demolition of existing lean-to extension and associated alterations to existing dwelling. Erection of side extension following demolition of existing lean-to extension and associated alterations to include demolition of existing porch and replacement porch to front.

The Case officer reported on the applications and her recommendation for refusal.

The registered speaker spoke in favour of the applications.

In response to a question the Case Officer explained that the size of any extension should be proportionate but that there was no fixed volume that was permissible.

Cllr Kew noted that the extension looked to be a modern design.

(Note: At this point Cllr Veale left the meeting).

Councillor Organ then moved that consideration of the applications be deferred pending a site visit. The motion was seconded by Cllr Jackson.

The motion was put to the vote and there were 3 votes in favour, 4 votes against and 1 abstention. The motion was therefore LOST.

Cllr Kew then moved the officer recommendation to refuse the applications. This was seconded by Cllr Anketell-Jones.

The motion was put to the vote in respect of each application and it was RESOLVED by 6 votes in favour and 2 against to REFUSE each application for the reasons set out in the report.

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

The Committee considered the appeals report. The Committee commended the officers on the outcome of recent appeals.

RESOLVED to NOTE the report.

The meeting ended at 6.50 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services