

DEVELOPMENT MANAGEMENT COMMITTEE

Minutes of the Meeting held

Wednesday, 11th April, 2018, 10.00 am

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

124 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

125 ELECTION OF VICE CHAIRMAN (IF DESIRED)

A Vice Chairman was not required on this occasion.

126 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Cllr Les Kew – substitute Cllr Patrick Anketell-Jones.

127 DECLARATIONS OF INTEREST

There were no declarations of interest.

128 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was no urgent business.

129 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.

130 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

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

131 MINUTES OF THE PREVIOUS MEETING

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

132 **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) on item nos 1 and 3 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 Nos 1 and 2

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 permit. She explained that the boundary wall would now be increased by 200mm for approximately 3.5m of wall rather than 150mm as originally proposed.

The registered speaker spoke against the applications.

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

In response to questions the Case Officer explained that not all the features on this property were original.

Cllr Jackson moved the officer recommendation to permit the planning application and to grant listed building consent. This was seconded by Cllr Appleyard who stated that the proposed conservatory would be a compact addition to the property.

The motion was put to the vote and it was **RESOLVED**:

- (1) By 8 votes for and 2 abstentions to permit the application subject to the conditions set out in the report; and
- (2) By 9 votes for and 1 abstention to grant listed building consent subject to the conditions set out in the report.

Item No. 3**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 informed the Committee that her recommendation was to permit the application rather than to delegate to permit as set out in the report. She explained that officers had considered the issues raised by objectors and had concluded that the helipad would be located within the curtilage of the dwelling house. In addition, on the evidence submitted, the use of the land for the landing of the helicopter was a use incidental to the enjoyment of the private dwelling house.

She also explained that the applicant had agreed to restrict the use of the helipad to between 7am and 11pm. She confirmed that a screening opinion had taken place which concluded that an Environmental Impact Assessment was not necessary.

The registered speakers spoke for and against the application.

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

The Case Officer then responded to questions as follows:

- A flight path for the helicopter has been established and no safety issues relating to the trees on the site had been identified.
- The flying of a helicopter does not require planning permission and if the planning application for the helipad were to be refused then the helicopter could continue to fly in and out of the site as it currently does.
- If considered necessary the Committee could add a condition to restrict the use of the helipad to residential use only. However, if in the future, the house was used for a purpose other than residential then this would require planning permission for change of use.

Councillor Organ moved that the Committee delegate to permit the application subject to the conditions set out in the report and an additional condition to restrict the use of the helipad to residential use.

Councillor Jackson seconded the motion stating that she could see no reason to refuse the application and that the provision of a helipad would enable some level of control to be applied to its use. She also noted that if residents had concerns about noise and nuisance in the future then they could pursue this matter through the Environmental Health team.

Councillor Roberts noted that this was private land and that the helicopter already flew in and out of the site.

Councillor Crossley noted that the helipad was required for safety reasons and queried whether the permission could be temporary for three years. The Team Manager, Development Management, explained that a temporary permission would not be appropriate in this case as no significant changes in circumstances were anticipated.

Councillor Appleyard welcomed the fact that the local community was trying to find a balance between the concerns of local people and the requirements of the applicant. He felt that this was a good application and welcomed the proposed flying time restrictions.

The motion was put to the vote and it was RESOLVED by 8 votes in favour, 1 vote against and 1 abstention to DELEGATE TO PERMIT the application subject to the conditions set out in the report and the inclusion of an additional condition to restrict the use of the helipad to residential use only.

Item No. 4

Application No. 17/04739/FUL

Site Location: 6 Madams Paddock, Chew Magna - 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. She informed the Committee that two supporting comments from neighbours had been received since the publication of the agenda.

The registered speaker spoke in favour of the application.

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

The Case Officer then responded to questions as follows:

- The NPPF states that the Committee should have regard to the comments of the Independent Design Review Panel.
- The replacement dwelling would be 118% larger than the existing dwelling. The policy states that a replacement building should not be materially larger than the existing. The proposal is materially larger in both volume and appearance.
- The materials that would be used for the front of the dwelling are red sandstone.

Councillor Jackson stated that the design was not appropriate for this location and moved the officer recommendation for refusal. This was seconded by Councillor Organ.

Councillor Anketell-Jones noted that the successful integration of all forms of new development with their surrounding context is an important design objective outlined within the NPPF. He stated that the current house was not particularly distinctive but that the new design did not appear residential. The proposed dwelling was well designed and was not large in relation to the size of the plot.

Councillor Organ stated that the overall design was very different from the existing properties in Madam's Paddock. The property was substantially larger than the existing dwelling and the design was out of character.

Councillor Crossley noted that there was no exceptional architecture in this area and that a replacement dwelling offered an opportunity for inspirational development. However planning policy restricted development in this location and the key issue was the fact that the replacement dwelling would be materially larger than the current property.

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

133 **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 and 3 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. 17/00075/FUL

Site Location: Land between Leamon Cottage and Mendip Villas, The Street, Compton Martin – The erection of 10 dwelling houses, including access onto The Street, 26 off-street parking spaces, and associated soft/hard landscaping

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

The registered speakers spoke for and against the application.

Cllr Vic Pritchard, local ward member, spoke against the application.

In response to a question she explained that there was not a particular uniformity of housing in Compton Martin and that a courtyard development would be acceptable. She also confirmed that the number of parking spaces allocated was policy compliant.

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

Councillor Becker stated that the houses were very small and felt that the developer was cramming too many properties into this space. The Case Officer explained that the site had been allocated for around 10 dwellings and that smaller houses meant that the properties would be more affordable.

Councillor Crossley felt that the proposed layout was not satisfactory and stated that elements of the design were disappointing. The outside amenity space was diminished by gardens being located at the front of the properties. He then moved that the application be refused on the grounds of the design of the layout, poor outside amenity space and an inadequate parking layout which would lead to residents parking in neighbouring roads.

Councillor Matthew Davies seconded the motion stating that the development should be more appropriate for the village with a better housing mix.

Councillor Anketell-Jones stated that there was no safe pedestrian access and that more design work was required.

The Team Manager, Development Management, stated that officers felt that layout was acceptable and that a balance had to be struck to achieve the best use of the site. He also confirmed that the Placemaking Plan, being the most recent plan, took precedent with regard to parking provision.

The motion was put to the vote and it was RESOLVED by 8 votes for and 1 vote against to REFUSE the application on the grounds of inadequate housing mix, inadequate parking layout leading to highway safety issues and inappropriate site layout.

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

Item No. 2

Application No. 17/05062/FUL

**Site Location: 148 London Road West, Lower Swainswick, Bath, BA1 7DD –
Erection of 4 dwellings following demolition of 2 existing run down dwellings**

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

The registered speaker spoke in favour of the application.

Cllr Appleyard, local ward member, spoke in favour of the application. He stated that the two existing buildings were old and of poor design. The road already has an eclectic mix of buildings. He felt that the proposal had merit and would be an improvement to the area. The application addressed parking issues and the property was located near to a bus stop.

In response to a question the Case Officer confirmed that the proposed buildings would be higher than other properties nearby and would be visible from the other side of the valley. She believed that the application represented overdevelopment.

Cllr Appleyard moved that the Committee delegate to permit the application as it offered a good use of space. Cllr Roberts seconded the motion noting the mix of dwelling types in this area.

Cllr Crossley stated that the application was a useful intensification of the area and was a good design.

Cllr Organ stated that the proposal would improve the appearance of the street and also increased the housing stock available in the area.

Cllr Anketell-Jones did not like the design at the rear of the property and felt that the application represented an unfavourable mix of styles.

The motion was put to the vote and it was RESOLVED by 8 votes in favour and 2 against to DELEGATE TO PERMIT the application subject to conditions including those relating to materials (requiring samples of Bath stone) and landscaping.

Item No. 3

Application No. 15/01802/FUL

Site Location: Church Farm Derelict Property, Church Hill, High Littleton – Construction of new pedestrian and vehicular access to Church Farm, High Littleton from A39 High Street following removal of section of boundary wall

This item was withdrawn from the agenda at the request of the applicant.

Item No. 4

Application No. 18/00413/FUL

Site Location: 22 Innox Grove, Englishcombe, Bath, BA2 9DX – Erection of two-storey side extension following demolition of existing conservatory

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

The registered speakers spoke in favour of the application.

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

Cllr Jackson noted that the extension was very large and was not subservient to the main dwelling. The extension represented a 63% volume increase. The Case Officer confirmed that it was not necessary for the extension to “step down” in this case as it would be linked to an existing terrace.

Cllr Crossley thought that this was an interesting extension which represented a sympathetic design. He moved that the Committee delegate to permit the application as it would provide the space required for a family and would also be of benefit to the community. The motion was seconded by Cllr Matthew Davies.

The Team Manager, Development Management, explained that the proposed extension was considered to be inappropriate development in the greenbelt according to the Supplementary Planning Document guidance. This stated that an appropriate extension should only comprise approximately one third of the existing dwelling. The property was also in an elevated and prominent location.

Cllr Jackson felt that the planning guidance was unfair to smaller dwellings as it was easier for extensions to become disproportionate.

Cllr Crossley also noted the difficulty for small dwellings when planning to extend. He did not feel that this proposal would be harmful to the greenbelt as the extension would form part of a terrace and met the requirements of the Englishcombe Local Plan. The special circumstances identified in this case were the need to extend an

undersized unit to make it suitable for modern family living.

Cllr Appleyard expressed concern about making a decision against planning policies but also felt that the policy should be reviewed.

Cllr Organ stated that he could not support the motion as the proposed extension represented a 63% volume increase in a greenbelt location and was not subservient to the existing dwelling. It would also be positioned at the end of a terrace in a prominent position.

Cllr Jackson noted that an existing conservatory would be demolished so the overall increase would not be too large.

The motion was put to the vote and it was RESOLVED by 8 votes in favour and 2 against to DELEGATE TO PERMIT the application subject to conditions.

Item No. 5

Application No. 18/00460/FUL

Site Location: 35 Hantone Hill, Bathampton, Bath, BA2 6XD – Erection of two storey side and single storey rear extension, and external alterations

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

The registered speaker spoke in favour of the application.

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

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: At this point Cllr Caroline Roberts left the meeting).

Item No. 6

Application No. 17/05725/VAR

Site Location: Walnut Tree Hill, High Street, Priston, Bath, BA2 9EB – Variation of condition 6 (landscaping) of application 15/01408/VAR (Variation of condition 8 (landscaping) attached to planning permission 13/05112/FUL (Erection of a dwelling with garage, drive and landscaping (Revised proposal))

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

The registered speakers spoke against the application.

Cllr Veale, local ward member, stated that this was a substantial and prominent property which had been granted planning permission on appeal. There had been a number of issues with the site. He then moved that a site visit should take place and that samples of the materials to be used on the wall should be made available to enable members to make an informed decision. This was seconded by Cllr Appleyard.

The motion was put to the vote and it was RESOLVED unanimously to DEFER

consideration of the application pending a site visit at which samples of the materials to be used should be made available to the Committee.

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

The Committee considered the appeals report.

RESOLVED to NOTE the report.

135 **PLANNING ENFORCEMENT REPORT - "QUARRY LODGE" (PARCEL 8593), WOOLLARD LANE, PUBLOW, BS14 0QS**

The Committee considered a report regarding failure to comply with a planning enforcement notice requiring the dismantling and removal of a wooden chalet on land at "Quarry Lodge" (Parcel 8593), Woollard Lane, Whitchurch. The wooden chalet is being used as a family dwelling.

The Case Officer reported on the failure to comply with a planning enforcement notice and his original recommendation to seek an injunction. He explained that further information had been received since the publication of the report and that, in the light of this information, his recommendation was now to take no further enforcement action at this time.

RESOLVED that the Committee having been satisfied that the public interest would be better served by not disclosing relevant information the public shall be excluded from the meeting in accordance with the provisions of Section 100(A)(4) of the Local Government Act 1972 for agenda item 11 and the reporting of that part of the meeting shall be prevented under section 100A(5A) of the Act, because of the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act, as amended.

The Committee carefully considered the report and further information provided by the Case Officer.

Cllr Organ moved that no further enforcement action be taken at this time but to keep the matter under review bearing in mind that the Notice will remain in force against the land. The motion was seconded by Cllr Jackson.

The motion was put to the vote and it was RESOLVED unanimously:

- (1) To take no further enforcement action at this time.
- (2) To note that the Notice will remain in force against the Land and will bind successors in ownership.
- (3) To keep the matter under regular review.

The meeting ended at 1.40 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services