

DEVELOPMENT MANAGEMENT COMMITTEE

Minutes of the Meeting held

Wednesday, 29th August, 2018, 2.00 pm

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

34 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

35 ELECTION OF VICE CHAIRMAN (IF DESIRED)

A Vice Chairman was not required on this occasion.

36 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Cllr Caroline Roberts – substitute Cllr Will Sandry.

37 DECLARATIONS OF INTEREST

Cllr Eleanor Jackson declared a non-pecuniary interest in planning application number 18/01744/FUL – St Hugh's RC Church, Wells Road, Westfield – for the following reasons:

- As a member of the Environment and Development Committee of Westfield Parish Council.
- As a Trustee of Radstock Museum.
- As Chair of Christians Together in Radstock and Westfield.
- As a RADCO shareholder.

Cllr Jackson stated that she would speak on this item both on behalf of Westfield Parish Council and as local ward member but would then leave the meeting and would not take part in the debate or vote.

38 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was no urgent business.

39 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.

40 **ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS**

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

41 **MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 1 August 2018 were confirmed and signed as a correct record.

42 **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.
- Oral statements by members of the public and representatives. A copy of the speakers' list is attached as *Appendix 1* 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 2* to these minutes.

Item No. 1

Application No. 18/01744/FUL

Site Location: St Hugh's RC Church, Wells Road, Westfield – Conversion of former Mass Centre to provide 8 residential units with associated car parking and incidental works of demolition

The Case Officer reported on the application and her recommendation to permit. She explained that, if permission were granted, an additional condition would be added requiring the parking spaces associated with the proposed development to be provided in accordance with the drawings.

The agent spoke in favour of the application.

Cllr Eleanor Jackson spoke against the application on behalf of Westfield Parish Council.

Cllr Jackson then spoke as local ward member against the application. She expressed concern that a valuable community resource would be lost if the church were to be converted to residential units. She stated that she had tried to engage with Downside Abbey regarding the future use of the building for either community uses or as a place of worship. She also drew attention to the number of accidents that had occurred just below St Hugh's Church and highlighted the difficulties for vehicles exiting the site. She stated that the ownership of the land was currently unclear and that trees at the rear of the site should be protected.

(Note: Cllr Jackson then withdrew from the meeting having declared a non-pecuniary interest in this item).

The Case Officer responded to questions from members as follows:

- She provided clarification on parking arrangements and layouts.
- The site is located in a Conservation Area so the trees would have some level of protection.
- Bicycle storage and an electric car charge point were now included within the proposal.
- As far as she was aware there was no dispute regarding land ownership and details were in line with the land registry entry.
- Use of the Church and the Hall had ceased in late 2015/early 2016.

Cllr Crossley stated that this was a good scheme which would provide affordable housing in 8 small units. The road was busy but he had no specific concerns regarding highway safety. The site had been marketed and no community use had been forthcoming. He moved the officer recommendation to permit.

Cllr Appleyard seconded the motion noting that the application was timely and would prevent the building falling into decay.

Cllr Kew supported the proposal and noted that as this was a town centre site a higher level of density would be expected.

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 and the additional condition outlined by the Case Officer.

(Note: Cllr Jackson returned to the meeting)

Item No. 2

Application No. 18/03034/FUL

Site Location: Dryleaze, Bath Road, Saltford – Erection of two storey side extension and loft conversion with front dormer window following removal of existing conservatory (resubmission following withdrawal of 18/00679/FUL)

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

The applicant spoke in favour of the application.

Cllr Sally Davis, local ward member, pointed out that the applicant had put forward a fall-back position of implementing permitted development rights and this would have to be weighed against potential harm to the greenbelt.

The Case Officer then responded to questions from members as follows:

- The applicant could use their permitted development rights in addition to building the extension applied for.
- If permitted development rights were used then this would be a larger volume than the extension applied for and would be single storey.
- It would be possible to remove permitted development rights if required, although government advice was to avoid doing this. However, the removal

of these rights would only take effect once the development has commenced. Permitted development rights are based on measurements not volume.

Cllr Jackson noted that there was another house in the street that had been extended and that it was important to be consistent. The property was not on a main road and would not be visible from the street.

Cllr Kew felt that, on balance, the proposal was reasonable and would be aesthetically better than the permitted development rights option. He then moved that the Committee delegate to permit the application subject to conditions and the removal of permitted development rights.

Cllr Appleyard noted that if permitted development rights were used to extend then the extension would be larger than the current application. He seconded the motion.

The very special circumstances for permitting this development in the Greenbelt were that there was a strong likelihood that the applicant would implement the fall-back position of his permitted development rights. The Committee also noted that the site was located within a large plot of land and at some distance to its nearest neighbour. It was not considered that the proposal would cause harm by either overlooking or by causing an overbearing impact.

The motion was put to the vote and it was RESOLVED by 9 votes in favour and 1 vote against to DELEGATE TO PERMIT the application subject to conditions and the removal of permitted development rights.

Item No. 3

Application No. 18/01240/FUL

Site Location: Stables, Access Road to Weston Reservoir, Upper Weston, Bath – Conversion of stables to 2 bedroom single storey dwelling house (Class C3) and associated works

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

A representative from the Parish Council spoke against the application.

The agent spoke in favour of the application.

Cllr Geoff Ward, local ward member, spoke against the application. He stated that the site was overlooked and was located in an Area of Outstanding Natural Beauty. The development would create a different environment. The site was tight and had elevated land on both sides.

The Case Officer and Team Manager, Development Management, responded to questions from members as follows:

- There was a terraced area which could be used to grow vegetables if required.
- Although there were animals adjacent to the site the application was not considered to be a property for an agricultural worker. The application was for conversion of a building to a dwelling and was policy compliant.

- Any proposal to build stables on the adjacent land would most likely require planning permission although agricultural buildings could be erected without permission.
- If approved permitted development rights would apply to the property but these would be limited due to the particular site layout and size.
- A structural survey had been provided with the application and this showed that the building was suitable for conversion.

Cllr Appleyard stated that, on balance, he was in favour of the application and moved the officer recommendation to permit.

Cllr Kew seconded the motion and noted that the distance from the neighbouring dwelling was around 40m and he did not feel that overlooking would be a problem.

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

Item No. 4

Application No. 18/02507/FUL

Site Location: 97 Sheridan Road, Whiteway, Bath, BA2 1RA – Change of use from dwelling house (use class C3) to HMO (use class C4)

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

A local resident spoke against the application.

The applicant spoke in favour of the application.

Cllr Tim Ball, local ward member, spoke against the application. He pointed out that the property was originally a 3 bedroom family home and the proposal was now for a 6 bedroom HMO. Parking is currently very difficult in the area and, if approved, this application would exacerbate the problem causing a hazard for local residents including young children.

The Case Officer, Highways Officer and the Team Manager, Development Management, responded to questions from members as follows:

- There would be 3 bedrooms on the first floor and 3 on the second floor.
- A condition to remove the parking rights of residents could not be included. In purpose-built student accommodation a clause had sometimes been included in the tenancy agreement regarding car ownership but this would not be appropriate for a private residence.
- The survey data used by the Highways Team when making their assessment was from a DCLG report published in 2007. This was the most up to date information available regarding tenure and car ownership.
- The room dimensions would be in line with the terms of the HMO licence.
- The HMO policy was prescriptive but this did not mean that the Committee had to approve the application providing they had specific valid and evidence based reasons for refusal.

Cllr Appleyard stated that there was an issue regarding the proliferation of HMO

properties in the area which was leading to an imbalance. He acknowledged that this type of accommodation was needed but family homes were being lost due to properties being purchased for use as HMOs. Parking was a problem in this area and an HMO for six residents would have a negative impact. The 2007 survey was carried out some time ago and car ownership was likely to have increased since the document was published. He then moved that the application be refused for the following reasons:

- The adverse impact on the residential amenity of the area; and
- The adverse impact on parking in the area leading to a deterioration in highway safety.

Cllr Crossley seconded the motion and stated that residents would be adversely affected by this proposal. The roads were narrow in this location and residents often parked on the pavements. It was important to maintain access for emergency vehicles.

Cllr Kew had sympathy with local residents but felt that the HMO policy should be applied. There was no clear evidence regarding the adverse impact on residents. If members wished to review the B&NES HMO policy then this should be considered as a separate matter.

Cllr Sandry was concerned regarding the adverse effect of the proposal on the amenity of existing residents. He noted that the 2007 data was out of date.

Cllr Jackson stated that as this was a terraced property noise could be an issue for adjoining properties. She also felt the application represented an overdevelopment of the site as the property was originally intended to be a family home.

Cllr Appleyard pointed out that policy was for guidance only and could be varied and challenged where necessary.

The Team Manager, Development Management, explained that the HMO policy offered guidance and that planning decisions should be made in accordance with the development plan. He pointed out that the proposal accorded with the development plan and policies. If members felt that the policy was not fit for purpose then it should be reviewed as part of the procedure for updating development plan policies.

The motion was put to the vote and it was RESOLVED by 6 votes in favour and 4 votes against to REFUSE the application on the grounds of the adverse impact on the residential amenity and highway safety concerns.

Item No. 5

Application No. 18/02256/FUL

Site Location: 99 Sheridan Road, Whiteway, Bath, BA2 1RA – Change of use from a 4 bed dwelling house (Use Class C3) to a 4 bed house in Multiple Occupation (Use Class C4) (Retrospective)

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

Cllr Tim Ball, local ward member, spoke against the application. He stated that, although he had received no complaints about this particular HMO, there were still

concerns relating to parking and residential amenity.

Cllr Appleyard stated that action should be taken about the number of unregistered HMO properties in the area. Cross referencing should take place between the licensing, council tax and planning teams.

Cllr Crossley moved that permission be refused for reasons of the adverse impact on the residential amenity and highway safety concerns. He stated that more accurate data was required on which to base decisions. The current policy did not conform to the reality of the situation. This was a family home which would be over-occupied, leading to more cars parking on an already narrow road.

Cllr Sandry seconded the motion noting that it was very similar to the previous application. He felt that there were probably a number of hidden unregistered HMOs in the area.

Cllr Kew understood the concerns of residents but felt that the reasons put forward for refusal were not evidence based. He stated that an urgent debate needed to be held regarding the HMO policy.

Cllr Jackson noted that the layout was similar to that of a family home.

The Team Manager, Development Management, stated that the application accorded with the current policy on HMOs and that the survey data used was the most current that was available. He pointed out that this application was different to the previous one as it was for a 4 bed HMO rather than a 6 bed HMO.

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

Cllr Kew then moved the officer recommendation to permit the application subject to conditions. This was seconded by Cllr Organ.

The motion was put to the vote and it was RESOLVED by 7 votes in favour and 3 votes against to PERMIT the application subject to conditions as set out in the report.

Item No. 6

Application No. 18/02432/FUL

Site Location: 56 Brook Road, Twerton, Bath, BA2 3RS – Change of use from 6 bedroom house in multiple occupation (use class C4) to 7 bedroom house in multiple occupation (sui generis use)

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

The applicant spoke in favour of the recommendation.

Cllr June Player, local ward member, spoke against the application. She stated that even one additional bedroom would have an adverse effect on the local community. The data being used by the Highways Team was 17 years out of date and did not give a true picture of residents parking. Parking was an issue for people living in this area and student lets often created problems relating to rubbish and noise.

There was an imbalance of student accommodation in the community as 27% of properties in Brook Road were HMO properties.

The Team Manager, Development Management, explained that the current use pre-dates the requirement for the need for planning permission. The application was purely to extend the existing HMO and therefore the HMO policy was not relevant to this application which should be treated on its merits. He also explained that if members felt that this represented overdevelopment then harm must be demonstrated.

Cllr Sandry was concerned at the increase to a 7 bed HMO as this could lead to a large increase in the number of residents if other properties did the same. Many students did own cars and this affected the availability of parking spaces in the area.

Cllr Jackson pointed out that there was a bus stop very close to the property.

Cllr Kew pointed out that the property was large with good facilities for an HMO. He moved that the officer recommendation to permit the application. This was seconded by Cllr Organ.

Cllr Crossley felt that landlords were squeezing more and more rooms out of HMO properties which impacted negatively on the community as a whole.

The motion was put to the vote and it was RESOLVED by 7 votes in favour and 3 against to PERMIT the application subject to conditions as set out in the report.

Item No. 7

Application No. 18/01994/FUL

Site Location: Rose Cottage, Church Lane, Chew Stoke – Erection of a rear two storey extension

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

The agent spoke in favour of the application.

Cllr Liz Richardson, local ward member, spoke in favour of the application. She stated that she did not feel that the proposal was inappropriate development in the greenbelt. Chew Stoke Parish Council also supported the application and there had been no local objections. The property was very small and the application was for a modest extension which would not detract or harm the greenbelt. The applicant was from a local family and now needed extra space to enable them to continue to live in the village.

The Case Officer explained that the agent had calculated the volume increase as 42.64% and the officer calculations indicated a 46.3% increase. The officer view was that there would be harm to the Greenbelt as the extension would be visible from the roadside.

Cllr Kew noted that the guidelines referred to an increase of above 33% in the Greenbelt. However, he stated that this was a very small property and the actual increase would not be noticeable. He felt that there were special circumstances in this case to enable a young family to remain in the village. He moved that the

Committee delegate to permit the application.

Cllr Crossley seconded the motion. He felt that there was a difference in extending old buildings that were built to different standards as opposed to extending more modern houses that meet current building regulations. The extension was a good design and would make the property more suitable for family accommodation.

Cllr Sandry expressed some concern regarding harm to a historic building and stated that, if approved, there should be a condition relating to materials.

The Team Manager, Development Management, stated that Greenbelt policy referred to about one third in volume increase and this was considered appropriate to apply to all sizes of house. The proposal was also considered to harm the character of the Conservation Area and the openness of the Greenbelt. He also confirmed that permitted development rights were restricted because the property was in a Conservation Area.

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

43 **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 5.35 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services