

DEVELOPMENT MANAGEMENT COMMITTEE

Minutes of the Meeting held

Wednesday, 24th October, 2018, 2.00 pm

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

54 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

55 ELECTION OF VICE CHAIRMAN (IF DESIRED)

A Vice Chairman was not required on this occasion.

56 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Cllr Caroline Roberts – substitute Cllr Neil Butters.

57 DECLARATIONS OF INTEREST

There were no declarations of interest.

58 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was no urgent business.

59 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.

60 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

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

61 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 26 September 2018 were confirmed and signed as a correct record.

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. 18/02898/FUL

Site Location: Horseworld, Staunton Lane, Whitchurch – Erection of 5 residential units (including affordable housing) together with associated parking, highways and landscaping works

The Case Officer reported on the application and her recommendation to delegate to permit. She explained that the new nursery school that opened in June 2017 could take 30 children on a full-time basis and was currently running at 60% occupancy. Therefore there was currently room for 12 additional children. Subject to available funds the nursery could also expand to provide up to 24 additional places, giving a total of 54 places at the nursery. Work was currently underway to widen the footpath and to provide a zebra crossing on the walking route to the nursery.

The agent spoke in favour of the application.

The Case Officer responded to questions as follows:

- The additional housing would provide two affordable units.
- Officers were not aware of any agreement that specified that a nursery should be provided "near" to the development.
- It was noted that many of the units were now occupied and officers confirmed that the early years' education facility had been opened prior to occupation as specified in the Section 106 Agreement.
- The estimated walking time to the existing early years' facility was a 10 minute walk which was considered to be reasonable.

Cllr Matthew Davies queried the acceptability of a 700m walk to the early years' facility with a young child.

Cllr Appleyard felt that the walk would take longer than 10 minutes with young children. He noted that the walking route was along a busy main road and also stated that there was no guarantee that the nursery would be in existence for the

long term.

Cllr Jackson expressed concern about the removal of the requirement to provide an early years' facility. She queried whether the current 60% occupancy of the existing facility was viable. She also queried whether a play area could be provided by the developer in this location if not a nursery. She was also concerned about pollution levels along the walking route.

The Team Manager, Development Management, explained that the legal agreement covered a number of matters including landscaping and highways. He confirmed that due to the existence of an adequate facility in the area the requirement to provide an early years' facility at this site no longer applied. From a planning perspective the land was no longer reserved for an early years' facility and was simply a vacant plot of land.

Cllr Kew was concerned at the loss of the early years' facility within the new development area. He referred to a letter that had been sent to the developer from the Council stating that the requirement to provide such a facility had been discharged. He noted that even with the new facility there remained a shortfall of 18 nursery places. Extending the facility could lead to a reduction in parking spaces. The A37 was a very busy road and was not a safe walking route for young families.

Cllr Crossley pointed out that the proposal would provide one property for social rent and one for shared ownership. He felt that this would be advantageous given the need for housing in this area and felt that this was more important than providing a second early years' facility. He moved the officer recommendation to delegate to permit the application. This was seconded by Cllr Butters.

Cllr Organ stated that the walking time from the new development to the nursery school was actually closer to 20 minutes.

Cllr Appleyard felt that the provision of the facility should actually be on the development site which would be more beneficial to children and families living in the new properties. He also highlighted the added benefit of creating a cohesive community and the social advantages of a local facility.

The Legal Advisor advised that, if the Council had written to the developer discharging the planning obligation, then the Council would be bound by that decision.

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 that consideration of the application be deferred pending further legal advice on the provisions of the Section 106 Agreement in order to establish if there were any alternative options. 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 further legal advice on the provisions of the Section 106 Agreement.

63 **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 item 1 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. 18/03742/FUL

Site Location: City of Bath College, Milk Street, Bath – Demolition of existing building and erection of new hotel and associated works (Resubmission)

The Case Officer reported on the application and his recommendation to delegate to permit. He explained the differences between the resubmitted application and the previous application which had been refused by the Committee. This included a 1.4m reduction in the height of the building and the removal of the majority of the roof top plant.

The Chair of the Independent Guesthouse Association spoke against the application. He also spoke on behalf of FOBRA (Federation of Bath Residents' Associations), Bath Association of Self Catering Accommodation and the Hotel General Managers.

The Agent and a representative from Bath College spoke in favour of the application.

The Case Officer responded to questions as follows:

- There was no off street parking as part of this development, however, the plans for the works taking place in nearby Avon Street had not yet been determined. The Highways Officer explained that Blue Badge holders would be able to park in restricted areas for a period of up to three hours provided they were not causing an obstruction.
- Any changes to teaching arrangements for Bath College students as a result of the application were a matter for the College and not a planning consideration. The college would be vacated at the end of 2019 and it was anticipated that the construction of the hotel would take at least 18 months. A construction management plan would provide further details in due course.

Cllr Becker noted that the previous application had been refused on design grounds. He highlighted the fact that Bath was a World Heritage City and felt that it must remain a unique destination. He stated that there had been no significant

change to the design and that it was not appropriate for a Bath city centre development. He felt that the application should be rejected and that the Committee should ask for a new design that would enhance the Georgian city of Bath.

Cllr Appleyard noted that whilst the history of the city was important, visitors required good quality hotel accommodation. He did not see a problem with a hotel being on this site and acknowledged the improvements in the revised design. It was a softer design than the original proposal and the height had been reduced. He moved the officer recommendation to delegate to permit.

Cllr Kew seconded the motion as he felt that this was an improved design and he did not believe that a pastiche Georgian design was required in this location.

Cllr Crossley stated that the Committee required more detail regarding the economic impact of this proposal. He noted the large number of Airbnb properties in the city which were also affecting local businesses in the area.

Cllr Jackson expressed concern at the loss of trees and requested that a landscaping condition be imposed to include tree planting. The Team Manager, Development Management, explained that the S106 Agreement would require a financial contribution for offsite tree planting.

Cllr Butters also raised the impact of Airbnb properties in the city. The Case Officer explained that the Hotel Solutions Report which was currently being prepared would analyse the existing market and that the economic impact of policies would be considered as part of the Local Plan process.

The motion was put to the vote and it was RESOLVED by 5 votes in favour, 3 votes against and 2 abstentions to DELEGATE TO PERMIT the application subject to conditions and the completion of a Section 106 Agreement as set out in the report.

Item No. 2

Application No. 18/02591/FUL

Site Location: Pond House, Rosemary Lane, Freshford – Erection of two storey and single storey side extension and associated landscaping

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

The agent spoke in favour of the application.

Cllr Neil Butters, local ward member, spoke in favour of the application. He pointed out that both Freshford and Hinton Charterhouse Parish Councils were in favour of the application which should be given weight. He stated that this was an innovative design which would enhance the area.

The Case Officer then responded to questions as follows:

- The scale of the application would impact on the AONB. The farm buildings which would be demolished were not listed and were not within the Conservation Area.

- The buildings to be demolished would be the garage and workshop, the belvedere, the outside toilet, the tractor shed and part of the original dwelling.
- The property was extended in 1989 and the extension equated to a 41% increase in volume to the original dwelling. She confirmed that the outbuildings had not been included in the volume calculation.
- The ecologist had not been consulted on this application.

Cllr Jackson noted that the tractor shed could provide a habitat for bats and felt that there should be an ecology report. She moved the officer recommendation to refuse. The motion was seconded by Cllr Organ who felt that the extension would detract from the original building and would be too dominant.

Cllr Crossley stated that the proposed extension was an imaginative and outstanding design. He felt that the greenbelt would become more open with the demolition of the various buildings. He pointed out that the building was not listed.

Cllr Appleyard felt that the design was good but noted that the extension was significant in relation to the host dwelling. The percentage increase was contrary to policy and he could see no special reason to go against this.

Cllr Kew felt that the design was exceptional but the proposal was clearly against the greenbelt policy and therefore no exception could be made.

Cllr Davies praised the design and felt that a site visit would be helpful.

The Team Manager, Development Management, explained that the proposed extension was significantly larger than one third of the host dwelling. This also took into account the demolition of the other buildings on the site. Officers had concluded that the demolition of some buildings did not compensate for the bulk of the extension and its effect on the openness of the greenbelt.

The motion was put to the vote and it was RESOLVED by 6 votes in favour and 3 votes against to REFUSE the application for the reasons set out in the report.

(Note: Cllr Butters spoke in his capacity as the local ward member and did not take part in the debate or vote on this item).

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

Item No. 3

Application No. 18/01431/FUL

Site Location: Dearholm, Colliers Lane, Charlcombe, Bath – Erection of ground floor extension and alteration of the roof to create additional residential accommodation

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

A representative from Charlcombe Parish Council spoke against the application.

Cllr Martin Veal, local ward member, spoke against the application. He stated that the proposal would have a detrimental impact on the rural setting on the edge of a

world heritage city. He pointed out that the site was located in a prominent and isolated location and that the development would cause harm to the greenbelt and AONB. He felt that the size of the extension was disproportionate and represented a 61% increase in volume.

Cllr Alison Millar, local ward member, spoke against the application. She pointed out that the site was located in open countryside, in an AONB and the greenbelt. She stressed the importance of protecting the landscape. The development would result in a much larger modern building which would be intrusive and have a negative impact on the rural character of the countryside. The new building would be more prominent, linear and box shaped. She referred to the comments of the landscape officer which concluded that the application was not acceptable in its current form.

Cllr Geoff Ward, local ward member, spoke against the application. He also pointed out that the site was highly visible from a number of locations across Bath. The proposal represented overdevelopment of the site and would be harmful to the greenbelt.

Cllr Crossley stated that the existing property sits well in its current location and enhances the view. The proposal would be very prominent and would be a large and brutal design which would seriously damage the view. He then moved that the application be refused due to the harm to the visual amenity of the greenbelt and AONB. The proposal would also represent overdevelopment due to the volume increase of the extension.

Cllr Jackson seconded the motion. She felt that the proposal would be too obtrusive and that the materials and design were inappropriate in this location.

Cllr Davies agreed with the comments and objections raised by Charlcombe Parish Council.

Cllr Appleyard expressed concerns about the visual impact of the extension and felt that the design was inappropriate for the rural location.

The motion was put to the vote and it was RESOLVED unanimously to REFUSE the application for the following reasons:

- The proposal would detract from the visual amenity of the Area of Outstanding Natural Beauty and greenbelt.
- The size, design and appearance of the proposal would not be appropriate in this prominent location.

64 **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 4.35 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services