

DEVELOPMENT MANAGEMENT COMMITTEE

Minutes of the Meeting held

Wednesday, 19th December, 2018, 2.00 pm

Councillors: Sally Davis (Chair), Rob Appleyard, Paul Crossley, Ian Gilchrist (Reserve) (in place of Caroline Roberts), Eleanor Jackson, Les Kew, Bryan Organ, Brian Simmons (Reserve) (in place of Matthew Davies) and Martin Veal (Reserve) (in place of Jasper Becker)

76 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

77 ELECTION OF VICE CHAIRMAN (IF DESIRED)

A Vice Chairman was not required on this occasion.

78 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from:

Cllr Jasper Becker – substitute Cllr Martin Veal
Cllr Matthew Davies – substitute Cllr Brian Simmons
Cllr Caroline Roberts – substitute Cllr Ian Gilchrist
Cllr David Veale

79 DECLARATIONS OF INTEREST

There were no declarations of interest.

80 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was no urgent business.

The Committee noted that it was the last meeting that Mark Reynolds (Group Manager, Development Management) would be attending as he was leaving the Council. Members thanked him for all his work and wished him well for the future.

81 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.

82 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

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

83 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 21 November 2018 were confirmed and signed as a correct record.

84 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 and 2 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 No. 1

Application No. 18/02911/FUL

**Site Location: 1 Ivy Court Cottage, Tennis Court Road, Paulton, BS39 7LU –
Erection of two 3 bed dwellings with associated garages**

The Case Officer reported on the application and her recommendation to permit. She reported that an update had been received from the solicitor acting for the neighbours and there was now no dispute regarding the ownership of the boundary wall.

A statement from local ward members Cllrs John Bull and Liz Hardman was read out at the meeting.

Cllr Crossley noted that this was an infill site with good access. He also welcomed the building of smaller houses on the site and moved the officer recommendation to permit.

Cllr Kew seconded the motion stating that the proposal was a good use of this land.

In response to a question from Cllr Jackson the Case Officer confirmed that there was adequate space for two houses on the plot and that the dwellings would be taller than the existing garage. She also confirmed that the issues raised by Paulton Parish Council had now been successfully addressed.

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.

Item No. 2

Application No. 18/03674/FUL

Site Location: Lake View, Stoke Hill, Chew Stoke – Change of use from existing garage with office above into holiday let accommodation

This application was WITHDRAWN from the agenda.

Item Nos 3 and 4

Application Nos 18/04158/LBA and 18/04157/FUL

Site Location: The Priory, Old School Hill, South Stoke, Bath – Exterior alterations to include rebuild and partly relocate and extend dry and mortared rubble bath stone wall. Erection of low rubble stone retaining wall in south east corner. Installation of gates, erection of a wooden fence. Installation of limestone path and garden seat platform and forming of bin/log store (Retrospective). Change of use from pub garden to private garden including the addition of a fence and wall and erection of a shed. (Retrospective)

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

A representative from the Parish Council and the applicant spoke in favour of the application.

Cllr Neil Butters, local ward member, spoke in favour of the application. He pointed out that the local community had worked hard to bring the Packhorse Pub back into use and that the kitchen extension to the pub included timber cladding. There had been no objections to the development from local people.

The Case Officer then responded to questions as follows:

- The purchase of land to assist the community pub facility did not represent special circumstances which would allow the Committee to permit the application. Any benefits relating to the fence were private benefits rather than public.
- A planning permission could include a condition that planting should take place on the applicant's side of the fence but not the external side as this was not within the applicant's control.
- A new or replacement boundary within this location could be a stone wall.
- No planning permission would be required to plant a hedge along the boundary.

Cllr Jackson felt that the fence looked incongruous in this location and that the visual impact was unacceptable. A stone wall or hedge would be more appropriate. She moved the officer recommendation to refuse both applications.

Cllr Veal noted that there had been no objections from neighbours or the Parish Council and felt that the fence was acceptable.

Cllr Appleyard felt that the fence was very prominent in this location and that the policy should be followed to protect the character and appearance of the

Conservation Area. He stated that there were no very special circumstances which would allow this application to be permitted and seconded the motion to refuse.

Cllr Crossley pointed out that derelict buildings had been brought back into use in this area and he welcomed the fence which would be improved with some appropriate planting. The local community did not have any issues with the fence and he did not feel that it adversely affected the openness of the greenbelt or the listed buildings. Any harm caused by the enclosure was outweighed by an unoccupied dwelling being brought back into use.

Cllr Gilchrist did not feel that the fence caused an excessive impact.

Cllr Kew stated that the fence did have an adverse impact on this very special village and that the setting must be protected.

The motion was put to the vote and it was RESOLVED by 5 votes in favour and 4 votes against to REFUSE both applications for the reasons set out in the reports.

Item No. 5

Application No. 18/03359/FUL

Site Location: 6 Richmond Road, Beacon Hill, Bath, BA1 5TU – Erection of replacement split level four bedroom dwelling and attached garage following demolition of existing two bedroom bungalow and garage

The Case Officer reported on the application and her recommendation to permit. She pointed out that condition 5 should read “shall not be occupied” rather than “shall be occupied”.

A neighbour spoke against the application and the agent spoke in favour of the application.

Cllr Tony Clarke, local ward member, spoke against the application stating that he was concerned about the mass of the proposed building and its proximity to number 5 Richmond Road.

Cllr Jackson was concerned at the loss of openness in this area and felt that the rural aspect could be compromised. She felt that the design was not right for the location. She moved that the application be refused for the following reasons:

- Massing and bulk of the proposed building.
- Loss of amenity and privacy to the neighbouring property.

Cllr Kew understood the concern regarding the bulk of the proposed building. He also felt that the design could be improved.

Cllr Appleyard seconded the motion to refuse due to the size and massing of the proposed building. He also expressed concern about the space between the neighbouring properties.

Cllr Crossley highlighted the change to the building line along Richmond Road. The Case Officer explained that there was no specific planning policy regarding building lines as there were often different features in suburban areas such as this.

The Case Officer confirmed that the garage was not visible from the road.

The motion was put to the vote and there were 3 votes in favour and 6 votes against. The motion to refuse was therefore LOST.

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

The motion was put to the vote and it was RESOLVED by 8 votes in favour and 1 vote against to DEFER consideration of the application pending a site visit.

Item No. 6

Application No. 18/04168/FUL

Site Location: Long Byre, Barn Lane, Chelwood – Erection of detached double garage

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

The agent spoke in favour of the application.

The Case Officer confirmed that stone and render had been the materials specified in the original application but that this had been changed to timber cladding at the suggestion of the Conservation Officer.

The Team Manager, Planning and Enforcement, explained that the main issue for consideration in the case was the inappropriate development in the greenbelt.

Cllr Organ moved that the Committee delegate to permit the application as the Parish Council had raised no objections and there were no objections from Highways. He felt that the development would be acceptable in this location.

Cllr Kew seconded the motion stating that he felt there would be no adverse effect on the greenbelt. He stated, however, that the timber cladding was out of keeping in the area and felt that a stone finish would be more in keeping with the Chelwood area.

Cllr Jackson agreed that the garage was acceptable but suggested that the Case Officer be requested to negotiate with the applicant to enable the building to be stone rather than timber cladding.

The Team Manager, Planning and Enforcement, advised the Committee that if the application were permitted then the applicant could not be required to change the materials. If members were keen for stone to be used then they should defer consideration of the application for further discussions with the applicant.

Cllr Organ then withdrew his motion with the consent of the seconder, Cllr Kew. Cllr Crossley then moved that consideration of the application be deferred pending a site visit. This was seconded by Cllr Organ.

The motion was put to the vote and it was RESOLVED unanimously to DEFER consideration of the application pending a site visit.

85 **CONCURRENT CREATION AND EXTINGUISHMENT ORDERS AFFECTING PUBLIC FOOTPATHS BA5/35, BA5/37, BA5/43, BA5/45 AND BA5/46 AT BATH RACECOURSE**

The Committee considered an application to divert sections of Public Footpaths (FP) BA5/35, BA5/46 and BA5/45 at Bath Racecourse in the Parish of Charlcombe. The intention was to divert the footpaths away from the Racetrack and provide routes which do not cross the Racetrack surface.

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

A representative from Charlcombe Parish Council spoke in favour of the application and a local Farm Manager spoke against.

Cllr Veal, local ward member, spoke against the application. He stated that if footpath 4(c) was created then this would have an adverse effect on walkers, dogs and livestock. Sheep worrying was an issue in this area and chemicals were sometimes used on crops in the adjoining field which could be hazardous to walkers and their dogs.

The Team Manager, Planning and Enforcement advised that it was not possible to amend the proposals which had been submitted as this was the scheme that had been consulted on. The Committee could either agree the application in its entirety or reject it.

The Case Officer confirmed that there was already a right of way in the field and that if possible discussions could take place with the applicant and landowner regarding the provision of fencing in this area. It was noted that the Cotswold Way already looped around the field. It was also confirmed that to officers' knowledge there had been no injuries caused to any members of the public walking across the racecourse.

Cllr Kew acknowledged the concerns expressed but felt that the proposals were well thought through. He then moved the officer recommendation to grant authorisation. This was seconded by Cllr Organ.

Cllr Crossley felt that there was no problem with extinguishing the paths as set out in the report. He pointed out that if footpath 4(c) were not created then this would meet the need of the adjoining landowner and the racecourse. He asked whether officers could renegotiate with the racecourse to amend the plans accordingly. This would then meet the needs of the farmer, the racecourse and walkers.

The Legal Advisor stated that any substantial changes to the scheme could cause an issue in terms of a lack of consultation because the public had been consulted about this particular scheme.

Cllr Kew agreed that if footpath 4(c) was not required then this would remove the

concerns.

Cllr Veal agreed with the suggestion but noted that the Committee was required to consider the application before it.

The Case Officer explained that by removing footpath 4(c) the required tests may not be met.

The motion was put to the vote and there were 3 votes in favour, 5 votes against and 1 abstention. The motion was therefore LOST.

Cllr Veal then moved that consideration of the application be deferred pending a site visit. Cllr Appleyard seconded the motion.

The motion was then put to the vote and it was RESOLVED by 6 votes in favour, 1 vote against and 2 abstentions to DEFER consideration of the application pending a site visit.

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

The Committee considered the appeals report. It was noted that the successful appeal relating to 108 Ivy Avenue related to the definition of “vertical sandwiching” of HMO properties. Officers would review the policies as necessary in the light of this finding.

Cllr Jackson congratulated the officers on their excellent record of winning enforcement appeals.

RESOLVED to NOTE the report.

The meeting ended at 4.20 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services