

DEVELOPMENT MANAGEMENT COMMITTEE

Minutes of the Meeting held

Wednesday, 16th January, 2019, 2.00 pm

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

87 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

88 ELECTION OF VICE CHAIRMAN (IF DESIRED)

A Vice Chairman was not required on this occasion.

89 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from:

Cllr Jasper Becker – substitute Cllr Martin Veal
Cllr Caroline Roberts – substitute Cllr Neil Butters

90 DECLARATIONS OF INTEREST

There were no declarations of interest.

91 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was no urgent business.

The Chair noted that the funeral of Mrs Sue East, the former Headteacher of St Andrew's Church School, was being held today at Bath Abbey. She acknowledged that a number of members would have wished to attend but, instead, had to attend this meeting.

The Committee also sent their best wishes to Cllr Caroline Roberts who has recently been unwell.

92 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.

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

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

94 **MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 19 December 2018 were confirmed and signed as a correct record.

95 **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, BA5/37, BA5/43 and BA5/45 at Bath Racecourse in the Parishes of Charlcombe and North Stoke. 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.

The Cotswold Voluntary Warden for Charlcombe Parish and a representative from the applicant, Bath Racecourse, spoke in favour of the application.

Cllr Geoff Ward, local ward member, spoke in favour of the application. He understood the concerns that had been raised in relation to dogs in the area and felt that they should be kept on leads. However, there were already many footpaths in the area which were currently used by dog walkers.

Cllr Martin Veal, local ward member on the Committee, stated that he had spoken against the application at the last meeting. In order to fully support the proposal he would like the racecourse to implement a permanent fence to fully separate livestock from dogs. He requested legal advice on this issue.

The Case Officer and Principal Officer: Public Rights of Way then responded to questions as follows:

- If the application was approved then the Local Authority could erect some stand-alone posts and signs requesting that dogs be kept under control.
- The provision of a new fence was a possibility that could be discussed between the farm manager and the Racecourse; however, the proposal before the Committee was the outcome of a negotiated settlement.
- The electric fence shown on the Case Officer's presentation slides was a temporary structure in use when sheep were in the field.

Cllr Kew stated that the application represented a "common-sense" approach and he did not feel that the construction of a fence was essential. However, if a contribution could be made by the racecourse for this purpose then this would be a positive step. He then moved the officer recommendation to grant authorisation. This was seconded by Cllr Organ.

Cllr Appleyard noted that people walked in this area already and that the proposal simply regulated this activity providing a sensible compromise. It was important to educate dog owners about keeping dogs under control around livestock.

Cllr Crossley supported the proposal and welcomed the offer of the racecourse to make a financial contribution towards improved fencing in the area. He noted that the proposal would enable the Council to erect signage in the area and that almost 1km of additional recorded public footpath would be provided.

The motion was put to the vote and it was RESOLVED, unanimously, to grant authorisation for a concurrent Public Path Creation Order and Public Path Extinguishment Order to be made to create new sections of public footpath around the perimeter of the Racetrack at Bath Racecourse and to extinguish current public footpaths from the centre of the Racetrack as detailed on the plan attached at Appendix 1 and Appendix 2 (“the Decision Plan”).

96 **SITE VISIT LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE**

The Committee considered:

- A report by the Head of Planning on various planning applications.
- An update report by the Head of Planning on item no 2 attached as *Appendix 1* 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. 18/03359/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.

Cllr Kew stated that the site visit had been very useful. There was a mixture of housing types in this road and the proposal was a sensible one which would fit in well with the local street scene. He moved the officer recommendation to permit. This was seconded by Cllr Organ.

Cllr Appleyard noted that a number of properties in the road were being redeveloped and he felt that, on balance, the effect on number 5 Richmond Road would be minimal.

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. 2

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. He reported that, following comments made by members at the previous meeting, he had held discussions with the agents and the materials now proposed were natural stone and render.

Cllr Jackson did not feel that the proposal would cause harm to the Green Belt. She pointed out that on the other side of the wall adjoining the site was an industrial unit. She supported the change of materials to include natural stone. She moved that the Committee delegate to permit the application subject to conditions. This was seconded by Cllr Appleyard.

Cllr Organ supported the motion and felt that there would be no harm to the openness of the Green Belt.

The Deputy Head of Planning, Development Management, explained that the view of officers was that the application represented inappropriate development in the Green Belt. However, if members were minded to approve the application then this would have to be advertised as a departure from the development plan.

The motion was put to the vote and it was RESOLVED, unanimously, to DELEGATE TO PERMIT the application subject to conditions and subject to being advertised as a departure from the development plan.

97 MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE

The Committee considered:

- A report by the Head of Planning 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 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. 16/04870/FUL

Site Location: Bidwell Metals Ltd, Chapel Road, Clandown, Radstock – Erection of 28 dwellings, public open space, a community building and ancillary works following the demolition of two buildings (REVISED DESCRIPTION)

The Case Officer reported on the application and her recommendation to refuse. She then responded to questions as follows:

- If the application were refused then the applicant could resubmit a further planning application for any future development on the site. A further application would be free of charge if submitted within 12 months of the decision. The reasons for refusal would form a material consideration in relation to a future application.
- CIL would apply to a future application in the same way as to the existing permission.
- Officers were aware of some issues with the ownership of the site.
- If the Committee refused the application then the applicant would have the right of appeal.

Cllr Jackson pointed out that Radstock Town Council supported the officer recommendation to refuse. She then moved the officer recommendation.

Cllr Crossley seconded the motion stating that he felt the scheme was a good one but that given the current circumstances refusal was the correct decision at this time.

The motion was put to the vote and it was RESOLVED unanimously to REFUSE the application for the reasons set out in the report.

Item No. 2

Application No. 18/02900/FUL

Site Location: Land at Rear of 106 High Street, Dovers Lane, Bathford, Bath – Erection of two storey, 3 bed dwelling

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

A local resident spoke against the application.

The agent spoke in favour of the application.

Cllr Geoff Ward, local ward member, spoke against the application. He pointed out that Bathford Parish Council objected to the proposal along with a number of local residents. The area was already congested and there were concerns about the safety of local school children who walked along the lane. The increase from a 2 bedroom dwelling to a 3 bedroom dwelling was too great on this restricted site.

Cllr Martin Veal, local ward member on the Committee, spoke against the application. He pointed out the potential road safety hazards in this very narrow lane. He felt that the application represented overdevelopment of the site in this historic conservation area. The increase in volume was inappropriate and would create increased traffic. He pointed out that the local Headteacher had expressed concern regarding the safety of pupils walking to and from school.

The Deputy Head of Planning, Development Management, informed the Committee that there was an extant planning permission for a dwelling on this site which was a material planning consideration. The Highways Officer had raised no objection to the new application and there was no highway reason for refusal previously for a dwelling on the site. A refusal on highway related grounds would be difficult to defend at appeal and may well lead to a cost award. She also advised that any other developments in this location would be considered on their own merits and that

members should focus on the application in question and specifically the changes between the extant permission and the proposed dwelling.

The Case Officer responded to questions as follows:

- The other properties in Chapel Row were relatively small.
- The new proposal represented a 4.5% increase in volume.
- The number of parking spaces required for a 3 bedroom dwelling was 2 and this proposal contained 3 spaces.
- The footprint of the dwelling could be extended under permitted development rights.

Cllr Appleyard understood the concerns of local residents but noted that permission had already been granted for a dwelling in this location. He did not feel that a 4.5% volume increase was unreasonable. He also noted that the Highways Officer had raised no objection. There had been no change to the access or egress since the previous application. He then moved the officer recommendation to permit.

Cllr Kew felt that, if approved, the conditions imposed would be important. He suggested that the construction management plan should include a requirement that construction vehicles should not park in Dovers Lane at times when children would be travelling to and from school and hours should also be restricted. He seconded the motion on that basis and Cllr Appleyard agreed to incorporate this into his motion and to delegate authority for officers to implement this requirement.

In response to a question from Cllr Martin Veal the Deputy Head of Planning, Development Management, advised that it would not be reasonable to remove permitted development rights in this case.

The motion was put to the vote and it was RESOLVED by 7 votes for, 2 votes against and 1 abstention to DELEGATE TO PERMIT the application subject to conditions as set out in the report and subject to the construction management plan (referred to under Condition 8) preventing the use of Dovers Lane by construction vehicles at times when children are travelling to and from school.

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

The Committee considered the appeals report.

The Deputy Head of Planning, Development Management, explained that the Planning Inspectorate had agreed to accept the appeal for 2 Manor Cottages, Combe Hay (Application No. 17/01709/LBA), which had been lodged after the 6 month deadline date, due to an administrative error.

RESOLVED to NOTE the report.

The meeting ended at 3.30 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services