

BATH AND NORTH EAST SOMERSET COUNCIL

MINUTES OF PLANNING COMMITTEE MEETING

Wednesday, 5th June, 2019

Present:- **Councillors** Rob Appleyard (in place of Hal MacFie), Vic Clarke, Sue Craig, Sally Davis, Lucy Hodge, Duncan Hounsell, Eleanor Jackson, Matt McCabe, Manda Rigby and Brian Simmons

1 ELECTION OF CHAIRMAN

RESOLVED: That Cllr Matt McCabe be elected Chairman.

2 ELECTION OF VICE CHAIRMAN (IF DESIRED)

A Vice-Chairman was not required on this occasion.

3 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

4 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Cllr Hal MacFie – substitute Cllr Rob Appleyard.

5 DECLARATIONS OF INTEREST

There were no declarations of interest.

6 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was no urgent business.

7 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.

8 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

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

9 MINUTES OF THE PREVIOUS MEETING

The minutes of the Development Management Committee meeting held on 24 April 2019 were confirmed and signed as a correct record.

10 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 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. 18/04535/FUL

Site Location: 49-50 Meadow Park, Bathford, Bath, BA1 7PY – Installation of timber decking and paved areas at rear of house with new decking and paving, including isolated raising of perimeter fences (retrospective)

The Case Officer reported on the application and his recommendation to permit. He reported that a further representation had been received relating to the ownership of the boundary fence.

The applicant spoke in favour of the application.

Cllr Hounsell stated that the work carried out by the applicant facilitated the use of the garden and noted that efforts had been made to reduce overlooking. He felt that the lighting was not too bright and noted that there were no drainage issues. He then moved the officer recommendation to permit.

Cllr Jackson seconded the motion.

Cllr Hodge stated that the lighting was extensive and also asked whether a condition could be included to ensure that the fencing retained a natural wood finish. This suggestion was supported by Cllr Rigby.

Cllr Jackson felt that it would be too prescriptive to include a condition relating to the fencing.

The motion was put to the vote and it was **RESOLVED** by 7 votes in favour, 2 votes against and 1 abstention to **PERMIT** the application subject to the conditions set out in the report.

Item No. 2

Application No. 18/05561/FUL

Site Location: 31 High Bannerdown, Batheaston, Bath, BA1 7JZ – Alterations and extension to bungalow

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

Cllr Derek Greener spoke on behalf of Batheaston Parish Council against the application.

Two local residents spoke against the application.

The Agent spoke in favour of the application.

Cllr Sarah Warren, local ward member, spoke against the application. She considered the development to be out of character with the design and layout of the estate. She also felt that the application would adversely affect the amenity of neighbouring properties.

The Team Manager, Development Management, then responded to questions as follows:

- There is no specific policy regarding the retention of bungalows per se.
- As the local Neighbourhood Plan is currently only in draft form this should be given little weight.
- No mature trees were considered to be under threat as a result of the development.
- The policy to protect mixed use developments generally relates to new developments. The issue to consider in this case was the effect of the development on the character and residential amenity of the area.

Cllr Davis understood the concerns of the local residents but felt, on balance, that the application was acceptable. She moved the officer recommendation to permit.

Cllr Jackson seconded the motion. She noted that there was no Neighbourhood Plan in place at this stage.

Cllr Craig supported the motion but stated that there should be a policy on the conversion of bungalows to houses.

Cllr Hounsell stated that there would be some overlooking of gardens due to the property being at a higher level than neighbouring dwellings, however, it would not be possible to look into neighbouring properties. He did not feel that the proposal would change the street scene.

The motion was put to the vote and it was RESOLVED by 6 votes in favour, 2 votes against and 2 abstentions to PERMIT the application subject to the conditions set out in the report.

11 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.
- An update report by the Head of Planning on item 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 4* to these minutes.

Item No. 1

Application No. 18/02543/FUL

Site Location: Chew Valley Lake Walking and Cycle Trail, Walley Lane, Chew Magna – Creation of a leisure trail for walkers and cyclists around Chew Valley Lake (including associated engineering works). NOW AMENDED SUCH THAT THE EASTERN SECTION AND THE SOUTHERN SECTION ARE NOW EXCLUDED FROM THE APPLICATION, PERMISSION NOW SOUGHT FOR NORTH-WEST SECTION ONLY (overview as shown in document entitled “Chew Valley Lake Recreational Trail North West Section”, May 2018, Sustrans/Bristol Water)

The Case Officer reported on the application and his recommendation to permit. There were two verbal updates to the report:

- Condition no. 3 – Highway Matters – to include an additional bullet point to cover details about signage.
- There would also be an additional landscaping condition requesting the submission of details of the new hedgerow planting including implementation and maintenance.

A representative from Sustrans Ltd (the applicant) spoke in favour of the application.

Cllr Vic Pritchard, local ward member, spoke regarding the application. He noted that the application had been fundamentally amended and now only sought permission for the north-western section of the cycle path/recreational trail. The Chew Valley area was already popular with cyclists and this proposal would create a shared space between pedestrians and cyclists around the narrow part of the dam. The path would be located adjacent to the A37 which was a principal route to Bristol Airport. He also raised concerns regarding the stability of the area around the dam and requested that periodic checks take place.

The Case Officer responded to questions as follows:

- The Highways Team has investigated traffic flows around the dam area.
- It would be difficult to include a condition relating to club cycling/racing as this could not be enforced.
- The total length of the path would be approximately 2km.
- Conditions to provided appropriate signage would be required if the application were permitted.

Cllr Appleyard noted the benefits of encouraging walking and cycling and welcomed this application. He asked officers to ensure that the concerns raised by the local member regarding the stability of the dam were taken into account and that appropriate signage was put in place. Cllr Hounsell seconded the motion.

Cllr Davis acknowledged the concerns regarding the shared space but felt that the faster cyclists were likely to continue to use the road.

Cllr Jackson suggested that the Committee should delegate to permit the application to enable officers to fine-tune the conditions to ensure that all concerns were taken into account including those relating to ecological and construction matters.

Cllr Appleyard agreed to amend his proposal to delegate to permit the application and this was also agreed by the seconder of the motion.

Cllr Rigby felt that signage should not be too intrusive.

Cllr Clarke stated that some risks and natural hazards in a rural area were inevitable and cautioned against unnecessary signage.

The motion was put to the vote and it was RESOLVED by 7 votes in favour and 3 abstentions to DELEGATE TO PERMIT the application subject to conditions.

Item No. 2

Application No. 19/00810/FUL

Site Location: Pond House, Rosemary Lane, Freshford, Bath – Extension and alterations to Pond House (Revised Application)

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

The Chair of Hinton Charterhouse Parish Council spoke in favour of the application.

The Agent spoke in favour of the application.

Cllr Neil Butters, local ward member, spoke in favour of the application. He stated that the design was exemplary and sustainable and pointed out that there had been no objections and that both Parish Councils were supportive. He explained that the dwelling could be extended using its permitted development rights and as an even larger addition. The Green Belt SPD referred to a volume increase of “around 1/3” but this was only guidance.

The Case Officer responded to questions as follows:

- There is a certificate of lawfulness in place for a proposed rear extension to the property. The current application is for a side extension.
- The contemporary design was not a specific reason for the recommendation for refusal; the key issues were the scale and massing of the proposal and the harm to the Green Belt.
- The current proposal along with the previous extensions results in a cumulative increase of 81% (excluding the outbuildings). Guidelines suggest an increase of 33% would be acceptable.

Cllr Hodge felt that the design was too dominant and detracted from the existing dwelling. Whilst she supported the zero carbon nature of the development she noted the large volume increase to the dwelling and highlighted the importance of protecting the Green Belt.

Cllr Jackson moved the officer recommendation to refuse as she felt the proposed extension was too large and the design was too dominant in this Green Belt location. Cllr Hodge seconded the motion.

Cllr Craig stated that the design was excellent and noted the sustainability of the proposal. She felt that the cumulative volume increase measure was too blunt an instrument to use in this case.

Cllr Appleyard did not support the proposal to refuse this application. He noted that the volume increase figure was for guidance only and supported the environmentally friendly and sustainable nature of the development.

Cllr Davis supported the proposal to refuse and, whilst liking the design, felt that the development would not be in line with current policies.

The Team Manager, Development Management, explained that whilst the SPD referred to “about a third” volume increase being acceptable, officers concluded that an 80% volume increase was far in excess of what should be permitted. Officers would not recommend the removal of permitted development rights. Any removal of these rights would not come into effect until the application is implemented and so they could be used prior to any subsequent extension being built.

The motion was put to the vote and it was RESOLVED by 7 votes in favour and 3 votes against to REFUSE the application for the reasons set out in the report.

Item Nos. 3 and 4

Application Nos. 19/00457/FUL and 19/00297/LBA

Site Location: Freedom House, Lower Bristol Road, Westmoreland, Bath, BA2 1EP – The addition of metal fencing/railings fixed to the top of the existing rubble stone wall to western, northern and eastern boundaries of the Freedom House site perimeter. Erection of a metal fence to the existing rubble stone boundary wall to western, northern and eastern boundaries

This application was withdrawn from the agenda.

Item No. 5

Application No. 19/00902/LBA

Site Location: 11 Quarry Vale, Combe Down, Bath, BA2 5JZ – Internal and external alterations to include installation of 1st and 2nd floor staircase.

Installation of 2 conservation roof windows on rear roof slope. Board up roof void over joists. Install plaster board under rafters with skim finish. Convert bathroom to bedroom.

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

Cllr Jackson moved that the Committee defer consideration of the application pending a site visit. This was seconded by Cllr Craig.

The motion was put to the vote and it was RESOLVED by 4 votes in favour, 3 votes against and 3 abstentions to DEFER consideration of the application pending a site visit.

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

The Committee considered the appeals report. Cllr Jackson congratulated officers on the outcome of recent appeals.

RESOLVED to NOTE the report.

The meeting ended at 4.10 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services