

## PLANNING COMMITTEE

### Minutes of the Meeting held

Wednesday, 3rd July, 2019, 2.00 pm

**Councillors:** Matt McCabe (Chair), Vic Clarke, Sue Craig, Sally Davis, Duncan Hounsell, Eleanor Jackson, Hal MacFie, Ruth Malloy (Reserve) (in place of Lucy Hodge), Manda Rigby and Brian Simmons

#### 13 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

#### 14 ELECTION OF VICE CHAIRMAN (IF DESIRED)

A Vice Chairman was not required on this occasion.

#### 15 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Cllr Lucy Hodge – substitute Cllr Ruth Malloy.

#### 16 DECLARATIONS OF INTEREST

Cllr Vic Clarke declared a non-pecuniary interest in application no. 19/00783/FUL – Tennis Court Farm, Wells Road, Hallatrow. Cllr Clarke was a friend of the agent and stated that he would not speak or vote on this item and would leave the meeting when it was discussed.

#### 17 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was no urgent business.

#### 18 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.

#### 19 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 5 June 2019 were confirmed and signed as a correct record.

20 **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. 19/00902/LBA**

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

The applicant spoke in favour of the application.

In response to a question the Case Officer explained that the purpose of the proposed roof lights was to light a bedroom. She confirmed that there was one roof light in a similar property at the other end of the terrace. She also stated that the relocation of the bathroom would have a negative impact on the listed cottage.

Cllr Craig felt that the impact on the property would be minimal and that the proposals would improve the dwelling.

Cllr Jackson agreed with the Case Officer's assessment regarding the harm to a heritage asset. She moved the officer recommendation for refusal. The motion was not seconded.

Cllr Hounsell noted that the alcoves would still be visible following the completion of the works.

Cllr Craig moved that the Committee delegate to permit the application as, on balance, the improvements to the family home would not cause harm to the property. Cllr Hounsell seconded the motion.

In response to a question the Team Manager, Development Management, explained that personal circumstances were rarely a material planning consideration.

Cllr Davis understood the reasons for the application but felt that the Committee should consider the potential harm to a heritage asset.

The motion was put to the vote and there were 5 votes in favour and 5 votes against. The Chair then used his casting vote in favour of the motion. It was therefore **RESOLVED** to **DELEGATE TO PERMIT** the application subject to conditions.

## 21 **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 items 1 and 4 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 Nos. 1 and 2**

**Application Nos. 17/01542/FUL and 17/01543/LBA**

**Site Location: Cedar Park Care Centre, 27-28 Oldfield Road, Oldfield Park, Bath – Erection of replacement two storey block and additional two storey extensions to the south and east with retained buildings to be refurbished and augmented following demolition of existing central link building. Internal and external alterations to erect one replacement two storey block and 2 additional two storey extensions to the south and east with retained buildings to be refurbished and augmented following demolition of existing central link building.**

The Case Officer reported on the applications and her recommendations for refusal. She informed the Committee that two further objections had been received regarding overdevelopment of the site and landscaping. She also explained that the plans for the care home to specialise in services for residents with dementia would not require an application for change of use.

A solicitor spoke on behalf of local residents against the applications.

The applicant and agent spoke in favour of the applications.

Cllr Shaun Stephenson-McGall spoke against the applications. He stated that there had been little dialogue between Cedar Care and local residents. He pointed out that the proposals would create an oversupply of beds and also highlighted the adverse effect on neighbouring properties. Whilst he recognised the need for care home facilities he felt that the applications represented overdevelopment, would be detrimental to the local area and would be contrary to policy.

The Case Officer then responded to questions as follows:

- The replacement link and extension would be overly dominant.
- There would be a parking shortfall of 19 spaces according to the requirements set out in the Placemaking Plan.

Cllr Jackson moved the officer recommendations for refusal (for both applications), in particular, due to the bulk and scale of the proposal.

Cllr Davis did not feel that these applications represented the right option for providing additional care home spaces due to issues of landscaping and mass.

Cllr Rigby agreed with the reasons for refusal set out in the officer reports. She was concerned at the potential damage to a listed building and, in particular, to the entrance hall. She then seconded the motion (in respect of both applications).

The motion was put to the vote and it was RESOLVED:

- (a) By 9 votes in favour and 1 abstention to REFUSE planning permission for the reasons set out in the report.
- (b) Unanimously to REFUSE listed building consent for the reasons set out in the report.

(Note: Cllr Vic Clarke left the meeting at this point having declared a non-pecuniary interest in the following application).

### **Item No. 3**

#### **Application No. 19/00783/FUL**

#### **Site Location: Tennis Court Farm, Wells Road, Hallatrow – Erection of two storey dwelling following demolition of block build agricultural building**

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

The agent and applicant spoke in favour of the application.

In response to a question the Team Manager, Development Management, explained that whilst the site was within the housing development boundary the dwelling would be located within an active farm yard. When considering adding an agricultural tie to a planning permission, evidence of need would be required and in this case no such evidence had been provided with the application. If the Committee wished to include such a tie then this would have to be secured by condition and, in this particular case, as the proposed house was very close to the buildings of a working farm, the house should also stay within the ownership of the farm and this could be secured through a legal agreement.

Cllr Davis felt that this was a sensible use of the buildings but understood the concerns regarding the amenities. She felt that the Committee should consider delegating to permit the application with an agricultural tie to the farmhouse. She also expressed the view that the materials should be in keeping with the existing dwelling.

The Team Manager, Development Management, stated that the Committee should be satisfied that the relationship between the farm buildings and the proposed dwelling was suitable. He also pointed out that the applicants could subsequently apply for the tie to be removed.

Cllr Davis then moved that the Committee delegate to permit the application subject to conditions and a legal agreement to restrict occupation and to tie the new dwelling to the existing farmstead. The motion was seconded by Cllr Jackson.

The motion was put to the vote and it was RESOLVED unanimously to DELEGATE TO PERMIT the application subject to conditions and the provision of a legal agreement to restrict occupation to an agricultural worker or retired agricultural worker and to require that the property remains in the same ownership as the agricultural holding.

(Note: At this point Cllr Vic Clarke returned to the meeting).

#### **Item Nos. 4 and 5**

**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.**

The Case Officer reported on the applications and her recommendation to grant permission and listed building consent. She explained that the applications had originally been recommended for refusal but that further information had subsequently been provided which had led to a review of the recommendations. She also explained that an additional condition was recommended to require an arboricultural method statement to be submitted prior to any development taking place.

A representative of the applicant spoke in favour of the applications.

Cllr Jackson moved the officer recommendation to permit the planning application and to grant listed building consent. She felt that no further harm to the area would be caused by the addition of the fence which would enhance the security of the vulnerable people using the building. This was seconded by Cllr Davis.

The motion was put to the vote and it was RESOLVED unanimously to PERMIT the planning application and to GRANT listed building consent subject to the conditions set out in the reports.

#### **Item No. 6**

**Application No. 19/00383/FUL**

**Site Location: 2 Longhouse, The Hollow, Dunkerton, Bath – Erection of a detached double garage alongside the house.**

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

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

A representative of the applicant spoke in favour of the application.

Cllr Neil Butters spoke in favour of the application. He stated that parking was currently difficult at the property which was a four bedroom house with only one parking space. The proposed garage would be 2m further back from the road than the existing hedge and would also be lower.

Cllr Jackson noted that for development within the green belt very special circumstances had to be proven and she did not feel that improved parking met this requirement.

In response to a question the Team Manager, Development Management, stated that there was potential for a garage to be built elsewhere on the property using permitted development rights. However, without having further details it was difficult to ascertain whether the fallback position of building a garage using these rights would be a worse option than the application currently under consideration. Permitted development rights could be a material consideration for comparison purposes. He also pointed out that no special circumstances had been identified with the application.

Cllr Davis stated that the Committee should consider the application before it and did not feel that the situation was unique to this particular application and therefore did not amount to very special circumstances. She then moved the officer recommendation to refuse. This was seconded by Cllr Jackson.

Cllr Hounsell supported the application as he felt it would open up the area within this green belt location. He stated that the current hedge was too high and also that it would be advantageous to remove the need for on street parking.

Members then discussed whether it would be helpful to request further information from the applicant to enable the Committee to make an informed comparison between the existing permitted development rights and the application before it.

In the light of this discussion Cllrs Davis and Jackson agreed to withdraw their motion for refusal.

Cllr Craig then moved that the Committee defer the application pending further information from the applicant regarding the potential permitted development rights he would wish to exercise. Cllr Rigby seconded the motion.

The motion was then put to the vote and it was RESOLVED by 8 votes in favour, 1 vote against and 1 abstention to DEFER consideration of the application pending the submission of further information from the applicant regarding the permitted development rights for construction of a garage. The application should be reconsidered within 8 weeks to avoid undue delay.

**Item No. 7**

**Application No. 19/01177/FUL**

**Site Location: The Firs, Maggs Lane, Whitchurch – Provision of loft conversion (Resubmission)**

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

The applicant spoke in favour of the application.

Cllr Paul May, local ward member, spoke in favour of the application. He asked the Committee to judge the proportionality of the application as this was a marginal case with only a 2.6% volume increase over the previous extensions.

Cllr Rigby moved that the Committee delegate to permit the application as she felt the volume increase was clearly very marginal and no harm would be caused to the green belt. This was seconded by Cllr Davis who felt there would be only a minimal impact.

Cllr Jackson was concerned at the threat to the green belt and asked what weight should be given to proposals to develop the surrounding area. The Team Manager, Development Management, stated that little weight should be given to the wider development proposals as a decision on this matter had not yet been made.

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

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

The Committee considered the appeals report and congratulated officers on the positive performance at appeal.

RESOLVED to NOTE the report.

**23 CHAIR FOR NEXT MEETING**

The Chair explained that he would be unable to attend the next meeting and proposed that Cllr Davis chair the meeting in his absence. This was seconded by Cllr Jackson.

RESOLVED: To agree that Cllr Sally Davis be elected chair for the next Planning Committee meeting to be held on 31 July 2019.

The meeting ended at 4.10 pm

Chair .....

Date Confirmed and Signed .....

Prepared by Democratic Services