

PLANNING COMMITTEE

Minutes of the Meeting held

Wednesday, 25th September, 2019, 2.00 pm

Councillors: Matt McCabe (Chair), Sally Davis (Vice-Chair), Vic Clarke, Sue Craig, Michael Evans (Reserve) (in place of Brian Simmons), Lucy Hodge, Duncan Hounsell, Eleanor Jackson, Manda Rigby and Ryan Wills (Reserve) (in place of Hal MacFie)

43 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

44 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from:

Cllr Hal MacFie – substitute Cllr Ryan Wills
Cllr Brian Simmons – substitute Cllr Michael Evans

45 DECLARATIONS OF INTEREST

Cllr Lucy Hodge declared an interest in application no. 19/01596/FUL. Cllr Hodge stated that she would be speaking against the application as local ward member and would therefore not take part in the debate or vote on the application.

Cllr Sue Craig declared an interest in application nos. 19/03455/LBA and 19/03454/AR. Cllr Craig stated that she would be speaking in favour of the applications as local ward member and would therefore not take part in the debate or vote on the applications.

46 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was no urgent business.

47 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.

48 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 28 August 2019 were confirmed and signed as a correct record.

49 **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 2 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 3* to these minutes.

Item No.1

Application No. 19/01596/FUL

Site Location: The Cottage, Northfields, Lansdown, Bath – Erection of 3 dwellings following removal of existing properties

The Case Officer reported on the application and her recommendation to permit. She clarified the position of the neighbouring conservatory as this had been incorrectly described in the report.

Two local residents spoke against the application.

The agent spoke in favour of the application.

Cllr Lucy Hodge, local ward member, spoke against the application. She expressed concerns regarding the scale and design of the development. She felt that the proposal would lead to overdevelopment of the site due to height, scale and mass which would be detrimental to the residential amenity of the area. The three modern houses that are proposed would be too dominant. The development would also lead to loss of habitat for wildlife.

Cllr Mark Elliott, local ward member, spoke against the development. He felt that the tall dominant houses would be out of proportion in this area and would be out of keeping with the surroundings. He also had concerns about the detrimental impact on no. 7 Northfields and the resultant loss of light to the property. There would also be a detrimental impact on the Conservation Area. He also pointed out that there has been no support for the development from local residents.

(Note: Cllr Hodge then left the meeting having declared an interest in the application due to her opposition to the development).

Officers then responded to questions as follows:

- There are trees on the application site which would be removed. However, the conditions include a landscaping scheme which will secure appropriate replacements.

- The access will be shared between the three properties and this will be a management issue.
- There would be a reduction in green space but the landscape officer feels that this would be acceptable in a suburban environment.
- With regard to the tests under the Habitats Regulations, it would be for Natural England to consider those tests in detail when determining any application for a European Protected Species Licence. The Committee should only refuse permission on this basis if members concluded that it was unlikely that Natural England would grant a licence.
- There may be some loss of light to no. 7 Northfields but this is not considered to be significant enough to justify refusal of the application.

Cllr Davis noted that the proposed materials are environmentally friendly and attempts have been made by the applicant to mitigate concerns raised through the application process.

Cllr Craig was concerned at the loss of green space and queried whether the proposed properties would be in keeping with the area due to their size.

Cllr Hounsell expressed concern at the loss of amenity to the neighbouring property (no. 7). He felt that there would be a loss of light. He also stated that the new properties would be overbearing and inappropriate in this location due to their height and dominance.

Cllr Rigby appreciated the need for more housing in the B&NES area but queried whether this was the right type of housing. She expressed concern at the loss of ecology and amenity pointing out that development in a Conservation Area must conserve or enhance the area.

Cllr Clarke also felt that the proposal constituted overdevelopment of the site.

Cllr Jackson was concerned at the height of the proposed development and also the ecological issues caused by a back garden development. She did not feel that the design is appropriate for a Conservation Area.

The Principal Planning Officer advised that there was no requirement for the Committee to justify a need for housing in this location as the site is within the Housing Development Boundary. He informed the Committee that the test in the policy relating to amenity (Policy D6) states that a development “must cause significant harm”. He also pointed out that the Council’s Ecology Officer has not objected to the proposal. If members felt there would be harm to the Conservation Area then they should also consider whether there are any over-riding public benefits of the proposed development.

Cllr Rigby then moved that the application be refused for the following reasons:

- Inappropriate design which would cause harm to the Conservation Area which would not be outweighed by any public benefits.
- Overdevelopment of the site due to size and scale.
- Loss of residential amenity and, in particular, loss of light to No. 7 Northfields.
- Loss of green space and harm to ecology in the area.

Cllr Wills seconded the motion stating that the proposal did not enhance the Conservation Area.

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

(Note: Cllr Lucy Hodge then returned to the meeting).

Item No. 2

Application No. 19/03166/FUL

Site Location: 13 Entry Hill, Combe Down, Bath, BA2 5LZ – Erection of detached dwelling in rear garden of 13 Entry Hill (Resubmission)

The Case Officer reported on the application and her recommendation to refuse. She informed members that the fourth reason for refusal set out in the report should be removed as the tree is not considered worthy of a Tree Preservation Order and, therefore, this would not be a reasonable reason for refusal.

A local resident spoke against the application.

The agent spoke in favour of the application.

Cllr Winston Duguid, Local Ward Member, spoke against the application. He highlighted risks relating to the geology of the area which could result in slippage on Wellsway. He also stated that the proposal would cause harm to the street scene and would be a threat to the amenity of the area. He expressed concern regarding construction and access issues.

Officers then responded to questions as follows:

- A pre-commencement condition relating to a tree situated in a neighbouring property could be imposed; however, the test is whether there is a reasonable likelihood that it could be complied with.
- The applicant has certified that all the land on the application site falls into his ownership. Where a site is affected by land stability problems then the onus is on the developer to resolve any issues that may arise.
- The wall referred to in the report is in a Conservation Area but is not otherwise specifically protected. Any previous decisions relating to the wall on the other side of Wellsway should be given little weight.
- The costs of removing the tree would be a civil matter for negotiation between neighbours.

Cllr Davis then moved the officer recommendation to refuse the application for the reasons set out in the report. This was seconded by Cllr Clarke.

Cllr Jackson stated that the proposed materials were also unsuitable.

The motion was put to the vote and it was RESOLVED unanimously to REFUSE the application for reasons (1) to (3) set out in the report.

Item Nos. 3 and 4

Application Nos. 19/03455/LBA and 19/03454/AR

Site Location: The Pig and Fiddle, 2 Saracen Street, Bath – External alterations to include installation of painted ghost sign to rendered north elevation gable end (Retrospective).

The Case Officer reported on the applications and her recommendation to refuse. She advised that section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 does not apply either to the listed building consent application or the advertisement consent application. This is because s66 concerns the effect upon listed buildings of granting planning permission, whereas in this case the committee must determine applications for listed building consent and advertisement consent to which the statutory duty does not apply.

The agent spoke in favour of the applications.

Cllr Sue Craig, local ward member, spoke in favour of the applications. She felt that this particular location is acceptable for the sign. The gable end wall is unattractive and it is the gateway to the Walcot area of Bath which comprises of an eclectic mix of buildings. The ghost sign enhances the appearance of the wall, is not garish and is well placed in the street scape.

(Note: Cllr Craig then left the meeting having declared an interest in the application due to her support for the development).

The Case Officer confirmed that the measurements of the ghost sign are 5.6m x 3.2m.

Cllr Jackson stated that the sign appears to be disproportionate compared to other ghost signs in the area and felt that it is overbearing.

Cllr Rigby also felt that the sign is out of proportion.

Cllr Hounsell queried whether the sign is really street advertising. He noted that it is positioned on a listed building and could set a precedent.

Cllr Clarke did not support the proposal as he felt it could lead an increase in these types of signs in the area.

Cllr Davis moved the officer recommendation to refuse the applications for the reasons set out in the report. She felt that the sign is too large and too bold in this location. This was seconded by Cllr Clarke.

Cllr Evans felt that the sign enhances a dull wall and did not think it creates an overly strong impact.

The motion was put to the vote and it was RESOLVED by 8 votes in favour and 1 against to REFUSE both applications for the reasons set out in the reports.

50 **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 3.45 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services