

PLANNING COMMITTEE

Minutes of the Meeting held

Wednesday, 20th November, 2019, 2.00 pm

Councillors: Matt McCabe (Chair), Sally Davis (Vice-Chair), Vic Clarke, Sue Craig, Lucy Hodge, Duncan Hounsell, Eleanor Jackson, Hal MacFie, Manda Rigby and Brian Simmons

60 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

61 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence.

62 DECLARATIONS OF INTEREST

There were no declarations of interest.

63 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was no urgent business.

64 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.

65 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 23 October 2019 were confirmed and signed as a correct record.

66 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 3, 7 and 8 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. 18/04958/OUT

Site Location: Midsomer Norton South Railway Station, Silver Street, Midsomer Norton, BA3 2EY – Outline application with all matters reserved for:

1. **New maintenance shed (up to 700 m2).**
2. **Extension to existing maintenance shed to provide ancillary café, retail facilities and meeting space (up to 90 m2).**
3. **Extension and refurbishment to existing WC building (up to 10 m2).**
4. **Education and training room and site office (up to 80 m2), with museum above (up to 80 m2).**
5. **Workshop building (up to 120 m2).**
6. **Change of use of former stable building to form 2 one bedroom tourist accommodation units. Associated extension and external alterations.**
7. **Associated landscaping works.**

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

Cllr Eleanor Jackson spoke against the application on behalf of Westfield Parish Council. She raised concerns regarding traffic congestion and road safety issues, parking, and radical changes to the views.

The agent spoke in favour of the application.

Officers then responded to questions as follows:

- The Case Officer stated that no business plan or viability study has been provided with the application. However, the Trust's vision for future development has been submitted.
- The Legal Advisor explained that the planning history of a site is a material consideration and that the amount of weight the Committee gives this is for members to decide.
- Cllr Jackson asked whether a condition requiring improvements to the pedestrian crossing would be possible. The Case Officer stated that this would require evidence that any issues with the crossing would be created as a direct result of the development and that the crossing is unsafe. The Highways Officer stated that the crossing is a recent toucan crossing and that he was not aware of any particular incidents in this location.

Cllr Davis felt that the application would move the proposals for the station forward and noted the amount of effort that had been put in by volunteers to improve the facilities in this location. She then moved the officer recommendation to permit. This was seconded by Cllr Clarke.

The motion was put to the vote and it was **RESOLVED** by 9 votes in favour and 1

against to PERMIT the outline application subject to the conditions set out in the report.

Item No. 2

Application No. 19/03138/FUL

Site Location: Land rear of 7 and 8 Staunton Way, Whitchurch – Erection of 6 two bed dwellings and 1 four bed dwelling

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

Cllr Rigby felt that 7 dwellings on this site could amount to overdevelopment.

Cllr Jackson was also concerned at the proposal to build so many dwellings on this site. She queried whether any trees would be lost. The Case Officer confirmed that some trees would be lost and explained that these are not protected and the site is not in a Conservation Area. A landscaping plan will be required if permission is granted which will require replacement trees to be planted.

Cllr Craig queried the distance between the proposed dwellings and the existing properties. The Case Officer explained that this would be no different from the previous application to build four dwellings.

The Case Officer also confirmed that the current plan complies with the required parking standards relating to turning and manoeuvring of vehicles.

Cllr Davis stated that there is already a variety of dwelling types in this location. She also supported the condition regarding landscaping which would address some of the concerns raised. She moved the officer recommendation to permit.

Cllr Hounsell seconded the motion stating that he could see no policy reason to refuse the application.

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.

Item No. 3

Application No. 19/04123/FUL

Site Location: 19 Gladstone Street, Welton, Midsomer Norton – Erection of a terrace of 4 dwellings adjoining 19 Gladstone Street

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

The agent spoke in favour of the application.

The Case Officer responded to questions as follows:

- The issue raised by the Planning Inspector at the appeal relating to a previous application on the site regarding the loss of the garden and its use for parking and turning has still not been addressed. The loss of the historic wall would be detrimental to the character and appearance of the conservation area.

- The Principal Planning Officer explained that the site is located within the Housing Development Boundary and so could not be considered unsustainable under the current planning policies.

Cllr McCabe noted that a large number of properties in this location have rear garden parking and felt that the proposal could improve the area.

Cllr Rigby stated that whilst it is of paramount importance to preserve the conservation area, in this case she did not feel that the application was detrimental to the area.

Cllr Jackson noted that only a small part of the historic wall remained and felt that it is very important to retain this. She moved the officer recommendation to refuse. This was seconded by Cllr Davis.

The motion was put to the vote and it was RESOLVED by 5 votes in favour, 3 votes against and 2 abstentions to REFUSE the application for the reasons set out in the report.

Item No. 4

Application No. 19/03698/FUL

Site Location: 10 Torridge Road, Keynsham, BS31 1QG – Erection of a two storey dwelling with parking and associated works following demolition of garage

The Case Officer reported on the application and her recommendation to permit. She informed the Committee that the rear elevation would be finished in “brickwork” and not “render” as set out in the report.

A neighbour spoke against the application.

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

Cllr Andy Wait, local ward member, spoke against the application. He stated that the application would result in overdevelopment of the site. He pointed out that the Chandag estate was built as a garden estate and that the character was now changing due to overdevelopment in the area. Green spaces and trees are being lost and there is more traffic congestion and air pollution. The application would be detrimental to the residential amenity of the area.

Cllr MacFie asked whether it could be guaranteed that the developer would not change the materials. The Case Officer explained that the materials used should be brickwork and that any subsequent application to vary this requirement would have to be considered on its merits. She confirmed that the applicant would have the right to appeal if such a request were refused.

The Legal Officer advised members that the motivation of the developer should not be taken into account when making a decision on the application.

Cllr Jackson stated that the layout and plans would add symmetry to the area and moved the officer recommendation to permit. This was seconded by Cllr Davis.

Cllr Hounsell stated that the loss of a garden would be regrettable; however, the relevant policy has to be applied. The house opposite the site would not lose any light. He noted that corner plots have been developed in this area and he could see no policy reason to refuse the application.

Cllr Hodge felt that this application would result in overdevelopment of the site. She felt that the loss of green space would have a detrimental effect on the community.

Cllr Davis stated that the application is policy compliant.

The motion was put to the vote and it was RESOLVED by 8 votes in favour, 1 vote against and 1 abstention to PERMIT the application subject to conditions as set out in the report.

Item No. 5

Application No. 19/04017/FUL

Site Location: 36 Tennis Court Avenue, Paulton, BS39 7LZ – Erection of two storey three-bed detached house in garden

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

A local resident spoke against the application.

Cllr Liz Hardman, local ward member, spoke against the application. She felt that the proposal is overbearing and out of keeping with the area. The houses in this street are all former local authority housing, semi-detached and in a widely spaced pattern. She pointed out that Paulton Parish Council and both local ward members are opposed to the development along with many of the local residents.

Note: At this point the Chair, Cllr Matt McCabe, stated that he would abstain from voting on this item as his mother-in-law lives in the adjacent street – Tennis Court Road.

Cllr Jackson stated that parking is difficult in this location. She then moved that the application be refused for the following reasons:

- Urban design – the proposal is out of keeping with the style of houses in the street.
- Over-development of the site.
- Harm to the local amenity.

Cllr Rigby seconded the motion. She stated that the site would be over developed as there would only be a very small garden at the back of the property which is out of keeping with other properties in the area.

Cllr Hodge expressed concern about the loss of light and amenity to no. 35 Tennis Court Avenue if the development went ahead.

Cllr Davis noted that the development appears to be cramped with a very small garden. She also pointed out that two similar applications in the area have been turned down on appeal. The street has maintained its original layout and the

development would have an adverse effect on the street scene.

Cllr Simmons agreed that the proposal would be incongruous to the street scene and would upset the current symmetry.

The Principal Planning Officer stated that the policies that relate to the proposed reasons for refusal are Policy D7 of the Placemaking Plan referring to infill and backland development and design policies D1, D2 and D3 of the Placemaking Plan.

The motion was put to the vote and it was RESOLVED by 9 votes in favour and 1 abstention to REFUSE the application for the following reasons:

- Urban design – the proposal is out of keeping with the style of houses in the street.
- Over-development of the site.
- Harm to the local amenity.

Item No. 6

Application No. 9/00783/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 to refuse. He explained that, following the decision of the Committee at the July meeting the S106 Agreement required by the Committee had not been completed because the terms could not be agreed with the applicant. The application was therefore being reported back to members for further consideration.

The Legal Officer explained the legal background and advised the committee to consider what they wished to achieve with the S106 Agreement. The applicant had raised concerns about the extent of the land which would be tied to the proposed dwelling which he said would restrict his running of the agricultural business. The applicant had also raised concerns about the restriction on leasing any of the agricultural holding separately from the proposed dwelling. The Legal Advisor explained that the committee had a number of options. For example, the committee could simply agree to restrict the occupation of the new dwelling to an agricultural worker with no restrictions on ownership; or the committee could resolve to limit the ownership restrictions to a smaller geographical area than that which had been agreed at the July meeting. The Legal Advisor reminded members about the tests for planning obligations in the NPPF and that ultimately it was a matter for the committee's planning judgement.

The applicant spoke in favour of the application.

Cllr Ryan Wills, local ward member, spoke in favour of the application. He explained that the amount of land to be tied to the new dwelling was very large which would cause difficulties for the applicant in the running of his business. The local area will not be harmed by the development and no objections have been received from neighbours.

The Case Officer explained that the plans displayed at the previous meeting did not

show the full extent of the land ownership. The proposal would involve the demolition of an existing agricultural building and replacing it with a two storey dwelling.

Cllr Rigby stated that she believed the objective of the Committee had been to ensure that the proposed dwelling was not sold off separately from the farm. She noted that the phrase “agricultural holding” covered too large an area in this case. In her view, occupation of the proposed dwelling should be restricted to an agricultural worker; and the ownership restriction should apply to a smaller geographical area such as the existing farmhouse.

Cllr Davis stated that, on reflection, it had not been the intention of the committee to tie the proposed dwelling to such a large area of land. In her view, an occupancy restriction on its own would be sufficient. She therefore moved that the legal agreement should restrict occupation of the proposed dwelling to an agricultural worker or a retired agricultural worker; and to delete from the committee resolution any reference to the requirement to retain the proposed dwelling in the same ownership as the agricultural holding. This was seconded by Cllr Simmons.

The motion was put to the vote and it was RESOLVED by 5 votes in favour, 2 votes against and 3 abstentions to DELEGATE TO PERMIT the application subject to conditions and the provision of a legal agreement to restrict occupation of the proposed dwelling to an agricultural worker or a retired agricultural worker.

After the vote had been taken, Cllr Rigby clarified that it had been her understanding that she had moved that the legal agreement contained both an occupancy restriction and an ownership tie, but to a smaller geographical area. Cllr Jackson stated that it had been her understanding that she had seconded that motion. Following further debate it was agreed that the committee had already approved Cllr Davis’ motion and so the application had been determined. Cllr Rigby therefore agreed to withdraw her proposal with the agreement of Cllr Jackson.

Item No. 7

Application No. 19/03937/FUL

Site Location: Swans Way, Fosseway, Dunkerton, Bath – Erection of first floor extension and reinstatement of front bay window stone mullions and hipped slate roof

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

The agent spoke in favour of the application.

In response to a question the Principal Planning Officer explained that he would not recommend removing the permitted development rights for this property because each application should be considered on its merits. There are no clear planning reasons to remove the rights in this case.

Cllr Craig stated that the proposal appeared to be proportional.

Cllr Davis moved that the application be permitted as she felt that the proposal would enhance the street scene and is proportionate.

Cllr Jackson seconded the motion stating that she felt the proposal would restore the building and enhance the area. She felt that this would outweigh any detriment to the residential amenity.

Cllr Hounsell understood the volume increase argument set out in the report which aims to prevent inappropriate development in the Green Belt. However, he accepted that, in this case, there were particular features to this development which meant that it was acceptable.

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

Item No 8

Application No. 19/03846/FUL

Site Location: Arlington House, Bath Street, Bath – Change of use of Flat 4, Flat 5, Flat 15, Flat 16 and Flat 27 from dwelling houses (Use Class C3) to Houses in Multiple Occupation (Use Class C4)

The Case Officer reported on the application and her recommendation to permit. She explained that the flats in this building contain different internal layouts.

Cllr Craig stated that she found the plans very confusing and asked for further information regarding the demographics of the occupants of the building i.e. is it comprised of elderly people, families etc.

The Case Officer stated that there would be internal changes to the layout of the flats but that these changes do not require planning permission. It is only the change of use that requires permission.

Cllrs Rigby and Jackson also found the plans confusing and Cllr Jackson asked about the potential fire risk.

Cllr Hounsell highlighted Policy D6 of the Placemaking Plan which refers to harm to the amenities of the existing occupiers. He felt that any potential harm to residents should be taken into consideration.

Cllr Rigby 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 9 votes in favour and 1 abstention to DEFER consideration of the application pending a site visit. It was also agreed that officers would try to obtain clearer plans, and any publicly available information about the demographics of the occupants of the building.

67 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 4.45 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services