

PLANNING COMMITTEE

Minutes of the Meeting held

Wednesday, 15th January, 2020, 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

77 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

78 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence.

79 DECLARATIONS OF INTEREST

There were no declarations of interest.

80 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was no urgent business.

81 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.

82 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 18 December 2019 were confirmed and signed as a correct record.

83 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 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. 19/04462/FUL

Site Location: 4-5 Railway Place, City Centre, Bath, BA1 1TH – Erection of extension at the fourth-floor level, front and rear infill extensions, external alterations and revisions to existing entrance onto Railway Place (Resubmission)

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

The Agent spoke in favour of the application.

Officers responded to questions as follows:

- The conclusion of the Case Officer was that the proposal would cause less than substantial harm to the setting of the listed buildings and character and appearance of this part of the Conservation Area and World Heritage Site.
- The Legal Advisor explained that the effect of sections 72 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and how they relate to the policies in the NPPF regarding consideration of impacts upon heritage assets. Members were advised that when weighing the identified harm to heritage assets against any public benefits, members should give great weight to the conservation of the heritage assets. As such, it was not a case of simply balancing harm against public benefits, but was a “tilted balance” in favour of conserving the heritage assets.
- The Case Officer confirmed that there is a Bath Building Lines Strategy which covers roofscape issues. However, the strategy is not a Supplementary Planning Document. The concern of officers in this case was the local impact of the development rather than the roofscape.
- The development would provide an additional 925 square metres of office space in Bath in addition to the 25,000 square metres to be provided at Bath Quays North and the 8,000 square metres at Bath Quays South.
- The planning permission for office development at Pinesgate has now expired. The position regarding office space in Bath is a material consideration.

Cllr Craig expressed concern regarding the adverse effect on the views of Bath from Beechen Cliff.

Cllr Jackson moved the officer recommendation to refuse. She felt that the design detracts from the Conservation Area and noted that there was no tangible evidence of a need for more office space in this location.

Cllr Rigby seconded the motion.

The motion was then 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. 19/00772/FUL

Site Location: Land at Entrance to Manor Farm, Bath Hill, Wellow, Bath – Erection of two storey detached dwelling

The Case Officer reported on the application and her recommendation to permit. She clarified the purpose of the HELAA (Housing and Economic Land Availability Assessment) Call for Sites in 2018. A further letter had been received expressing concern about drainage issues on the site. She proposed an amendment to condition No. 4 and added two further conditions to ensure that parking provision was provided prior to occupation and to restrict permitted development rights. She also gave details of two amendments to the relevant planning history.

A representative from Wellow Parish Council spoke against the application.

The Agent and Applicant spoke in favour of the application.

A statement from Cllr Neil Butters, local ward member, was read out at the meeting. He supported the position taken by Wellow Parish council who objected to the application. He was concerned that the new property would be overbearing as it was on higher ground than the bungalows at Manor Close. He also expressed concerns about flooding and land stability at the site. He was not convinced that the development amounted to infill and felt that there had been a lack of consistency about this.

Officers then responded to questions as follows:

- There is no specified distance regarding spacing between neighbouring properties. It is generally considered that 21-23 metres between properties is acceptable and any closer than this is based on the judgement of the planning officer having regard to amenity.
- The Case Officer clarified the position of the gate and footpath in relation to the proposed property.
- There is no definition of “limited infilling” in the NPPF and this is down to the judgement of the Case Officer. It was explained by the Case Officer that the example stated in the Placemaking Plan was indicative only and not an exhaustive list of what might qualify as “limited infilling”. There is development in the form of houses and roads, be they at a short distance away, on at least three sides of the site.
- Part of the existing public footpath would be located in the car parking area of the development site. However, this would not interfere with the public right of way. The Legal Advisor explained that an informative was proposed

which would address this issue. He confirmed that any effect on a public right of way is a material consideration.

- There is no Wellow Neighbourhood Plan.

Cllr Clarke stated that the development was on Green Belt land and that he did not feel that the proposal amounted to infill development. The new property would overlook the bungalows in Manor Close. He also expressed concern about the potential flood risk and land instability as the site sits on Fullers Earth.

Cllr Jackson moved that the application be refused for the following reasons:

- The proposal does not constitute infill development and therefore amounts to inappropriate development in the Green Belt.
- The design is inappropriate and does not reflect the context of the surrounding area.
- Overdevelopment of the site.
- The detrimental impact on the amenity of both the residents of Manor Close and any occupant of the new property.

She stated that the proposal would change the rural character of the area and expressed concern about the detrimental impact of the footpath crossing the development site.

Cllr Rigby seconded the motion. She explained that, while she sympathised with the applicant and their reasons for wishing to build the property, she felt that there were clear planning reasons to refuse the application.

The motion was put to the vote and it was RESOLVED by 8 votes in favour, 1 vote against and 1 abstention to REFUSE the application for the reasons set out above.

84 **PLANNING ENFORCEMENT REPORT - 76 LEIGHTON ROAD, UPPER WESTON, BATH, BA1 4NG**

The Committee considered a report regarding a failure to comply with a Notice under Section 215 of the Town and Country Planning Act 1990 requiring the proper maintenance of land at 76 Leighton Road, Upper Weston, Bath.

The Section 215 Notice (set out in Appendix A to the report) requires both works to clear the front garden and works to maintain the garage door by stripping and repainting the door and replacing the fascia board. Upon recent inspection it was noted that the garage door is rotten and unlikely to be repaired to satisfy the terms of the Notice. As replacement of the garage door would be beyond the scope of the Notice, in execution of the terms of the Notice, Officers intend to carry out default works to the garden initially and will review whether default works to the garage door are possible.

The Team Manager, Planning and Enforcement, confirmed that the Council Parks Team would carry out the work and that funding is available for this. He also confirmed that a public sector equality duty assessment had been carried out and that the Council's Empty Property Team was aware of the situation. Officers had tried to engage with the property owner without success.

Cllr Davis moved the officer recommendation to authorise the works. This was seconded by Cllr Jackson.

The motion was put to the vote and it was RESOLVED unanimously to authorise the carrying out of works in default (including the recovery of costs from the owner) under the powers conferred by Section 219 of the Town and Country Planning Act 1990 in respect of the failure to comply with the requirements of the Section 215 Notice served on the Land.

85 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 3.15 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services