

PLANNING COMMITTEE

Minutes of the Meeting held

Wednesday, 12th February, 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

86 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

87 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence.

88 DECLARATIONS OF INTEREST

Cllr Sue Craig declared a non-pecuniary interest in application no. 19/04486/FUL, 9 Partis Way, Lower Weston, Bath as she was a friend of one of the people speaking against this application. She had not discussed the planning application with the speaker.

Cllr Brian Simmons declared a non-pecuniary interest in application no. 19/04598/FUL, Amenity Green, Glebe Walk, Keynsham. Cllr Simmons had spoken to residents both for and against this application and stated that he would abstain from speaking or voting.

89 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was no urgent business.

90 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.

91 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 15 January 2020 were confirmed and signed as a correct record subject to the following amendment:

Item No. 1, Application No. 19/04462/FUL – at the end of the first bullet point add the following words:

“and therefore would not be the sole reason for refusal”

92 **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.
- Oral statements by members of the public and representatives. A copy of the speakers' list is attached as *Appendix 1* 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 2* to these minutes.

Item No. 1

Application No. 20/00111/TCA

Site Location: 67 Englishcombe Lane, Southdown, Bath, BA2 2EE – Leyland Cypress 13m (T1) – Fell

The Case Officer reported on the application and her recommendation to raise no objection.

Cllr Jackson moved the officer recommendation to raise no objection. This was seconded by Cllr Rigby who pointed out that the application was only being considered by the Committee because the applicant is a member of B&NES Council.

The motion was put to the vote and it was **RESOLVED** unanimously to raise **NO OBJECTION** to the application.

Item No. 2

Application No. 19/04914/FUL

Site Location: Rosemere, Homefield Road, Saltford – Erection of a new dwelling and gate house following the demolition of existing dwelling

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

Two local residents spoke against the application.

The agent spoke in favour of the application.

Cllr Alastair Singleton, the Local Ward Member spoke against the application. He stated that the dwelling was in an elevated position in a sensitive location. The application was contrary to policy NE2 which required that any adverse impact on the landscape should be avoided or mitigated. It also did not adhere to policy D6 which stated that a development must not cause significant harm. He pointed out that properties in The Shallows would be overlooked. He raised issues of light pollution and the adverse impact on the Conservation Area below. He felt that the gatehouse would be out of keeping with the area and would be a self-contained residence rather than an annexe. He felt that the application represented overdevelopment by reason of mass and scale and would also cause harm to a neighbouring heritage asset. He also stated that there were local concerns that this

property would be used as an Airbnb party house.

The Case Officer then responded to questions as follows:

- The applicant has reduced the height of the proposed dwelling to address concerns raised regarding overlooking.
- The gate house is considered to be an acceptable ancillary building in this plot and location. The Principal Planning Officer explained that Case Law relating to annexes focussed on the manner in which the dwelling is occupied. This should be considered on a case by case basis.
- The Committee is not bound by previous decisions on this site, but the decisions should be given some weight.
- Concerns regarding the removal of a cherry tree had now been resolved by the inclusion of an arboricultural report with this application.

Cllr Jackson noted that the agent felt that the reasons for refusal of the previous applications on this site have now been addressed. She also noted that the gate house was a new building. She felt that there was not enough information submitted regarding the environmental impact of the development and no information about bats. She expressed concerns about the proposal for an outdoor pool which was located close to the boundary of the property and queried whether this would result in noise to the neighbouring dwelling. The Case Officer stated that there were no specified requirements regarding the distance between a pool and a neighbouring property.

The Principal Planning Officer explained that an ancillary dwelling would require the building to be occupied by a member of the same household as the main dwelling. He pointed out that applications on this site had previously been refused on landscape grounds, the encroachment on the canopy spread and the impact of the gate house on the street scene. The Case Officer now concluded that these issues have been overcome.

Cllr Rigby stated that the Committee was not bound by the previous decisions but acknowledged that they are a material consideration. The applicant had stated that the gate house was required for security reasons and she queried how much personal reasons for a development could be disregarded. The Principal Planning Officer informed the Committee that not much weight could be given to the personal reasons for a planning application.

Cllr Craig highlighted the large increase in the use of glass at the rear of the building and felt that this could have an impact on wildlife.

Cllr Hodge felt that there would be an adverse effect on the neighbouring Conservation Area.

Cllr Clarke expressed concerns about the gate house as this could be permanently occupied. It would be difficult to enforce the occupancy requirement to ensure that this was occupied by a member of the same household as the main dwelling. He noted that it was a new build property which would be situated quite a distance from the main building.

Cllr MacFie felt that there would be an adverse effect on properties in The Shallows particularly in the winter months when there was less foliage to screen the new property.

Cllr Jackson queried whether a condition could be imposed as to the type and quality of materials to be used and also to require the gate house to remain in the same ownership as the main property.

The Legal Advisor stated that any ownership requirement was outside of the planning focus and that it would be preferable to consider the actual use of the ancillary dwelling.

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

- Harm and adverse impact on the landscape (Policy NE2).
- Significant harm to the amenity of The Shallows due to overlooking (Policy D6).
- Design and visibility – the dwelling is too large and would not enhance the neighbouring Conservation Area.
- The gate house is out of character with the area (Policy D2).
- The increase in width of the main dwelling would lead to overdevelopment of the site.
- The development would cause harm to neighbouring heritage assets (Policies D8 and HE1).
- There has been inadequate assessment of the environmental impact of the development and no bat survey has been submitted.

Cllr Jackson seconded the motion.

Cllr Davis stated that she felt the gate house was the primary concern with this proposal.

The motion was put to the vote and it was RESOLVED by 8 votes in favour and 2 abstentions to REFUSE the application for the reasons set out above.

(Note: At this point Cllr Simmons moved to the public gallery and did not speak or vote on the following application having declared a non-pecuniary interest).

Item No. 3

Application No. 19/04598/FUL

Site Location: Amenity Green, Glebe Walk, Keynsham – Erection of two semi-detached dwellings

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

A local resident spoke against the application.

The agent spoke in favour of the application.

Cllr Alan Hale, local ward member, spoke against the application. He pointed out that the area is currently used as a green amenity area by local residents. The

application would represent overdevelopment and would have an adverse effect on the street scene resulting in a more closed outlook. There is strong local feeling against the application. He raised concerns regarding the proposed parking arrangements and pointed out that the area is already densely developed. He stated that there is currently no overlooking in the area. He also referred to policy CP7 relating to green infrastructure.

The Case Officer then responded to questions as follows:

- The proposal met the requirements in terms of size.
- There would be some degree of overlooking but it was felt that this was not significant enough to warrant refusal of the application.
- The Committee cannot include a condition regarding land ownership issues. The applicant is required to certify ownership on the application form.
- The loss of light to an existing dwelling has been considered by the Case Officer and not found to be significant.
- Historic use as amenity land is not something that can carry weight. However, the land has a value to the character of the area and any loss of open space is a material consideration.

Cllr Hounsell felt that the fact that this is already a tightly knit residential area was significant and just because there was some degree of overlooking did not mean that more should be imposed on the neighbourhood. He also noted that looking out on green areas is good for mental health and wellbeing.

Cllr Clarke noted that, for many years this area has been used by the local community and that its removal would have an adverse impact.

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

- Overdevelopment of the site.
- Loss of amenity to the neighbours due to overlooking and loss of light.
- Adverse impact on the traditional urban design of the area.
- Loss of green infrastructure which contributes to the public realm.

Cllr Hodge seconded the motion.

The motion was then put to the vote and it was RESOLVED by 7 votes in favour, 1 vote against and 1 abstention to REFUSE the application for the reasons set out above.

(Note: At this point Cllr Simmons returned to the Committee).

Item No. 4

Application No. 19/05107/FUL

Site Location: 4 Audley Avenue, Lower Weston, Bath, BA1 3BL – Erection of two-storey side and rear and single-storey rear extension following removal of existing rear extension and garage together with removal of part of front garden wall and increase in width of driveway

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

then responded to questions as follows:

- There will still be a green strip of land in front of the property. The property is at the end of a cul-de-sac and the removal of the wall and part of the garden area would not be particularly detrimental in this location. Other walls have been removed in this street to create parking spaces and so there is a precedent.
- The Principal Planning Officer stated that a condition requiring greencrete to be used would only be possible if there were planning reasons to do so. In this instance he did not believe that there are planning reasons.

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

Cllr Hodge queried whether a condition could be included to require roof tiles to be consistent with the adjoining property. The Case Officer stated that grey tiles were proposed but he did not feel that this would be harmful.

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

Item No. 5

Application No. 19/04452/FUL

Site Location: Poole Farm, Sunnymead Lane, Bishop Sutton, - Erection of a triple garage for domestic use

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

A member of Bishop Sutton Parish Council spoke against the application.

A local resident spoke against the application.

Cllr Vic Pritchard, local ward member, spoke against the application. He stated that a large number of residents had objected to this application. He felt that the proposed garage development was particularly extravagant in design, for example, the inclusion of a Juliette balcony, and far exceeded the requirements for a garage. He also made reference to the B&NES Emergency Green Infrastructure Policy which he felt was relevant to this application and should be adhered to.

The Case Officer responded to questions as follows:

- The development would be visible from the nearby footpath. However, no public footpath runs through the site.
- The Principal Planning Officer confirmed that no trees on the site are subject to statutory protection.

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

- Given the design, scale, massing and siting of the proposed development the proposal will cause significant harm to the amenity of occupiers or adjacent occupiers.

- The negative impact on the AONB.
- The design is not in keeping with the local area.
- Adverse impact on wildlife and ecology.

Cllr Jackson seconded the motion adding that the proposal was also contrary to the adopted Stowey Sutton local planning policies. Cllr Davis agreed to include this as a further reason for refusal.

The motion was put to the vote and it was RESOLVED unanimously to REFUSE the application for the reasons set out above.

Item No. 6

Application No. 19/04486/FUL

Site Location: 9 Partis Way, Lower Weston, Bath, BA1 3QG – Erection of new 4-bedroom detached dwelling, garage and associated hard and soft landscape works on land adjacent to 9 Partis Way. Proposed variations to consented scheme Ref: 17/03603/FUL

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

A local resident spoke against the application.

The agent spoke in favour of the application.

A statement from Cllr Mark Roper, local ward member, was also read out at the meeting. Cllr Roper raised concerns regarding the doubling in size of the garage, the overbearing nature of the proposal and the detrimental effect on the amenity of neighbouring properties. He drew attention to the number of local residents who had raised objections and also highlighted their concerns that the application represents a way to revert to the original plans by a back-door route.

The Case Officer responded to questions as follows:

- The application intends to create a more sustainable building and the plant room would be used for equipment to reduce carbon emissions such as solar panels and rainwater harvesting equipment. The dwelling was always intended to be a 2-storey property and no additional storey has been requested.
- The sun-path analysis is available to view on the Council website.

Cllr Jackson was concerned at the significant increase in volume of 28% for the dwelling and 50% for the garage.

Cllr Hodge pointed out that the amount of space required for solar panels is very small and would not require this level of volume increase.

Cllr Rigby felt that the application represented a significant change to the original scheme.

The Principal Planning Officer explained that there is an extant permission to build a dwelling on the site. He advised members to assess the scheme before them and to

place significant weight on the extant permission considering the differences between the two applications.

Cllr Davis moved the officer recommendation to permit stating that the new proposal is more sustainable than the existing. This was seconded by Cllr Simmons.

The motion was put to the vote and it was RESOLVED by 5 votes in favour, 4 votes against and 1 abstention to PERMIT the application subject to the conditions set out in the report.

93 QUARTERLY PERFORMANCE REPORT - OCTOBER TO DECEMBER 2019

The Committee considered the quarterly performance report from October to December 2019.

Cllr Hounsell requested that, in future, the performance report should include the reason why enforcement investigations had been closed.

RESOLVED: To NOTE the report.

94 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 4.30 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services