

## DEVELOPMENT MANAGEMENT COMMITTEE

### Minutes of the Meeting held

Wednesday, 10th June, 2015, 2.00 pm

Councillor Rob Appleyard - Bath & North East Somerset Council  
Councillor Jasper Martin Becker- Bath & North East Somerset Council  
Councillor Neil Butters (In place - Bath & North East Somerset Council  
of Councillor Paul Crossley)  
Councillor Matthew Davies - Bath & North East Somerset Council  
Councillor Sally Davis - Bath & North East Somerset Council  
Councillor Eleanor Jackson - Bath & North East Somerset Council  
Councillor Les Kew - Bath & North East Somerset Council  
Councillor Caroline Roberts - Bath & North East Somerset Council  
Councillor Brian Simmons (In - Bath & North East Somerset Council  
place of Councillor Bryan  
Organ)  
Councillor David Veale - Bath & North East Somerset Council

#### 1 ELECTION OF CHAIRMAN

**RESOLVED** that Councillor Sally Davis be elected as Chairman of the Committee

#### 2 EMERGENCY EVACUATION PROCEDURE

The Senior Democratic Services Officer drew attention to the emergency evacuation procedure as set out on the Agenda

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

A Vice Chairman was not required

#### 4 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies were received from Councillors Paul Crossley and Bryan Organ whose respective substitutes were Councillors Neil Butters and Brian Simmons

#### 5 DECLARATIONS OF INTEREST

There was none

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

There was none

7 **ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS**

The Committee noted that there were a number of people wishing to make statements on planning applications and that they would be able to do so when reaching their respective items in Report 10

8 **ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS**

There was none

9 **MINUTES OF PREVIOUS MEETING**

**RESOLVED** that the minutes of the meeting held on Wednesday 29<sup>th</sup> April 2015 be confirmed as a correct record and signed by the Chairman

10 **PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE**

The Committee considered

- The report of the Group Manager – Development Management on two applications for planning permission
- An Update Report by the Group Manager on these applications, a copy of the Report being attached as *Appendix 1* to the Minutes
- Oral statements by members of the public etc. on these applications, the Speakers List being attached as *Appendix 2* to these Minutes

**RESOLVED** that, in accordance with their delegated powers, the applications be determined as set out in the Decisions List attached as *Appendix 3* to these Minutes

**Item 1 Site of demolished canal cottages, Tow Path, Kennet and Avon Canal, Bathwick, Bath – Erection of two storey dwelling with single storey annexe on site of demolished canal cottage row and outbuildings** – The Case Officer reported on this application and her recommendation to refuse permission. She summarised a recent e-mail from the Agent sent to Members regarding a response to the Officer's report. The Update Report provided further information submitted by the applicant's agent.

The public speakers made their statements against and in favour of the proposal.

Councillor Jasper Becker (Ward Member on the Committee) stated that he supported the principle of development of the site. This was an interesting design although other designs could be considered. Councillor Les Kew agreed with the Officer's recommendation and considered that the proposal would not preserve or enhance the Conservation Area – it was an innovative design but in the wrong location. He therefore moved that the application be refused as per the Officer recommendation. The motion was seconded by Councillor Rob Appleyard who

considered that the design was not pleasing and that the site was inappropriate.

Members debated the motion. The access to the site by disabled people and emergency vehicles was queried to which the Group Manager responded to the effect that provision was available for such access. After a brief discussion, the motion was put to the vote and was carried, 9 voting in favour and 1 against.

**Item 2 Parcel 2900, Greenhouse Lane, Nempnett Thrubwell – Installation of a solar park with an output of approximately 4.76MW on land associated with Howgrove Farm** – The Case Officer reported on the application and his recommendation to grant permission subject to conditions. He referred to some of the conditions that would need to be amended. The Update Report referred to further conditions to be added. An objection had been received from Winford Parish Council as it was close to their Parish boundary. He stated that there was a target of 110MW for renewable energy (Policy CP3 of the Core Strategy).

The public speakers made their statements against and in favour of the development.

Councillor Les Kew read out the comments of the Ward Councillor Vic Pritchard who was unable to attend the meeting and who considered that the application should be refused. Councillor Kew then made his own comments on the proposal. He considered that the proposed use of this green field site was wrong and would mean the loss of agricultural land – other sites and buildings could be used as alternatives. The target of 110MW in the Core Strategy was based on a period of 20 years which had only just begun. The access to the site was poor and there were numerous policy constraints against the proposal. He disagreed with the Officer's statement in the Report that the application did not need to be referred to the Secretary of State. There were numerous objections to the proposed use which did not suit this location on a green field site. He moved that the recommendation be overturned and that permission be refused based on a rewording of the Officer's conclusion set out in the report, namely, that the proposed development is inappropriate development in the Green Belt and, although the proposal provides a range of benefits such as contributing towards meeting renewable energy targets, restoring historic field boundaries, ecological enhancement, job creation and farm diversification, it does not clearly outweigh the harm to the openness of the Green Belt and the wider landscape character. It is therefore considered that very special circumstances do not exist which justify the proposed development in the Green Belt. The motion was seconded by Councillor Brian Simmons.

Members debated the motion and asked questions for clarification. Various issues were raised including renewable energy, loss of agricultural land, Green Belt, alternative locations and visual impact. The Officers responded to these issues. The Group Manager stated that very special circumstances were required in the Green Belt but the NPPF referred to environmental benefits that should be considered and the need to outweigh any harm. In addition to consideration of the size of the site and the area covered by solar panels, there was a need to support renewable energy with the Government giving target outputs to be achieved by local authorities. The land could still be used for grazing in and around solar panels. A 25 year temporary permission was being proposed after which the land would return to agricultural use.

Some Members expressed arguments in favour of the proposal in that the benefits of the proposal would outweigh the harm to the Green Belt. The location was not prominent and it was not easy to access the site or the area in which it was situated. Solar panels were preferable to wind turbines and other alternative sites were not suitable. One Member felt that the site was still visible from some locations and that arable land should be retained as much as possible. The Group Manager stated that over time there would inevitably be a change to the landscape in attempting to meet a target of 110MW and that the issue of visibility was not in itself a strong enough reason to refuse permission.

The motion to refuse was put to the vote and was carried, 6 voting in favour and 4 against.

**11 ANNUAL REPORT 2014/15**

The Group Manager – Development Management took Members through this report highlighting the progress since the last report and the planned improvements for the coming year.

Members asked questions about various aspects of the report to which the Group Manager responded. Councillor Neil Butters requested that the Development Management Team be congratulated on the high quality of work undertaken over the last year which was seconded by Councillor Rob Appleyard. Councillor Les Kew also congratulated the Divisional Director of Planning on the work undertaken in the first year since her appointment including the appointment of other officers in the Team and the good customer satisfaction that had been achieved. There was, however, still some room for improvement. Councillor Eleanor Jackson considered that the Officers be congratulated on the diligence exercised by officers on enforcement matters.

The Committee endorsed the sentiments expressed by Members and noted the report.

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

Councillor Les Kew queried why so many applications on agricultural barns seemed to be refused. The Group Manager – Development Management responded referring to the National Planning Policy Guidance which he would forward to Councillor Kew.

The report was noted.

The meeting ended at 3.40pm

Chair .....

Date Confirmed and Signed .....

Prepared by Democratic Services

**BATH AND NORTH EAST SOMERSET COUNCIL**

**Development Control Committee**

**10<sup>th</sup> June 2015**

**OBSERVATIONS RECEIVED SINCE THE PREPARATION OF THE MAIN  
AGENDA**

**ITEMS FOR PLANNING PERMISSION**

| <b>Item No.</b> | <b>Application No.</b> | <b>Address</b>  |
|-----------------|------------------------|---|
| 1.              | 14/03990/FUL           | Parcel 2900<br>Greenhouse Lane<br>Nempnett Thrubwell<br>Bristol |

**CONSULTEE COMMENTS**

Updated comments from the Landscape Officer on revised scheme:

The Landscape Officer is now satisfied with the scheme and would have no objection subject to suggested landscaping conditions to specifically cover the detailed design and implementation of an appropriate planting scheme.

Updated comments from the Council's Senior Archaeological Officer:

The Council's Senior Archaeological Officer broadly agrees with the results and summary of the geophysical survey, but points that the ring ditches, pits and possible trackways (defined by close parallel ditches) could also indicate settlement evidence. They recommend that the following archaeological conditions are attached to any planning consent, to ensure (1) a field evaluation of the site, (2) a subsequent programme of archaeological work and/or mitigation, and (3) control over the groundworks. Subject to these conditions, they raise no objection to the proposals.

**CONDITIONS**

The following additional conditions shall be added to the recommendation:

***12. No development shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has first been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a field evaluation of the site to determine date, extent, and significance of any archaeological deposits or features,***

*and shall be carried out by a competent person and completed in accordance with the approved written scheme of investigation.*

*Reason: The site is within an area of archaeological interest and the Council wish to evaluate the significance and extent of the archaeological remains. This is a pre-commencement condition to prevent the commencement of any works (including groundworks and site preparation) on the site which could potentially harm important archaeology.*

**13.** *No development shall commence until the applicant, or their agents or successors in title, has presented the results of the archaeological field evaluation to the Local Planning Authority, and has secured the implementation of a subsequent programme of archaeological recording and/or mitigation work in accordance with a written scheme of investigation which has first been agreed and approved in writing by the Local Planning Authority. The agreed programme of archaeological work shall be carried out by a competent person and completed in accordance with the approved written scheme of investigation.*

*Reason: The site is within an area of archaeological interest and the Council wish to protect and/or record any significant archaeological remains. This is a pre-commencement condition to prevent the commencement of any works (including groundworks and site preparation) on the site which could potentially harm important archaeology.*

**14.** *No development shall take place within the site (including any site clearance or demolition works) until the applicant, or their agents or successors in title, has produced detailed drawings of all ground works, including foundations, roadways, drainage and cable runs (including those of statutory undertakers), which have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the location, extent and depth of all excavations and these works shall be carried out and completed in accordance with details as approved.*

*Reason: The site is within an area of archaeological interest and the Council to protect any significant archaeological remains during from avoidable disturbance. This is a pre-commencement condition to prevent the commencement of any works (including groundworks and site preparation) on the site which could potentially harm important archaeology.*

Condition **12** of the committee report is re-numbered condition **15**

| <b>Item No.</b> | <b>Application No.</b> | <b>Address</b>  |
|-----------------|------------------------|---|
| 2.              | 14/05823/FUL           | Site Of Demolished Canal Cottages<br>Tow Path Kennet And Avon Canal<br>Bathwick<br>Bath |

Further information in support of the proposal was received from the agent, including:

- Density Analysis; (14 May 2015)
- Density, Height and Massing Plan; (14 May 2015)
- Contextual Response; (03 June 2015) and
- Committee Report Response (3 June 2015).

Also 7 emails were received from the agent drawing attention to:

- characteristics and history of the site;
- the schemes approved in the vicinity (i.e. Summerfield School Lime Grove Site (Planning Ref: 12/00980/FUL); Greenways, Darlington Place, Bathwick, Bath, BA2 6BY (Planning Ref: 96/00450/FUL) and Widcombe Social Club site (Planning ref: 12/03234/FUL)). These are argued to be precedents that form a material consideration in favour of the proposal.

All the above documents are available for viewing on public website.

The issues raised by the agent have been carefully looked at, however the development at Widcombe Lock and other sites, are not considered to set a precedent for the proposal in question.

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**SPEAKERS LIST  
BATH AND NORTH EAST SOMERSET COUNCIL**

**MEMBERS OF THE PUBLIC ETC WHO MADE A STATEMENT AT THE MEETING  
OF THE DEVELOPMENT MANAGEMENT COMMITTEE ON WEDNESDAY 10<sup>TH</sup>  
JUNE 2015**

**SITE/REPORT                                      NAME/REPRESENTING                                      FOR/AGAINST**

| <b>PLANS LIST - REPORT<br/>10</b>  |  |   |
|--|--|---|
| Site of demolished cottages, Kennet and Avon Canal, Widcombe, Bath (Item 1, Pages 17-24) | Harriet Stone <u>AND</u> Edward Lewis<br><br>Jonathan Logsdan<br>(Applicant's Agent) | Against – To share 3 minutes<br><br>For |
| Parcel 2900 Greenhouse Lane, Nempnett Thrubwell (Item 2, Pages 25-40)                    | John Adams<br><br>Simon Newall, Green Switch Solutions (Applicants' Agents)          | Against<br><br>For                      |
|  |  |   |

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**BATH AND NORTH EAST SOMERSET COUNCIL**  
**DEVELOPMENT MANAGEMENT COMMITTEE**

**10th June 2015**

**DECISIONS**

|                          |   |                      |
|--------------------------|---|----------------------|
| <b>Item No:</b>          | 01  |                      |
| <b>Application No:</b>   | 14/05823/FUL  |                      |
| <b>Site Location:</b>    | Site Of Demolished Canal Cottages, Tow Path Kennet And Avon Canal, Bathwick, Bath   |                      |
| <b>Ward:</b> Widcombe    | <b>Parish:</b> N/A  | <b>LB Grade:</b> N/A |
| <b>Application Type:</b> | Full Application  |                      |
| <b>Proposal:</b>         | Erection of two-storey dwelling with single-storey annexe on site of demolished canal cottage row and outbuildings.                       |                      |
| <b>Constraints:</b>      | Agric Land Class 3b,4,5, Allotments, Conservation Area, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, World Heritage Site, |                      |
| <b>Applicant:</b>        | Ms Marian Sange   |                      |
| <b>Expiry Date:</b>      | 6th March 2015  |                      |
| <b>Case Officer:</b>     | Sasha Berezina  |                      |

**DECISION REFUSE**

1 The proposal by reason of its location and bulk fails to preserve the setting of the listed buildings and would harmfully affect the character and appearance of this part of Bath Conservation Area and the wider Bath World Heritage Site, contrary to the Planning (Listed Buildings and Conservation Areas) Act 1990, the National Planning Policy Framework, The Core Strategy Policy B4, and the saved policies BH.2, BH.6, BH.15, D.2 and D.4 of the Bath and North East Local Plan, including minerals and waste policies, adopted October 2007.

**PLANS LIST:**

This decision relates to drawings numbered 86-E001A, E002A, P100, P101, P102, P103, P104, P105, P106, P108, P203 and P204, received by the Council on 20th December 2014 and drawing numbered 86-E000B, received by the Council on 2nd April 2015.

|                                |  |
|--------------------------------|--|
| <b>Item No:</b>                | 02   |
| <b>Application No:</b>         | 14/03990/FUL   |
| <b>Site Location:</b>          | Parcel 2900, Greenhouse Lane, Nempnett Thrubwell, Bristol  |
| <b>Ward:</b> Chew Valley South | <b>Parish:</b> Nempnett Thrubwell <b>LB Grade:</b> N/A   |
| <b>Application Type:</b>       | Full Application   |
| <b>Proposal:</b>               | Installation of a solar park with an output of approximately 4.76MW on land associated with Howgrove Farm.   |
| <b>Constraints:</b>            | Airport Safeguarding Zones, Agric Land Class 1,2,3a, Forest of Avon, Greenbelt, Public Right of Way, SSSI - Impact Risk Zones, Water Source Areas, |
| <b>Applicant:</b>              | Green Switch Developments Ltd  |
| <b>Expiry Date:</b>            | 10th April 2015  |
| <b>Case Officer:</b>           | Chris Griggs-Trevarthen  |

## DECISION REFUSE

1 The proposed development is inappropriate development in the Green Belt and would result in a significant loss of openness. The benefits of the scheme would not clearly outweigh the harm to the Green Belt and its rural character. It is therefore considered that very special circumstances do not exist to justify the proposed development in the Green Belt. The proposal is therefore contrary to policy CP8 of the Bath and North East Somerset Core Strategy, policy GB.2 of the Bath and North East Somerset Local Plan and guidance in the National Planning Policy Framework.

2 The proposed development, due to its siting, scale and urbanising effect, would have a significant adverse impact upon the rural character and appearance of the site and its surroundings. The proposal is therefore contrary to policy NE.1 of the Bath and North East Somerset Local Plan 2007, policy CP6 of the Bath and North East Somerset adopted Core Strategy 2014 and the National Planning Policy Framework.

## PLANS LIST:

GSS100A\_001 CCTV details  
GSS100A\_002 Inverter housing plans and elevations  
GSS100A\_003 Fence detail  
GSS 100A\_004 Gate detail  
Landscaping Plan Revision A  
Proposed PV Layout Revision I  
Trench Detail  
Solar Panel Details  
Switch Room Substation Plans and Elevations