

## **DRAFT MINUTES PENDING CONFIRMATION AT THE NEXT MEETING**

### **BATH AND NORTH EAST SOMERSET**

#### **MINUTES OF DEVELOPMENT CONTROL COMMITTEE**

Wednesday, 11th April, 2012

**Present:-** Councillor Gerry Curran in the Chair  
Councillors Neil Butters, Nicholas Coombes, Sally Davis (Substitute for David Veale)  
Liz Hardman, Eleanor Jackson, Les Kew, David Martin, Douglas Nicol, Bryan Organ,  
Martin Veal and Brian Webber

Also in attendance: Councillor Vic Pritchard

#### **151 EMERGENCY EVACUATION PROCEDURE**

The Senior Democratic Services Officer read out the procedure

#### **152 ELECTION OF VICE CHAIR (IF DESIRED)**

A Vice Chair was not required

#### **153 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

An apology for absence was received from Councillor David Veale whose substitute was Councillor Sally Davis

#### **154 DECLARATIONS OF INTEREST**

There was none

#### **155 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR**

There was none

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

The Senior Democratic Services Officer informed the meeting that there was a member of the public wishing to make a statement on Report 12 relating to a Tree Preservation Order at Gaia, Widcombe Hill, Bath, who would be able to do so when reaching that item on the Agenda. There were various members of the public etc wishing to make statements on planning applications in Report 10 and they would be able to make their statements when reaching those items in that Report.

#### **157 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS**

There was none

## 158 MINUTES: 14TH MARCH 2012

The Minutes of the meeting held on Wednesday 14<sup>th</sup> March 2012 were approved as a correct record and were signed by the Chair

## 159 MAJOR DEVELOPMENTS

The Chair stated that the Senior Professional – Major Development had no matters on which to update the Committee but if Members had any queries, they could contact the Officer direct

## 160 PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE

The Committee considered

- A report by the Development Manager on various applications for planning permission
- Oral statements by members of the public etc on Item Nos 2, 3 and 6, the Speakers List being attached as *Appendix 1* to these Minutes
- An Update Report by the Development Manager on Item Nos 3-6, a copy of which Report is 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 The Galleries Shop, Freshford Lane, Freshford – Erection of extension to Freshford Shop to increase café area and decking** – The Development Team Leader reported on this application and the recommendation to Permit with conditions. He reminded Members that the application had been considered at the March ordinary meeting where Officers had recommended Refusal. The Committee deferred the application for it to be advertised as a Departure from the Development Plan and to give the applicants the opportunity to demonstrate very special circumstances to outweigh the harm to the Green Belt by reason of inappropriateness. However since that meeting, the National Planning Policy Framework had been published which allowed exceptions including “the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.” This enabled Officers to recommend that permission now be granted. However, the Departure advertisement did not expire until the day after this meeting and therefore he amended the Recommendation to Delegate to Officers subject to no new objections being received up to the expiry of the advertisement period and subject to the Conditions set out in the Report.

After some clarification by Members, Councillor Neil Butters moved the revised Recommendation which was seconded by Councillor Martin Veal. Following a brief debate, the motion was put to the vote and was carried, voting being 11 in favour and 1 against.

**Item 2 Folly Farm, Folly Lane, Stowey – Change of use from Class C2 to Mixed Use combining Classes C2/D2 for residential education, wedding ceremonies and receptions with ancillary café, teaching and workshop (Retrospective) –**

The Case Officer reported on this application and his Recommendation to Permit with conditions. He reminded Members that the application had been considered at the February Committee meeting. However, third parties had not received notification letters of the meeting which had therefore denied them the opportunity to make representation. He referred Members to the receipt of a further letter of objection resulting from consultation responses received the day before and which had been passed to the Chair and the Group Leaders. He summarised the content of the letter bringing the Committee's attention to the salient points and the traffic count submitted in the letter of representation. He advised Members that this did not alter his Recommendation; however, he recommended that a further Condition be added to limit the number of weekend wedding ceremonies to 35 per year.

The public speaker made her statement supporting the proposal which was followed by a statement by the Ward Councillor Vic Pritchard.

Members asked questions about the proposal to which the Case Officer responded. Councillor Eleanor Jackson supported the proposal and moved the Officer Recommendation which was seconded by Councillor Bryan Organ. After a brief discussion, the motion was put to the vote and it was carried, voting being unanimously in favour.

**Item 3 Sainsbury's Supermarkets Ltd, 170 Frome Road, Odd Down, Bath – Variation of Condition 29 of application 09/02389/OUT to allow deliveries from 0600 to 2300 hours seven days a week including Bank Holidays (Mixed use development comprising the erection of (1) a new foodstore and associated accesses including a new roundabout at Frome Road (no matters reserved for future consideration on this part); and (2) the erection of "extra care" retirement housing (Use Class C2) (appearance, landscaping, layout and scale reserved for future consideration on this part) –** The Planning Officer reported on this application and the Recommendation to grant temporary permission with conditions. The Update Report recommended an additional condition relating to the service yard gate. The public speaker then made his statement in support of the application.

Members asked questions about the proposal to which the Officer responded. Councillor Bryan Organ supported the proposal and therefore moved the Officer Recommendation emphasising that the proposal would need to be reviewed after 6 months. The motion was seconded by Councillor Les Kew.

Members debated the motion. Discussion centred on possible noise and the impact on neighbours and the residents in the "extra care" retirement housing that has yet to be built. The Development Manager responded on queries regarding a noise assessment by a competent person (Condition 27 refers). She also advised that the legislation specifically allowed for local planning authorities to grant temporary planning permissions in order to allow the impact of development proposals to be monitored, particularly where residential amenity might be affected. This was an example where such monitoring would provide evidence as to whether the extended hours were harmful to amenity or not. Some Members considered that there should be a breakdown of delivery/arrival times and the number of delivery lorries. The

noise assessment should also take into account the impact of noise from lorries idling or reversing with beepers etc. The motion was then put to the vote. Voting: 5 in favour and 6 against with 1 abstention. Motion lost.

Councillor Nicholas Coombes moved that permission be refused on the grounds that the proposal would be detrimental to the amenities of local residents and potential residents in the “extra care” housing. This was seconded by Councillor David Martin. The motion was put to the vote. Voting: 6 in favour and 5 against with 1 abstention. Motion carried.

**Item 4 Land adjacent to Kingswell, Eckweek Lane, Peasedown – Erection of 2 dwellings (Resubmission)** – The Case Officer reported on this application and her recommendation to Refuse permission.

Councillor Eleanor Jackson moved the Officer Recommendation to Refuse emphasising that the design was unsuitable and didn't reflect surrounding properties as included in the recommended reasons for refusal. This was seconded by Councillor Les Kew.

After a brief discussion, the motion was put to the vote and was carried unanimously.

**Item 5 Parcel 9015 Rowley Farm Lane, Combe Hay – Erection of 250 solar pv panels in a ground mounted array** – This application had been withdrawn by the applicant prior to the meeting and therefore was not considered.

**Item 6 Bath Urban Area, Various Streets – Erection of 9 temporary plinths with name plaques in various locations (for the display of temporary public art works) (01/05/2012 – 01/11/2012)** – The Case Officer reported on this application and his Recommendation to grant permission (for the period applied for) with conditions. He informed Members that the siting of a sculpture at The Circus had been withdrawn by the applicant. The Update Report provided information on a revised number of installations ie 9 instead of 15; third party comments; updates on the proposed sculptures 4a, 4b, 6, 8 and 9; and added an Informative to the Recommendation. The public speakers then made their statements in support of the proposal.

Members discussed the application. Councillor Neil Butters referred to possible security issues with the sculptures. He then moved the Officer recommendation which was seconded by Councillor Bryan Organ.

Members debated the motion. There was discussion regarding the locations for some of the sculptures. The motion was then put to the vote and it was carried unanimously.

#### **161 TREE PRESERVATION ORDER - LAND ADJACENT TO TESCO, OLD MILLS, PAULTON**

The Committee considered the report of the Senior Arboricultural Officer which (1) referred to a Tree Preservation Order provisionally made on 23<sup>rd</sup> November 2011 to protect a belt of trees and an individual tree on land adjoining Tesco, Old Mills, Paulton as they made a significant contribution to the landscape and amenity of the area; (2) advised that an objection to the Order had been received on behalf of

Tesco in relation to the north-south section of the belt of trees only; (3) informed that Paulton Parish Council supported the Order; and (4) considered the objection and recommended that the Order be confirmed without modification to ensure the retention of the trees.

The Senior Arboricultural Officer reported on the matter by means of a power point presentation. Members discussed the matter. Councillor Liz Hardman supported the Tree Preservation Order and therefore moved the Officer recommendation which was seconded by Councillor Martin Veal. Members briefly debated the motion.

**RESOLVED** that the Tree Preservation Order entitled "Bath and North East Somerset Council (Land adjacent to Tesco, Old Mills, Paulton No 12) Tree Preservation Order 2011" be confirmed without modification.

#### **162 TREE PRESERVATION ORDER - GAIA, WIDCOMBE HILL, BATH**

The Committee considered the report of the Senior Arboricultural Officer which (1) referred to a Tree Preservation Order provisionally made on 15<sup>th</sup> December 2011 to protect a group of trees on land at Gaia, Widcombe Hill, Bath, as they made a significant contribution to the landscape and amenity of the area; (2) advised that an objection to the Order had been made by the owners of the land; (3) informed that a number of local residents supported the Tree Preservation Order; and (4) considered the objection and recommended that the Order be confirmed without modification to ensure the retention of the trees.

The Senior Arboricultural Officer reported on the matter by means of a powerpoint presentation. The owner of the property made a statement against the Order being confirmed. The Officer answered queries by Members and the Chair read out a statement by the Ward Councillor Ian Gilchrist who couldn't attend the meeting and who supported the owner's objections. Members discussed the matter. Councillor Bryan Organ considered that it would be useful to see the site and the trees and therefore moved that consideration be deferred for a Site Visit which was seconded by Councillor Martin Veal.

**RESOLVED** to defer consideration for a Site Visit

#### **163 QUARTERLY PERFORMANCE REPORT - OCTOBER TO DECEMBER 2011**

Members asked questions about various aspects of the Performance Report to which the Development Manager responded. Regarding new posts being created in the Development Control Section, Councillor Martin Veal stated that it would be useful if they could attend a meeting of the Committee as soon as they took up their positions. He congratulated the Development Manager and her Team on dealing with the number of planning applications given the workload levels. The Chair on behalf of the Committee echoed these sentiments. Councillor Les Kew stated that it would also be useful if Committee Members could meet the newly recruited Officers after the Committee meeting that they would be attending.

The Committee noted the report.

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

The Committee noted the report

The meeting ended at 4.30 pm

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**