

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

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

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

Wednesday, 8th May, 2013

**Present:-** Councillor Gerry Curran in the Chair  
Councillors Rob Appleyard (In place of Liz Hardman), Neil Butters, Nicholas Coombes, Eleanor Jackson, Les Kew, Malcolm Lees, David Martin, Douglas Nicol, Bryan Organ, Martin Veal, David Veale and Brian Webber

Also in attendance: Councillors Gabriel Batt, Mathew Blankley, Sally Davis, Michael Evans, Barry Macrae, Paul Myers, Vic Pritchard, Geoff Ward and Chris Watt

#### **165 EMERGENCY EVACUATION PROCEDURE**

The Senior Democratic Services Officer read out the procedure

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

A Vice Chair was not desired

#### **167 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

An apology for absence was received from Councillor Liz Hardman whose substitute was Councillor Rob Appleyard

#### **168 DECLARATIONS OF INTEREST**

There were no declarations of interest

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

There were no items of Urgent Business. However, the Chair announced that the planning application at Bubblers Dytch, High Street, Wellow (Item 17, Report 11) had been withdrawn from the Agenda as had the 2 Enforcement Reports at Opa, North Parade, Bath (Report 12) and The Quarry, Eastcourt Road, Temple Cloud (Report 13).

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

The Senior Democratic Services Officer informed the meeting that there were various speakers on planning applications in Reports 10 and 11 and that they would be able to make their statements when reaching their respective Items in those Reports.

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

There were no items

**172 MINUTES: 10TH APRIL 2013**

The Minutes of the previous meeting held on Wednesday 10<sup>th</sup> April 2013 were approved as a correct record and signed by the Chair

**173 MAJOR DEVELOPMENTS**

The Development Manager reported that discussions had commenced with the developers of the former Cadbury's site, Somerdale, and that, once the application had been registered, the usual consultation process would follow.

In response to Councillor Eleanor Jackson's query about the Norton Radstock Regeneration proposals, the Development Manager stated that an application was expected in the near future.

The Committee noted.

**174 SITE VISIT LIST - APPLICATION FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE**

The Committee considered

- The report of the Development Manager on an application for planning permission at The Chase, Rectory Lane, Compton Martin
- An Update Report by the Development Manager which is attached as *Appendix 1* to these Minutes
- Oral statements by members of the public etc, the Speakers List being attached as *Appendix 2* to these Minutes

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

**The Chase, Rectory Lane, Compton Martin – Erection of extensions including a first floor extension to create a 1.5 storey dwelling (Revised proposal)** – The Case Officer reported on this application and her recommendation to Permit with conditions. The Update Report advised Members of further drawings submitted by the applicants and of further representations by the adjoining neighbour.

The public speakers made their statements against and in favour of the proposed development which was followed by a statement by the Ward Councillor Vic Pritchard.

Councillor Les Kew considered that the recent site visit had proved to be very useful. He considered that the amenities of the adjoining property were not affected and that the value of both properties would be improved. He therefore moved that the Officer recommendation be approved which was seconded by Councillor Doug Nicol.

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

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

The Committee considered

- The report of the Development Manager on various applications for planning permission etc
- an Update Report by the Development Manager on Item Nos 2-6, 11 and 14, a copy of which is attached as *Appendix 1* to these Minutes
- oral statements by members of the public etc on Item Nos 2-15, 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 4* to these Minutes.

**Items 2-6 Parcels 2866 and 0005 South, Woolley Lane, Woolley – (2) Alterations and extension to existing agricultural building; alterations to access; formation of hard standing and farm track; construction of stock pond; siting of 2 feed hoppers and ancillary works (Retrospective). Siting of a temporary timber cabin for an agricultural worker for a period of up to 3 years on Parcel 2866 (Ref 12/05660/FUL); (3) erection of general purpose agricultural building on Parcel 2866 (Ref 12/05661/FUL); (4) siting of 4 mobile poultry units (Retrospective) on Parcel 2866 (Ref 12/05662/FUL); (5) siting of 3 mobile poultry units (Retrospective) on Parcel 0005 South (Ref 12/05663/FUL); and (6) siting of 3 mobile poultry units (Retrospective) on Parcel 0005 South (Ref 12/05664/FUL) –** The Case Officer reported on all 5 applications and his recommendations to refuse permission. The Update Report provided the full comments of the Highways Officer on these applications and the observations of the Planning Officer.

The public speakers made their statements against and in favour of the proposals which were followed by statements by the Ward Councillors Geoff Ward and Gabriel Batt.

Councillor Martin Veal (Ward Member) stated that the applicants were riding roughshod over the community. He considered that the development blighted the visual amenity of the area which was AONB and Green Belt and impacted on the setting of a World Heritage Site. The cumulative effect was unacceptable. He complimented the Case Officer on producing a good report. He raised a query on the wording of the last sentence on page 2 of the Update Report. The Case Officer stated that, instead of “the highway response is open of objection ...” it should read “the highway response is one of objection ...”

Councillor Eleanor Jackson agreed with the Officer’s conclusions on Item 2 and therefore moved the Recommendation to refuse permission which was seconded by Councillor Martin Veal. Councillor Brian Webber referred to the Article 4 Direction which covered the area and removed agricultural permitted development rights over a wide area of the Swainswick Valley. This was an overriding consideration. The motion was then put to the vote and was carried unanimously.

Councillor Martin Veal moved separately that the remaining 4 applications be refused as recommended which were seconded by Councillor Les Kew. Voting was taken separately and these were carried unanimously.

Councillor Les Kew thanked the Case Officer for producing such a good report. In view of the above decisions, Councillor Martin Veal expressed a desire for enforcement action to be considered at the next meeting on 5<sup>th</sup> June. The Development Manager replied that Officers would aim at producing a report for the next meeting.

**Item 7 Parcel 8966 Manor Road, Saltford – Erection of up to 99 dwellings and associated parking on Parcel 8966 and Parcel 0064, 1 vehicular access from Manor Road and separate pedestrian access to Manor Road, associated engineering works and the construction of 2 car parking lay-bys on Manor Road** – The Case Officer reported on this application and her recommendation that, if the Council had been in a position to make a decision on the application, then the recommendation would be to refuse the application on the basis that the development would comprise inappropriate development in the Green Belt, harmful to openness that would encroach into the countryside, and for which no very special circumstances had been demonstrated that would clearly outweigh the very significant level of harm caused. The Development Manager explained that the application was the subject of an appeal for non-determination and therefore Members' views were being sought to enable the Inspector to be advised of the Council's recommendation for the application.

The public speakers made their statements against the proposal which was followed by a statement by the Ward Councillor Mathew Blankley against the application.

Councillor Bryan Organ opened the discussion. He stated that the development site was not in the Core Strategy and was outside the housing boundary. The Development Manager gave advice regarding the policy position and stated that the National Planning Policy Framework was a material consideration in planning decisions and should be given more weight than the Local Plan if there was any inconsistency. There was a presumption in favour of sustainable development and it stipulated that relevant policies for the supply of housing should not be considered up to date if the Local Planning Authority could not demonstrate a 5 year land supply of deliverable housing. This Council could not demonstrate such land supply until objections had been heard by the Inspector at the forthcoming Examination in Public into the Draft Core Strategy. The outcome was that applications should be assessed against the policies of the NPPF with the amended Draft Core Strategy and the relevant Local Plan policies being given little weight. Where sites were located in the Green Belt, as in this case, the NPPF states that the presumption in favour of sustainable development did not apply even when the Council could not demonstrate a 5 year housing supply. In these cases, such development would remain inappropriate which is harmful by definition and there may also be harm to openness and other harm. Permission could only be granted if very special circumstances existed that clearly outweighed the harm.

Councillor Bryan Organ appreciated the situation and moved the Officer recommendation. This was seconded by Councillor Les Kew.

Members debated the motion. Councillor Nicholas Coombes supported the policy position and saw no reason to grant permission due to the harm to the openness of the Green Belt which was upheld by the NPPF. Councillor Eleanor Jackson referred to the need for Green Belt land and retaining its openness.

The motion was put to the vote and was carried unanimously.

**Item 8 Fields north of Orchard Park, Staunton Lane, Whitchurch – Residential development (up to 295 dwellings) including infrastructure, ancillary facilities, open space, allotments and landscaping. Construction of 2 new vehicular accesses from Stockwood Lane (Resubmission)** – The Case Officer reported on this application and her recommendation to refuse permission. She pointed out that there had been 385 objections received, not 585 as stated in the report.

The public speaker made her statement against the proposal.

Councillor Les Kew opened the debate. He stated that the Ward Councillor Peter Edwards was unable to be present due to ill health. He agreed with the reasons for refusal as the development would harm the openness of the Green Belt, encroach into the countryside and contribute to the sprawl of Bristol. He therefore moved the Officer recommendation which was seconded by Councillor Bryan Organ.

Members debated the motion. It was generally agreed that the reasons for refusal could not be disputed. It was also suggested that the site was not sustainable. Councillor Nicholas Coombes raised the issue of Green Belt status and the safeguarded bypass route through the site. The Officers responded that a detailed design had not been prepared and that the route would be reviewed in the Place Making Plan – funding for the bypass would need to be demonstrated.

The motion was put to the vote and was carried unanimously.

**Items 9&10 Parcel 5400 Fosseyway South, Westfield, Midsomer Norton – (1) Outline planning permission for up to 164 residential dwellings (C3), a 60 bed care home (C2), 200sq m of retail/business/community space (A1/A3/B1/D1) along with 2 points of access and public open space (Ref 12/00546/OUT); and (2) outline planning permission for up to 165 residential dwellings (C3), and 60 bed care home, 2 points of access and public open space (Ref 13/00127/OUT)** – The Case Officer reported on these proposals and his recommendations to authorise the Development Manager to Permit the applications subject to (1) a S106 Agreement to secure various provisions relating to Affordable Housing, Education, Open Space and Recreational Facilities, and Transport; and (2) various conditions.

The public speakers made their statements against and in favour of the proposals which was followed by statements by the Ward Councillors Paul Myers and Chris Watt

The Development Manager gave advice on the policy position. She stated that the NPPF was a little ambiguous and did not make reference to sub areas. The Somer Valley was due to make a contribution to meet housing requirements. Having made a sequential assessment of the proposals, the Officers considered that there were no reasons to warrant refusal.

Councillor Bryan Organ opened the debate. He felt that the applications should be deferred for 1 month for further consideration and advice regarding the NPPF. He moved accordingly which was seconded by Councillor Martin Veal.

Members debated the motion. It was generally felt that there were insufficient grounds for deferral. At the suggestion of Councillor Les Kew, he amended his motion, with the seconder's agreement, to Defer for a Site Visit. Members debated the amended motion. It was generally felt that little would be achieved by holding a site visit. The motion was put to the vote. Voting: 4 in favour and 7 against with 2 abstentions. Motion lost.

Councillor Eleanor Jackson moved the Officer recommendations which were seconded by Councillor Rob Appleyard. Members raised various issues including the need for jobs and houses, loss of a greenfield site when brownfield sites were still available, sustainability, highways and congestion. Views were expressed for and against the proposals. Some Members considered that there was demand for housing in the area, others not. There were a number of differences of opinion on the application. The motions were separately put to the vote and were carried, 7 voting in favour and 6 against.

**Item 11 Parcel 0025 Monger Lane, Welton, Midsomer Norton – Residential development comprising up to 135 dwellings, vehicular access from Monger Lane, public open space and other associated infrastructure** – The Case Officer reported on this application and her recommendation to authorise the Development Manager to grant permission subject to (1) entering into a S106 Agreement to cover various provisos under the headings of Affordable Housing, Highways, Highways Drainage, Landscape and Open Space, and Education; and (2) various conditions. The Update Report commented on the Highways Officer's additional comments and added a further condition.

The public speakers made their statements against and in favour of the proposal which was followed by statements by the Ward Councillors Michael Evans and Barry Macrae, and then the Ward Councillors for Midsomer Norton Redfield, Paul Myers and Chris Watt.

Councillor Eleanor Jackson moved that the Recommendation be overturned and that the application be refused which was seconded by Councillor Rob Appleyard. The reasons for refusing were that (1) the development would be harmful to the appearance of the hillside; (2) inadequate highway provision which would create a rat-run; (3) the development was unsustainable with no pavement and a poor bus service; and (4) the site was liable to flooding.

The Development Manager commented on the reasons for refusal. She pointed out that there were no objections by the Highways Officer or by the Environment Agency and Wessex Water.

Members asked questions regarding loss of trees, mine working and the bus service to which the Officers responded. At a Member's request, the Development Manager gave an explanation of a paragraph in the report relating to a contribution of £366,178.05 towards strategic highway and transport works.

After a short debate, the motion was put to the vote and it was carried, 12 voting in favour and 1 against.

(Notes: (1) After this item at 6.07pm, there followed an adjournment for Tea and the meeting resumed at 6.30pm; and (2) Councillors Rob Appleyard and Neil Butters did not return to the meeting)

**Item 12 The Glebe, Church Hill, High Littleton – Conversion and extension of garage to form family room, new entry hall, bathroom, garage and attic storage following removal of carport and provision of a pitched roof to existing open oil storage tank** – The Case Officer reported on this application and her recommendation to refuse permission.

The applicant's agent made his statement in support of the application.

Councillor Les Kew opened the debate. He considered that the works were minor and couldn't be seen from adjoining sites – the works would improve the appearance of the property and give it character. He added that the proposals were verging on being Permitted Development and would help a growing family to remain in the village. He therefore moved that the Recommendation be overturned and that authority be delegated to Officers to grant permission subject to appropriate conditions. The motion was seconded by Councillor Martin Veal. Members debated the motion. It was generally agreed that the roots of the Yew tree in the garden needed to be protected and an appropriate condition added.

The motion was put to the vote and it was carried, 10 voting in favour and 1 against.

**Items 13&14 The Hay Barn, Camerton Hill, Camerton – (1) Increase in roof pitch and ridge height, insertion of 5 conservation roof lights, new door and window opening on the south west elevation and internal reorganisation to provide 4 bedroomed holiday accommodation (Retrospective)(Ref 1300690/FUL); and (2) internal and external alterations for the increase in roof pitch and ridge height, insertion of 5 conservation roof lights, new door and window opening on the south west elevation and internal reorganisation to provide 4 bedroom holiday accommodation (Regularisation)(Ref 13/00691/LBA)** – The Case Officer reported on these applications and her recommendations to Permit/Consent with conditions. The Update Report informed Members that, if consent was granted as recommended, condition 01 was now no longer required.

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

Councillor David Veale opened the debate and referred to the large amount of earth removed to create the parking space at the front of the property. The letting appeared to provide full time family accommodation. He felt that due process had not been followed by the applicant.

Councillor Les Kew considered that the alterations had been done to a high standard providing an attractive building although consultation had been lacking. He moved that the recommendation to Permit with conditions be approved which was seconded by Councillor Bryan Organ.

Members debated the motion. There was discussion regarding the recommended length of the occupancy of the accommodation by the same person, namely, 6 months. The Officer explained that this was included in the original permission. Councillor Nicholas Coombes moved an amendment that the length of occupancy be reduced to 3 months which was seconded by Councillor David Veale. Members debated the amendment. After a short discussion, the amendment was put to the vote and was carried, 7 voting in favour and 4 against.

The substantive motion with this amendment was put to the vote and was carried, 10 voting in favour and 1 against.

Councillor Eleanor Jackson moved that the Officer recommendation to Consent with conditions be approved which was seconded by Councillor Les Kew. The motion was put to the vote and was carried, 10 voting in favour and 1 against.

**Item 15 Land between Old Lane and Conygre Brook, Old Lane, Farmborough – Erection of 12 dwellings and construction of vehicular and pedestrian accesses following demolition of bungalow** – The Case Officer reported on this application and his recommendation to authorise the Development Manager to grant permission subject to (1) a S106 Agreement to secure various provisos under the headings of Transport, Affordable Housing, and Open Space and Recreational Facilities; and (2) appropriate conditions.

The public speakers made their statements against and in favour of the proposal which was followed by a statement by the Ward Councillor Sally Davis.

The Development Manager gave advice regarding the policy considerations. The site was within the housing development boundary and the proposal was acceptable in principle subject to satisfactory details and the usual conditions. The protection of visually important hillsides had been removed by the Inspector on the Core Strategy and development sites should be considered on the basis of individual circumstances. It was considered that there was no harm in this instance.

Councillor Les Kew opened the debate. He considered this to be an odd site tantamount to back land development and had concerns regarding the access. He moved that consideration be deferred to enable Members to have a Site Visit to assess the contours of the land and the access. The motion was seconded by Councillor Bryan Organ.

Members debated the motion. Although some Members did not feel it necessary, most Members welcomed a Site Visit in this case. The motion was therefore put to the vote and was carried, 9 voting in favour and 2 against.

(Note: Councillor David Veale left the meeting at this point)

**Item 16 Parcel 0087 Walley Lane, Chew Magna – Change of use of filed from agriculture to equestrian and erection of block of 4 stables (Resubmission)** – The Case Officer reported on this application and his recommendation to refuse permission.



The public speaker had previously indicated that he had to leave the meeting before this item was considered and left his statement for the Chair to read out which he did.

The Development Manager gave advice on the policy position. The NPPF had removed the previous PPG 2 reference to material changes of use being appropriate “other” forms of development in the Green Belt – therefore this proposed change of use represented inappropriate development in the Green Belt.

Councillor Les Kew referred to the site being in the Green Belt and a pleasant area for walking with a nearby lake and café. He felt that it should be designated an AONB. He therefore moved the Officer recommendation which was seconded by Councillor Bryan Organ. The motion was put to the vote which was carried unanimously.

**Item 17 Bubblers Dutch, High Street, Wellow – Erection of 2 detached two storey houses with attached garages following demolition of existing single storey house (Resubmission)** – The Officer withdrew this report from the Agenda for further consideration.

**176 ENFORCEMENT ITEM - OPA, NORTH PARADE, BATH (WITHDRAWN)**

This Report was withdrawn from the Agenda

**177 ENFORCEMENT ITEM -THE QUARRY, EASTCOURT ROAD, TEMPLE CLOUD (WITHDRAWN)**

This Report was withdrawn from the Agenda

**178 QUARTERLY PERFORMANCE REPORT - JANUARY TO MARCH 2013**

The Chair extended his thanks on behalf of the Committee to Development Control Officers for their hard work and endeavours during a particularly busy period.

The report was noted.

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

Councillor Eleanor Jackson congratulated Planning Officers for their overall high success rate in winning appeals.

The report was noted.

**180 UPDATE ON FORMER FULLERS EARTHWORKS, COMBE HAY, BATH**

The Development Manager reported that the appellants had applied for costs as regards the Council’s withdrawal of Enforcement Notice 01. She informed Members that the Statement of Case on the 2<sup>nd</sup> Bite Notice had been submitted yesterday. No response had been received from the Planning Inspectorate regarding the appeal held in abeyance. She also referred to two statements received from the appellants’ agents.

The Committee noted.

The meeting ended at 7.55 pm

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**