

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

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

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

Wednesday, 12th March, 2014

**Present:-** Councillor Gerry Curran in the Chair

Councillors Ian Gilchrist, Liz Hardman, Eleanor Jackson, Les Kew, Malcolm Lees, Douglas Nicol, Bryan Organ, Manda Rigby, Nigel Roberts, Martin Veal, David Veale and Brian Webber

Also in attendance: Councillors Nathan Hartley, Loraine Morgan-Brinkhurst, Vic Pritchard and Caroline Roberts

#### **142 EMERGENCY EVACUATION PROCEDURE**

The Senior Democratic Services Officer read out the procedure

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

A Vice Chair was not required

#### **144 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There was none

#### **145 DECLARATIONS OF INTEREST**

Councillor Liz Hardman declared an interest in the planning application at Parcel 3300, Temple Inn Lane, Temple Cloud (Item 2, Report 9) as she knew the applicant and therefore would leave the meeting and would not participate in its consideration.

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

There were no items of urgent business

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

The Senior Democratic Services Officer informed the meeting of the public speaking procedure and that members of the public could make their statements when reaching their respective items in Reports 9, 10 and 13 on the Agenda.

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

Councillor Martin Veal informed the meeting that he would need to leave the meeting early. Councillor Manda Rigby enquired as to the current situation on the Gibbs Mews development in Walcot Street. The Team Manager – Development Management stated that there was nothing to add to the comments he made at the

last meeting of the Committee and that there should be further information available by the next meeting in April.

#### **149 MINUTES: 12TH FEBRUARY 2014**

Councillor Les Kew referred to Minute No 139 on page 13 of the Agenda relating to the former Radco Furniture Warehouse, Waterloo Road, Radstock. He clarified that natural stone would now be used instead of reconstructed stone as indicated in the Minute. The Minutes of the meeting held on 12<sup>th</sup> February 2014 were approved and signed by the Chair as a correct record.

#### **150 SITE VISITS 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 etc.
- An Update Report on Item No 2, a copy of which report is attached as *Appendix 1* to these Minutes
- Oral statements by members of the public etc. on Item Nos. 1-6, 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 No 22 Rotcombe Vale, High Littleton – Erection of a two storey 3 bedroom house in front garden** – The Case Officer reported on this application and his recommendation to grant permission subject to conditions.

The public speaker made a statement against the application.

Councillor Les Kew opened the debate. He considered that the design was alien to the street scene and was overdevelopment of the site. There was a covenant on the existing house restricting the garden to car parking. There was also an issue in that the pre-application advice that had been given indicating that the scheme could be approved had not been referred to in the Officer's report. He also noted that the application had originally been delegated by the Chair to the Officers for a decision. The Chair responded that it had been signed off for an approval but that he had allowed it to be referred to the Committee afterwards. He would write to the applicant regarding the procedure.

Councillor Bryan Organ could not support the application as it was out from the building line, it was overdevelopment of the site, the design was out of character with surrounding properties and there would be overlooking. On this basis, he moved that the Officer recommendation be overturned and permission be refused. The motion was seconded by Councillor Brian Webber.

Members debated the motion. A number of Members spoke in favour of the development as it was in a sustainable location, the number of cars that could be parked at this and surrounding properties was not an issue and a different design

made the street scene more interesting. Other Members supported the motion as they found the design to be unacceptable and would spoil the character of the area. The Chair stated that it was a finely balanced decision but that he would support the proposal.

He therefore put the motion to the vote. Voting: 5 in favour and 8 against. Motion lost.

Councillor Eleanor Jackson therefore moved the Officer's recommendation to grant permission, with conditions, which was seconded by Councillor Doug Nicol. The Chair put this motion to the vote and it was carried, 8 voting in favour and 5 against.

**Item 2 Parcel 3300, Temple Inn Lane, Temple Cloud - Development of the site for residential purposes (approximately 70 dwellings) with associated public open space, landscaping and parking. Primary vehicular access from Temple Inn Lane to be determined (internal access, layout, scale, appearance and landscaping reserved for subsequent approval)** – The Case Officer reported on this application and his recommendation to (A) authorise the Planning and Environmental Law Manager to enter into a S106 Agreement to secure various provisions relating to Transport and accessibility, Affordable housing, Open space and recreational facilities, Education and Community facilities; and (B) subject to the prior completion of the Agreement, authorise the Development Manager to grant permission subject to conditions (or such conditions as she may determine). The Update Report referred to the Highways Team's comments on the Cumulative Transport Assessment submitted by the applicant. He stated that hard surfacing could be provided at the junction if approved.

The public speakers made their statements against and in favour of the applications. Councillor Les Kew read out a statement provided by the Ward Councillor Tim Warren who could not attend the meeting.

Councillor Doug Nicol queried the proposed hard surfacing platform in Temple Inn Lane and whether rumble strips would be better. Councillor Eleanor Jackson felt that this was a difficult application but on balance she supported the application and therefore moved the Officer's recommendation which was seconded by Councillor Doug Nicol.

Members debated the motion. Councillor Nigel Roberts queried whether the cumulative effect of housing developments had been considered. The Case Officer responded that whilst there were concerns regarding the number of houses being built above the suggested limit for a village, the Council could not demonstrate an agreed 5 year land supply for housing – the application would still need to be determined against the NPPF presumption in favour of sustainable development.

Councillor Les Kew stated that the speed restriction features were not very satisfactory. A lot of traffic would use the Lane which leads to an industrial estate and the Lane in which he lived (he declared an interest in this regard). If approved, the ransom strip for access to the school and community hall should be retained. There would be a big impact on the village but at least there were monies available via the S106 Agreement. Councillor Brian Webber could not support the motion as he felt that there were too many houses which were out of character with the village.

The Chair referred to increased vehicular movements at the junction but did not consider it was an unacceptable impact on the village. Some signage at the junction could be removed to assist in visibility. The Team Leader – Development Management stated that the Council could not demonstrate a 5 year housing land supply. New planning guidance had been produced recently which stated that this was a key material consideration. The NPPF advised that there was a presumption in favour of sustainable development. This was considered to be a sustainable location and there were financial benefits via the S106 Agreement. It was a balanced decision but approval was being recommended.

The Chair put the motion to the vote which was carried, 9 voting in favour and 2 against with 1 abstention.

(Note: Councillor Liz Hardman was absent for discussion on this item in view of her interest declared earlier in the meeting).

**Items 3&4 Temple Inn, Main Road, Temple Cloud – Mixed use development comprising a 10 bed letting rooms building, 9 residential dwellings and renovation of existing public house (Ref Nos. 13/04456/FUL and 13/04457/LBA)**

– The Case Officer reported on these applications and her recommendations to (1)(A) authorise the Planning and Environmental Law Manager to enter into a S106 Agreement to secure various provisions relating to Education, Open space and recreational facilities, Transport and Affordable housing; and (B) subject to the prior completion of the Agreement, authorise the Development Manager to grant permission subject to conditions; and (2) grant consent subject to conditions.

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

Councillor Les Kew relayed the comments of the Ward Councillor Tim Warren on these applications. Councillor Doug Nicol moved the Officer recommendations but conditions should be included so that the works to the listed building are completed before the development is fully occupied and that the letting rooms building be tied to the public house. The Officers stated that the S106 Agreement would secure the works to the listed building and that the letting rooms would not need to be tied to the public house as planning permission would be required for any change of use.

Councillor Bryan Organ moved the Officer recommendations which were seconded by Councillor Manda Rigby. Councillor Les Kew queried the width of the access onto the Lane as he considered that the old entrance could be closed off and the existing walls could be retained as much as possible. Also the materials would be important so sample panels should be supplied. The Officer stated that this was covered in Condition 17.

The Chair put the motions to the vote which were carried unanimously

**Item 5 Parcel 3567, Stitchings Shord Lane, Bishop Sutton – Outline planning application for a residential development of up to 32 dwellings and associated infrastructure** – The Case Officer reported on this application and his recommendation to authorise the Planning and Environmental Law Manager to enter into a S106 Agreement to secure various provisions relating to Transport, Affordable housing, Open space and recreational facilities and Education; and subject to the prior completion of the Agreement, authorise the Development Manager to grant

permission subject to conditions (and such additional ecology conditions as she may determine).

The public speakers made their statements against and in favour of the application. The Ward Councillor Vic Pritchard made a statement against the proposal.

Councillor Les Kew opened the debate. He referred to the large number of permissions for residential development and the houses already built in the village and considered this to be a step too far. He would not support the proposal. This sentiment was echoed by Councillor Liz Hardman. Councillor Ian Gilchrist agreed and therefore moved that the recommendation be overturned and that permission be refused on the grounds that it was outside the housing boundary. He also had other concerns including the likely increased pressure on the local school. The motion was seconded by Councillor Martin Veal. Councillor Nigel Roberts queried whether the school could expand and considered that this development was not sustainable as it was car-based. In response, the Case Officer stated that a contribution could be made to education facilities and, whilst the school was currently full, the contributions would go towards a school extension for which there was room. There was a presumption in favour of sustainable development under the NPPF – the lack of a Core Strategy made it difficult to defend on appeal as was the case with housing development at Wick Road which was upheld on appeal.

Members continued to debate the motion. Councillor Les Kew felt that it was the cumulative effect that was the issue and the rural habitat needed to be protected. The Team Manager – Development Management stated that the Council was in a difficult position with regard to the 5 year land supply as this had not yet been approved and it would not be appropriate to refuse the application simply because the application site was outside the Housing Development Boundary. However, as it was apparent that the Members were minded to refuse the application, he suggested that the guidance within the recently published Planning Policy Guidance was relevant in this particular instance. This guidance stated that, if the cumulative effect of housing developments is so significant that to grant planning permission would undermine the plan-making process and the emerging Core Strategy was at an advanced stage, then this could be a reason to refuse the application. The mover and seconder agreed. There was some further discussion and the issue of flooding was raised but Officers considered that this could be overcome by engineering solutions.

The Chair put the amended motion to the vote which was carried, 8 voting in favour and 3 against with 2 abstentions.

**Item 6 Milford Head, Stitchings Shord Lane, Bishop Sutton – Demolition of existing buildings and redevelopment of the site to provide 9 dwellings (Outline with all matters reserved except access)(Resubmission of 12/05599/OUT)**

– The Case Officer reported on this application and his recommendation to (A) authorise the Planning and Environmental Law Manager to enter into a S106 Agreement to secure various provisions relating to Education, Open space and recreational facilities, Transport and Protection of boundary hedges; and subject to the prior completion of the Agreement, authorise the Development Manager to grant permission subject to conditions (or such conditions as she may determine).

The public speakers made their statements against and in favour of the application. The Ward Councillor Vic Pritchard made a statement against the proposal.

Councillor Nigel Roberts raised various queries concerning the AONB and the loss of the tennis court and a brownfield site. The Case Officer responded that it was a private tennis court and this brownfield site included the access road. He indicated approximately where he thought the boundary of the AONB ran.

Councillor Les Kew considered that this was overdevelopment and on this basis moved refusal thus overturning the Officer's recommendation. However, he felt that some housing could be accommodated on the site. The motion was seconded by Councillor Nigel Roberts who considered that this was inappropriate development in the AONB and requested that this be included as a reason for refusal to which the mover agreed. There was some doubt cast regarding the extent of the AONB in this locality and therefore it was felt that it would be better if the application was deferred for clarification. Councillor Eleanor Jackson felt that drainage issues also needed further clarification. Councillor Les Kew therefore withdrew his motion to refuse permission and moved deferral for resolution of these issues which was seconded by Councillor Nigel Roberts.

The motion was put to the vote and was carried, 12 voting in favour and 0 against with 1 abstention.

(Note: After this Item at 5pm, there was a comfort break for 10 minutes).

## **151 MAIN 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 etc.
- An Update Report on Item Nos. 1-3 and 5, a copy of which is attached as *Appendix 1* to these Minutes
- Oral statements by members of the public etc. on Item Nos. 1, 2 and 4, a copy of 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 1&2 Sawclose Car Park, Bath – (1) Erection of hotel (C1), 2 restaurants (A3) and casino (Sui Generis), alterations works to listed buildings (Gala Bingo Club, Market and Bluecoat House boundary walls) and associated hard landscaping works following the demolition of unlisted buildings (former clinic, former weighbridge kiosk, Regency Garage and Nos. 1-2 Bridewell Lane)(Ref No. 13/04234/EFUL); and (2) alterations to Gala Bingo Club comprising demolition of north and east extensions; removal of internal balcony/gallery, pay box, toilets and platform lift; internal structural alterations including construction of new concrete floors at first floor level supported on new columns; associated works. Alterations to the market comprising removal of rear walls, lobby, bar and canopy, partition walls and staircases; structural**

**alterations including new walls, timber floors at first and second floor, stairs and lift, fire protection works. Alterations to Bluecoat House boundary walls comprising substantial removal of west and east walls, removal of north wall (Ref No. 13/04231/LBA) –** The Case Officer reported on these applications and her recommendations to grant permission/consent. She referred to the Update Report which informed of the receipt of further representations, the Officer's assessment and revised conditions on Item 1. She stated that further representations had been received on the design and from disabled users and English Heritage supported the proposals. The application for planning permission would not need to be referred to the Secretary of State.

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

Councillor Manda Rigby opened the debate as one of the Ward Members on the Committee. She considered that the reasons for deferral on design grounds had been addressed and the scheme was now acceptable. She therefore moved the Officer recommendation which was seconded by Councillor Doug Nicol.

Councillor Brian Webber, as the other Ward Member on the Committee, stated that, despite the design not being individualistic, the scheme was very satisfactory and the Sawclose needed regeneration. He felt that the disabled users' observations needed to be taken up by Officers.

Members debated the motion. There was disappointment expressed by some Members regarding the design although the Bridewell Lane elevation was complimented. The scheme was lacking a main feature such as a fountain and some landscaping. It was commented that the adjoining Royal Mineral Water Hospital could be moving in a couple of years which would remove anxiety by disabled users relating to the loss of the existing car park.

Members continued to discuss the design which found favour with some Members. The Chair stated that he supported the casino use but not the design. The Condition limiting use of the terrace gave him concern and he felt that it should be removed as it was not enforceable. The mover and seconder agreed and the amended motion was put to the vote. Voting: 8 in favour and 4 against with 1 abstention. Motion carried.

**Item 3 Weston All Saints Ce Vc Primary School, Broadmoor Lane, Upper Weston, Bath – Provision of new 6 classroom teaching block and associated external works –** This application was withdrawn and was not considered.

**Item 4 No 153 Newbridge Hill, Bath – Erection of new dwelling on land at the rear of Nos. 153/155 Newbridge Hill (Resubmission) –** The Case Officer reported on this application and her recommendation to refuse permission.

The public speakers made their statements against and in favour of the application. The Ward Councillors Loraine Morgan-Brinkhurst and Caroline Roberts made their statements for and against the proposals respectively.

Councillor Bryan Organ could see no problem with the application and moved that the Officer recommendation be overturned and permission granted. In support, he stated that the site was big enough and had an existing access. There had been a

large extension approved at the rear of the Nursing Home a short distance along this side of the road. This proposal would not create any noise issues. The motion was seconded by Councillor Liz Hardman.

Members debated the motion. Councillor Nigel Roberts considered that the rear gardens provided an attractive open space and this proposal would destroy the setting of the substantial town houses on this side of Newbridge Hill. It would set a dangerous precedent to allow this development and would go against the Inspector's appeal decision to dismiss the appeal. Some of these comments were supported by other Members in their remarks.

The Chair summed up the debate and put the motion to the vote. Voting: 4 in favour and 7 against. Motion lost.

Councillor Eleanor Jackson therefore moved the Officer recommendation to refuse permission which was seconded by Councillor Nigel Roberts. The motion was put to the vote and was carried, 7 voting in favour and 4 against.

**Item 5 Patone, Huddox Hill, Peasedown – Erection of 2 single storey dwellings and garages** – The Planning Officer reported on this application and her recommendation to refuse permission. The Update Report contained comments on a further representation that had been received.

The Ward Councillor Nathan Hartley made a statement in support of the application.

Councillor Les Kew had requested that this application be referred to Committee and therefore opened the debate. He could see no reason to justify refusal of the application. The site was within the housing boundary, there was good access and there was no highways objection. He therefore moved that the application be delegated to grant permission subject to appropriate conditions which was seconded by Councillor Eleanor Jackson.

Members expressed their approval of the scheme and the Chair put the motion to the vote which was carried, 10 voting in favour and 0 against with 1 abstention.

**Items 6&7 Sunday Cottage, Access Road to Paglinch Farm, Shoscombe – (1) Alterations to an existing ancillary outbuilding to form an ancillary garden studio and store (Ref No. 14/00064/FUL); and (2) internal and external alterations to an existing ancillary outbuilding to form an ancillary garden studio and store (Ref No. 14/00065/LBA)** – The Case Officer reported on these applications and the recommendations to grant permission/consent.

Councillor Les Kew considered that these proposals were acceptable and therefore moved that the applications for planning permission and listed building consent be granted which was seconded by Councillor Bryan Organ.

The motions were put to the vote and were carried, unanimously.

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

The report was noted.



(Note: Councillor Ian Gilchrist left the meeting during this item)

**153 PLANNING ENFORCEMENT UPDATE**

The Committee considered an update report on enforcement action relating to the unauthorised erection of a straw bale house on land at Parcel 4324, Limeburn Hill, Chew Magna.

The report was noted.

**154 FORMER FULLERS EARTHWORKS UPDATE**

The Committee considered an update report relating to Court proceedings in relation to land at the former Fuller's Earthworks, Combe Hay.

The Principal Solicitor reported on the matter and then the public speakers made their statements (copies of which are included in the Minute Book).

The report was noted.

The meeting ended at 7.10 pm

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**