

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

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

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

Wednesday, 7th May, 2014

**Present:-** Councillor Gerry Curran in the Chair  
Councillors Ian Gilchrist, Liz Hardman, Eleanor Jackson, Malcolm Lees, Douglas Nicol, Bryan Organ, Manda Rigby, Martin Veal, David Veale, Tim Warren (In place of Les Kew) and Brian Webber

Also in attendance: Councillors Rob Appleyard, John Bull, David Martin and Geoff Ward

#### **166 EMERGENCY EVACUATION PROCEDURE**

The Senior Democratic Services Officer read out the procedure

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

A Vice Chair was not desired

#### **168 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

An apology for absence was received from Councillor Les Kew whose substitute was Councillor Tim Warren.

#### **169 DECLARATIONS OF INTEREST**

Councillor Tim Warren declared an interest in the planning application at Parcel 0153 Chelwood Road, Marksbury (Item 1, Report 10) as he had previously made public statements which suggested that he had predetermined the application. He would therefore leave the meeting for its consideration. Councillor Ian Gilchrist declared an interest in the same application as he was a shareholder in Bath and West Community Energy and therefore he would also leave the meeting for its consideration.

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

There was none

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

The Senior Democratic Services Officer explained the procedure for public speaking and indicated that there were a number of people wishing to make statements on planning applications in Reports 9 and 10 and that they would be able to do so when reaching their respective items in those Reports.

The Chair informed the Committee of a request from 1 of the 2 people wishing to speak against the Fosse Way School application (Item 3, Report 10) to have up to 3 minutes each instead of sharing 3 minutes. He put the request to the Members to which they acceded on this occasion.

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

There was none

## **173 MINUTES: 9TH APRIL 2014**

The Minutes of the previous meeting held on 9<sup>th</sup> April 2014 were approved as a correct record, subject to the third and fourth sentences of the 3<sup>rd</sup> paragraph of Item 6, Minute No 164 on page 5 of the Minutes being transposed.

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

The Committee considered

- The report of the Divisional Director – Development on an application for planning permission etc.
- An oral statement by a representative of the applicant on the Item the subject of the report, the Speakers List being attached as *Appendix 1* 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 2* to these Minutes

**Bath Soft Cheese, Park Farm, Church Lane, Kelston – Erection of extension to existing agricultural building to create a cheese dairy** – The Case Officer reported on this application and her recommendation to refuse permission. She updated Members on matters since the report was published.

The applicant made his statement in favour of the proposal which was followed by a statement by the Ward Councillor Geoff Ward supporting the application.

Councillor Martin Veal, as the Ward Member on the Committee, opened the debate. He considered that the site visit had been a useful exercise. The dairy farm was a successful business which needed to expand its cheese-making facility and it was appropriate to do this all on the one site. There were a number of benefits from the scheme in that the business would become more sustainable, it would increase job opportunities, it would improve the layout and appearance of the site, it would have no significant effect on the landscape and only a limited impact on the Green Belt. He considered that these amounted to very special circumstances which outweighed the harm to the Green Belt and therefore moved that the recommendation be overturned and permission be granted subject to a 6 month crossover period as a trial basis to allow the business to develop into its new premises. The motion was seconded by Councillor Bryan Organ.

Members debated the motion. It was generally agreed that there would be economic benefits arising from the scheme and that there would be little impact on the Green

Belt. The Chair reminded Members that this was an industrial unit proposed to be located in the Green Belt and the AONB and due regard needed to be given to this and possible implications for the future. Discussion ensued on possible conditions to be added such as screening and buildings to be removed. The Group Manager – Development Management sought clarification regarding the 6 months crossover period to which Councillor Martin Veal responded. The Officer stated that there were 2 containers that would be removed from the yard. There would be an improvement to the setting of the farmhouse which was a Grade II listed building. Conditions could be added such as landscaping and removal of the containers and he recommended that the motion be amended to delegate to Officers to grant permission subject to appropriate conditions. This was accepted by the mover and seconder.

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

(Note: Councillor Doug Nicol was not present for the voting)

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

The Committee considered

- The report of the Divisional Director – Development on various applications for planning permission etc.
- Oral statements by members of the public etc. on Item Nos. 1-3 and 5, the Speakers List being attached as *Appendix 1* to these Minutes
- An Update Report by the Divisional Director – Development on Item Nos. 1 and 5, which Report is attached as *Appendix 3* 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

**Item 1 Parcel 0153 Chelwood Lane, Marksbury – Erection of solar pv farm and associated works (Resubmission)** – The Case Officer reported on this application and his recommendation (A) that the application be referred to the Secretary of State to give him the opportunity to consider whether to exercise his call-in powers in accordance with the Town and Country Planning (Consultation) (England) Direction 2009; and (B) subject to the Secretary of State not calling in the application, authorise the Group Manager – Development Management to permit the application subject to conditions. The Update Report referred to letters of support being received and to an error in the report regarding the amount of installed renewable energy capacity in the district.

The applicant's representative made a statement in support of the application.

Members asked questions about the scheme to which the Officer responded. Councillor Liz Hardman considered that the scheme provided good clean renewable energy which was a much needed commodity. The site would be screened from the road (A368) and there was a 25 year limited permission. She therefore moved the Officer's recommendation which was seconded by Councillor Manda Rigby.

Members debated the motion. There was some support for the proposal as it would provide clean renewable energy on a site that was not prominent and which would become more screened with further landscaping and thickening of hedgerows.

The motion was put to the vote and was carried 5 voting in favour and 3 against with 1 abstention.

(NOTE: 1) Councillors Ian Gilchrist and Tim Warren had left the meeting for consideration of this application in view of their interests declared earlier in the meeting; and 2) Councillor Doug Nicol left the meeting during the Case Officer's report as he felt unwell and did not return to the meeting)

**Item 2 Somerset Inn, Bath Road, Paulton – Conversion from a public house (Use Class A4) to form a single dwelling (Use Class C3) and associated works**

– The Case Officer reported on this application and his recommendation to grant permission subject to conditions. He referred to an error in the report regarding the site being outside the housing development boundary when it was actually within the boundary.

The public speakers made their statements against and in favour of the proposal. This was followed by a statement by the Ward Councillor John Bull expressing concerns about the proposal.

Councillor Liz Hardman, as the Ward Member on the Committee, opened the debate. She stated that the Parish Council and local residents were opposed to the loss of the public house as it was a community asset and should be retained. There had been other bids for the property with the intention to run it as pub/restaurant but they had been outbid by the developer who eventually purchased the building at the same price as the private bid. She queried whether the viability issue of continuing as a pub had been fully investigated.

During Members' discussion, the possible development on the paddock at the rear of the building (currently under appeal) was mentioned but Officers stated that this did not have any bearing on this application. The report by independent consultants retained by the Council was queried by the Chair to which the Group Manager – Development Management responded that it was an independent report commissioned by the Council to appraise the applicants' viability report. Councillor Ian Gilchrist supported the proposal and moved the Officer's recommendation which was seconded by Councillor Bryan Organ.

Members debated the motion. There was a brief discussion about the marketing of the property after which the motion was put to the vote. Voting: 5 in favour and 5 against. The Chair used his casting vote against the motion which was therefore lost, 5 in favour and 6 against.

Councillor Liz Hardman therefore moved that permission be refused on the grounds that there would be a loss of a public house as a community use for which it was safeguarded under Policy CF7 of the Local Plan and the assessment of the non-viability of its original use as a public house had not been proven to their satisfaction. The motion was seconded by Councillor Manda Rigby.

After a short discussion, the motion to refuse permission was put to the vote and was carried, 6 voting in favour and 5 against.

(NOTE: After this Item at 3.52pm, there was an adjournment for a natural break and the Committee resumed proceedings at 4pm)

**Item 3 Fosse Way School, Longfellow Avenue, Westfield, Radstock – Provision of new building to accommodate Post 16 teaching area** – The Case Officer reported on this application and her recommendation to grant permission subject to conditions.

The public speakers made their statements against the proposal which was followed by a statement by the Ward Councillor Rob Appleyard expressing concerns about the proposal.

The Group Manager – Development Management gave some amended wording for the recommended Condition 4.

Councillor Eleanor Jackson referred to the problems of car parking by school staff and the congested parking problems on this road which was a bus route. The Chair referred to the requirement for a large number of teachers at the School. Parking problems were an issue for the Highways Department and the Police. There was however the issue of the loss of a sports facility but on balance he supported the proposal. The Senior Development Control Engineer informed Members that the School already had a Travel Plan in place.

Councillor Ian Gilchrist supported the proposal and therefore moved the Officer's recommendation which was seconded by Councillor Bryan Organ. The Officer pointed out that, due to an objection by Sport England to the loss of a sports facility, the application would need to be submitted to the National Planning Casework Unit. This was accepted by the mover and seconder.

After a short discussion, the amended motion was put to the vote and was carried, 8 voting in favour and 3 against.

**Item 4 Sherbourne Cottage, Redland Lane, Bishop Sutton – Proposed dwelling on land to the rear of Sherbourne Cottage** – This application was withdrawn from the Agenda and was not considered

**Item 5 Land between access road and Kennet and Avon Canal, Sham Castle Lane, Bathwick, Bath – Erection of 1 detached dwelling (Revised resubmission)** – The Case Officer reported on this application and her recommendation to grant permission subject to conditions. She stated that there was an error in the report where it referred to the balcony being 5.9m from the boundary wall when it was actually 5m. The Update Report referred to an amendment required to the list of Plans submitted with the application in relation to the outbuilding erected on the site.

The public speaker made a statement against the proposal which was followed by a statement by the Ward Councillor David Martin expressing concerns about the proposal.

After a short discussion, Councillor Manda Rigby moved that the application be deferred for a site visit in order that this fairly prominent site could be viewed from surrounding vantage points. The motion was seconded by Councillor Liz Hardman.

The Chair put the motion to the vote which was carried without dissension.

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

Councillor Eleanor Jackson congratulated the Planning Officers on their success rate in winning appeals.

The Committee noted the report.

**177 COUNCILLOR BRIAN WEBBER**

The Chair stated that this could be Councillor Brian Webber's last appearance on the Committee as a full time Member. On behalf of the Committee, he extended his thanks to Councillor Webber for his past services to the Committee.

The meeting ended at 4.45 pm

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**