

DRAFT MINUTES PENDING CONFIRMATION AT THE NEXT MEETING

BATH AND NORTH EAST SOMERSET

MINUTES OF DEVELOPMENT CONTROL COMMITTEE

Wednesday, 22nd October, 2014

Present:- Councillor Gerry Curran in the Chair
Councillors Patrick Anketell-Jones, Rob Appleyard, Ian Gilchrist, Dave Laming, Malcolm Lees, Douglas Nicol (In place of Neil Butters), Bryan Organ, Vic Pritchard, Manda Rigby, Martin Veal, David Veale and Brian Webber (In place of Les Kew)

Also in attendance: Councillors Sally Davis, David Martin and Tim Warren

59 EMERGENCY EVACUATION PROCEDURE

The Senior Democratic Services Officer read out the procedure

60 ELECTION OF VICE CHAIR (IF DESIRED)

A Vice Chair was not required

61 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillors Neil Butters and Les Kew and their respective substitutes were Councillors Doug Nicol and Brian Webber

62 DECLARATIONS OF INTEREST

There was none

63 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none

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

The Senior Democratic Services Officer informed the meeting of the public speaking procedure stating that people wishing to make statements on planning applications would be able to do so when reaching their respective items in Report 9 on the Agenda

65 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

There was none

66 MINUTES: 24TH SEPTEMBER 2014

The Minutes of the previous meeting held on Wednesday 24th September 2014 were approved as a correct record and signed by the Chair

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

The Committee considered

- The report of the Group Manager – Development Management on various applications for planning permission etc.
- An Update Report by the Group Manager on Item Nos. 1-4, a copy of which is attached to these Minutes as *Appendix 1*
- Oral statements by members of the public etc. on Item Nos. 1-8, 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 3* to these Minutes

Item 1 Temple Inn, Main Road, Temple Cloud – Mixed use development comprising a 10 bed letting rooms building, 9 residential dwellings and renovation of the existing public house – The Planning Officer reported on this application and the recommendation to (A) authorise the Planning and Environmental Law Manager to enter into a S106 Agreement to secure various provisos relating to Education, Open space and recreational facilities, Transport, Affordable housing, and Works to a listed building; and (B) subject to the prior completion of the above Agreement, authorise the Group Manager – Development Management to grant permission subject to conditions. She stated that the application had been approved (subject to a S106 Agreement) by the Committee at a time when the Core Strategy was not adopted. A decision notice had not been issued and the Core Strategy had now been adopted and therefore the Council was required to reassess the application in light of the policies in the Strategy. The relevant Core Strategy policies required the provision of affordable housing; however, the Council was not requiring affordable housing because Officers were satisfied that the scheme fell below accepted viability levels and would not be viable if an affordable housing contribution was required. The Update Report informed Members of receipt of further representations on the application.

The applicant's agent made a statement in favour of the proposal which was followed by a statement by the Ward Councillor Tim Warren.

It was queried whether the whole scheme was for consideration or just the aspect regarding affordable housing provision. The Team Manager – Development Management and the Principal Solicitor gave advice to the effect that, as there were no new issues since the earlier decision, the Committee would need sound planning reasons for reaching a different conclusion now. The only change concerned the requirement in the Core Strategy to provide affordable housing and Members were advised to focus on that issue. A Viability Assessment had been provided by the developer and had been independently assessed. The Assessment supported the developers' assertion that the provision of affordable housing would make the scheme unviable.

Councillor Bryan Organ considered the information provided and moved the Officer's recommendation which was seconded by Councillor Ian Gilchrist. After a short debate, the motion was put to the vote and was carried, 9 voting in favour and 3 against with 1 abstention.

Item 2 Lower Tunley Farm, Stoneage Lane, Tunley – Part retention and adaptation of a general purpose agricultural storage building (partly retrospective) – The Case Officer reported on this application and her recommendation to grant permission subject to conditions. The Update Report referred to an error in the Main Report which referred to the proposed building being sited further to the south of the AGRN building whereas it was to be sited further to the north.

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

Councillor David Veale, Ward Member on the Committee, stated that residents were concerned by this development and its dominant appearance. He considered that Members needed to view the scale of the building before making a decision and therefore moved that a Site Visit be held. The motion was not seconded.

Members discussed the development and sought clarification regarding the siting of the existing building and the building as approved. The Case Officer stated that the latter would provide a fall-back position should this application be refused. There was an Enforcement Notice for removal of the building subsequent to permission being refused previously and dismissed on appeal. She considered that, with the proposed modifications, the building would not be significantly larger than the approved building so as to warrant refusal of permission. A Member queried whether the time for commencing the work could be reduced from 3 years, as recommended in Condition 1, to 1 year. The Team Manager replied that, whilst this was possible, there was no reason to do so in this instance and a reduced period would not necessarily lead to the early removal of the unauthorised building.

Councillor Manda Rigby, after considering the information provided, moved that the Officer recommendation be overturned and permission be refused on the grounds of the size and mass of the building, it's siting close to the lane and the visual impact on the landscape. The motion was seconded by Councillor Doug Nicol.

After some further clarification about the application, the motion was put to the vote and was carried, 9 voting in favour and 2 against with 2 abstentions.

Items 3&4 Cleveland House, Sydney Road, Bathwick, Bath – (1) Change of use from B1 offices to C3 residential including the erection of a single storey side extension with first floor terrace including internal alterations following the demolition of the existing single storey lavatory block (Revised proposal) (Ref 14/03180/FUL); and (2) internal and external alterations for the change of use from B1 offices to C3 residential including the erection of a single storey side extension with first floor terrace following the demolition of existing single storey extension lavatory block (Ref 14/03181/LBA) – The Case Officer reported on these applications and her recommendations to delegate to Officers to refuse permission/consent. She (1) referred to the Update Report which contained further representations on the application; (2) stated that the 21 day period for consulting on the applications expired the day after this meeting; and (3) informed Members that

the reference in the Main Report to the building being located within the designated City Centre of Bath should read "... outside the City Centre of Bath."

The public speakers made their statements against and in favour of the applications which was followed by a statement by the Ward Councillor David Martin in support of the proposals.

The Case Officer responded to the Chair's query regarding the height of the terrace on the extension. Councillor Rob Appleyard considered that this was a good scheme that restored the building and removed the 1960's extension. On this basis, he moved that the Officer's recommendation to refuse permission be overturned and that permission be granted. The motion was seconded by Councillor Martin Veal.

Members debated the motion. It was generally felt that the removal of the '60's extension was an improvement. However, several Members queried the merit of providing a roof terrace. The issue of whether the proposals preserved or enhanced the character of the Conservation Area was considered. Some Members considered that they did whereas other Members did not. The Team Manager stated that an extant planning permission could be implemented but, if Members had any doubts about how the current proposal might appear, a Site Visit could be held.

After considerable debate, the Chair put the motion to the vote. Voting: 6 in favour and 6 against with 1 abstention. The Chair used his second and casting vote against and therefore the motion was lost with 7 voting against. The same voting applied to the listed building application and was also lost.

Councillor Bryan Organ therefore moved that the applications be refused as recommended which was seconded by Councillor Doug Nicol. The motions were put to the vote and were lost, 4 voting in favour and the majority against.

Councillor Rob Appleyard therefore moved that consideration of these applications be deferred for a Site Visit which was seconded by Councillor Manda Rigby. The motions were put to the vote and were carried, 6 voting in favour and 2 against with 5 abstentions.

(Note: After this decision at 3.55pm, the Committee adjourned for 10 minutes for a natural break)

Item 5 Greenlands, Bath Road, Farmborough – Erection of detached garage and creation of new driveway and provision of acoustic fence; provision of additional patio doors and WC window to bungalow (Resubmission) – The Case Officer reported on this application and her recommendation to grant permission subject to conditions. She stated that a further condition would need to be added.

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

Councillor Doug Nicol moved that consideration be deferred for a Site Visit as the situation needed to be viewed on the ground and in the context of its surroundings. The motion was seconded by Councillor Malcolm Lees.

The motion was put to the vote and was carried, 8 voting in favour and 0 against.

Item 6 Week Cottage, Combe Hay Lane, Combe Hay – Erect a 2 storey rear extension to include external and internal alterations to the existing cottage –
The Case Officer reported on this application and her recommendation to refuse permission.

The public speakers made their statements in favour of the application.

Councillor David Veale, Ward Member on the Committee, stated that this was a small cottage and needed to be extended for modern family living.

Councillor Doug Nicol agreed and moved that the Officer recommendation be overturned and permission granted. The motion was seconded by Councillor Rob Appleyard.

Members debated the motion. In response to comments, the Case Officer stated that an increased size of 1/3 in the Green Belt was generally considered acceptable whereas this proposed extension provided a 63% increase in volume. She also advised that there was a typographical error in the Report as the property had not been extended since 1948. Members considered the proposed materials. Councillor Vic Pritchard considered that stone should be used for the whole scheme rather than cedar boarding on the rear elevation. Some Members disagreed with this viewpoint. The Team Manager suggested that the motion be amended to delegate to Officers to grant permission subject to appropriate conditions. This was accepted by the mover and seconder. He stated that very special circumstances needed to be demonstrated regarding this proposal in the Green Belt. He therefore suggested that, having listened to the debate, the Committee considered these to be that this was a modest house which required extending for modern day living standards without which it would fall into disrepair; and the extension being sunk into the bank would be unobtrusive and not visible from public viewpoints. The mover and seconder agreed with this summary. It was decided that authority be delegated to the Officers to negotiate details of materials.

The amended motion was put to the vote and was carried, 9 voting in favour and 4 against.

Item 7 Janton, Eckweek Lane, Peasedown – Erection of detached bungalow –
The Case Officer reported on this application and her recommendation to grant permission subject to conditions.

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

In response to a Member's query, the Team Manager – Development Management stated that the application site could be considered as back land development but it is not defined as previously developed land. It was in the housing boundary and issues for consideration were the impact on amenity and highways – each application had to be considered on its own merits.

Councillor Rob Appleyard considered that this was opportunistic development on a small site. He considered that a Site Visit should be held to consider the proposal in

the context of its surroundings and moved accordingly. The motion was seconded by Councillor Doug Nicol.

Members debated the motion. Some Members felt that this was overdevelopment and would affect the amenity space of adjoining properties. The motion was put to the vote and was lost, 4 voting in favour and 9 against.

Councillor Dave Laming moved that permission be refused on the grounds of overdevelopment and loss of amenity to adjoining properties. The motion was seconded by Councillor Malcolm Lees. The Chair suggested that the poor substandard access should be included as a reason for refusal which was accepted by the mover and seconder.

The motion was then put to the vote. Voting: 11 in favour and 2 against. Motion carried.

Item 8 Lower Lodge, Kelston Road, Kelston – Construction of a pitched roof to accommodate new staircase, 2 new bedrooms and bathroom, 3 dormer windows and 1 dormer doorway with associated balcony, 1 cat slide dormer to high level window and 1 conservation roof light to include internal accommodation and fenestration alterations – The Case Officer reported on this application and her recommendation to refuse permission. She reported the receipt of a letter of support on the application.

The applicants' agent made a statement in support of the proposal.

Councillor Martin Veal, Ward Member on the Committee, read out a statement on behalf of the other Ward Councillor Geoff Ward who supported the proposal. Councillor Veal gave his own views on the proposed development. He considered that the openness of the Green Belt was not affected as the footprint was unchanged. It was a sympathetic design benefitting the existing property and would provide a local family with modern day living standards. No objections had been raised. On this basis, he moved that the Officer recommendation be overturned and permission be granted. The motion was seconded by Councillor Doug Nicol.

Members debated the motion. It was generally considered that there would not be any impact on the openness of the Green Belt and the design would not significantly affect the appearance of the building in this part of the AONB. The Team Manager – Development Management suggested that the motion be amended to delegate to Officers to grant permission subject to appropriate conditions which was accepted by the mover and seconder.

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

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

The report was noted

The meeting ended at 5.40 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services