

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

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

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

Wednesday, 19th November, 2014

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

Councillors Patrick Anketell-Jones, Rob Appleyard, Neil Butters, Ian Gilchrist, Les Kew, Dave Laming, Malcolm Lees, Bryan Organ, Vic Pritchard, Manda Rigby, David Veale and Brian Webber (In place of Martin Veal)

Also in attendance: Councillors Paul Crossley, Sally Davis, Charles Gerrish, Eleanor Jackson and Dine Romero,

#### **69 EMERGENCY EVACUATION PROCEDURE**

The Senior Democratic Services Officer read out the procedure

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

A Vice Chair was not required

#### **71 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There was an apology from Councillor Martin Veal whose substitute was Councillor Brian Webber

#### **72 DECLARATIONS OF INTEREST**

There was a declaration of interest by Councillor Rob Appleyard regarding the planning applications at Hope House, Lansdown, Bath (Items 2&3, Report 10) as he was a Director of Curo which could be involved in the provision of affordable housing at the site. He would therefore not take part in the consideration of the applications and would not vote.

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

There was none

#### **74 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 (1) members of the public etc. would be able to make statements on planning applications when reaching their respective items in Reports 9 and 10; and (2) the stallholder of Stall 36 Guildhall Market wished to make a statement which would be heard when reaching Item 11 on the Agenda.

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

There was none

**76 MINUTES: 22ND OCTOBER 2014**

The Minutes of the previous meeting held on Wednesday 22<sup>nd</sup> October 2014 were approved as a correct record and signed by the Chair

**77 SITE VISIT LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE**

The Committee considered

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

**Items 1&2 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); 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 lavatory block –** These applications were withdrawn from the Agenda for consideration at the next meeting on Wednesday 10<sup>th</sup> December 2014

**Item 3 Greenlands, Bath Road, Farmborough – Erection of detached garage and creation of new driveway and provision of new 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.

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

The Ward Councillor Sally Davis made a statement on the application.

Members queried the accuracy of the steepness of the ramp access as datum levels had not been provided. Councillor Bryan Organ moved that the Officer recommendation be overturned and that permission be refused due to the steepness of the access, the sharp turn into the property and the detrimental impact on adjoining properties. The motion was seconded by Councillor Vic Pritchard.

Members debated the motion. Councillor Les Kew stated that an access was required and the provision of a garage in this position was better than one being

provided at the top of the driveway. He considered that the levels was an issue that needed to be addressed and that the application should be deferred for a surveyor's report. There was further discussion about the access, the turning head and the adequacy of the acoustic fence. The Group Manager – Development Management advised that the information provided on the access was considered to be acceptable and that the associated site plan included details of levels and that the acoustic fence had been assessed by Environmental Health Officers and found to be satisfactory. The Senior Highways Development Officer stated that the turning head was satisfactory.

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 the motion and therefore the motion was lost.

Councillor Curran then moved that the application be deferred for further information to be provided showing datum levels, which was seconded by Councillor Les Kew. The motion was put to the vote and was carried, 11 voting in favour and 1 against with 1 abstention.

## **78 MAIN 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, 5 and 6, a copy of which is attached as *Appendix 1* to these Minutes
- Oral statements by members of the public etc. on Item Nos. 1-3 and 7-10, 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

**Item 1 MoD, Ensleigh, Granville Road, Lansdown, Bath – Full planning permission for the erection of 181 residential units (Use Class C3), a neighbourhood retail store of up to 267 sq m GIA (Use Class A1), associated highway works, infrastructure and public open space; and outline planning permission for a 72 unit Extra Care Facility (Use Class C3)** – 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 provisos relating to Affordable Housing, Primary School, Transport and Open Space; and (B) subject to the prior completion of the above Agreement, authorise the Group Manager to grant permission subject to conditions. He referred to the Update Report which outlined objections by the Bath Preservation Trust to the proposal and comments received from the Council's Neighbourhood Environmental Services.

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

Councillor Patrick Anketell-Jones as Ward Member on the Committee opened the debate. He referred to concerns about the sustainability of the community although

this was a communal scheme which met most of the Council's aspirations. Provision of the school was crucial to the development and he requested confirmation that the unconditional contract for the school development would not be jeopardised. There would be a lot of disturbance for residents while construction work was being undertaken. He also referred to the condition of the surface of Granville Road and the possibility that Colliers Lane may become busier as a result of this development. Members asked various questions about the development to which the Case Officer responded.

Councillor Les Kew commended the Officers for their assessment of this major application and moved the Officer recommendation. Members discussed the proposals. The issue of provision of a school was raised and contributions towards its capital cost. The Case Officer referred to the timing of the development and that the school was anticipated to open in September 2017. There would be contributions towards the purchase of the land and the school building. Councillor Bryan Organ complimented the Officers for their work on the application. He considered that this was a good development and would improve the appearance of the entry to the World Heritage Site on this side of the City. The contract for the site of the school was in hand so it would go ahead. He therefore seconded the proposal.

Members debated the motion. The Group Manager stated that a clause could be included in the S106 Agreement to ensure that no development should take place until the land was transferred to the Council. It would also be possible to limit the number of dwellings which could be occupied prior to the school being delivered and opened. He advised that the Council had a responsibility to deliver the school. Members continued to discuss the matter. The mover and seconder agreed to the inclusion of an appropriate S106 clause which would restrict the final phase of the scheme until the school was built and functioning. Further discussion ensued on this aspect. Councillor Les Kew stated that the Cabinet (at their meeting in April) had underwritten the finance for the school (with contingency funding available) when Phases I and II had been developed and occupied. The Case Officer informed Members that the wording of Condition 21 relating to protection of trees would need to be slightly amended.

The Chair summed up the debate and put the motion to the vote which was carried unanimously.

**Items 2&3 Hope House, The Royal High School, Lansdown Road, Lansdown, Bath – (1) Residential development for the erection of 54 dwellings including the conversion of Hope House and associated infrastructure and parking following demolition of existing school buildings (Resubmission of 13/04235/FUL); and (2) internal and external alterations for the conversion of existing building to provide 6 residential apartments and demolition of modern extension** – The Officer reported on these applications and the recommendations to (1) (A) authorise the Planning and Environmental Law Manager to enter into a S106 Agreement to secure various provisos relating to Highway works, Affordable housing, Parks contributions, Education contributions and Lifelong learning contributions; and (B) subject to the completion of the above Agreement, authorise the Group Manager – Development Management to grant permission subject to conditions. He informed Members of (i) a tree that needed to be retained which would not affect the recommendation; and (ii) of

concerns received from residents of St James' Park regarding car parking near to the boundary of their properties but it was considered that there was a sufficient buffer zone between the site and these properties. The Decision Taking Statement would need to be amended.

The Chair declared a personal interest in these applications after realising that he knew one of the speakers. However, he did not consider this significant or that his participation in the item could be considered unreasonable. He would therefore speak and vote on the applications.

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

Councillor Patrick Anketell-Jones as Ward Member on the Committee opened the debate. He stated that residents felt that their concerns had not been properly considered and representations not given a full airing. The felling of trees was still an issue and also the effect of cars on the residents of St James' Park. He therefore moved that the application be deferred until the next meeting for these matters to be addressed. The Group Manager – Development Management responded that all comments had been given due consideration. Councillor Neil Butters seconded the motion.

Members debated the motion. It was generally considered that this was a good scheme which complimented the City and more trees were to be planted. The Group Manager informed Members that they had to be consistent in their decision making. The scheme had been amended to comply with earlier objections – if an appeal was lodged against a refusal, it would be very difficult to defend and costs could be awarded against the Council.

The motion was put to the vote and was lost by a substantial majority, only 2 voting in favour.

Councillor Les Kew agreed with the Officer recommendation and moved that it be approved which was seconded by Councillor Vic Pritchard. The Chair put the motion to the vote which was carried, 10 voting in favour and 2 against.

Councillor Les Kew moved that the recommendation on the listed building application also be approved which was seconded by Councillor Vic Pritchard. The motion was put to the vote and was carried unanimously.

(NOTES; (1) Councillor Rob Appleyard did not take part in the consideration of these applications and did not vote; and (2) at 4.15pm, after this decision, the meeting adjourned for 10 minutes for a natural break)

**Item 4 No 40 Bryant Avenue, Westfield, Radstock – Erection of a detached 3 bedroom two storey dwelling (Resubmission)** – The Case Officer reported on this application and her recommendation to refuse permission.

Councillor Rob Appleyard as Ward Member on the Committee opened the debate. He stated that this was a local authority area with recent new development. It was not a busy area and had easy access. There were no objections from adjoining residents and the development would tidy up the site. On this basis, he moved that

the recommendation be overturned and permission granted. The motion was seconded by Councillor Manda Rigby.

Members debated the motion and raised various queries regarding the increased size of the proposal and the garden that would remain. The Group Manager – Development Management stated that a previous proposal had been refused due to the site being cramped etc. and there would be overlooking and an overbearing impact on adjoining properties. Members needed to be consistent in their decision making. The motion was put to the vote. Voting: 6 in favour and 7 against. Motion lost

Councillor Vic Pritchard therefore moved the Officer recommendation to refuse permission which was seconded by Councillor Bryan Organ. The motion was put to the vote and was carried, 7 voting in favour and 5 against with 1 abstention.

**Item 5 Newhaven, Chilcompton Road, Midsomer Norton, Radstock – Erection of detached chalet style bungalow with access and car parking in the garden –** The Case Officer reported on this application and her recommendation to refuse permission. The Update Report gave the comments of the Highways Officer on revised drawings that had been received. She stated that a further objection had been received and that the wording of the second reason for refusal would need to be amended.

Councillor Les Kew gave the views of the Ward Councillors who supported the proposal. He supported these views and therefore moved that Officers be granted authority to grant permission which was seconded by Councillor Ian Gilchrist. There was some discussion about the proposal but it was generally felt that permission should not be granted for the reasons outlined by Officers.

The motion was put to the vote. Voting: 2 in favour and a substantial number against. Motion lost.

It was therefore moved and seconded to accept the Officer recommendation to refuse permission. The motion was put to the vote and was carried, 10 voting in favour and 3 against.

**Item 6 Land rear of 62 Sladebrook Road, Southdown, Bath – Erection of a three bedroom dwelling –** The Case Officer reported on this application and his recommendation to grant permission subject to conditions. The Update Report corrected a small typographical error in the recommended Condition 3.

The Ward Councillor Dine Romero made a statement raising various concerns about the proposal including the narrow access and parking on the road.

Councillor Manda Rigby considered that it would be useful to hold a Site Visit and so moved. The motion was seconded by Councillor Les Kew.

The motion was put to the vote and was carried, 9 voting in favour and 0 against.

**Item 7 No 39 High Street, Keynsham – Change of use of ground floor from Offices (B1) to Café Bar (A3) with alteration to street frontage windows to folding sliding doors, new extract flue and use of public highway for siting of 2**

**tables and 8 chairs** – The Case Officer reported on this application and her recommendation to grant permission subject to conditions. She reported the receipt of a further letter of support and recommended that 2 further conditions be added relating to hours of use of the premises and the garden area to protect the amenity of neighbours.

The public speakers made their statements against and in favour of the proposed development which was followed by a statement by the Ward Councillor Charles Gerrish who raised various concerns.

Councillor Bryan Organ considered that the licensing hours needed to be checked and the impact on adjoining properties needed to be assessed. He therefore moved that consideration be deferred for a Site Visit which was seconded by Councillor Rob Appleyard.

Members debated the motion and discussed the description of the proposed use and what it entailed and the extent of the pavement to be used.

The motion was put to the vote. Voting: 10 in favour and 0 against. Motion carried.

**Item 8 Carisbrooke, Bathampton Lane, Bathampton, Bath – Erection of new house following the demolition of an existing 20<sup>th</sup> Century house** – The Case Officer reported on this application and her recommendation to grant permission with conditions. She pointed out that there were a number of references in the report to north which should read south.

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

Councillor Les Kew considered that there was some irregularity regarding the status of the land either side of the proposed site. He therefore moved that consideration be deferred for a Site Visit which was seconded by Councillor Bryan Organ.

The motion was put to the vote. Voting: 10 in favour and 0 against. Motion carried.

**Item 9 No 52 Sladebrook Road, Southdown, Bath – Erection of a dwelling, a replacement garage and associated works** – The Case Officer reported on this application and her recommendation to grant permission with conditions. A further condition would need to be added regarding protection of badgers.

The public speakers made their statements against and in favour of the proposed development. The Ward Councillor Dine Romero made a statement raising various concerns about the application which was followed by a statement by the other Ward Councillor Paul Crossley who suggested that a Site Visit would be useful.

Councillor Dave Laming moved that consideration be deferred for a Site Visit which was seconded by Councillor Bryan Organ.

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

**Item 10 No 10 Chapel Road, Clandown, Radstock – Erection of single storey rear extension** – 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 proposed development which was followed by a statement by the Ward Councillor Eleanor Jackson raising various concerns.

Councillor Manda Rigby relayed the views of the Ward Councillor Simon Allen who supported the application. Councillor Dave Laming considered that there should be some consistency in refusing this application as previously and therefore moved that the Officer recommendation be overturned and permission be refused. The motion was not seconded. The Group Manager – Development Management pointed out that the height of the extension had been reduced also the depth and therefore this was a different and smaller proposal, which officers considered has no significant impact on amenity and the conservation area. Councillor Laming considered that the size had been changed but the amenities of the adjoining resident were still affected.

The Chair considered that it would be useful to have a Site Visit and moved accordingly which was seconded by Councillor Malcolm Lees. The motion was put to the vote which was carried, 8 voting in favour and 4 against.

**Item 11 No 9 Bloomfield Road, Bloomfield, Bath – Proposed enlargement of 2 cellar windows and the formation of 2 external light wells to the façade** – The Case Officer reported on this application and her recommendation to grant permission subject to conditions.

Councillor Les Kew considered that this was an acceptable proposal and therefore moved the Officer recommendation which was seconded by Councillor Bryan Organ.

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

## **79 ENFORCEMENT ITEM - STALL 36 GUILDHALL MARKET**

The Committee considered (1) a report which sought Members' authority to take enforcement action in respect of unauthorised alterations to Stall 36 in the Guildhall Market; and (2) an oral statement by the stallholder against enforcement action.

The Team Manager - Planning and Conservation gave a power point presentation outlining the unauthorised works.

Members discussed the matter. Councillor Manda Rigby opened the debate as the site was in her Ward. She considered that the Market was quite eclectic with a mix of styles and the manner in which products were displayed. The enclosed stalls were more secure. There had been some confusion regarding what was appropriate by the Planning and Property Services Departments of the Council. She felt that the stall was not out of keeping and therefore enforcement action should not be taken. Councillor Ian Gilchrist declared a minor interest in the matter, **as** the stallholder resided in his Ward and he had been assisting the stallholder in Council process as part of his role as Ward Councillor. He agreed with the comments by Councillor Manda Rigby and therefore moved that no enforcement action be taken, which was seconded by Councillor Rigby. Councillor Patrick Anketell-Jones also acknowledged that he knew the stallholder and had bought items from the stall, but did not consider that his participation in the matter could be unreasonable because of this.



Members debated the motion. It was generally felt that some tolerance needed to be exercised as there were already some enclosed stalls which were not intrusive. In response to Members' queries, the Group Manager – Development Management stated that no proposal had been received from the stallholder and listed building consent had not been given. The decision of the Planning Inspector on an appeal against a previous refusal of consent had referred to the open nature of Market stalls and that the stall would appear too solid and more appropriate to an arcade than a market. However, the design as built was different with a wider door opening and different windows, and this could be a reason for not taking enforcement action. He continued by saying that, if Members made this decision, the works would not be authorised, but no further action would be taken as things stand. The Chair summed up the debate.

After debate, the motion was put to the vote.

**RESOLVED** that it was not expedient for enforcement action to be taken in respect of the listed building contravention as outlined in the report

Voting: 8 in favour and 2 against with 3 abstentions.

#### **80 QUARTERLY PERFORMANCE REPORT - JULY TO SEPTEMBER 2014**

The Committee (1) considered the report of the Group Manager - Development Management which provided performance information across a range of activities within the Development Management function for the period July to September 2014; and (2) noted the report.

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

The report was noted

The meeting ended at 6.45 pm

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**