

DRAFT MINUTES PENDING CONFIRMATION AT THE NEXT MEETING

BATH AND NORTH EAST SOMERSET

MINUTES OF DEVELOPMENT CONTROL COMMITTEE

Wednesday, 29th April, 2015

Present:- Councillor Gerry Curran in the Chair

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

Also in attendance: Councillors David Dixon, Will Sandry, Jeremy Sparks and Ben Stevens

139 EMERGENCY EVACUATION PROCEDURE

The Senior Democratic Services Officer read out the procedure

140 ELECTION OF VICE CHAIR (IF DESIRED)

A Vice Chair was not required

141 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillors Ian Gilchrist and Vic Pritchard whose respective substitutes were Councillors Caroline Roberts and Sally Davis

142 DECLARATIONS OF INTEREST

There was none

143 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none

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

The Senior Democratic Services Officer informed the meeting that there were a number of people wishing to make statements on the planning application in Report 9 and the Enforcement Item in Report 10 and they would be able to do so when reaching those items on the Agenda

145 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

There was none. However, the Chair referred to a matter raised by Councillor Ian Gilchrist at a previous meeting relating to the discharge of conditions at Beechen Cliff School and his undertaking to look into the matter. He stated that he had spoken to the Chairman of the Widcombe Residents Association and Planning Officers about the matter. The Chair informed the meeting that he considered that the School had followed proper procedures and that the conditions had been discharged correctly. He advised that interested parties needed to write to the Planning Department if they required any further information.

146 MINUTES: 8TH APRIL 2015

The Minutes of the meeting held on Wednesday 8th April 2015 were approved and signed by the Chair subject to the words "...of the roofscape" being inserted after "design ..." in the 5th paragraph of Minute 136 relating to No 43 Upper Oldfield Park, Bath.

147 PLANS LIST - APPLICATION FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE

The Committee considered

- A report by the Group Manager – Development Management on an application for variation of a planning permission at Filer's Coaches, Wick Lane, Stanton Wick
- Oral statements by members of the public etc., 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

Filer's Coaches, Wick Lane, Stanton Wick – Variation of Condition 4 of application WC6174/E to increase number of coaches kept on site from 12 to 20 (Continued use of land as a coach depot on land at Pensford Colliery, Pensford) – The Case Officer reported on this application and his recommendation that permission be refused. He referred to the recent planning history of the site and advised that the references in the report to Policy GB1 of the Local Plan should instead read Policy CP8 of the Core Strategy.

The public speakers made their statements against and in favour of the proposal which was followed by a statement by the Ward Councillor, Jeremy Sparks, supporting the application.

Councillor Dave Laming drew attention to the type of coach using the depot and whether the situation would be different if it was a double decker. The Case Officer responded that it could be any type of coach and that there was potential for that now or in the future. The fallback position was for 12 coaches.

Councillor Les Kew referred to the previous industrial use of the site and the local area and gave reasons why he supported the proposal. He referred to the NPPF and stated that, in his view, the expanded operation should be located on this site in the Green Belt. The business served the local community and provided local employment. If it were situated elsewhere, then resources would be wasted travelling from other locations. He did not accept that there were suitable alternative sites and pointed out that employees would have to travel to any new site which would increase traffic on the roads. This was an increase of an already permitted use; the access road was not narrow, there was no highway objection. In summary, he felt that this was appropriate development in the Green Belt which did not harm the openness of the Green Belt and he was also satisfied that the development would not encroach into the countryside. He therefore moved that the recommendation be overturned and that Officers be delegated to grant permission subject to appropriate conditions. These would include coaches being kept in designated areas and disused coaches not being retained on site. The motion was seconded by Councillor Dave Laming.

Members debated the motion. Councillor Malcolm Lees queried whether a boundary fence should be erected around the red line of the site to prevent encroachment onto the adjoining land. The Case Officer responded that this could be done and because it was not easy to see where the boundary was and there was a danger of coaches accidentally parking on the adjoining land. The mover and seconder agreed that this condition be included. There was further discussion about the proposal and the issue was raised as to whether access to the adjoining land would be prevented by the erection of a fence. It was stated that an appropriate gate could be included in the boundary fence. The Team Manager – Development Management clarified the reasons for granting permission, namely, that this was considered to be that this was part of the local transport infrastructure which based on the information submitted had demonstrated a requirement for a Green Belt location, the openness of the Green Belt would be maintained, there would be no detrimental effect on residential amenity and there was an existing permission for parking of coaches on the site. There would be conditions by the Highways Officer to be included as set out in the report in addition to a condition ensuring that no disused vehicles were stored at the site.

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

148 ENFORCEMENT REPORT - 43 UPPER OLDFIELD PARK, BATH

Referring to the Committee's decision at its previous meeting to refuse retrospective planning permission for the erection of 14 residential apartments with parking and shared grounds at the above property, the Committee considered a report by the Group Manager – Development Management which set out the issues to be considered on this matter and concluding that an Enforcement Notice be served accordingly.

The Senior Planning Officer reported on the matter with a power point presentation.

The public speakers made their statements in favour of and against the proposed enforcement action. The Ward Councillor for Widcombe, Councillor Ben Stevens, and the Ward Councillors for Oldfield, Councillors Will Sandry and David Dixon, made statements in support of enforcement action.

The Senior Planning Officer referred to a number of errors in the report relating to dates, namely, last line of page 50 of the Agenda should read 12th September 2014 (not 2012), 2nd line of page 52 should read 8th April 2015 (not 2014), and 3rd paragraph of page 52 should read 20th April 2015 (not 17th). She stated that an appeal had been lodged against the refusal of planning permission and that, despite the Developer's written indication that the building could be modified, no amended plans had been received. She further reported on the number of representations received for and against enforcement action and that Historic England supported enforcement action. In response to an enquiry by the Chair, she set out the options available to the Committee to resolve the matter.

After some questions by Members for clarification, Councillor Martin Veal expressed disappointment that there was a substantial disparity between the building and the approved plans resulting in an unauthorised building in a sensitive site. However, he felt that total demolition was not the answer and therefore moved that the report be deferred pending the decision of the Planning Inspectorate on the appeal. The motion was not seconded.

Councillor Dave Laming referred to correspondence from the Developer regarding building control and the use of a steel frame and sought clarification to which the Chair responded. The Senior Planning Officer advised that the Building Control issues were separate to the planning issues and she had not been involved in discussions regarding the steel frame. Councillor Dave Laming then moved the Officer recommendation set out in the report, namely, to delegate authority to the Officers to issue an Enforcement Notice requiring the demolition of the building and the restoration of the site within 6 months. The motion was seconded by Councillor Rob Appleyard.

Members debated the motion. Some Members considered that total demolition was unnecessary and that enforcement action could be deferred pending the outcome of the appeal against refusal of permission. Other Members considered that enforcement was the logical conclusion as the building was unauthorised. A clear message needed to be sent to the Developer that such works would incur serious consequences. The integrity of the planning system and of this Committee was at stake. A blatant disregard had been shown for the planning process and this Committee were in a position to show its integrity by taking enforcement action.

After a full discussion, the Chair summed up the debate and put the motion to the vote which was carried, 9 voting in favour and 4 against.

(Note: After this decision at 3.35pm, the Committee adjourned for 10 minutes for a comfort break)

149 MEMBERS' PLANNING CODE OF CONDUCT

The Committee considered the report of the Group Manager – Development Management which updated the Members Planning Code of Conduct having taken into account recent Government advice.

The Principal Solicitor reported on the matter stating that the final version - which would take into account the comments of this Committee and the Standards Committee - would be submitted to full Council for approval.

Members discussed the revised Code of Conduct particularly with regard to the section on gifts and hospitality. The definition of “minimum” was queried. It was considered that caution on such matters should be exercised at all times and that, if in any doubt, Members could declare any gifts or hospitality.

It was then moved by Councillor Les Kew and seconded by Councillor Dave Laming and:

RESOLVED to endorse the revised Code of Conduct and recommend it to full Council for approval.

150 OFFICER DELEGATIONS

The Committee considered the report of the Group Manager – Development Management inviting the Committee to approve the amended Scheme of Officer Delegations which were required in order to (a) reflect the Council’s powers and duties under the Community Infrastructure Levy (CIL) Regulations 2010; and (b) update the Scheme in respect of planning obligations under S106 of the Town and Country Planning Act 1990.

The Principal Solicitor stated that the CIL amendment required further work and was therefore withdrawn.

The Committee approved the amendment to the Scheme as regards entering into planning obligations including the modification, discharge, variation and release of planning obligations (S106 Agreements).

151 QUARTERLY PERFORMANCE REPORT - JANUARY TO MARCH 2015

The Team Manager – Development Management referred to the large number of applications dealt with by the Department recently due to developers pre-empting the imposition of the CIL Levy which took effect from 6th April. The Chair referred to the Award presented (at 10 Downing Street) to Planning Officers for their performance in dealing with major planning applications. On behalf of the Committee, he thanked the Officers for their hard work and efforts.

The report was noted.

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

The Team Manager – Development Management stated that the Department had been shortlisted for an RTPi Award in 2 categories.

It was noted that all 7 recent appeals had been dismissed by the Planning Inspectorate.

The report was noted.

The meeting ended at 4.00 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services