

DEVELOPMENT MANAGEMENT COMMITTEE

Minutes of the Meeting held

Wednesday, 29th July, 2015, 2.00 pm

Councillor Rob Appleyard	- Bath & North East Somerset Council
Councillor Jasper Martin Becker	- Bath & North East Somerset Council
Councillor Paul Crossley	- Bath & North East Somerset Council
Councillor Sally Davis (Chairman)	- Bath & North East Somerset Council
Councillor Donal Hassett (In place of Councillor Matthew Davies)	- Bath & North East Somerset Council
Councillor Eleanor Jackson	- Bath & North East Somerset Council
Councillor Les Kew	- Bath & North East Somerset Council
Councillor Bryan Organ	- Bath & North East Somerset Council
Councillor Caroline Roberts	- Bath & North East Somerset Council
Councillor David Veale	- Bath & North East Somerset Council

24 EMERGENCY EVACUATION PROCEDURE

The Senior Democratic Services Officer read out the emergency evacuation procedure

25 ELECTION OF VICE CHAIRMAN (IF DESIRED)

A Vice Chairman was not required

26 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

An apology for absence was received from Council Matthew Davies whose substitute was Councillor Donal Hassett

27 DECLARATIONS OF INTEREST

Councillor Les Kew declared an interest in the planning application at Maynard Terrace, Clutton (Item 1, Report 10) as he had relatives who owned land near to the site and he would therefore leave the meeting for its consideration. Councillor Rob Appleyard declared a disclosable pecuniary interest in the same application as he was a Non-Executive Director of Curo (the applicants) and he would also leave the meeting for its consideration. Councillor Eleanor Jackson declared an interest in the application at Shortwood Common Cottage, Hinton Blewett (Item 1, Report 9) as she was acquainted with an electrician who was her near neighbour who had worked on her property and was involved in the application site. She would therefore leave the meeting for its consideration.

(Note: Councillor Caroline Roberts stated that, despite living in the vicinity of No 153 Newbridge Hill (Item 4, Report 10), she did not have an interest to declare on the application and would speak and vote on the matter.)

28 **TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN**

There was none

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

The Senior Democratic Services Officer informed the meeting that there were no speakers on matters other than on planning applications and that a number of people wished to make statements on planning applications who would be able to do so when reaching their respective items in Reports 9 and 10.

30 **ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS**

Councillor Paul Crossley had given notice to ask the Chairman whether she would be willing for the Committee to be webcasted. He gave reasons why he felt that this should be undertaken.

Members briefly discussed the matter and the majority of Members indicated that they supported the request. The Chairman undertook to raise the matter with the Cabinet.

31 **MINUTES: WEDNESDAY 1ST JULY 2015**

The Minutes of the previous meeting were approved and signed as a correct record, subject to the deletion of "There were no items notified by Members in advance of the meeting" in Minute No 11 Items from Councillors and Co-opted Members.

32 **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 1, a copy of which is attached as *Appendix 1* to these Minutes
- Oral statements by members of the public etc. on Items Nos 1 and 2, 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 Leacroft House, Bristol Road, West Harptree – Erection of new dwellings, access, landscaping and attenuation pond and refurbishment of Leacroft House, following demolition of Leacroft Bungalow and outbuildings associated with former builder's yard – The Case Officer reported on this application and her recommendation to (A) Authorise the Group Manager – Development Management, in consultation with the Head of Legal and Democratic Services, to enter into a S106 Agreement to provide (i) highway improvements; and (ii) affordable housing; and (B) upon completion of the Agreement, authorise the

Group Manager to grant permission subject to conditions. She reported on further representations received. The Update Report provided further information on the application and recommended revised wording to Condition 19.

The public speakers made their statements against and in favour of the application which was followed by a statement by the Ward Councillor Tim Warren expressing concerns about the proposal. The Group Manager responded to a point raised regarding a tree preservation order and an error in a letter sent to residents.

Members asked questions about the application for clarification to which Officers responded. The Group Manager gave advice on the planning policies that applied to consideration of the application.

After considering the information provided, Councillor Eleanor Jackson moved the Officer recommendation which was seconded by Councillor Paul Crossley. Members briefly debated the motion after which it was put to the vote. Voting: 7 in favour and 1 against with 2 abstentions. Motion carried.

Item 2 Shortwood Common Cottage, Hook Lane, Hinton Blewett – Erection of two storey side and rear extension following demolition of existing kitchen and detached garages – The Planning Officer reported on this application and the recommendation to refuse permission.

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

Councillor Les Kew considered that the proposal was in keeping with other properties in the area and the development was practically using the same footprint. There was no objection from highways, and ecology officers and it was supported by the Parish Council. He could see no reason for the application to be refused and therefore moved that the recommendation be overturned and that the application be delegated to Officers to grant permission subject to appropriate conditions. The motion was seconded by Councillor Donal Hassett.

Members debated the motion and expressed arguments for and against the development. Concerns were expressed regarding the design and the loss of openness. The Group Manager stated that the test was whether the extension respected and complemented the host building and that the Officer advice was that the proposals would dominate the host building. The motion was then put to the vote. Voting: 3 in favour and 6 against. Motion lost.

Councillor Rob Appleyard therefore moved approval of the Officer recommendation to refuse permission which was seconded by Councillor Caroline Roberts. The motion was put to the vote and was carried, 6 voting in favour and 2 against with 1 abstention.

(Note: Councillor Eleanor Jackson left the meeting prior to consideration of this application due to her interest declared earlier in the meeting).

33 MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE

The Committee considered

- A report by the Group Manager – Development Management on various applications for planning permission etc.
- An Update Report by the Group Manager on Item Nos. 1, 2, 4 and 7, a copy of which is attached as *Appendix 4* to these Minutes
- Oral statements by members of the public etc. on Item Nos 1-4 and 9, 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 5* to these Minutes

Item 1 Parcel 0006 Maynard Terrace, Clutton – Modification of Planning Obligation 12/01882/OUT to reduce the affordable housing provision to 33% (Erection of 36 dwellings and associated works (Revised submission)) – The Case Officer reported on this application and her amended recommendation in the Update Report to authorise the Head of Legal and Democratic Services to enter into a Deed of Variation to the original S106 Agreement to reduce the level of affordable housing to 33%. The Update Report referred to further representations received and the Officer's assessment.

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

The Group Manager provided advice for Members regarding the issue of the 5 year housing land supply. The application still provided affordable housing that was 3% more than Council policy required. There were a number of options available to vary the S106 Agreement. Members asked questions about the application for clarification to which Officers responded.

Councillor Eleanor Jackson stated that she had attended the public local Inquiry to defend the Committee's decision to refuse permission for the development. She expressed concern about the lack of a viability assessment to support the claim that the current scheme was unviable. She considered that the European Grant for viability was still in question and that there was a need for housing for young people in Clutton. She therefore moved that the recommendation be overturned and that the variation be refused on the basis of an inadequate viability assessment, failure to explore funding and the loss of social housing. The motion was seconded by Councillor Caroline Roberts.

The Group Manager stated that the funding mechanisms were not known and were not a planning consideration. The current planning policies needed to be considered and only 30% affordable housing was required and therefore the view of Officers was that viability testing was not required in this case. He advised that a new application on this basis would be compliant with the Council's affordable housing policies. The Committee were advised that they could defer the application for a full viability assessment.

Members briefly debated the motion. Councillor Eleanor Jackson accepted the Group Manager's advice regarding the funding issue and removed that reason from her motion for refusing the variation.

The motion was then put to the vote and was carried, 6 voting in favour and 2 against.

(Note: Councillors Rob Appleyard and Les Kew had left the meeting prior to consideration of this application in view of their declaration of interests).

Item 2 Land rear of Yearten House, Water Street, East Harptree – Erection of 8 dwellings and access – The Case Officer reported on this application and her recommendation to (A) authorise the Head of Legal and Democratic Services to enter into a S106 Agreement to secure various provisos; and (B) subject to the completion of the Agreement, authorise the Group Manager to grant permission subject to conditions. The Update Report provided further information on the application and amended the recommendation/conditions. The Case Officer clarified that there was a correction to the report in that it stated that the proposed development would not count towards the 10-15 house allocation for the village outlined in the Core Strategy. Given that the applicant had demonstrated that a denser form of development was not appropriate for the site to achieve 10 dwellings, this site may still be included as part of the housing figure because it was in the Emerging Place Making Plan and there were good reasons why it could not be developed for 10 dwellings.

The public speakers made their statements against and in favour of the application which was followed by a statement by the Ward Councillor Tim Warren expressing concerns about the development.

Members asked questions about the application for clarification to which Officers responded. The issue of the applicants' offer to reduce the number of houses to 5 was discussed but the Group manager advised that the proposal before the Committee needed to be considered and that there was not an application for 5 dwellings before the Committee. Councillor Rob Appleyard felt that the application was acceptable and that there would be less variety of design if the number of houses was reduced. He therefore moved the Officer recommendation which was seconded by Councillor Bryan Organ.

Members debated the motion. Some Members felt that the application should be deferred as there was insufficient detail to make a decision with the drawings being of too small a scale. Councillor Rob Appleyard, on reflection, withdrew his motion. Councillor Les Kew then moved that the application be deferred for a Site Visit which was seconded by Councillor Rob Appleyard. The motion was put to the vote and was carried without dissension.

Item 3 Fosseway Environmental Park, Fosseway, Englishcombe – Approval of Reserved matters in relation to Application 14/00839/EMINW for the proposed erection of residual waste facility including a materials recovery facility, anaerobic digestion plant, reception building, weighbridge, outdoor storage areas and other ancillary development – The Council's Planning Consultant reported on this application and his recommendation to Approve subject to conditions. He stated that an amendment was required to Condition 3 so that

landscaping was carried out in accordance with the drawings listed in the Condition as these were sufficiently detailed.

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

Councillor David Veale, Ward Member on the Committee, stated that there had been many problems with the site in the past but the current situation was now acceptable. Members asked questions about the application and the implications of this decision on any enforcement action which might be required at the site to which Officers responded. Councillor Eleanor Jackson considered this to be a positive step forward and therefore moved the Officer recommendation which was seconded by Councillor Bryan Organ.

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

(Note: Following this decision at 4.35pm, there was an adjournment for 5 minutes for a comfort break).

Item 4 No 153 Newbridge Hill, Bath – Provision of 5 parking spaces at the rear of 153/155 Newbridge Hill – The Planning Officer reported on this application and the recommendation to refuse permission.

The applicant's agent made a statement in favour of the application.

Councillor Donal Hassett, Ward Member on the Committee, considered that the application was acceptable as it would tidy up the area and reduce the amount of parking on-street which was at a premium. He also felt that the proposed garden would enhance the area. On this basis, he moved that the recommendation be overturned and that Officers be authorised to grant permission subject to appropriate conditions. Councillor Caroline Roberts, also Ward Member on the Committee, supported this view and seconded the motion.

Members debated the motion. Some Members were sceptical about the reason for the application but it was generally supported. The number of spaces was acceptable to Members. The Group Manager informed Members of the reasons why Officers were recommending refusal.

The motion was put to the vote and was carried, 8 voting in favour and 2 against.

(Note: During the debate, Councillor Bryan Organ stated that he knew a member of the applicant's family but that he had no financial connection to him and they were not friends. As such, he considered that he did not have an interest to declare.)

Item 5 Wansdyke House, Claverton Down Road, Claverton Down, Bath – Outline application with all matters reserved for the erection of a new house in the rear garden of Wansdyke House (Resubmission) - The Case Officer reported on this application and her recommendation to grant permission subject to conditions. The wording of Condition 4 would need to be amended to include hours of working and that the reason for the Condition was in the interests of amenity. The Chairman reported on a comment received from the Ward Councillor Steve Jeffries who was satisfied that the issue of access was now covered.

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

Members asked questions for clarification to which the Officers responded. The Group Manager stated that the site was located within the built-up area of Bath and had received planning permission on a number of occasions; there was not therefore an objection in principle to the residential development of the land. It was a large site and the proposal would not be out of character. Members debated the motion.

After due consideration, the motion was put to the vote and was carried, 5 voting in favour and 4 against with 1 abstention.

Items 6&7 No 10 Grove Street, Bath – (1) Change of use from 4 student flats to 4 cohesive self-contained residential flats, openings in existing partition walls, additions of new doors and creation of en-suite shower rooms (Ref 15/01872/FUL); and (2) internal alterations for the creation of 2 cohesive self-contained residential flats and openings in existing partition walls, additions of new doors and creation of en-suite shower rooms – The Case Officer reported on this application and her recommendation to grant permission/consent subject to conditions. The Update Report provided further information on the application for listed building consent.

Councillor Les Kew considered that the scheme was satisfactory and therefore moved the Officer recommendations which were seconded by Councillor Paul Crossley. The motions were put to the vote separately and were both carried unanimously.

Item 8 No 11 Holloway, Bath – Extension of kitchen into existing balcony with provision of roof and glazing to cover balcony – The Case Officer reported on this application and her recommendation to grant permission subject to conditions.

Councillor Bryan Organ considered the scheme to be acceptable and therefore moved the Officer recommendation which was seconded by Councillor Les Kew.

After a short debate, the motion was put to the vote and was carried, 9 voting in favour and 1 against.

Item 9 Joseph House, Church Lane, Englishcombe – Erection of a wooden garden pagoda – The Case Officer reported on this application and her recommendation to refuse permission.

The representative of the Parish Council made a statement in favour of the application.

Councillor Les Kew considered that the development with the use of timber was not inappropriate - it was a facility for outdoor recreation and it would not harm the openness of the Green Belt. On this basis, he moved that the recommendation be overturned and that Officers be delegated to grant permission subject to appropriate conditions. The motion was seconded by Councillor David Veale.

Members debated the motion. Comments were made for and against the motion.

Some Members considered that the scheme should be supported whereas some Members considered that the appropriate planning policies had to be followed as there were no very special circumstances to justify the development within the Green Belt. The Group Manager explained the reasons for the recommendation to refuse permission and that he did not consider this to be a facility for outdoor recreation, rather that it was a domestic feature. The motion was put to the vote. Voting: 4 in favour and 6 against. Motion lost.

It was therefore moved by Councillor Paul Crossley to approve the Officer recommendation to refuse permission which was seconded by Councillor Eleanor Jackson. The motion was put to the vote and was carried, 6 voting in favour and 4 against.

Item 10 Parcel 3100 Charlton Road, Keynsham – Comprehensive Masterplan and Design Principles for the proposed redevelopment of the site at Charlton Road, Keynsham, pursuant to Policy KE4 of the Bath and North East Somerset Core Strategy 2014 – This matter was covered in the following Report

34 **KEYNSHAM MASTER PLAN - HOUSING SITE AT PARCEL 3100 CHARLTON ROAD, KEYNSHAM**

The Committee considered (1) the report of the Divisional Director - Development on the Masterplan for development at Parcel 3100 Charlton Road, Keynsham, in accordance with Policy KE4 of the Bath and North East Somerset Core Strategy; and (2) the recommendation, as amended in the Update Report, to agree the submitted Masterplan. The report described the site, set out the Decision Making Framework and gave the Officer assessment which concluded that the Masterplan was considered to be acceptable and would form a sound basis upon which the detailed design and development of the site could move forward. The Update Report (attached as *Appendix 6*) provided Officers' comments on further representations received.

Members asked various questions about the proposal to which Officers responded. Members considered the proposed number of houses and school provision and landscaping. There was discussion about the Parkhouse Lane link between the 2 sites and possible road widening and the sites being included on a bus route. The Senior Planning Officer responded that road widening had not been settled yet but there was potential for a cycle/pedestrian route to Keynsham – further details would be produced at the detailed design stage.

After a full debate, it was unanimously **RESOLVED** to agree the submitted Masterplan.

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

The report was noted

The meeting ended at 5.55pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services