

DEVELOPMENT MANAGEMENT COMMITTEE

Minutes of the Meeting held

Wednesday, 26th August, 2015, 2.00pm

Councillor Rob Appleyard	- 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 Jasper Martin Becker)	- Bath & North East Somerset
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

Also attending:

Councillors Emma Dixon, Charles Gerrish, Shaun McGall, Will Sandry and Tim Warren

36 EMERGENCY EVACUATION PROCEDURE

The Senior Democratic Services Officer read out the procedure

37 ELECTION OF VICE CHAIRMAN (IF DESIRED)

A Vice Chairman was not required

38 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There was an apology for absence from Councillor Jasper Becker whose substitute was Councillor Donal Hassett. There was also an apology from Councillor Matthew Davies.

39 DECLARATIONS OF INTEREST

Councillor Paul Crossley declared a non-pecuniary interest in the planning application at the former GWR Railway Line, Frome Road, Radstock (Item 1, Report 10) as there may be a public perception that he was not open-minded about the application from his past involvement in the site's regeneration, and he would therefore leave the meeting for its consideration. Councillor Rob Appleyard declared a disclosable pecuniary interest in the same application as he is a Director of Curo and the road would affect the development on which Curo has an affordable housing interest – he would therefore leave the meeting for its consideration. Councillor Eleanor Jackson declared an interest in the same application as she is a Governor of St Nicholas Primary School which would benefit from the scheme. The applicants had also provided funding for Radstock in Bloom. Therefore, after making statements on behalf of the Meadow View Residents Action Group and Westfield

Parish Council, she would leave the meeting for its consideration.

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

There were no items of urgent business. However, the Chairman stated that she may be able to provide some feedback at the next meeting on the possibility of these meetings being webcasted.

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

The Senior Democratic Services Officer informed the meeting that there were (i) no members of the public etc. wishing to make statements items other than on planning applications; and (ii) a number of people wishing to speak on applications and that they would be able to do so when reaching their respective items in Reports 9 and 10

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

There was none

43 **MINUTES: 29TH JULY 2015**

The Minutes of the previous meeting held on 29th July 2015 were approved as a correct record and were signed by the Chairman, subject to, in the 4th paragraph of Minute 33 on Page 12 regarding the Maynard Terrace application, the words “ still in question” being amended to read “ still available”.

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

The Committee considered

- The report of the Group Manager – Development Management on a planning application on land at the rear of Yearten House, Water Street, East Harptree
- An Update Report by the Group Manager on this application, a copy of which is attached as *Appendix 1* to these Minutes
- Oral statements by members of the public etc., a copy of the Speakers List being attached as *Appendix 2* 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 3* to these Minutes

Land at the 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 completion of the Agreement, authorise the Group Manager to grant permission subject to various conditions. She reported the receipt of 3 further representations with photographs and on an amendment to the Plan Nos at the end of the recommendation. The Update Report provided further information on the accuracy of the plans, affordable housing and updated information in respect of the badger sett.

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.

Members asked questions for clarification. Councillor Les Kew opened the debate. He considered that this was a reasonable development with a mix of housing to accommodate families and young people – it was well located in the centre of the village and the site was within the housing development boundary. He therefore moved the Officer recommendation which was seconded by Councillor Rob Appleyard.

Members debated the motion. In response to a query about access and parking, the Team Manager stated that it was adopted highway and therefore need not be subject to a condition restricting parking.

The motion was put to the vote and was carried, 7 voting in favour and 1 against with 1 abstention.

45 **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 planning applications
- An Update Report by the Group Manager on Item Nos. 3, 4 and 8, a copy of which is attached as *Appendix 1* to these Minutes
- 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 4* to these Minutes

Item 1 Former GWR Railway Line, Frome Road, Radstock – Approval of reserved matters with regard to outline application 13/02436/EOUT for the construction of a road on Area 3 of the development site – 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 application.

Councillor Bryan Organ opened the debate. He considered that this was an acceptable scheme which related to the road layout and therefore moved the Officer recommendation to grant permission subject to conditions which was seconded by Councillor Les Kew.

After a brief discussion, the Chairman put the motion to the vote which was carried unanimously.

(Note: Councillors Rob Appleyard, Paul Crossley and Eleanor Jackson were not present for discussion and voting on this application in view of their interests

declared earlier in the meeting)

Item 2 Parcel 6781 Cobblers Way, Westfield, Radstock – Outline planning application (all matters reserved aside from access) seeking permission for 81 residential dwellings and associated works on land at the former St Peter’s Factory, Cobblers Way – The Case Officer reported on this application and her recommendation to authorise the Group Manager, in consultation with the Head of Legal and Democratic Services, to enter into a S106 Agreement covering the issues of highways, affordable housing, open space and landscape, cycle path and economic development; and (B) upon completion of the Agreement, authorise the Group Manager to grant permission subject to conditions.

The applicants’ Agent made a statement in favour of the proposal.

Councillor Eleanor Jackson opened the discussion as Ward Member on the Committee. She stated that there was already dense housing development with little facilities or infrastructure. The feeling of residents of Lincombe Road and Waterford Park was very strong in that it was too urban and out of character with surrounding development. It was a mixed development area and more employment opportunities were required. There were a number of objections to the scheme, namely, the site was outside the housing development boundary; although this site was in the SHLAA, many such sites were unsuitable in planning policy terms; ecological impact; the need for more employment sites; and the development was contrary to Policy SV1 Somer Valley Spatial Strategy as it was too prominent in the landscape when viewed from Haydon. On this basis she moved that permission be refused which was not seconded.

Councillor Les Kew considered that this was a sustainable urban area with an established infrastructure. The site formed part of the Council’s 5 year supply of housing as documented in the SHLAA. There was still a housing shortage and this scheme met all the criteria. He therefore moved approval of the Officer recommendation which was seconded by Councillor Rob Appleyard.

Members briefly debated the motion. It was generally felt that this was a good scheme in the right area with good access and infrastructure. It included 30% affordable housing. In response to a Member’s query, the Team Manager gave reasons why it complied with Policy SV1 of the Core Strategy.

The motion was put to the vote and was carried, 8 voting in favour and 1 against.

Item 3 No 43 Upper Oldfield Park, Bath – Erection of 14 residential apartments with parking and shared grounds (Revised proposal) (Retrospective) – The Planning Officer reported on this application and the Case Officer’s recommendation to authorise the Head of Legal and Democratic Services to enter into a S106 Agreement to secure provision of a parking space for the local car share club and membership of the aforementioned club for future residents on a lifetime basis at a ratio of 2 memberships per flat; and (B) subject to completion of the Agreement, authorise the Group Manager to grant permission subject to conditions. The Update Report provided further information on local representations, the consultation period and the S106 Document.

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

Councillor Shaun McGall made a statement as the Ward Councillor for the adjoining Ward of Oldfield. Councillor Paul Crossley made a statement on behalf of Councillor Will Sandry, the other Ward Councillor for Oldfield, who had difficulty in attending the meeting.

The Chair read out a statement provided by Councillor Patrick Anketell-Jones, Cabinet Member for Economic Development, who supported the application. Councillor Will Sandry then attended the meeting and made a statement against the proposal.

Members asked questions for clarification to which Officers responded. Councillor Rob Appleyard opened the debate. He considered that the applicants had proceeded with the development in the knowledge that it was not in accordance with the approved plans and were now seeking permission for revised plans to avoid the appeal process. The integrity of the planning process and Committee was at stake. There was also a concern regarding disposal of waste. He therefore moved that the application be refused permission which was seconded by Councillor Caroline Roberts. The Team Manager – Development Management stated that, whilst the development was a retrospective application and the development was the subject of an enforcement notice stayed pending an appeal, this was not a reason to refuse permission. The application had to be assessed on its own merits and considered whether acceptable. The Planning Officer stated that the revisions had overcome the issues raised by Members at a previous meeting.

Members debated the motion. Councillor Eleanor Jackson felt that the reasons for refusing permission could be the height, bulk and design as referred to on page 111 of the Officer's report. The appearance of the building would tone down but it still dominated the area and impacted on the World Heritage site. Councillor Les Kew stated that this had to be considered as a new application without any planning history. He considered that it would be likely to be approved if viewed as a fresh application. The building would tone down later. The mover and seconder decided, with advice from the Team Manager, that the reasons for refusal would be very similar to those set out on page 111 of the report, namely, that the development, by reason of its excessive height, bulk and inappropriate design, incorporating large side wings at fourth floor level, a predominance of flat roofed elements and a cluttered roof, is incongruous in this prominent location and out of character within its prevailing context. The development is harmful to the character and appearance of the street scene, part of the Bath Conservation Area and to the setting of the wider World Heritage site. The development is contrary to Policies BH6, D2 and D4 of the Bath and North East Somerset Local Plan (including minerals and waste policies) 2007, which are saved policies, contrary to Policies B4 and CP6 of the Bath and North East Somerset Core Strategy 2014 and contrary to the National Planning Policy Framework.

The Chair put the motion to the vote. Voting: 4 in favour and 5 against. Motion lost.

Councillor Les Kew therefore moved the Officer recommendation. He considered that this was an iconic building which was not out of keeping, and was in proportion, with surrounding development and could provide homes for 14 families. The issue of waste was covered in the Update Report. The motion was seconded by Councillor Donal Hassett. Councillor Paul Crossley considered that, if this was a fresh application, the Committee would refuse it. He felt that the scheme could be revised

with stepping down to reduce the impact. The Team Manager gave advice regarding the timing of conditions if the permission were to be granted. The motion was put to the vote. Voting: 4 in favour and 5 against. Motion lost.

Councillor Bryan Organ therefore moved that the application be deferred to the next meeting for clarification and a legal ruling on the next step in the process. The motion was seconded by Councillor Eleanor Jackson. The motion was put to the vote and was carried unanimously.

(Note: After this decision at 4pm, there was a 10 minute natural break)

Item 4 Rough ground and buildings, Queen Charlton Lane, Queen Charlton – Change of use of land to private gypsy and traveller caravan site

(Retrospective)(Resubmission of 13/02781/FUL) – The Case Officer reported on this application and his recommendation to refuse permission. He referred to an error in the report regarding the date of adoption of the DPD which should read February 2017. There were personal circumstances of the applicant and her family but the recommendation was based on good planning reasons and policies.

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

Members considered the application. Councillor Bryan Organ agreed with the Officer and therefore moved approval of the Officer recommendation which was seconded by Councillor Les Kew.

Members debated the motion. Councillor Paul Crossley referred to the changes that had taken place in the area with large housing developments being built. There were also special circumstances to consider as regards the wellbeing of the family. He would vote against the motion. Councillor Eleanor Jackson voiced her concern at the motion to refuse. She made reference to an applicant with special needs being given permission for a dwelling along the canal at Bathampton. A 5 year personal permission could be given in view of the special circumstances for this one family. The new travellers' site at Twerton would not be best suited for the applicant. The Chairman as Ward Member knew the site and the previous planning history and considered that little had changed to make the scheme more acceptable.

The motion to refuse permission was then put to the vote. Voting: 4 in favour and 4 against with 1 abstention. The Chairman then used her second and casting vote in favour of the motion. The voting was therefore 5 in favour and 4 against. Motion carried.

(Note: After this decision, as he could no longer attend the meeting and with the permission of the Chairman, Councillor Charles Gerrish made a statement in support of the application at No 1 Back Lane, Keynsham - Item 7 on the Report)

Items 5&6 Nos 582 Bath Road, Saltford – (1) External alterations to include a one and a half storey rear extension to house and alterations and extension to outbuilding (Ref 15/02042/LBA); and (2) erection of one and a half storey extension and alterations and extension to outbuildings (Ref 15/02041/FUL) –

The Planning Officer reported on these applications and her recommendations to refuse consent/permission.

The applicant and his Agent spoke in favour of the applications. The Ward Councillor Emma Dixon made a statement in support of the proposal.

Councillor Rob Appleyard opened the debate. He considered that the front of the property would not be affected and that the applicants should be allowed to increase the inhabitable space at the rear to make the property fit for purpose for a family. He therefore moved that the Officer recommendations be overturned and that consent/permission be granted subject to conditions. The motions were seconded by Councillor Caroline Roberts as she considered that the rear extensions could not be seen from the road and would not affect the Conservation Area.

Members debated the motions. It was generally felt that the proposed development would enhance the appearance of the host building and still be subservient to it. It was an imaginative solution which would help to preserve this listed building and provide good family accommodation. The Team Manager clarified that the building was not within the Green Belt and that any permission should be delegated to Officers to add appropriate conditions. This was agreed by the mover and seconder.

The motions were put to the vote based on these reasons. The voting was unanimously in favour on both applications. Motions carried.

Item 7 No 1 Back Lane, Keynsham – Erection of a timber shed and willow hurdle privacy screening (Retrospective) – The Case Officer reported on the application and her recommendation to refuse permission.

The applicant made a statement in favour of the proposal.

Members considered the application and statements made by the applicant and, earlier, by the Ward Councillor. Councillor Bryan Organ stated that he could see no reason why permission should be withheld as he considered that it was not noticeable by the public from the road and the hedge/bushes would eventually screen it anyway. He therefore moved that the Officer recommendation be overturned and that the Officer be authorised to grant permission. The motion was seconded by Councillor Les Kew.

Members debated the motion. The issue of the building now being for residential use instead of a school and the listed status of the building were discussed. The Team Manager – Development Management stated that conditions would need to be added including retention of the hedge and therefore any permission should be delegated to Officers. This was accepted by the mover and seconder. It was generally considered that there was no harm to the setting of the listed building or to the Conservation Area. On this basis, the motion was put to the vote and was carried, the voting being unanimously in favour.

Item 8 Rectory Lodge, Old Bath Road, Combe Hay – Erection of 2 bedroom single storey side extension and single storey extension to bedroom 3 and hall; and single storey infill side extension to link reception to existing garage (Revised proposal) – The Case Officer reported on this application and his recommendation to refuse permission.

The applicant made a statement supporting the proposal. Members asked questions for clarification to which Officers responded.

The Ward Member on the Committee, Councillor David Veale, stated that this was a small building which was not visible and built into a bank. It could provide small but reasonable sized residential accommodation in a small village with predominantly large houses. He therefore moved that the Officer recommendation be overturned and permission granted. The motion was seconded by Councillor Paul Crossley who considered that the building was undergoing change and could accommodate a small family. The shed would be removed (as indicated by the applicant) which would improve the appearance.

Members debated the motion. There were opposing views in that some Members felt that this was a large extension within the Green Belt with no special circumstances provided. The Team Manager – Development Management stated that the fact that there was no harm to the Conservation Area was not the primary issue. This was a large extension which by definition was harmful to the Green Belt. Very special circumstances had not been provided. There was some further discussion regarding the size of the building and the “listing”.

The Team Manager advised that the motion would need to be amended to authorise the Officers to grant permission subject to appropriate conditions including materials and removal of the shed. The reasons for overturning the recommendation were that the building would be preserved and provide reasonable residential accommodation for a family for use to modern day standards and that the proposed extensions and the removal of the shed would preserve and enhance the character and appearance of the Conservation Area. The mover and seconder accepted these amendments.

The motion was then put to the vote. Voting: 5 in favour and 4 against. Motion carried.

Item 9 No 105 Midford Road, Combe Down, Bath – Increase the height of the current roof in order to use the loft space for storage; and provision of 3 velux roof lights – The Case Officer reported on the application and his recommendation to grant permission subject to conditions.

The Committee considered the application. Councillor Les Kew considered that this was an acceptable scheme and moved the Officer recommendation which was seconded by Councillor Bryan Organ.

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

46 **QUARTERLY PERFORMANCE REPORT - APRIL TO JUNE 2015**

The Committee considered the quarterly performance report which provided Members with performance information across a range of activities within the Development Management function for the period April to June 2015.

Councillor Eleanor Jackson congratulated the Planning Officers on winning the RTP1 Planning Excellence Award for Excellence in Decision Making. Members discussed aspects of the report relating to S106 Agreement figures presentation, Chair Referrals and Enforcement Investigations. A request was made that the S106 Agreement figures should include an annual running total.

The report was noted.

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

The Committee considered the report on Planning Appeals. The Team Manager – Development Management reported that the appeal at Temple Inn Lane, Temple Cloud, had been allowed after a 3 day public Inquiry and the appellant’s costs of the proceedings awarded against the Council. There was a query regarding subsequent action when an appeal had been dismissed. The Team Manager responded that enforcement proceedings would be formulated and a report submitted to Committee for authorisation if necessary. It was considered useful to let the Ward Members know of impending enforcement action.

After a short discussion on appeal decisions, the report was noted.

The meeting ended at 6.00pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services