

DEVELOPMENT MANAGEMENT COMMITTEE

Minutes of the Meeting held

Wednesday, 27th July, 2016, 2.00 pm

Councillor Rob Appleyard	- Bath & North East Somerset Council
Councillor Paul Crossley	- Bath & North East Somerset Council
Councillor Matthew Davies	- Bath & North East Somerset Council
Councillor Sally Davis	- 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 Vic Pritchard	- Bath & North East Somerset Council
Councillor Caroline Roberts	- Bath & North East Somerset Council
Councillor Brian Simmons	- Bath & North East Somerset Council

23 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

24 ELECTION OF VICE CHAIRMAN (IF DESIRED)

Councillor Organ moved that Councillor Kew be appointed Vice Chair for this meeting. This was seconded by Councillor Simmons. It was noted that Councillor Kew would take the Chair for the consideration of planning application number 16/01982/FUL as the Chair would be leaving the room for this item.

RESOLVED that Councillor Kew be appointed Vice Chair for this meeting.

25 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

The following apologies for absence were received:

Councillor Jasper Becker – Councillor Brian Simmons acted as substitute.
Councillor David Veale – Councillor Vic Pritchard acted as substitute.

26 DECLARATIONS OF INTEREST

Councillor Sally Davis made a statement regarding planning application number 16/01982/FUL – 8 Rectory Close, Farmborough, Bath, BA2 0EW (Item 6, Report No. 9). She explained that she knew the architect as he had previously done some work for her. She did not have a close association with him which would amount to an interest under the code of conduct, but in the interests of transparency she would leave the meeting while this item was considered.

27 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There were no urgent items.

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

The Democratic Services Officer informed the meeting that there were a number of people wishing to make statements on planning applications and that they would be able to do so when these items were discussed.

Rosemary Naish, Chair of Clutton Parish Council, made a general statement regarding the accuracy of the minutes of the last meeting. She stated that there had been no mention of the height of the hedge in the motion put forward by Councillor Jackson and asked that the reference to a height of "1m" be removed. The Chair stated that the Committee would consider this matter when discussing whether the minutes should be approved as a correct record.

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

There were no items from councillors or co-opted members.

30 **MINUTES - 29 JUNE 2016**

The minutes of the meeting held on 29 June 2016 were approved as a correct record and signed by the Chairman subject to the following amendment:

Minute No. 21 – Item No. 1 – Application No. 14/05692/RES – Parcel 0006, Maynard Terrance, Clutton – Amend paragraph 12 to read:

Councillor Jackson moved to delegate to officers to permit planning permission subject to conditions to adequately control the materials used and that the proposed replacement hedgerow at the frontage of the development was introduced to a suitable height and was to be outside of the private ownership of the properties facing the hedgerow. This was seconded by Councillor Crossley.

31 **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 planning applications.
- An update report by the Group Manager (Development Management) on Item 5 attached as *Appendix 1* to these minutes.
- Oral statements by members of the public and representatives. A copy of the speakers' list is attached as *Appendix 2* to these minutes.

RESOLVED that in accordance with the Committee's delegated powers, the applications be determined as set out in the decisions list attached as *Appendix 3* to these minutes.

Item No. 1

Application No. 16/01581/FUL

**Site Location: 104 Faulkland View, Peasedown St John, Bath, BA2 8TQ –
Erection of a single storey extension to garage**

The Case Officer reported on the application and her recommendation to delegate to grant planning permission.

The registered speaker, Councillor Sarah Bevan, declared a disclosable pecuniary interest in this application as her property was next door to the site and would be affected by any decision made by the Committee. Councillor Bevan made a statement against the application in her capacity as a private individual and then went on to speak against the application in her capacity as Ward Councillor.

In response to a question the Case Officer confirmed that the extension would not come right out to the front of the house. Members also asked some questions regarding the roof and whether this would be a flat or hipped roof, and if a flat roof which materials would be used. The Case Officer had not received the necessary information to clarify these issues.

Councillor Crossley moved that consideration of this application be deferred pending a site visit to clarify the issues raised. This was seconded by Councillor Roberts.

The motion was put to the vote and it was **RESOLVED** by 8 votes for and 2 abstentions to **DEFER** consideration of this application pending a site visit.

Item No. 2

Application No. 16/01580/FUL

Site Location: 106 Faulkland View, Peasedown St John, BA2 8TQ – Erection of a single storey extension to garage and inclusion of parking space to the front

The Chair explained that this item had been withdrawn from the agenda due to further comments received from the Highways Team which needed to be considered.

Items No. 3 and 4

Application No. 16/01783/REG13

Colonnade Beneath Street, Grand Parade, Bath – Alterations to facilitate the change of use of the undercroft and vaults to restaurants and/or museum, including the provision of a staircase and lift at Grand Parade, the raising of internal floor levels, new openings in existing walls, new partitions and venting equipment, the removal and reconstruction of the ashlar stone screen wall incorporating glazed openings and steps, the installation of lighting, re-surfacing and works to Grand Parade, ground surfacing of Boat Stall Lane, alterations to existing waterside balustrade and all other associated works

Application No; 16/01782/REG03

Site Location: Colonnade Beneath Street, Grand Parade, Bath – Change of use of vault and undercroft spaces to restaurants (A3) and/or Museum use (D1) with works to allow pedestrian access to Lower Boat Stall Lane and the Colonnade and to facilitate future access to Slippery Lane. Provision of stair

and lift access to the undercroft/vault spaces on the public highway and associated works to the highway to facilitate the development

The Case Officer reported on the applications and her recommendation to grant listed building consent and delegate to grant planning permission. She explained that the following additional conditions could be included if the Committee agreed:

- The provision of a Tree Strategy.
- The inclusion of a Waste and Refuse Strategy
- The inclusion of a Drainage Strategy to address any issues in the vicinity of the Empire Hotel.

The registered speakers spoke against the application.

Councillor Peter Turner, local Ward Councillor, spoke regarding the lack of detail provided and requested that the decision be deferred pending further information and a site visit.

Councillor Jackson asked for further information about waste disposal from the site. The Case Officer explained that this would be addressed by the Waste Strategy which could be included as an extra condition.

In response to a question from Councillor Appleyard the Case Officer confirmed that the application would permit flexible use allowing for restaurants or a museum.

Councillor Roberts asked whether the access point to the site would be for 24 hours per day. Officers explained that there would be public access until approximately 7pm and then access would be restricted by the operators of the site.

Councillor Pritchard asked questions regarding the proposed staircase, the build-out and how it would operate. He had concerns regarding possible congestion in the area and asked whether traffic would be impeded. Officers explained that there was less build-out in the revised application and confirmed that checks had been made to ensure large buses could still manoeuvre in the area and in the parking bays.

In response to a question from Councillor Crossley it was confirmed that the lightwell would not compromise the listed building so was not a reason to refuse the application. Any issues arising would be a civil matter between the applicant and residents of the Empire Hotel. The Principal Solicitor advised that issues relating to land use and the setting of the listed building were material, but private matters such as insurance costs were not.

Councillor Kew expressed concern regarding the location of the stairwell and asked whether the build-out could be reduced. Officers explained that it was not possible to change the location due to the vaults underneath the construction and confirmed that this matter had been discussed with the applicant.

Councillor Pritchard stated that he was still unhappy with the proposed stairwell. He felt that good planning decisions should avoid civil confrontation and the residents of the Empire Hotel had concerns that the dividing wall would prevent access.

Councillor Pritchard moved that consideration of the application be deferred pending a site visit. This was seconded by Councillor Kew.

The motion was put to the vote and there were 2 votes for, 7 votes against and one abstention. The motion was therefore **LOST**.

Councillor Organ then moved to delegate to grant permission and to grant listed building consent as per the officer recommendations. This was seconded by Councillor Crossley.

Councillor Crossley spoke in favour of the application and stated that it was an imaginative design. The applicant had responded to the previous concerns raised by the Committee. The development would open up Boat Stall Lane and the Colonnades and would be beneficial. He stated that if the Committee decided to approve the application then they should ensure that the potential access through Slippery Lane was not compromised and was preserved.

It was also noted that there would be a condition to ensure that no development shall commence until archaeological investigation work has taken place.

Councillor Pritchard stated that he remained unhappy with the proposal and felt there were still issues that needed to be addressed. It was important to ensure that the details were correct and take time to address concerns raised.

Councillor Roberts stated that she believed the application was as good as it could be now and that the development now needs to commence. She stressed the importance of addressing tour bus arrangements and delivery access.

Councillor Kew stated that he supported the application but that more time should be taken to ensure that the Council gets things right with this very important development.

Councillor Jackson stated that the development was a good use for derelict space. She also stressed the importance of river safety in this location. She felt that on balance the benefits outweighed any problems.

The motion was then put to the vote and it was **RESOLVED**:

- (1) By 6 votes for and 4 votes against to **DELEGATE TO PERMIT** the application subject to conditions.
- (2) By 7 votes for, 2 votes against and 1 abstention to **GRANT LISTED BUILDING CONSENT** subject to conditions.

Item No. 5

Application No: 16/01913/FUL

**Site Location: Car Park Between 2 and 4 Silver Street, Midsomer Norton –
Erection of 8 two bed apartments, associated parking and landscaping**

The Case Officer reported on the application and her recommendation for refusal.

The registered speakers spoke for and against the application.

Councillor Paul Myers, local Ward Councillor spoke in favour of the application.

In response to a question from Councillor Crossley the Case Officer reported that the distance from the window to the neighbouring property was 15m. It was advised that whilst Inspectors sometimes use a rule of thumb distance guide of approximately 20m there is no specific distance requirement and each application should be looked at based upon its particular context.

In response to a question from Councillor Roberts the Case Officer confirmed that there was no evidence to suggest that noise would be an issue if the application were permitted and in any town centre location there is some acceptance that there would be noise from traffic and activity but the application was not recommended for refusal on noise grounds.

In response to a question from Councillor Pritchard the Case Officer explained that there were different ways of treating white lias stone.

Councillor Jackson stated that the site would be over developed and that the design was of poor quality. She also pointed out that the area was prone to flooding, the design offered poor security and the development would exacerbate the issue of retail giving way to residential development in this area. She then moved that planning permission be refused for the reasons set out in the officer report. This was seconded by Councillor Appleyard.

Councillor Kew felt that this proposal offered the best way of developing the site. He noted that the local Councillor was in favour of it. It would complement the bank building, be an excellent use of the land and would provide good quality housing.

The motion was put to the vote and there were 5 votes for and 5 votes against. The Chair used her casting vote in favour of the motion. It was therefore **RESOLVED** to **REFUSE** the application for the reasons set out in the officer report.

Item No. 6

Application No: 16/01982/FUL

Site Location: 8 Rectory Close, Farmborough, Bath, BA2 0AW – Erection of double garage following demolition of 2 existing

The Chair (Councillor Sally Davis) left the meeting while this application was considered and Councillor Kew took the Chair.

The Case Officer reported on the application and her recommendation to permit the application.

The registered speaker spoke against the application.

Councillor Organ moved that planning permission be granted subject to the conditions set out in the report. This was seconded by Councillor Roberts.

The motion was put to the vote and it was **RESOLVED** unanimously to **PERMIT** the application subject to the conditions set out in the report.

**Item No. 7
16/01145/FUL**

Site Location: Plot between Croft House and 1, The Croft, Monkton Combe, Bath – Erection of single dwelling and car parking for 2 vehicles following the demolition of existing garages

Councillor Sally Davis resumed the Chair.

The Case Officer reported on the application and her recommendation to permit the application.

The registered speakers spoke for and against the application.

Councillor Jackson moved that planning permission be granted subject to the conditions set out in the report. This was seconded by Councillor Kew.

The motion was put to the vote and it was **RESOLVED** to **PERMIT** the application subject to the conditions set out in the report.

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

The Committee considered the appeals report.

It was **RESOLVED** to **NOTE** the report.

The meeting ended at 4.25 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services