

## **BATH AND NORTH EAST SOMERSET**

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

Wednesday, 18th May, 2011

Present:- Councillor Les Kew in the Chair

Councillors Rob Appleyard (In place of John Bull), Sharon Ball, Cherry Beath, Gerry Curran, Eleanor Jackson, Malcolm Lees, Bryan Organ, Brian Simmons, Martin Veal and Brian Webber

Also in attendance: Councillors Neil Butters and Caroline Roberts

#### **142 EMERGENCY EVACUATION PROCEDURE**

The Senior Democratic Services Officer read out the procedure

#### **143 ELECTION OF VICE CHAIRMAN (IF DESIRED)**

The Chairman stated that he did not require a Vice Chairman for this meeting

#### **144 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were received from Councillors John Bull and Nicholas Coombes and their substitutes were Councillors Rob Appleyard and Dine Romero respectively

#### **145 DECLARATIONS OF INTEREST**

There were no declarations of interest

#### **146 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN**

There were no items of Urgent Business

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

The Senior Democratic Services Officer reported that he had received notice by the Bath Preservation Trust to make a statement at this meeting. Also various members of the public etc had given notice to make statements on planning applications (Reports 10 and 11) and on the Former Fullers Earthworks site (Report 12) and that they would be able to do so when reaching those items on the Agenda.

The Chairman invited Caroline Kay, Chief Executive of Bath Preservation Trust, to make her statement regarding the effect of restructuring the Planning Department on performance figures on planning applications etc. The Chairman responded stating that there were extenuating circumstances for the poorer performance for the period September – December last year due to the Planning Office being relocated to Lewis House and some Officers being away on sick leave. He requested a copy of her

statement after which a written response would be provided. The issues would be discussed when considering Report 13 on the Agenda.

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

There were no items from Councillors

#### **149 MINUTES: 13TH APRIL 2011**

The Minutes of the previous meeting held on 13<sup>th</sup> April 2011 were approved as a correct record and signed by the Chairman

#### **150 MAJOR DEVELOPMENTS**

The Senior Professional – Major Developments updated Members on the current position regarding the K2, Keynsham, development. An appeal against the decision to refuse permission would be the subject of a Public Local Inquiry on Tuesday 7<sup>th</sup> June.

Members asked questions regarding other major developments at Radstock and Herman Miller site, Lower Bristol Road, Bath, to which the Officer responded.

The Officer was congratulated on his input to the Bath Western Riverside development which was now proceeding.

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

The Committee considered

- The report of the Development Manager on a planning application the subject of a Site Visit by Members
- 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 planning application be determined as set in the Decisions List attached as *Appendix 2* to these Minutes

**Church View, Packhorse Lane, South Stoke – Erection of 2 gable ends to south elevation, replacement of existing windows to the front with French doors opening onto a veranda, demolish existing steps to the front, move existing door on east elevation and erection of cantilevered porch over and provision of larger window to side, erection of 2 dormers to north elevation, provision of first floor window on west elevation, and landscaping (Ref No 10/04317/FUL) –** The Case Officer made a presentation to the Committee on this application and her recommendation to Permit with conditions. The public speakers made their statements both against and in favour of the proposal. The Ward Councillor Neil Butters made a statement in support of the application.

Councillor Bryan Organ stated that he supported the application and moved the recommendation to Permit with conditions including details of finish and construction of the bay windows at first floor level. This was seconded by Councillor Brian Simmons although he expressed some concern about the first floor gable extension. The Chairman considered that there should be hanging tiles to match the roof tiles plus provision of bargeboards. Another Member felt that adequate landscaping should be provided. The Members generally supported the proposal considering that it did not represent a disproportionate increase in the size of the dwelling, it would provide good family accommodation and, as the adjoining bungalows were not exactly the same, this property did not need to conform. It was also felt that the alterations would not significantly affect the appearance of this part of the village.

In view of additional conditions to be added, the mover and seconder agreed to amending the motion to Delegate to Permit subject to appropriate additional conditions. This motion was put to the vote. Voting: 9 in favour and 1 against with 2 abstentions. Motion carried.

## **152 MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE**

The Committee considered

- The report of the Development Manager on various planning applications
- Oral statements by members of the public etc on Item Nos. 2, 3 and 5, the Speakers List being attached as *Appendix 1* 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 Coach House, Back Lane, Newton St Loe – Restore and convert the existing 2 storey Coach House into a 3 bedroom dwelling with the bedrooms on the ground floor and the living space and kitchen on the 1<sup>st</sup> floor including access to a sunken courtyard to the south of the property, provision of a covered area with space for 1 vehicle and a bat roost on the loft space above (Ref No 11/00614/FUL) –** The Case Officer gave a presentation on this application and his recommendation to Permit with conditions.

Councillor Brian Webber considered that this was an interesting building in a tucked away position on the edge of the village. It would provide an attractive house. The only issue was the access track to the property being classed as a public highway but this appeared to be covered by Condition 3 in the recommendation. He therefore moved the recommendation which was seconded by Councillor Bryan Organ.

Members discussed the proposal, its position within the housing boundary of the village and the access track. On being put to the vote, the motion was approved unanimously.

**Item 2 Little Orchard, Ham Lane, Bishop Sutton – Provision of new vehicular access through land south of the site (Ref No 11/00539/FUL) –** The Case Officer reported on this application and her recommendation to Refuse permission. The applicant's Agent spoke in favour of the proposal.

Councillor Bryan Organ considered this was a satisfactory proposal. It would improve visibility and also serve as an access to grazing land. He moved that the recommendation be overturned and permission be granted. This was seconded by Councillor Martin Veal.

Members discussed the motion and asked questions to which the Officer replied. The motion was generally supported on the basis that there were very special circumstances relating to an improvement in forward visibility and improved highway safety as the existing access to the property on this reasonably busy lane was poor and it would prevent another access being formed to the adjoining agricultural land further down the lane. It was considered that it would not have a detrimental impact on the rural character of the village and therefore whilst this was inappropriate development in the Green Belt, there were very special circumstances to outweigh the recognised harm. The mover and seconder agreed to amend the motion to Delegate to Permit with appropriate conditions including the existing access being closed off and the replacement of the hedgerow. This was put to the vote and carried unanimously.

**Item 3 No 5 Apsley Road, Newbridge, Bath – Installation of side and rear dormers (Retrospective) (Ref No 11/01266/FUL)** – The Case Officer reported on this application and her recommendation to Refuse permission. The applicant and his Agent spoke in favour of the proposal. The Ward Councillor Caroline Roberts made a statement in favour of the application.

Councillor Gerry Curran considered that the size and siting of the dormers would not detract from the appearance of the house and the streetscene; also there were already some similar dormers on nearby houses. He therefore felt that the recommendation should be overturned and moved that the application be Delegated to Permit with appropriate conditions. This was seconded by Councillor Cherry Beath. After a brief discussion, the motion was put to the vote and carried unanimously.

**Item 4 No 93 Rush Hill, Southdown – Erection of one 2 storey house and one single storey house (Revised proposal) (11/00773/FUL)** – The Case Officer reported on this application and her recommendation to Permit with conditions.

Councillor Sharon Ball moved the recommendation which was seconded by Councillor Bryan Organ. The motion was put to the vote which was carried unanimously.

**Item 5 Little Meadow, Bromley Road, Stanton Drew – Erection of a 2 storey rear extension and first floor extension over existing single storey annexe (Ref No 11/00805/FUL)** – The Case Officer reported on this application and her recommendation to Refuse permission. The applicant spoke in favour of the proposal.

Councillor Malcolm Lees spoke in favour of the application considering that the recommendation should be overturned. He stated that the existing single storey extension and flat roof would be removed improving the appearance. He felt that this was originally a modest property in a large plot and the size, design, scale and siting of the proposal would not be disproportionate to the existing dwelling or harmful to

the openness of the Green Belt. The proposed development would also make the property similar in size to existing properties in the locality. He therefore moved that permission be granted which was seconded by Councillor Martin Veal.

Members debated the motion which was generally supported. The Development Manager gave advice on development in the Green Belt and stated that Officers considered that the proposed extension was disproportionate to the existing house and was harmful to the openness of the Green Belt. The extension represented a 119% overall increase from the original dwelling and a 49% increase in the existing dwelling. She advised the Committee that, notwithstanding the advice in the Council's Supplementary Planning Document "Existing Dwellings in the Green Belt", the Planning Inspectorate were generally dismissing proposals where the proposed increase in volume exceeded 60% over the volume of the original property. She felt that the design did make an improvement to the appearance of the house but this did not amount to a very special circumstance to justify granting permission.

On advice, the mover and seconded amended the motion to Delegate to Permit to enable appropriate conditions to be imposed. The amended motion was put to the vote and carried unanimously.

### **153 REPORT ON FORMER FULLER'S EARTHWORKS**

The Committee considered the joint report of the Development Manager and Planning and Environmental Law Manager which (1) informed the Committee of the Order of the High Court (a copy was appended to the Report) following the claim for Judicial Review against the Council's decision to issue Enforcement Notices for alleged unauthorised development at the Former Fullers Earthworks; and (2) updated the Committee on the West of England Joint Waste Core Strategy (JWCS) so far as it related to the site.

The Development Manager displayed 2 plans which indicated i) the ownership and location plan which was the plan attached to the Enforcement Notices; and ii) the area allocated by the Inspector and adopted by the Council for a residual waste facility under the JWCS. The Development Manager advised that any planning application proposing a residual waste facility would go out for public consultation in the normal way. She drew attention to a typographical error in paragraph 7.4 of the Report which referred to Annex D which should have read Annex E.

The members of the public etc then made their statements on the matter which were noted.

The Development Manager reminded Members of the reasons for serving the Enforcement Notices. She advised the Committee that the High Court had quashed the Notices and that the Council had adopted the JWCS stating that it was the Officers' view that the Council should attempt to resolve the outstanding issues by focussing on the potential for this site to be used as a residential waste facility. If planning permission was granted in due course, the implementation of the permission had the potential to resolve the situation.

She emphasised again the purpose of the Report to Committee and drew attention to further representations received which had led to a further recommendation being added to allow for consideration of such representations.

Members discussed the issues including the residual waste facility. It was stated that Members shared the concern of residents on the environmental impact of the site but agreed that, if the concerns could be resolved by delivery of the residual waste facility on the land, this should be negotiated and progressed as soon as possible.

It was moved by Councillor Cherry Beath and seconded by Councillor Eleanor Jackson to approve the Officers' recommendations and it was therefore **RESOLVED** that (1) the Committee note the contents of the Report acknowledging the decision of the High Court and the allocation of Fullers Earth in the JWCS and, in light of this, endorse the Officer's proposal to work positively with the owner of the site to achieve the delivery of a residual waste facility on the land as allocated in the JWCS; (2) the owner of Fullers Earth be written to setting out the Council's support for the allocation of the land in the Joint Waste Core Strategy and inviting its assistance in achieving this aim and seeking representations from the owner on any progress on its proposal to fulfil the allocation; and (3) the question of whether or not to take any further enforcement action be deferred for a further report pending consideration of the recent representations.

(Note: (1) This decision was agreed unanimously; and (2) Councillor Dine Romero left the meeting during its consideration.)

#### **154 QUARTERLY PERFORMANCE REPORT OCTOBER - DECEMBER 2010**

The Committee considered the report of the Development Manager which provided performance information across a range of activities within the Development Management function for the period 1<sup>st</sup> October to 31<sup>st</sup> December 2010.

The Development Manager further reported that the performance figures were disappointing and were due to a number of factors – the relocation of the Planning Department to Lewis House, staff sickness, an increased workload and backlog at a time when staff numbers had been reduced. She pointed out, however, that the workload had been taken into account before restructuring. The current situation showed a significant improvement with 80% performance being achieved. She referred to the number of Enforcement Notices being served and pointed out that a high number did not necessarily indicate a good success rate as negotiations could result in planning applications being submitted to resolve unauthorised development.

The Committee discussed the performance figures and the prevailing circumstances during that Quarter. Some Members expressed concern at planning information being provided electronically for the public and Members and the impact of the loss of the Reception facility from Trimbridge House. The Development Manager responded that 3000 applications were received each year which had a huge impact on resources; paper copies of documents, however, could be provided if there was a difficulty in reading electronic copies. Also Council Connect were working with Officers to provide a One Stop Shop under Lewis House in March/April next year which should greatly assist members of the public. A similar service should be available in Keynsham and Midsomer Norton. Regarding a Member's query concerning delays in registering applications, the Development Manager stated that this was a time consuming process and staff had been away on sick leave in that Section. However, a review would be undertaken shortly to make appropriate improvements.

The Chairman expressed his support for Planning Officers and the service they provided. He was pleased that performance figures had now improved.

The Committee noted the report.

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

The report was noted

**156 CHAIRMAN'S CLOSING REMARKS**

The Chairman stated that, as a result of Liberal Democrat gains of Council seats in the recent Local Elections, this would probably be his last meeting as Chairman on behalf of the Conservative Group. He therefore thanked the Members for their support in the past and complimented the Development Manager and fellow Officers for their hard work and efforts in providing a high standard of planning service to the public and Committee.

Members of the Liberal Democrat and Labour Groups represented on the Committee echoed these sentiments and expressed their appreciation for the Chairman's skills and commitment in chairing these meetings.

The meeting ended at 4.30 pm

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**