

DRAFT MINUTES PENDING CONFIRMATION AT THE NEXT MEETING

BATH AND NORTH EAST SOMERSET

MINUTES OF DEVELOPMENT CONTROL COMMITTEE

Wednesday, 14th December, 2011

Present:- Councillor Gerry Curran in the Chair

Councillors Lisa Brett, Neil Butters, Liz Hardman, Eleanor Jackson, Les Kew, David Martin, Bryan Organ, Martin Veal, David Veale, Brian Webber and Dine Romero (In place of Douglas Nicol)

Also in attendance: Councillors Patrick Anketell-Jones, Cherry Beath, Sally Davis, Charles Gerrish, Roger Symonds and Tim Warren

84 EMERGENCY EVACUATION PROCEDURE

The Senior Democratic Services Officer read out the procedure

85 ELECTION OF VICE CHAIR (IF DESIRED)

A Vice Chair was not required

86 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

An apology for absence was received from Councillor Doug Nicol whose substitute was Councillor Dine Romero

87 DECLARATIONS OF INTEREST

There were no declarations of interest

88 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There were no items of urgent business

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

The Senior Democratic Services Officer informed the meeting that there were members of the public etc. wishing to make statements on the Enforcement Item (Report 11) relating to The Old Orchard, 1 The Shrubbery, Lansdown, Bath, and that they would be able to do so when reaching that Item on the Agenda. There were also a number of people wishing to speak on planning applications in Reports 12 and 13 and they would be able to make their statements when reaching their respective items in those Reports.

90 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

There were no items from Councillors

91 MINUTES: WEDNESDAY 23RD NOVEMBER 2011

The Minutes of the previous meeting held on Wednesday 23rd November 2011 were approved as a correct record and signed by the Chair

92 MAJOR DEVELOPMENTS

The Development Manager reported that there were no issues on major developments on which to update Members but, if Members had any queries, they could raise them with the Senior Professional - Major Developments direct

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

The Committee noted the report and congratulated Officers on their success rate in appeals being dismissed

94 ENFORCEMENT REPORT - THE OLD ORCHARD, 1 THE SHRUBBERY, LANSDOWN, BATH

The Committee considered (1) a report by the Development Manager requesting Members to authorise enforcement action regarding the materials used to clad the boundary wall to the garden and parking areas which did not match the approved sample; (2) oral statements by a representative of St James' Park Residents Association supporting enforcement action and the owner of the property speaking against enforcement action; and (3) a statement by the Ward Councillor Patrick Anketell-Jones raising various issues.

The Team Leader - Development Management reported on the matter by means of a power point presentation. The Development Manager reminded Members of their decision at the previous meeting and that the only outstanding issue for consideration related to whether enforcement action should be authorised on the cladding of the stone wall.

The Chair stated that The Shrubbery was an important walkway and needed to be protected. Councillor Neil Butters accepted the owner's submission that the cladding had been done correctly and moved that enforcement action should not be authorised. This was seconded by Councillor Brian Webber who felt that the owner had narrowly complied with the condition and therefore enforcement action would not be justified.

Members discussed the issue of the colour of the stone cladding which appeared to be different to that which had been approved. Some Members felt that the cladding should be replaced. It was pointed out that, according to information obtained from the supplier of the stone, the shade of colour can vary. Officers suggested that this could be due to the stone being quarried at a different time and at a different depth. However, in this case, the colour appeared not to match the approved sample. The Development Manager commented on the issues and informed Members that it was Officers' professional opinion that the condition had not been complied with and the colour of the unauthorised stone cladding was harmful to the Conservation Area, adjoining listed buildings and the Bath World Heritage Site.

The motion was put to the vote and it was **Resolved** that enforcement action should not be authorised regarding the stone cladding to the boundary wall and parking areas (Voting: 8 in favour and 2 against with 2 abstentions).

95 SITE VISIT LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE

The Committee considered

- a report by the Development Manager on a planning application on land rear of Holly Farm, Brookside Drive, Farmborough
- an Update Report by the Development 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 which is attached as *Appendix 2* to these Minutes

RESOLVED that, in accordance with their delegated powers, the application be determined as set out on the Decision List attached as *Appendix 3* to these Minutes.

Land rear of Holly Farm, Brookside Drive, Farmborough - Residential development comprising 38 dwellings with associated access, car parking and landscaping – The Case Officer reported on this application and her recommendation (A) that the application be referred to the Secretary of State as a departure from the Development Plan; (B) to authorise the Planning and Environmental Law Manager to secure an Agreement under Section 106 of the Town and Country Planning Act 1990 as detailed in the Report; and (C) upon completion of the Agreement, to authorise the Development Manager to Permit the application subject to various conditions. She referred to the Update Report which informed Members of further consultation responses having been received. Members of the public etc then made statements against and in favour of the proposal which was followed by a statement by the Ward Councillor Sally Davis.

Members asked questions to which Officers responded. Concerns were expressed about the size of the proposed development, its access and highway safety.

Councillor Bryan Organ moved that permission be refused which was seconded by Councillor Martin Veal. Members debated the motion and raised various other concerns such as the layout of the development and the location of the affordable housing, the effect on residents of Brookside Drive, parking, cramped development and sustainability. A Member however, considered that this was a good development providing both affordable and retirement housing. After hearing the debate, Councillor Bryan Organ clarified that the reasons for refusal were: overdevelopment of the site, an adverse effect upon highway safety in terms of the junction with the main road, an adverse effect from construction traffic, the sustainability of the site's location outside the housing development boundary, unacceptable layout in particular the location of the affordable housing and the effect upon parking conditions in Brookside Drive.

The Development Manager explained that, because this was an outline application, layout and the location of the affordable housing could not be considered until the Reserved matters stage. She advised Members that this was a safeguarded site in the Local Plan and the proposal, together with the proposed S106 Agreement complied with the principles of the Council's Draft Core Strategy and she reminded the Committee that the Highways Officers had no objection on highway safety grounds. The Development Manager further advised that the effect of construction traffic could be dealt with by the imposition of a suitable condition and that the number of dwellings proposed was close to that included in the Council's Strategic Housing Land Availability Assessment.

The motion was put to the vote. Voting: 6 in favour and 5 against with 1 abstention. Motion carried for the following reasons: Members considered that the proposal would result in an overdevelopment of the site. The development would have an adverse effect on highway safety due to the site being located close to the substandard junction of the A39 and The Street and due to the effect on parking in the surrounding area. Also because the site is located outside of the Housing Development Boundary, it is considered to be located in an unsustainable location.

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

The Committee considered:

- The report of the Development Manager on various applications for planning permission
- An Update Report by the Development Manager on Item Nos. 1-5, a copy of which is attached as *Appendix 1* to these Minutes
- Oral statements by members of the public etc. on Item Nos. 1, 2, 5 and 6, a copy of which is 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.

Items 1&2 Gammon Plant Hire, Rock Hall Lane, Combe Down, Bath – (1) Erection of 1 Mining Interpretation Centre (rated BREEAM Excellent), 8 Eco-Homes (rated Code 5 zero carbon), 1 apartment (rated Code 5 zero carbon) and all associated hard and soft landscaping following demolition of all existing properties with the exception of a portion of historic stone wall to Rock Hall Lane (Resubmission)(Ref No 11/04166/FUL); and (2) demolition of all existing properties with the exception of a portion of historic stone wall to Rock Hall Lane (Ref No 11/04167/CA) – The Historic Environment Team Leader and the Planning Officer reported on these applications and their recommendations to refuse permission/consent. Attention was drawn to the Update Report which contained further information and summarised further representations received and recommended the deletion of the 3rd reason for refusal on application (1) above. The public speakers made their statements against and in favour of the proposals and the Ward Councillors Cherry Beath and Roger Symonds made statements supporting the proposals.

The Development Manager advised Members that the Secretary of State was due to make an Environmental Impact Assessment (EIA) screening direction and, therefore, if Members were minded to Permit, the matter should be delegated to Officers to Permit subject to the Secretary of State making a negative screening opinion. She also advised Members that the Secretary of State had been asked to consider “listing” the existing buildings. She advised that, whilst this did not affect Members’ decision today, if the Secretary of State should “list” the buildings before any permission/consent were implemented, then the applicant would need to obtain listed building consent as well.

Councillor Eleanor Jackson agreed with the Officers’ recommendations and moved that the applications be refused accordingly which was seconded by Councillor Liz Hardman. Members debated the motions. Most Members were supportive of the scheme as they considered that the existing buildings were not of significant architectural and historical merit to warrant their retention. The design of the new buildings with a zero carbon rating was good and would fit into the streetscape. The motions to Refuse were put to the vote. Voting: 2 in favour and 8 against with 2 abstentions. Motions lost. It was then moved by Councillor Neil Butters and seconded by Councillor David Martin to Delegate to Officers to Permit/Consent subject to the Secretary of State issuing a negative EIA screening direction, the completion of a S106 Agreement to secure financial contributions in respect of Children’s Services and appropriate conditions. The motions were put to the vote. Voting: 9 in favour and 2 against with 1 abstention. Motions carried for the following reasons: Members were of the view that the existing buildings, even if they were to be regarded as heritage assets, were not of sufficient historical value to warrant retention and their demolition would not be harmful to the Conservation Area. Members also felt that the proposed buildings were of a good design with a carbon zero rating and, in the context of a mixed area, would not be harmful to the Conservation Area or the setting of nearby “listed” buildings.

Item 3 Parcel 0006, Maynard Terrace, Clutton – Erection of 43 dwellings and associated works – This application was withdrawn at the applicants’ request.

Item 4 Land rear of Nos. 2-20 High Street, Keynsham – Erection of 3 storey building to provide 14 residential apartments and associated landscaping and car parking (including re-provision of car parking for existing High Street properties) – The Committee considered the report on this application. The Update Report contained further representations and referred to amended drawings being received which revised the application in a number of ways. The Update Report amended the Recommendation in the Main Report to: Subject to (A) no new material planning matters arising from the re-advertising of the amended plans; and (B) confirmation from the Planning and Environmental Law Manager that a satisfactory signed Unilateral Agreement has been received, authorise the Divisional Director for Planning and Transport Development to Permit subject to the conditions in the Main Report and any other appropriate conditions.

The Ward Councillor Charles Gerrish made a statement and urged Members to defer consideration of the application so that members of the public could have more time to comment on the revised plans. Members considered this issue. It was moved by Councillor Martin Veal and seconded by Councillor Bryan Organ to Defer

consideration to enable further consultation on the amended scheme. The motion was put to the vote and agreed unanimously.

Item 5 Fairash Poultry Farm, Compton Martin Road, West Harptree – Erection of 7 dwellings following demolition of existing poultry farm – The Case Officer reported on this application and her recommendation to refuse permission. A further reason for refusal was recommended in relation to the increased use of a sub-standard access. The Update Report set out the Case Officer's comments on a further representation received from the Environmental Health Officer. The applicant made a statement in favour of the application and the Ward Councillor Tim Warren made a statement supporting the proposal. He considered that a Site Visit should be held.

Councillor Dine Romero moved that consideration be deferred for a Site Visit to view the site in the context of its surroundings. This was seconded by Councillor Neil Butters. A deferral for a Site Visit was generally supported and therefore the motion was put to the vote and was carried, voting being 9 in favour and 1 against with 2 abstentions.

Item 6 No. 69 Haycombe Drive, Southdown, Bath – Erection of a detached 2 storey dwelling on land to the rear of 69 Haycombe Drive – The Case Officer reported on this application and his recommendation to Permit subject to conditions. He read out the comments of Councillor Paul Crossley, one of the Ward Members, who considered that it should be refused. The applicant's agent made a statement in favour of the proposal.

Councillor Dine Romero considered that this was not a good site for a house because it adjoined a very busy road with fast moving traffic and would cause a hazard to traffic and pedestrian safety. She moved that permission be refused which was seconded by Councillor Martin Veal.

Members debated the motion. Some Members felt that the scheme had a number of good points but other Members considered that the highway safety issues were a serious concern with a number of reported accidents in the vicinity (as well as unreported incidents) and there was also the effect of the development on the amenities of adjoining residents to consider. The motion to refuse permission was put to the vote. Voting: 7 in favour and 5 against. Motion carried for the following reasons: The proposal would be detrimental to highway safety and would have an unacceptable impact on the amenity of the occupiers of neighbouring properties in relation to the likely proximity of the dwelling to the neighbouring property.

The meeting ended at 5.10 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services