

BATH AND NORTH EAST SOMERSET COUNCIL

MINUTES OF DEVELOPMENT CONTROL COMMITTEE

Wednesday, 15th February, 2012

Present:- Councillor Gerry Curran in the Chair

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

Also in attendance: Councillors Lisa Brett and Vic Pritchard

119 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the procedure.

120 ELECTION OF VICE CHAIRMAN (IF DESIRED)

A Vice Chair was not required.

121 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Councillors Lisa Brett and Neil Butters had sent their apologies to the Committee. Councillor Jeremy Sparks was present as a substitute for Councillor Butters.

122 DECLARATIONS OF INTEREST

There were none.

123 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was none.

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

The Democratic Services Officer informed the meeting that there were various members of the public etc. wishing to make statements on planning applications in Report 10 and that they would be able to do so when reaching those items on the Agenda.

125 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

There were no items from Councillors.

126 MINUTES: 18 JANUARY 2012

The Minutes of the meeting held on 18th January 2012 were approved as a correct record and signed by the Chairman.

127 MAJOR DEVELOPMENTS

The Senior Professional, Major Developments updated Members on the on-going works in the centre of Radstock. He explained that currently Wessex Water were carrying out a sewer replacement exercise and that this was causing some traffic delays to the area. He added that the latest information he had was that these works would last for a further two weeks.

He explained that the site compound which is currently being used by Wessex Water will be retained and used by the Council for their use when undertaking the Cabinet approved road works for the area in March.

He added that Bellway Homes were no longer involved in the local housing development and that Linden Homes had taken over the project.

Councillor Eleanor Jackson commented that she was concerned over the lack of an archaeologist on site and that there may be a risk to wildlife through contamination. Her concerns stemmed from the original planning application of 2006.

The Chairman replied that it was his understanding that the works involving the utilities were permitted development.

The Senior Professional, Major Developments added that only if and when the development approved in 2007 commences would the conditions of that permission come into effect. He explained that any concerns over possible contamination in connection with the Wessex Water works could be reported to the Council's Contaminated Land Officer or to the Environment Agency.

Councillor Les Kew asked if he was able to update the Committee on the site of the Gainsborough Hotel.

The Senior Professional, Major Developments replied that he was not involved with that particular site himself and would therefore ask for a written response to be sent to Councillor Kew.

Councillor Les Kew asked if all the current conditions associated with the Train and Bus station on the Southgate development had been met.

The Senior Professional, Major Developments replied that there were a large number of conditions associated with the site and that these were designed to be discharged in a phased manner. He added that all of the currently relevant conditions had been met.

Councillor Douglas Nicol asked for an update on the site of Green Park House as he was concerned over the amount of litter that was in close proximity to the site.

The Senior Professional, Major Developments replied that the site had been purchased and that therefore the developer was responsible for the maintenance and tidiness of the site. He would however ask colleagues to provide a written update for Councillor Nicol.

In response to a further request from Councillor Eleanor Jackson, Officers will also provide a written update for Members with regard to the Bidwell Metals site at Clandown, Radstock.

The Members of the Committee noted the update.

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

The Chairman announced that the applications relating to the proposed new Tesco development on the former Bath Press site and the expansion of Sainsbury's at Green Park had been withdrawn from this agenda and would be debated at the March meeting of the Committee.

The Committee considered

- A report by the Development Manager on various applications for planning permission etc
- Oral statements by members of the public etc on Item Nos 3-5, the Speakers List being attached as *Appendix 1* to these Minutes
- An Update Report by the Development Manager on Item Nos 1-3, 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 3* to these Minutes.

Item 3 - Native Woodland Ltd. Clearbrook Farm, Midford Hill, Hinton Charterhouse, Bath, Bath And North East Somerset. Use of agricultural land as a natural burial ground (revised resubmission).

The Case Officer reported on this application and his recommendation for refusal. The public speakers made their statements on the application.

Members asked questions to which the Case Officer responded.

Councillor Eleanor Jackson stated that she felt that the application was not inappropriate within the Green Belt and moved that the Committee disagree with the officer recommendation and grant the application. The motion was seconded by Councillor Martin Veal. Members debated the motion. It was generally agreed that the main issue was the impact of the car parking on the site but that such use would be intermittent and well screened and therefore not harmful to openness or visual amenity.

The Chairman therefore asked the Committee to vote on the motion moved by Councillor Jackson to delegate to officers to permit the application subject to appropriate conditions.

Voting: 7 in favour, 2 against and 2 abstentions. Motion carried.

Reasons: the Committee felt that the proposal was not an inappropriate development within the Green Belt as it would not cause any harm to the openness of the Green Belt – the burial ground itself would have little impact and members were satisfied that car parking associated with the development would be intermittent and would be well screened by the existing hedgerow. For the same reasons, members were also satisfied that the impact on the countryside and the Area of Outstanding Natural Beauty would be acceptable.

Item 4 - Avon Wildlife Trust. Folly Farm, Folly Lane, Stowey, Bristol, Bath and North East Somerset. Change of use from Class C2 to Mixed Use combining Classes C2/ D2 for residential education, wedding ceremonies and receptions with ancillary cafe, teaching and workshop facilities (Retrospective).

The Case Officer reported on this application and his recommendation to permit with conditions. A public speaker and Ward Councillor Vic Pritchard made their statements on the application.

Members asked questions to which the Case Officer responded.

Councillor Les Kew stated that he saw the application as a continuation in the use of the site, which had caused no complaints and felt that it was ideal for the occasions outlined in the application. He therefore moved the Officer recommendation and asked for a management plan to be included as part of the conditions imposed. The motion was seconded by Councillor Martin Veal.

The Chairman at this point wished to clarify the operational hours of the site as they had been printed incorrectly within the agenda. Condition 4 should read *'The use hereby approved shall not operate outside the hours of 0900 to 0200 Monday to Saturday and 0900 to 2300 Sundays and Bank Holidays.'*

The Case Officer stated that there were other conditions that required amendment (eg a limit on the number of wedding events in a given period) and suggested that the motion be changed to delegate to officers to permit with appropriate conditions. The mover and seconder agreed.

The Chairman asked the Committee to vote on the motion moved by Councillor Kew to delegate to officers to permit the application subject to appropriate conditions.

The Committee voted and the motion was carried unanimously.

Item 5 - Partridge Homes (Cotswolds) Ltd. Former Allotment Gardens, Southbourne Gardens, Fairfield Park, Bath, Bath and North East Somerset. Variation of condition 2 (plans list) of application 10/03251/VAR (Variation of condition 2 of application 07/01598/FUL to allow a variation to the design of house type A (Plots 1-8)).

The Case Officer reported on this application and his recommendation to permit with condition(s). The public speakers and Ward Councillor Lisa Brett made their statements on the application.

Councillor Douglas Nicol moved that consideration be deferred for a Site Visit to view the access proposals to the site in the context of its surroundings. This was seconded by Councillor Martin Veal.

The Committee voted and the motion was carried unanimously.

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

At the request of the Chairman, the Development Manager confirmed the events in March involving the Committee.

The Committee **RESOLVED** to note the report.

Appendix 1: Speakers List

Appendix 2: Update Report

Appendix 3: Decisions List

The meeting ended at 4.05 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

This page is intentionally left blank

**SPEAKERS LIST
BATH AND NORTH EAST SOMERSET COUNCIL
DEVELOPMENT CONTROL COMMITTEE**

**MEMBERS OF THE PUBLIC ETC WISHING TO MAKE A STATEMENT AT
THE DEVELOPMENT CONTROL COMMITTEE AT ITS MEETING ON
WEDNESDAY 15TH FEBRUARY 2012**

SITE/REPORT NAME/REPRESENTING FOR/AGAINST

MAIN PLANS LIST REPORT 11		
Clearbrook Farm (Item 3)	Michael Devenish (Chair, South Stoke Parish Council)	Against
	Caroline Ford (resident)	Against
	James Leedam	For
Folly Farm (Item 4)	Lisa Jackson (Agent)	For
Former Allotment Gardens, Southbourne Gardens (Item 5)	Chris Dance Sean McIntyre Shaun Redden	Against
	John Easdon (representing applicant)	For

This page is intentionally left blank

BATH AND NORTH EAST SOMERSET COUNCIL

Development Control Committee

Feb 15th 2012

**OBSERVATIONS RECEIVED SINCE THE PREPARATION OF THE MAIN
AGENDA**

ITEM 10

ITEMS FOR PLANNING PERMISSION

Item No	Application No	Address
1	10/03380/EFUL	The Bath Press, Lower Bristol Road, Westmoreland, Bath

Following the publication of the Committee Agenda, the Applicants have submitted substantial further information relating, firstly, to the retail impact of their store and, secondly, to an independent review of their highway proposals. In order for this additional information to be assessed and publicised, Officers have withdrawn this application from the Agenda for the meeting. The application will appear on a future Agenda once the new information has been analysed.

Item No	Application No	Address
2	10/04475/FUL	Green Park Station, Green Park Road, City Centre, Bath

Following the publication of the Committee Agenda, it came to the attention of Officers that an administrative error had unfortunately resulted in a substantial portion of the Officer Report on this item being omitted from the papers circulated to Members and available for public inspection. In order to ensure that a decision on this application can be made in the light of the full extent of the Officer Report, Officers have withdrawn this application from the Agenda for the meeting. The application will now be reported to the March meeting of the Committee.

Item No	Application No	Address
3	11/04422/FUL	Clearbrook Farm, Midford Hill, Hinton Charterhouse, Bath

Further information has been received from the applicant following completion of the committee report. This provides estimated farm income/expenditure figures for 2010/2011 and is submitted to support the case for the proposed development.

Officer Comments:

The proposed development is considered to be inappropriate development in the Green Belt and such development should not be permitted except in very special circumstances. In support of the application the landowner states that the use would guarantee that the field used for burials protects its green state for the foreseeable future whilst providing sufficient income to continue maintaining all of the land in the most ecologically friendly way. The applicant has submitted financial information in support of this assertion which shows a current annual deficit and which is described as a subsidy towards the stewardship of the land. Whilst these figures have not been independently verified, although Officers have no reason to question them, no information has been provided on the income to the landowner from using the site for natural burials. Although the current deficit is relatively low the landowner has indicated that financial support in the form of Single Farm Payment is likely to be phased out or removed next year and without another source of income the deficit would increase significantly. Whilst on the submitted evidence there is financial deficit arising from the current use of the land, this in itself is not considered sufficient to outweigh the harm caused by the proposed development and to justify a departure from policy.

Amendment to Development Control Committee Agenda

REASON FOR REPORTING APPLICATION TO COMMITTEE

Two Parish Councils object to the application and another supports the application. Under the Council's Scheme of Delegation the Chair of the Development Control Committee has determined that the application should be reported to Committee.

BATH AND NORTH EAST SOMERSET COUNCIL

DEVELOPMENT CONTROL COMMITTEE

15th February 2012

DECISIONS

Item No:	01	
Application No:	10/03380/EFUL	
Site Location:	The Bath Press, Lower Bristol Road, Westmoreland, Bath	
Ward: Westmoreland	Parish: N/A	LB Grade: N/A
Application Type:	Full Application with an EIA attached	
Proposal:	Mixed-use redevelopment comprising 6,300sqm of retail (Class A1), 4,580sqm of creative work space (Class B1), 2,610sqm of offices (Class B1), 220sqm of community space (Class D1/D2), 10 residential houses, car park, landscape and access (including realignment of Brook Road)	
Constraints:	Agric Land Class 3b,4,5, British Waterways, Flood Zone 2, Forest of Avon, Hazards & Pipelines, Hotspring Protection, Tree Preservation Order, World Heritage Site,	
Applicant:	St James's Investments Limited & Tesco Stores Limited	
Expiry Date:	9th December 2010	
Case Officer:	Sarah James	

DECISION Withdrawn from the agenda prior to the Committee meeting.

Item No:	02	
Application No:	10/04475/FUL	
Site Location:	Sainsburys Supermarkets Limited Green Park Station, Green Park Road, City Centre, Bath	
Ward: Kingsmead	Parish: N/A	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of extension to foodstore to provide additional retail floorspace and warehouse floorspace. Alterations to car park layout and engineering works to the southern bank of the River Avon to provide flood storage compensation.	
Constraints:	Agric Land Class 3b,4,5, Article 4, British Waterways, Conservation Area, Cycle Route, Floodplain Protection, Flood Zone 2, Flood Zone 3, Flood Zone 3, Forest of Avon, General Development Site, Hotspring Protection, Listed Building, Sites of Nature Conservation Imp (SN), Sustainable Transport, World Heritage Site,	
Applicant:	Sainsbury's Supermarket Ltd	
Expiry Date:	4th February 2011	
Case Officer:	Geoff Webber	

DECISION Withdrawn from the agenda prior to the Committee meeting.

Item No:	03		
Application No:	11/04422/FUL		
Site Location:	Clearbrook Farm, Midford Hill, Hinton Charterhouse, Bath		
Ward: Bathavon South	Parish: Hinton Charterhouse	LB Grade: N/A	
Application Type:	Full Application		
Proposal:	Use of agricultural land as a natural burial ground (revised resubmission).		
Constraints:	Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Greenbelt,		
Applicant:	Native Woodland Ltd.		
Expiry Date:	23rd January 2012		
Case Officer:	Gwilym Jones		

DECISION Delegate to PERMIT

Authorise the Development Manager to PERMIT with appropriate conditions.

Item No:	04		
Application No:	10/04399/FUL		
Site Location:	Folly Farm, Folly Lane, Stowey, Bristol		
Ward: Chew Valley South	Parish: Stowey Sutton	LB Grade: N/A	
Application Type:	Full Application		
Proposal:	Change of use from Class C2 to Mixed Use combining Classes C2/D2 for residential education, wedding ceremonies and receptions with ancillary cafe, teaching and workshop facilities (Retrospective)		
Constraints:	Agric Land Class 1,2,3a, Agric Land Class 1,2,3a, Coal fields, Forest of Avon, Greenbelt, Sites of Nature Conservation Imp (SN), Water Source Areas,		
Applicant:	Avon Wildlife Trust		
Expiry Date:	16th February 2011		
Case Officer:	Andy Pegler		

DECISION Delegate to PERMIT

Authorise the Development Manager to PERMIT with additional appropriate conditions.

Item No:	05	
Application No:	11/04867/VAR	
Site Location:	Former Allotment Gardens, Southbourne Gardens, Fairfield Park, Bath	
Ward: Walcot	Parish: N/A	LB Grade: N/A
Application Type:	Application for Variation of Condition	
Proposal:	Variation of condition 2 (plans list) of application 10/03251/VAR (Variation of condition 2 of application 07/01598/FUL to allow a variation to the design of house type A (Plots 1-8))	
Constraints:	Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, World Heritage Site,	
Applicant:	Partridge Homes (Cotswolds) Ltd	
Expiry Date:	10th January 2012	
Case Officer:	Andy Pegler	

DECISION Defer consideration

Defer consideration to allow Members to visit the site.

Reason: To view the entrance to the application site within the context of its surroundings.

This page is intentionally left blank