

BATH AND NORTH EAST SOMERSET

MINUTES OF DEVELOPMENT CONTROL COMMITTEE

Wednesday, 14th March, 2012

Present:- Councillor Gerry Curran in the Chair
Councillors Neil Butters, Liz Hardman, Eleanor Jackson, Les Kew, David Martin,
Douglas Nicol, Bryan Organ, Martin Veal, David Veale, Jeremy Sparks and Brian Webber

130 EMERGENCY EVACUATION PROCEDURE

The Senior Democratic Services Officer read out the procedure.

131 ELECTION OF VICE CHAIR (IF DESIRED)

A Vice Chair was not required.

132 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apology for absence was received from Councillor Lisa Brett. Councillor Jeremy Sparks was substitute for Councillor Brett.

133 DECLARATIONS OF INTEREST

There were none.

134 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

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

The Senior Democratic Services Officer informed the meeting that there were various members of the public and Ward Councillors wishing to make statements on Agenda item 10 (Article 4 Direction) and planning applications in Agenda items 10 and 11 and that they would be able to do so when reaching those items on the Agenda.

136 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

As per minute 135.

137 MINUTES: 15TH FEBRUARY 2012

It was **RESOLVED** to confirm the minutes as the true record of the meeting and signed by the Chair subject to the following amendments:

- Page 11, second to penultimate paragraph, fourth sentence should read: '...not harmful to openness or visual amenity **and the danger of the speed of the traffic on Midford Road related to the access and egress.**'

138 MAJOR DEVELOPMENTS

Geoff Webber (Senior Professional – Major Developments) updated Members on the following:

1. Kraft Keynsham Regeneration Scheme – a meeting with Taylor Wimpey had happened and the Committee will receive an update on the outcomes of that meeting at one of the future meetings.
2. Radstock Regeneration Scheme – Geoff Webber informed the Committee that Councillor Eleanor Jackson asked two questions about the scheme. First question was about the clarification of validity of planning permission. Geoff Webber confirmed that the development will commence no later than 5 years from when outline consent was given (March 2008). The developer has until March 2013 to submit a request for a time extension. Second question was about the highways in the area/phase 1 of the scheme (commercial area). Geoff Webber responded that condition 32 requires that all highway works should be subject of the independent safety audit which has to be secured by the Council.

The Chair asked about the works on the transport interchange between the bus and train stations. Councillor Les Kew commented that there was no signage indicating to the public what is happening on that site.

Geoff Webber responded that the works on the site are in progress and well on the way to achieving the target. Geoff Webber also said that the site would need advertising consent to put up signage describing what is happening there.

The Chair thanked Geoff Webber for the update.

139 ARTICLE 4 DIRECTION - HOUSES IN MULTIPLE OCCUPATION

The Chair invited the members of the public who had registered to speak on this matter to address the Committee.

Jackie Derbyshire, Naomi MacKrill, Harry Birch and Mark Rose read their statements to the Committee. All four speakers asked that the Article 4 Direction and threshold policy should not be adopted by the Council.

Councillors Sharron Ball (Westmoreland Ward Councillor), June Player (Westmoreland Ward Councillor) and Will Sandry (Oldfield Ward Councillor) spoke in favour of the Article 4 Direction and threshold policy by saying that the Article 4 Direction will help control and ensure an even and fairer spread of Houses in Multiple Occupation (HMOs) across the area and it will also help towards establishing a sense of community.

The Chair thanked all the speakers and reminded the meeting that the Development Control Committee does not have the decision making power on this matter. The

Committee are asked to pass their views to the Cabinet who has its meeting later in the day.

The Chair invited Cleo Newcombe-Jones (Planning Officer) and Simon De Beer (Policy and Environment Manager) to introduce the report.

The Committee made the following points:

Councillor Les Kew said that the Article 4 Direction was not retrospective and as such it will not change much. The Cabinet should not make the decision at this time but instead monitor this issue and bring it back for debate in one year's time. The Council should support students as they have limited incomes. Councillor Kew expressed his concern about financial implications and in particular for the option 2 of the proposal.

Councillor Eleanor Jackson agreed with Councillor Kew. Councillor Jackson appreciated the issues that the Ward Councillors had raised on this matter but, in her view, what is proposed is far too inflexible. Councillor Jackson felt that students were singled out on this matter and expressed her concerns about graduate retention in BANES. Councillor Jackson concluded her statement with a suggestion that the Cabinet do not make the decision now and instead monitor this issue and bring it back for debate next year with the BANES wide policy.

Councillor David Martin said that the Ward Councillors had highlighted the issue of community balance. Councillor Martin had concerns that the report did not contain sufficient evidence to justify an Article 4 Direction and licensing. Councillor Martin concluded that the consultation should go ahead and the recommendations should be taken forward as given.

Councillor Liz Hardman said that the number of HMOs will increase in time and highlighted that young professionals also live in HMOs.

Councillor Douglas Nicol agreed with Councillor Jackson and suggested that the Council should think again about the proposal.

Councillor Brian Webber said that he was sympathetic on issue of the community balance and on defending the desire for long standing communities to stay. However, he was concerned about a lack of objective evidence of harm in the report. Councillor Webber agreed with the suggestion from Councillor Kew and suggested that the Cabinet should wait for at least a year before making the decision.

Councillor Bryan Organ said that he supports option 4 in the report and said that this will not affect the areas that are already included.

Councillor David Veale said that the proposal will not change the current HMOs and he supported the suggestion from Councillor Kew.

The Chair thanked the Committee for sharing their views.

The Committee **AGREED** with the following summary of the debate to be passed to the Cabinet:

1. The Development Control Committee expressed the following concerns:
 - a. Financial implications for options 1 and 2
 - b. Impact on graduate retention
 - c. Students seemed to be singled-out
 - d. The report lacks detailed evidence of harm
2. Some Members suggested that the Cabinet should delay the decision and instead carry out a consultation on this matter and the results of the consultation be reported to the Development Control Committee before they are considered by the Cabinet.

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

The Committee considered

- A report on a planning application at Former Allotment Gardens, Southbourne Gardens, Fairfield Park, Bath.
- An oral statement by a member of the public, the Speakers List being attached as Appendix 1 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 2 to these Minutes.

Former Allotment Gardens, Southbourne Gardens, Fairfield Park, Bath – 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 introduced the report and gave the reasons for their recommendation to Permit the application subject to the completion of a Section 106 Agreement (as presented in the report) and also subject to conditions.

Councillor Les Kew moved the officer's recommendation to **PERMIT** this application. Councillor Bryan Organ seconded the motion.

Members of the Committee debated the application, in particular the footway (pavement level) and the street lighting on site. All Members of the Committee felt that the site visit was really useful. Councillor Martin Veal suggested that the paving stones were removed before construction works began and replaced after the works had finished. The officers took on board suggestion from Councillor Veal.

Voting: 11 in favour with 1 abstention. Motion carried.

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

The Committee considered:

- A report by the Development Manager on various applications for planning permission
- Oral statements by members of the public etc, the Speakers List being attached as Appendix 1 to these Minutes
- An Update Report by the Development Manager, a copy of which is attached as Appendix 3 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 Sainsburys Supermarkets Limited, Green Park Station, Green Park Road, City Centre, Bath - 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.

Geoff Webber introduced the application and gave the reasons for his recommendation to Permit the application subject to the completion of a Section 106 Agreement (as presented in the main and update report) and also subject to the conditions presented in the main and update report. He also gave further advice following comments from English Heritage (attached as Appendix 5 to these minutes).

Members of the Committee debated this application and in particular the flood storage system, river safety on that part of the river, retail impact on Moorland Road and the design and sustainability of the store. Some Committee Members suggested that the air quality could be improved by using the river, instead of HGVs, for deliveries.

Councillor Neil Butters moved the officer's recommendation to delegate to **PERMIT** this application. Councillor Bryan Organ seconded the motion.

Some Committee Members felt that future applications, such as this one, should have energy and sustainability issues included in their applications.

Voting: All in favour. Motion carried.

Item 2 The Bath Press, Lower Bristol Road, Westmoreland, Bath – Withdrawn from the agenda.

Item 3 The Galleries Shop, Freshford Lane, Freshford, Bath - Erection of extension to Freshford Shop to increase cafe area and decking.

The Case Officer introduced the report and gave the reasons for their recommendation to Refuse the application.

Councillor Neil Butters (local Ward Councillor) read out a statement in which he said that the shop is a success story for Freshford, it fulfils a community purpose and it also improved the look of the village hall.

Councillor Butters moved to overturn the officer's recommendation and instead Permit the application for the following reasons: community benefit; reduction of car journeys; shop promotes village life and activity, and; the extension is adding to the viability of the shop. Councillor Martin Veal seconded the motion.

Members of the Committee debated the application. Members generally supported the motion by saying that this is a successful small enterprise which benefits the community. Some Members questioned if this would be against the Local Plan policy.

Lisa Bartlett (Development Manager) explained that the officers are bound to make recommendations on planning applications according to the Local Plan policy. This proposal is in the Green Belt and as such was inappropriate. If Members of the Committee are minded to overturn the officer's recommendation to Refuse this application then the advice is to Defer this application to a future meeting to allow the applicant an opportunity to submit further information about the very special circumstances which the applicant said existed and to advertise it as a departure from the Development Plan.

Councillors Neil Butters and Martin Veal agreed with this suggestion and withdrew their original motion.

Councillor Martin Veal moved to **DEFER** this application for the reasons highlighted above. Councillor Neil Butters seconded the motion.

Voting: All in favour. Motion carried.

Item 4 Lady Farm Cottage, Lady Farm Cottage Road, Chelwood, Bristol - Erection of new dwelling to regularise part built works (retrospective).

The Case Officer introduced the report and updated Members regarding correspondence received shortly before the meeting. She also informed Members that the application would be referred to the Secretary of State.

Lisa Bartlett explained to the Committee that the officer's recommendation for this application had changed slightly from Permit to Delegate to Permit subject to a) public consultation on the amended plans showing an additional porch and a balcony and no objections being received as a result of that consultation; and b) the Secretary of State not calling in the application for his own determination. If objections were received during the consultation then the application would come back to the Committee.

Councillor Les Kew moved the officer's recommendation to Delegate to **PERMIT** this application as above. Councillor Douglas Nicol seconded the motion.

Voting: All in favour. Motion carried.

Item 5 Fountain Buildings, City Centre, Bath - Installation of Superfast fibre optic broadband cabinet (PCP 012) at Fountain Buildings, S/O 1 Alfred Street.

The Case Officer introduced the report and gave the reasons for their recommendation to Refuse this application.

Members of the Committee debated this application, in particular the need for superfast broadband in the city. Members of the Committee also commented that if the application is permitted then the officers should negotiate the appropriate colour with BT.

Councillor Martin Veal moved to overturn the officer's recommendation and instead **PERMIT** the application for the economic prosperity of the city that superfast broadband will bring. Councillor Jeremy Sparks seconded the motion.

Voting: All in favour. Motion carried.

Item 6 Queen Square, City Centre, Bath - Creation of two pedestrian access points to east and west of Queen Square Gardens and insertion of two gateway piers within the existing boundary railings to the north side of Queen Square.

Note: Lisa Bartlett did not provide Senior Officer support to the Committee, nor took part in the debate, for this application as she is the partner of the applicant's agent who spoke at the meeting. Andrew Ryall (Planning Team Leader) provided the support for this item only.

The Case Officer introduced the report and gave the reasons for their recommendation to Permit this application.

Councillor Les Kew moved the officer's recommendation to **PERMIT** this application. Councillor Douglas Nicol seconded the motion.

Members of the Committee debated the safety and access to the site and also the width of two gateway piers.

Voting: All in favour. Motion carried.

Item 7 Stables, Butcombe Lane, Nempnett Thrubwell, Bristol - Retention of stable block, field shelter, hay store, hard-standing, lean-to and secure tack room and tractor, trailer, horsebox, creation of feed/storage area, incorporating a change of use of the land to equestrian (Resubmission).

The Case Officer introduced the report and gave the reasons for their recommendation to Permit this application.

Councillor Les Kew moved the officer's recommendation to **PERMIT** this application. Councillor Liz Hardman seconded the motion.

Voting: All in favour. Motion carried.

Item 8 Various Streets, Bath Urban Area - Display of 60 no. freestanding feather flags (30 Olympics branding + 30 Paralympics branding), bunting on railings and around lamp-posts and fence scrim on railings.

Geoff Webber introduced the report and gave the reasons for his recommendation to Grant the Advertisement Consent.

Councillor Les Kew moved the officer's recommendation to grant the **CONSENT**. Councillor Eleanor Jackson seconded the motion.

Voting: All in favour. Motion carried.

Item 9 Pulteney Road, Bathwick, Bath - Erection of 4 non-illuminated signs on Bathwick Hill roundabout.

Geoff Webber introduced the report and gave the reasons for his recommendation to Grant the Advertisement Consent.

Councillor Les Kew moved the officer’s recommendation to grant the **CONSENT**.
Councillor Eleanor Jackson seconded the motion.

Members of the Committee asked that the signs be positioned as safely as possible on the site.

Voting: All in favour. Motion carried.

Councillor Bryan Organ left the meeting at this point.

Item 10 8A Cavendish Crescent, Lansdown, Bath - Internal and external alterations (Part Regularisation).

The Case Officer introduced the report and gave the reasons for their recommendation to Grant Listed Building Consent with conditions.

Councillor Les Kew moved the officer’s recommendation to grant **CONSENT** with conditions. Councillor Douglas Nicol seconded the motion.

Voting: 10 in favour with 1 abstention. Motion carried.

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

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

The meeting ended at 5.45 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services