

DRAFT MINUTES PENDING CONFIRMATION AT THE NEXT MEETING

BATH AND NORTH EAST SOMERSET

MINUTES OF DEVELOPMENT CONTROL COMMITTEE

Wednesday, 6th June, 2012

Present:- Councillor Gerry Curran in the Chair
Councillors Neil Butters, Liz Hardman, Eleanor Jackson, Les Kew, Malcolm Lees,
David Martin, Douglas Nicol, Bryan Organ, Vic Pritchard (Substitute for Martin Veal),
David Veale and Brian Webber

Also in attendance: Councillors Sally Davis, Caroline Roberts and Tim Warren

1 EMERGENCY EVACUATION PROCEDURE

The Senior Democratic Services Officer read out the procedure

2 ELECTION OF VICE CHAIR (IF DESIRED)

A Vice Chair was not required

3 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

An apology for absence was received from Councillor Martin Veal whose substitute was Councillor Vic Pritchard. There was also an apology from Councillor Nicholas Coombes.

4 DECLARATIONS OF INTEREST

There was none

5 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none

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

The Senior Democratic Services Officer stated that there were 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 respective items in that Report.

7 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

There was none

8 MINUTES: WEDNESDAY 9TH MAY 2012

The Minutes of the meeting held on Wednesday 9th May 2012 were approved as a correct record and were signed by the Chair

9 MAJOR DEVELOPMENTS

The Development Manager stated that there were no updates on major developments at this time but that if Members had any questions they could be sent to the Senior Professional – Major Development direct

10 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 etc
- An Update Report by the Development Manager on Item Nos 1, 2, 4 and 5, the Report being attached as *Appendix 1* to these Minutes
- Oral statements by members of the public etc on Item Nos 1-3 and 5 and 6, the Speakers List being 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 1 Land rear of Holly Farm, Brookside Drive, Farmborough – Residential development comprising 35 dwellings with associated access, car parking and landscaping (Resubmission) – 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 S106 of the Town and Country Planning Act 1990 as detailed in the report to the Committee; and (C) upon completion of the Agreement, to authorise the Development Manager to permit the application subject to conditions. She drew attention to the Update Report which referred to a S52 Agreement in place on part of the application site which would need to be discharged. There was therefore an additional recommendation for the submission of a request for the revocation of the existing S52 Agreement. The Officer also pointed out that there was a requirement that a village shop be delivered before the new dwellings were occupied (Condition 21). (Note: Since the meeting, it became apparent that the provision of a shop could not be dealt with by condition and therefore this would need to be included as part of the S106 Agreement.)

The public speakers made their statements on the proposal which were followed by a statement by the Ward Councillor Sally Davis.

Members discussed the proposal. Councillor Bryan Organ gave his reasons for being against the proposal. He added that the Parish Council's views should be taken into account. Councillor Eleanor Jackson raised queries concerning public rights of way and provision of a village shop to which the Case Officer and the Senior Highways Development Control Engineer responded. The Development Manager

referred to the provisions of the Draft Core Strategy regarding the level of housing to be met and stated that the village shop had to be provided otherwise the development would be contrary to the policies in the Draft Core Strategy. Members continued to discuss the provision of the shop and also raised various other issues including the housing mix, the retirement age for occupation of the elderly housing provision and the access to the site. In response to a query concerning the effect of the National Planning Policy Framework (NPPF) on this application, the Development Manager stated that it was a material consideration and did not change the Officer recommendation. The application should not be considered as premature regarding the Local Plan and the Draft Core Strategy as, whilst the NPPF was silent on the matter, guidance still existed in the document Planning System – General Principles which followed the general theme that a pragmatic approach to the application should be considered, notwithstanding the fact that the Council has yet to adopt its Placemaking Plan. Councillor Eleanor Jackson moved that the Officer's recommendation be approved on the basis that the permission be delegated to the Development Manager to resolve the issue of the village shop. This was seconded by Councillor Liz Hardman.

Members debated the motion. Some concerns raised by Members were that the affordable housing should be "peppercotted" through the site and that the highway access was not ideal also being near a school. However, the details of the layout could be considered at the Reserved Matters stage. It was considered that the school should be consulted on the construction management plan. Most Members considered that it was a good site for housing with a good mix of development. The Chair summed up the debate and put the motion to the vote. Voting: 9 in favour and 3 against. Motion carried.

Item 2 Bowling Green and Tennis Courts, Royal Avenue, Bath – Erection of temporary ice rink 23rd November – 7th January for 2 consecutive years 2012/13 and 2013/14 – The Case Officer reported on this application and her recommendation to Permit with conditions. The Update Report commented on a further representation received. She stated that, although the application was for a temporary period of 5 years, she recommended a condition for a trial period of 1 year. She informed Members that a late representation had been received from the Bath Society objecting to the proposal.

The public speakers made their statements on the application. The applicants' agent stated that, although the application was for closing the ice rink at 10pm, it would actually close at 9pm. He also stated that a trial period of 2 years was preferred due to the setting up costs of the proposal.

Councillor Doug Nicol was unhappy about the proposed use of the site for 5 years. The noise from continuous music was a concern and there should be longer breaks to avoid repetition of music. Members raised concerns regarding wheel/push chair and emergency services access to the site. The Case Officer stated that staff would be available to assist on this aspect with a Manager taking full responsibility. Councillor Les Kew considered that this was an exciting proposal for the period around Christmas in the City. He felt that there would not be a particular problem for local residents from noise but that Officers in Environmental Services could deal with this issue. He therefore moved that the application be approved as recommended but for a trial period of 2 years rather than 1 year. Councillor Bryan Organ seconded the motion and stated that the financial outlay justified a 2 year trial period.

Members debated the motion and asked questions regarding consultation and security etc to which the Case Officer responded. In response to a query concerning the possibility of a Licence being required, the Senior Legal Adviser stated that would only be the case if late night food/alcohol was being served. Some Members raised other concerns and still felt that a 1 year trial period was better. The Development Manager responded to some of the queries by Members and stated that there were conditions recommended which would allow for the control of noise from the use in order to protect nearby residents and that this was normal practice. The access and security issues could be picked up in the Operational Statement. There was a safeguard in that this was a temporary permission. The Chair summed up the debate and put the motion to the vote. Voting: 7 in favour and 5 against. Motion carried.

Item 3 Parcel 1100 Compton Martin Road, West Harptree – Change of use of land from agricultural (sui generis) to the keeping of horses (sui generis) and erection of stables and formation of replacement access and track – The Case Officer reported on this application and her recommendation to permit with conditions.

The applicant's Agent made a statement in favour of the application followed by a statement by the Ward Councillor Tim Warren speaking against the proposal.

A Member queried whether the proposal was a commercial, as opposed to a private, use. The Development Manager responded that the proposal had been assessed on the basis of being a non-commercial use since there was no proposal to operate the stables for teaching/hiring out of the horses to third parties and no staff would be employed on the site. Members discussed the levels of the site and the potential impact of the proposal on the bungalow on the adjoining land. The issues of external lighting and materials were raised. Councillor Vic Pritchard felt that the siting of the stables was in the least obtrusive part of the field as it was close to other structures on the adjoining land. He felt that lighting would not be a problem. He therefore moved the Officer recommendation to Permit which was seconded by Councillor Liz Hardman who agreed that this was the best location. The Chair had concerns regarding the impact on the adjoining bungalow particularly with regard to the potential numbers of people and vehicles using the track to the proposed stables. He then put the motion to Permit with conditions to the vote. Voting: 6 in favour and 6 against. The Chair stated that he would use his casting vote against and therefore the voting was 6 in favour and 7 against. Motion lost. A motion to Refuse due to the proximity of the development to the nearby property and likely harm to the residential amenities of the adjoining occupiers by virtue of the likely noise and disturbance from use of the stables and track, together with the potential for the level of use to be similar to a commercial use, was therefore moved and seconded and put to the vote. Voting: 7 in favour and 5 against. Motion carried.

Item 4 Designer Composites, Fosseyway, Westfield, Radstock – Erection of 4 four bed detached dwellings, 2 two bed detached dwellings and 1 three bed detached dwelling following demolition of existing industrial buildings – The Case Officer reported on this application and her recommendation to (A) authorise the Planning and Environmental Law Manager to prepare an Agreement under Section 106 of the Town and Country Planning Act 1990 to secure a contribution of £9,923.72 for education and a sum to be agreed for Highways; and (B) upon

completion of the Agreement, authorise the Development Manager to permit the application subject to conditions. The Update Report referred to the receipt of some revised drawings and recommended that the contribution to Highways should be £10,084.80.

Councillor Eleanor Jackson referred to the objections raised by the Parish Council. She considered that the proposal would create traffic congestion and that density was an issue on this small site. Councillor Les Kew considered that this was a good application with a good mix of development and therefore moved the Officer recommendation. This was seconded by Councillor Doug Nicol.

Members debated the motion. Councillor Eleanor Jackson reiterated that the density was too high and had misgivings regarding the loss of another employment site to residential development. The Development Manager advised that the employment use in this case was not one that was protected by Local Plan Policy. Members generally felt that this was needed development with a good mix of styles suitable for its location. The motion was put to the vote and was carried, 11 voting in favour and 1 against.

Item 5 No 17 Lockingwell Road, Keynsham – Erection of a two storey side and a single storey side/rear extension (Resubmission) – The Planning Officer reported on this application and the recommendation to Authorise the Development Manager to Permit subject to conditions. The Update Report referred to a letter of objection from the adjoining resident.

The applicant spoke in favour of his proposal.

Councillor Bryan Organ considered the application to be satisfactory and was not overbearing on the adjoining property. He therefore moved the Officer recommendation which was seconded by Councillor Les Kew. The motion was then put to the vote and was carried unanimously.

Item 6 No 9 Old Newbridge Hill, Bath – Provision of a loft conversion including side dormers (Revised resubmission) – The Planning Officer reported on this application and the recommendation to refuse permission. The applicant made a statement in support of his application. The Ward Councillor Caroline Roberts made a statement supporting the proposal.

Councillor Doug Nicol moved that the recommendation be overturned and that the application be permitted as he considered that the streetscape was not significantly affected by the proposal. The motion was seconded by Councillor Liz Hardman.

Members debated the motion. Various Members had concerns regarding the impact on the streetscape and on the host building. One Member considered that the design was inappropriate for a World Heritage site and that the applicant's expanding family were not planning reasons for the development. The Chair summed up the debate and considered personally that the design was inappropriate for the dwelling in question having regard to its particular design and prominence in the street scene. He put the motion, which would include appropriate conditions, to the vote. Voting: 4 in favour and 8 against. Motion lost.

A motion to approve the Officer recommendation to Refuse was then moved by Councillor Eleanor Jackson and seconded by Councillor David Martin. Voting: 8 in favour and 2 against with 2 abstentions. Motion carried.

11 TREE PRESERVATION ORDER - 62 HIGH STREET, TWERTON, BATH

The Committee considered the report of the Senior Arboricultural Officer which (1) referred to a Tree Preservation Order provisionally made on 23rd February 2012 to protect an individual Sycamore which made a contribution to the landscape and amenity of the Conservation Area; (2) advised that an objection to the Order had been made by the owner of the land; and (3) considered the objection and recommended that the Order be confirmed without modification.

The Senior Arboricultural Officer reported on the matter by means of a power point presentation and explained the reasons for making the Order. Councillor Vic Pritchard considered that, although some pruning may be required to rebalance the shape of the tree, it was worthy of retention. He therefore moved the Officer recommendation that the Order be confirmed without modification which was seconded by Councillor Eleanor Jackson.

Members debated the motion. The issue of whether the tree was dangerous to people and children, as raised by the owner in his objection letter, was discussed. The Officer reassured Members that there was no evidence of the tree being dangerous and that Network Rail who owned the adjoining land had not raised any concerns. The Chair stated that the owner could still apply for work to be undertaken to the tree even if the Order was confirmed. The motion was then put to the vote.

RESOLVED to confirm the Tree Preservation Order entitled “Bath and North East Somerset Council (62 High Street, Twerton, Bath No 270) Tree Preservation Order 2012” without modification.

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

To note the report

The meeting ended at 4.40 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services