

DRAFT MINUTES PENDING CONFIRMATION AT THE NEXT MEETING

BATH AND NORTH EAST SOMERSET

MINUTES OF DEVELOPMENT CONTROL COMMITTEE

Wednesday, 29th August, 2012

Present:-

Councillors Neil Butters, Nicholas Coombes, Liz Hardman, Eleanor Jackson, Les Kew, Malcolm Lees, David Martin, Bryan Organ, Dine Romero (In place of Doug Nicol), Jeremy Sparks (In place of Gerry Curran), Martin Veal, David Veale and Brian Webber

Also in attendance: Councillors Lisa Brett, Charles Gerrish, Brian Simmons and Geoff Ward

39 APPOINTMENT OF CHAIR

It was moved and seconded that Councillor Nicholas Coombes be elected to Chair the meeting in the absence of the regular Chair, Councillor Gerry Curran, and it was resolved accordingly.

40 EMERGENCY EVACUATION PROCEDURE

The Senior Democratic Services Officer read out the procedure

41 ELECTION OF VICE CHAIR (IF DESIRED)

A Vice Chair was not desired

42 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillors Gerry Curran and Doug Nicol whose substitutes were Councillors Jeremy Sparks and Dine Romero respectively

43 DECLARATIONS OF INTEREST

There was none

44 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none

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

The Senior Democratic Services Officer informed the meeting that there were various people wishing to make statements on planning applications and that they would be able to do so when reaching their respective items in Report 10

46 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

There was none

47 MINUTES: 1ST AUGUST 2012

The Minutes of the meeting held on 1st August 2012 were approved as a correct record and signed by the Chair subject to:

Minute 35 Page 6 - Fairash Poultry Farm, West Harptree – In the 2nd paragraph, after the 1st sentence add: "... and who was largely in favour of the proposal."

Minute 36 Page 9 - Tree Preservation Order 29 Flatwoods Road, Bath – In the 3rd paragraph at the end of the 2nd sentence, delete "fairly healthy" and insert "retained".

48 MAJOR DEVELOPMENTS

The Senior Professional – Major Development updated Members on the progress of major development schemes at:

- the former Cadburys site, Somerdale, Keynsham – various issues to be considered before an application could be submitted by Taylor Wimpey
- K2, Keynsham – the wording of conditions was being considered on the appeal decision - the development would be undertaken in phases up to 7 years - contamination issues were being considered
- Bath University, Claverton Down, Bath – discussions were being undertaken on 3 applications and a traffic management plan which would be submitted to the Committee
- the former Bath Press site, Lower Bristol Road, Bath (Tesco) – another application would be submitted to the next Committee meeting

Councillor Neil Butters raised the issue of electrification proposals for the railway network within B&nes. The Officer stated that discussions were being held with Network Rail in order to minimise the impact on the World Heritage Site but a significant amount of the proposals would come under Permitted Development. Members asked questions concerning the K2 development to which the Officer responded.

The Committee noted the report.

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

The Committee considered:

- a report by the Development Manager on various planning applications
- an Update Report by the Development Manager on Item Nos 1, 4 and 6, 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, 4, 5 and 7, 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 Town Hall, The Centre, Keynsham – Erection of new buildings to provide offices, library, one stop shop, retail with associated highway works; new public realm works and landscaping following demolition of all the buildings currently on site (excluding the multi-storey car park which will be extended) – In response to the Chair, the Senior Legal Adviser gave an explanation of why the Committee were determining this application by the Council and how Members should address the issue of declaration of interests. The Case Officer reported on the application and his recommendation to permit with conditions subject to £700K being put aside for off-site improvement works in terms of transportation improvements and public access/public realm improvements. He drew attention to the Update Report which amended some conditions and added 2 more conditions. He reported on the specific issues of Highways, Impact on the Conservation Area and Design. He stated that, although there were some disbenefits to the scheme, on balance it was worthy of approval.

The public speakers made their statements on the application which were followed by statements by Ward Councillors Brian Simmons and Charles Gerrish who raised concerns about the proposal.

Members asked questions about the proposal for clarification purposes to which Officers responded as appropriate.

Councillor Bryan Organ opened the debate. He considered that the existing buildings were in a very poor condition. Although major retail outlets had left the town, there was still a vibrant community. There were still some problems with the development but he felt that permission should be delegated to the Officers. Some Members raised concerns about the design of the buildings and felt that it needed to be revised. Councillor Bryan Organ considered that there should be some amendments to the design which could be brought back to the Committee. The Development Manager advised that, whilst it was clear from the debate that there was some concern about the design of the scheme, as with all applications, it was not appropriate for Members to attempt to redesign the proposals. Members needed to consider the right of the applicant to have their submitted proposals determined within a reasonable timeframe. However, the applicant was present at the meeting and had heard the debate regarding the design. It would be preferable for Officers to bring a report back to Committee following further discussions with the applicants which would outline any changes that could be agreed. In response to a query about an appeal against a refusal, she stated that the Council as applicants had no right of appeal.

Councillor Eleanor Jackson was opposed to the proposals on the basis that she did not like the block design and metallic cladding which did not fit into the context of surrounding buildings. After further comments by Members, Councillor Bryan Organ moved that permission be delegated to Officers with significant alterations being made to the design in consultation with Officers, the developers and the community focus group. This would include the mono pitch roof design, the flat roofing on the proposed library and the materials including the metallic cladding. The motion was seconded by Councillor Les Kew. Members debated the motion. Councillor Eleanor Jackson felt that the proposal did not preserve or enhance the Conservation Area

and was contrary to Policies in the Local Plan. Councillor Les Kew considered that sample panels of cladding should be provided as part of Condition 8. The Development Manager and Senior Legal Adviser stated that the motion would need to be amended to Defer in order for these revisions to be made and resubmitted to the Committee. The mover and seconder agreed. The amended motion to Defer but on the same basis as previously moved was therefore put to the vote. Voting: 12 in favour and 1 against. Motion carried.

Item 2 No 28 Uplands Road, Saltford – Erection of a replacement dwelling –
The Planning Officer reported on this application and the recommendation to permit with conditions. The applicant made her statement in support of the proposal,

In response to a Member's query, the Officer clarified that the Parish Council had commented on, and not objected to, the proposal. Councillor Les Kew stated that he was well acquainted with the road which had a variety of house styles. He considered that the design was acceptable and therefore moved the Officer recommendation to Permit with conditions. On being out to the vote, the motion was carried unanimously.

(Note: After this application at 3.35pm, there was a 10 minute adjournment)

Item 3 No 11 Fairfield View, Ragland Lane, Fairfield Park, Bath – Provision of a loft conversion to include the installation of 1 rear flat dormer and front roof lights – The Case Officer reported on this application and her recommendation to refuse permission. The Ward Councillor Dave Laming read out a statement on behalf of the applicant and considered that there were good reasons for allowing the development.

Members asked questions about the proposal to which the Officer responded. Councillor Malcolm Lees supported the proposal. On the basis that he considered that the dormer was not incongruous being situated at the rear and did not affect the street scene, he moved that the recommendation be overturned and permission be granted with appropriate conditions. This was seconded by Councillor Jeremy Sparks who considered that it was a good use of space in a house at a time when there was a lack of affordable housing.

Members debated the motion. Most Members were supportive of the proposal as it was a reasonable design, did not affect the street scene and was outside the Conservation Area. A Member expressed concern about it being a flat roof dormer and considered that there should be some policy or an SPD on dormers.

The motion was put to the vote. Voting: 10 in favour and 1 against with 2 abstentions. Motion carried.

Item 4 Hampton Cottage, Tow Path, Kennet and Avon Canal, Bathampton – Use of 1 room of dwelling as a physiotherapy treatment room (Retrospective) (Resubmission) – The Planning Officer reported on this application and the recommendation to refuse permission. The Update Report referred to further representations of support for the scheme. The applicant made his statement in favour of the application followed by a statement by the Ward Councillor Geoff Ward who supported the proposal.

Members asked questions about the proposal to which the Officer responded. The Team Leader – Highway Development Control responded to queries regarding provision of local public transport and highways issues. Councillor Martin Veal as local Member provided some information for clarification. He felt that it was not necessary for this application to have been submitted to Committee – it was only a change of use of 1 room for a beneficial use by 1 person. The National Planning Policy Framework advised that there should be approval for proposals for economic growth within rural areas. He therefore moved that the recommendation be overturned and permission be granted on the basis that it was a small change of use in an area that was not unduly remote served by public transport and would therefore not result in increased dependency on private car journeys. The motion was seconded by Councillor Malcolm Lees.

Members debated the motion. Most Members supported the proposal. The Development Manager indicated that it would be appropriate to add an Informative regarding clients being encouraged to use public transport rather than private cars when travelling to the premises. The mover and seconder agreed. The motion was put to the vote and was carried unanimously.

Item 5 No 7 Bay Tree Road, Fairfield Park, Bath – Provision of loft conversion to include side and rear dormers and front roof lights (Revised resubmission)

– The Case Officer reported on this application and his recommendation to refuse permission. The applicant made a statement in favour of the application which was followed by a statement by the Ward Councillor Lisa Brett who supported the proposal.

Councillor Dine Romero supported the proposal and moved that the recommendation be overturned and that permission be granted with appropriate conditions. This was seconded by Councillor Martin Veal. It was considered that the proposal would not be detrimental to the host building or the street scene and would not create any loss of privacy for adjoining residents. After a short debate, the motion was put to the vote and was carried unanimously.

Item 6 Sun House, Brassknocker Hill, Claverton Down, Bath – Erection of a bedroom extension to the west elevation and a conservatory to the east end of the house (Amendments to application 99/01228/FUL) – The Planning Officer reported on this application and her recommendation to permit with conditions. The Update Report gave the comments of the Council’s Arboricultural Officer.

Councillor Bryan Organ supported the proposal and moved the Officer recommendation which was seconded by Councillor David Martin. After a short debate, the motion was put to the vote and was carried unanimously.

Item 7 Bubblers Dytch, High Street, Wellow – Erection of 2 detached two storey houses with attached garages following demolition of existing single storey house – The Case Officer reported on this application and her recommendation to authorise the Development Manager to permit subject to conditions. A representative of the local Parish Council made a statement against the proposal.

Members asked questions about the proposal to which the Officers responded. Councillor Neil Butters opened the debate. He welcomed proposals for the site and considered that there were some interesting features of the design. However, the

Parish Council and local residents were opposed to the scheme. He supported those objections and moved that the recommendation be overturned and permission be refused on the basis of overdevelopment, inappropriate design, the high stone wall was out of keeping and would have an overbearing impact, the narrowness of the gap between the buildings would be out of keeping with surrounding buildings, and the glass walling on the southern elevation would form a large, prominent and incongruous element when seen from across the valley. The motion was seconded by Councillor Les Kew who considered that the development was not sympathetic to the traditional style of buildings in the village.

Members debated the motion. Most Members felt that the design was exciting and innovative but that it was in the wrong location, it was overdevelopment and did not bear any relationship to adjoining properties. Councillor Nicholas Coombes did not support the motion and considered that this fairly neutral design sought to lessen the impact on the area.

The motion was then put to the vote. Voting: 8 in favour and 2 against with 3 abstentions. Motion carried.

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

The Committee considered the report by the Development Manager on planning appeals.

Councillor Eleanor Jackson queried the application decision on the appeal lodged on No 6 High Street, Midsomer Norton (page 118) which read "Permit"; also, whether the appeal lodged on Parcel 8593, Woollard Lane, Publow (page 117) was one of the possible sites for travellers. The Development Manager responded that it was likely that the decision should read "Refused". Regarding the travellers site, she would respond to Councillor Jackson subsequent to this meeting.

The report was noted.

51 MONTHLY UPDATE ON FORMER FULLERS EARTHWORKS, COMBE HAY, BATH

Referring to the Minutes of the previous meeting, the Development Manager reported that the Planning Inspectorate had not agreed to the enforcement notice appeals being held in abeyance. On the basis that they were still proceeding, statements of case ie documentation required prior to a public local inquiry, needed to be provided by 20th September. She informed Members that the Inquiry would probably be held in January next year and last approximately 3-6 days. In response to a Member's query, the Development Manager stated that the owners in the meantime had indicated that they were disinclined to continue with the pre-application submission for a residual waste facility.

The Committee noted the report.

The meeting ended at 5.32 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services