

DRAFT MINUTES PENDING CONFIRMATION AT THE NEXT MEETING

BATH AND NORTH EAST SOMERSET

MINUTES OF DEVELOPMENT CONTROL COMMITTEE

Wednesday, 26th September, 2012

Present:- Councillor Gerry Curran in the Chair
Councillors Neil Butters, Nicholas Coombes, Liz Hardman, Eleanor Jackson, Les Kew, Malcolm Lees, Bryan Organ, Manda Rigby (In place of David Martin), Caroline Roberts (In place of Doug Nicol), Martin Veal, David Veale and Brian Webber

Also in attendance: Councillors Vic Pritchard, Jeremy Sparks, Geoff Ward and Tim Warren

52 EMERGENCY EVACUATION PROCEDURE

The Senior Democratic Services Officer read out the procedure

53 ELECTION OF VICE CHAIR (IF DESIRED)

A Vice Chair was not desired

54 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillors David Martin and Doug Nicol and their substitutes were Councillors Manda Rigby and Caroline Roberts respectively

55 DECLARATIONS OF INTEREST

Councillor Eleanor Jackson declared an interest in the planning applications at Bath Spa University Campus, Claverton Down, Bath (Items 2&3, Report 10) as she used to work at the University but left under acrimonious circumstances and as a result would not feel impartial – she would therefore leave the meeting for their consideration. Councillor Liz Hardman stated that she used to teach at St Gregory's Catholic College, Combe Hay Lane, Odd Down, Bath (Item 7, Report 10) but considered that she had no personal interest and would therefore speak and vote on the matter.

56 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none

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

The Senior Democratic Services Officer informed the meeting that there was a member of the public wishing to make a statement on the Tree Preservation Order at 1 Devonshire Place, Bath (Report 12) and that he would be able to do so when that Item was reached on the Agenda. There were also various people wishing to make

statements on planning applications and they would be able to do so when reaching their respective applications in Report 10.

58 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

There was none

59 MINUTES:29TH AUGUST 2012

The Minutes of the meeting held on 29th August 2012 were approved as a correct record and signed by the Chair subject to the word “disbenefits” in Item 1 relating to the Town Hall, The Centre, Keynsham, of Minute 49 being replaced by “drawbacks”.

60 MAJOR DEVELOPMENTS

The Chair informed the meeting that he had been advised that there were no updates to be reported on major developments but that, if Members had any queries, they could contact the Senior Professional – Major Developments direct

61 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 5&6, a copy of which is attached as *Appendix 1*
- oral statements by members of the public etc on Item Nos 1-10, the Speakers being attached as *Appendix 2*

RESOLVED that, in accordance with their delegated powers, the applications be determined as set out in the Decisions List attached as *Appendix 3*.

Item 1 Stowey Quarry, Stowey Road, Stowey – Restoration of Stowey Quarry by landfilling of Stable Non-Reactive Hazardous Waste (SNRHW) including asbestos and inert wastes and that the application is accompanied by an environmental statement – The Council’s Consultant reported on this application and the recommendation to refuse permission. He referred to further representations received from Dr Dickerson and the Stowey Sutton Action Group.

The public speakers made their statements on the application. The Development Manager read out a statement from the Environment Agency. Councillors Jeremy Sparks and Tim Warren, Ward Members for Clutton and Mendip respectively, made statements against the proposal. Councillor Vic Pritchard, the Ward Member, made a statement against the proposal and considered that issues raised by the Action Group should be included in the reasons for refusal. The Chair commented on some of the comments made by Members. The Development Manager informed the Committee that the recommended reasons for refusal had been formulated after fully considering the objections. If the applicant appealed against any refusal, the Officers would have to defend the reasons and be able to provide evidence to justify the refusal. Costs could be awarded against the Council if this could not be done.

Councillor Martin Veal opened the debate. He referred to an independent professional evaluation that had been undertaken of Stowey Quarry and local knowledge which he considered to be all encompassing and evidence for refusing permission. He felt that the Environment Agency's objections needed to be supported by local knowledge of the situation. In view of the possibility of an appeal being lodged against a refusal, he moved that the proposal be refused as per the Consultant's recommendation but with the following issues being included, namely: the ruling out of Stowey Quarry in the West of England Joint Waste Core Strategy; Bristol Water Authority's objections on public health grounds; the historical evidence of land slippage linked to water courses and spring lines and ground water protection; the HGV consent never implemented that remained questionable and not proven on noise and congestion grounds alone; the notoriously high levels of noise from a landfill site would destroy the amenity of residents and neighbouring properties; there was no acceptable asbestos dust control measures as any asbestos dust release was lethal; the 10 metre escalation in height to accommodate more waste was detrimental, unacceptable and unmerited in a rural landscape adjacent to the Cotswolds AONB; an Ecology Impact Assessment had not been attempted to gauge the effect on the native crayfish species; and the NPPF required sustainable development to seek positive improvements in the quality of build, natural and historical environment which this application clearly did not. The Chair commented that the additional reasons would dilute the Council's case if an appeal was lodged. Officers agreed and therefore Councillor Veal amended his motion to the reasons recommended by Officers with his comments being minuted. The amended motion was seconded by Councillor Les Kew who felt aggrieved that the correct information had not been provided on the earlier application.

Members debated the motion. Issues of asbestos and leachate contamination were discussed and concerns raised. Members expressed views in support of a refusal. The Chair commented on the proposals and considered that the Council had been let down by the Environment Agency. The motion was then put to the vote and was carried unanimously.

Items 2&3 Bath Spa University Campus, Claverton Down, Bath – 1) Erection of 9 three storey (third floor in the roof) student residential blocks to provide 561 bed spaces to the southern end of the campus; the erection of an energy centre and single storey Estates and Services facilities buildings; the creation of external spaces for storage of materials and vehicles and for the storage and processing of refuse and recycling and the relocation of the Newton Annexe providing offices and storage for the Estates Team to the south of the Walled Garden; associated access parking, external lighting, drainage, infrastructure and hard/soft landscaping works; demolition of farm buildings to the south of Melancholy Wood, lean-to buildings to the north of the Walled Garden, Newton, Corston and the former Vice Chancellor's Lodge; creation of temporary parking areas during construction (Phase 2 of University Master Plan)(Ref 12/02141/EFUL); and 2) creation of new openings to the Walled Garden at the southern end of the Newton Park Campus; demolition of the adjoining lean-to buildings to the north of the Walled Garden (excluding the Boiler House); external and internal alterations to the western end of the Bothy extension within the Walled Garden to create new changing rooms and the erection of a gate within the open passage to the eastern end of the Bothy; external and internal alterations to provide a new laundry in Sophia and

internal alterations to improve the existing changing rooms in the Boiler House; creation of small opening at the base of the northern wall to the Italian garden (Grade II* Listed) to provide access for Great Crested Newts (Ref 12/02142/LBA) – The Planning Officer reported on these applications and the recommendations on (1) above to (A) refer the application to the Secretary of State under the Town and Country Planning (Consultation) (England) Direction 2009 and subject to the application not being “called in”; (B) authorise the Planning and Environmental Law Manager to secure an Agreement under S106 of the Town and Country Planning Act 1990 to secure issues relating to programmes of a) demolitions and building relocation; b) restoration of The Walled Garden; and c) removal of car parking spaces; and (C) upon completion of the Agreement, authorise the Development Manager to Permit subject to conditions but deleting Condition 4 (Note: the original (B) in the Report had also been deleted); and on (2) above, to grant consent with conditions. He reported that, following publication of the report a) Heads of Terms of the Agreement had been agreed regarding the parking review mechanism; and b) clarification on the specification for the construction of the netball court on The Walled Garden had been received – in view of this and recommendations from English Heritage, the proposals were acceptable subject to conditions. He also recommended that delegated authority be given to Officers to amend the wording of various conditions. The Vice Chancellor of the University made her statement in support of the proposals.

The Ward Councillor for the site, Councillor David Veale, made a statement supporting the proposals and moved that the Officers’ recommendations be approved. This was seconded by Councillor Bryan Organ.

Members debated the motion. Councillor Nicholas Coombes generally supported the proposals but had some concerns regarding the design including the windows, car parking under and the use of The Walled Garden as a netball pitch. Other Members also expressed concerns regarding car parking. The Chair summed up the debate and expressed his own support for the proposals. He then put the motion to the vote which was 12 in favour and 0 against on the planning application; and 11 in favour and 1 against on the listed building application (Note: Councillor Eleanor Jackson was not present for consideration of these applications).

(Note: At 4.10pm, after consideration of these applications, the Committee adjourned for 10 minutes for a comfort break)

Item 4 Parcel 0006, Maynard Terrace, Clutton - Erection of 36 dwellings and associated works (Revised resubmission) – The Case Officer reported on this application and his recommendation that, subject to no new issues arising in respect of the publication affecting the Public Right of Way, it was recommended that Members defer and delegate the decision to the Development Manager to be refused for the reasons set out. He referred to late observations being received from the Campaign Group for Rural Clutton and from the applicants and he commented thereon. The public speakers made their statements on the application which was followed by a statement by the Ward Councillor Jeremy Sparks.

Councillor Les Kew opened the debate and moved the Officer recommendation. He referred to the site being outside the housing boundary and to the issues of sustainability with poor transport links, and lack of shops and services. He stated that there were a number of new affordable houses built in nearby Paulton which had not

been sold. He also questioned the survey undertaken by the applicants to gain support for the development. The motion was seconded by Councillor Eleanor Jackson.

Members debated the motion. Councillor Brian Webber was not in favour of the motion. He considered that the applicants had established that there was a demand for such housing at this time. In addition, employment could not be provided within the village for all its residents and there was public transport on the main road (A37) not far from the site which, in any case, was only just outside the housing boundary. Other Members, however, supported the motion to refuse permission. Councillor Liz Hardman felt that there was need for houses for people to rent; the site was outside the housing boundary and the proposal could not therefore be justified. The Development Manager commented on the policy issues affecting the site and pointed out that the housing boundary would be reviewed in the forthcoming Place Making Plan.

The motion was then put to the vote. Voting: 12 in favour and 1 against. Motion carried.

Item 5 University of Bath Campus, Claverton Down, Bath – Construction of new academic building to provide general teaching accommodation – The Case Officer reported on this application and his recommendation to authorise the Development Manager to Permit subject to (i) the prior completion of a legal agreement under S106 of the Town and Country Planning Act 1990 (as amended), on such terms as the Development Manager and the Planning and Environmental Law Manager may determine, to address issues including the management and monitoring of traffic generation and its implications through the medium of an on-going Travel Plan; to secure appropriate contributions or other commitments to the reinforcement of bus and pedestrian services serving the campus; and to provide strategic approaches to the management of trees and ecology within the campus; and (ii) to conditions (together with such other conditions as may be appropriate in the light of the final form and content of the S106 Agreement). The Officer gave a presentation on the main aspects of the University's Master Plan. The Update Report amended Conditions 1-8 and added Informatives. The Senior Highways Development Officer reported on negotiations with the University on a new Travel Plan. The Director of Estates at the University then made a statement in support of the application.

Councillor Nicholas Coombes read out a statement by the Ward Councillor David Martin who was unable to attend this meeting and who supported the proposals subject to conditions. Councillor Nicholas Coombes supported the proposal as it was located within the central area of the campus and retained the open fields surrounding it. However, he had concerns regarding the increased number of car parking spaces being proposed. Councillor Les Kew supported the proposals and moved the Officer recommendation considering that grass cell blocks could be used instead of tarmac to ameliorate the impact of more car parking. The motion was seconded by Councillor Eleanor Jackson. The Officer stated that further conditions may need to be added as a result of considering the S106 Agreement. These would include a Construction Management Plan and conditions which would cover issues raised by the Ecologist Officer such as reduced lighting so as not to affect bats. Councillor Bryan Organ complimented the University on its Master Plan which was supported by other Members.

The motion was put to the vote which was carried 12 in favour and 0 against (Note: Councillor Brian Webber left the meeting during consideration of this Item and consequently was not available to vote).

Item 6 Automate Bath Ltd, Gloucester Road, Swainswick, Bath – Erection of a single dwelling including a domestic garage and front boundary wall for the adjacent dwelling (Greenacres) and alteration of existing vehicular access following demolition of existing dwellings – The Case Officer reported on this application and his recommendation to refuse permission. He referred to 1) an error in the Officer Assessment section of the Report as regards land within the ownership of the applicants; and 2) the Update Report which gave his comments on further information received from the applicant regarding entering into a S106 Agreement. The applicants' agent then made a statement in favour of the application which was followed by a statement by the Ward Councillor Geoff Ward supporting the application.

Councillor Martin Veal opened the debate as one of the Ward Members. He stated that the proposal would clean up the site and that most people supported it. He considered that the previous use of the site created a traffic/pedestrian hazard and was unsightly. The applicant had put forward mitigating factors which represented very special circumstances in not causing significant harm to the amenity of existing and future occupiers, it addressed the impact of road traffic noise on local residents and proposed an amenity area for future occupiers. On this basis, he felt that it was appropriate development in the Green Belt as the impact would not be greater than what was currently there and its former use as a second hand car lot with cars parked in and around the site causing danger to traffic and pedestrians alike. The application also complied with policies in the NPPF and would relinquish all commercial uses on the land including the lower yard and returning it to a natural state. On this basis, he moved that the recommendation be overturned and that permission be delegated to Officers for appropriate conditions. This was seconded by Councillor Les Kew.

A Member asked a question regarding Green Belt policy as regards loss of employment. The Development Manager responded that employment was not protected and that it could be constituted as appropriate development if what was being provided was better than the existing or previous use. Members debated the motion and expressed their support considering that that it would be an improvement to the appearance of the Green Belt, it was within the housing boundary and there was generally no objection to the proposal. The Chair pointed out that a S106 Agreement would be required. The mover and seconded agreed that this be incorporated into the motion. The motion was then put to the vote and was carried 11 voting in favour and 0 against with 1 abstention. Motion carried (Note: Councillor Brian Webber was not present for this Item).

(Note: At 6.13pm after consideration of this Item, the Committee adjourned for Tea until 6.30pm.)

Item 7 St Gregory's Catholic College, Combe Hay Lane, Odd Down, Bath – Erection of 6th form building linked to St Gregory's Catholic College with associated highway works and landscaping at Combe Hay Lane – The Case Officer reported on this application and her recommendation to refer the application

to the Secretary of State under the Town and Country Planning (Consultation) (England) Direction 2009 and, subject to the application not being “called-in”, to Permit subject to conditions (Note: this deleted Recommendation (A) in the report). She pointed out that the site was in Bathavon West Ward and not Odd Down as set out in the Report. There were a number of points raised by Combe Hay Parish Council which were required to be addressed which would require amendment to some conditions and therefore the recommendation would be to delegate to Officers to grant permission accordingly. The public speakers then made their statements in support of the proposal.

Council David Veal (Ward Councillor) fully supported the application and commended it to the Committee. Councillor Les Kew also supported the proposal but raised some concerns regarding a School Travel Plan being required to ensure the safety of students and whether better materials were available instead of the rendered elevation at this prominent location. Officers responded to these comments and stated that they were satisfied with the materials proposed; however, these matters were still up for debate by Members.

Councillor Eleanor Jackson supported the proposal and moved that the Officer’s recommendation be approved. This was seconded by Councillor Bryan Organ. Members debated the motion. Councillor Nicholas Coombes was not in favour of the motion and considered that, although of a good design, valid objections had been raised by South Stoke Parish Council and that a case had not been made for special circumstances in the Green Belt. Other Members supported the motion and considered that the development was acceptable taking into account the special circumstances submitted by the applicants. Councillor Martin Veal supported the proposal and commended the Head Teacher and the students in their statements. Councillor Neil Butters queried whether there could be a conflict of traffic going to the College and to Combe Hay/Wellow. Officers responded that this had been considered and that a problem was not envisaged. The Chair summed up the debate.

The motion was put to the vote. Voting: 12 in favour and 1 against. Motion carried.

(Note: This application was considered first on the list of Items in the Report)

Item 8 Towerhurst, Wells Road, Westfield, Radstock – Erection of 11 dwellings with garages/parking, landscaping, screening and associated works and erection of 2 detached garages for the existing dwellings – The Case Officer reported on this application and his recommendation to authorise the Development Manager to Permit subject to 1) the prior completion of a S106 Agreement to secure contributions for highway safety improvements and for early years, primary school and youth provision as set out in the Report; 2) the prior completion of an archaeological field evaluation, including a geophysical survey of the site, followed up if necessary by trial trenching and which finds nothing of significance; and 3) conditions as set out in the Report. He stated that a further condition was recommended regarding no windows to be installed in the roof spaces. A local resident stated that he hadn’t been able to register in time and requested to be able to make a statement against the proposal. The Chair allowed him to speak on this occasion.

Councillor Eleanor Jackson referred to the concerns of the Ward Councillor Rob Appleyard regarding this development which she supported. She therefore moved that the recommendation be overturned and that permission be refused on the grounds of overdevelopment; inappropriate design; and danger to pedestrians due to non-provision of a pedestrian crossing. Councillor Neil Butters supported these concerns and seconded the motion.

Members debated the motion. Views were expressed for and against the proposal. Some Members were of the opinion that the design and housing mix was unsuitable, it was close to existing houses and should reflect the housing style in neighbouring Highfields. Other Members felt that this was a sensible development within the housing boundary and of a reasonable density. The Case Officer responded to some of the points raised and did not agree that this was overdevelopment of the site. The Chair summed up the debate and expressed his approval of the proposal.

The motion was put to the vote. Voting: 6 in favour and 6 against. The Chair exercised his casting vote against the motion. Voting: 6 in favour and 7 against. Motion lost. He therefore moved the Officer recommendation which was seconded by Councillor Les Kew. The motion was put to the vote and was carried 6 in favour and 5 against with 1 abstention (Note: Councillor Brian Webber was not present for this Item).

Item 9 No 41 Elliston Drive, Southdown, Bath – Erection of dormer window –

The Case Officer reported on this application and his recommendation to refuse permission. The applicant's agent spoke in favour of the proposal which was followed by a statement by the Ward Councillor Dine Romero in support of the application.

Councillor Les Kew stated that there was a lot of history with this proposal. He supported the Inspector's findings on the appeal and moved the Officer recommendation to refuse permission. Councillor Malcolm Lees stated that this proposal was smaller using acceptable materials and therefore blended in better than previous proposals. Councillor Nicholas Coombes had a similar viewpoint. The motion was seconded by Councillor Eleanor Jackson. Members expressed views for and against the proposal. The Chair stated that he supported the motion which he then put to the vote. Voting: 6 in favour and 6 against. Motion not carried.

The Chair moved that the application be deferred for a Site Visit which was seconded by Councillor Neil Butters. The motion was carried by a substantial majority (Note: Councillor Brian Webber was not present for this Item).

Item 10 Ivy Cottage, Rectory Lane, Compton Martin – Erection of a two storey extension (Resubmission) – The Case Officer reported on this application and his recommendation to grant permission subject to conditions. The applicant made a statement in support of the proposal.

Councillor Les Kew supported the application and moved the Officer recommendation which was seconded by Councillor Neil Butters. The motion was put to the vote and was carried unanimously (Note: Councillor Brian Webber was not present for this Item).

Item 11 Stall Street, Bath – Extension of temporary permission for statue at Stall Street/New Orchard Street from 1 November 2012 to 30 April 2013 – The Case Officer reported on this application and his recommendation to grant temporary permission for the retention of the Mark Foster torso statue subject to conditions.

Councillor Manda Rigby as Ward Member supported the proposal and moved that the Officer's recommendation be approved. The motion was seconded by Councillor Les Kew and on being put to the vote was carried unanimously (Note: Councillor Brian Webber was not present for this Item).

62 QUARTERLY PERFORMANCE REPORT - APRIL TO JUNE 2012

The Committee considered a report which provided performance information across a range of activities within the Development Management function for the period April to June 2012.

The report was noted and the Chair on behalf of the Committee extended his thanks to Officers for their hard work in achieving this performance.

63 TREE PRESERVATION ORDER: BATH AND NORTH EAST SOMERSET COUNCIL (1 DEVONSHIRE PLACE, BATH NO. 271) TREE PRESERVATION ORDER 2012

The Committee considered the report of the Senior Arboricultural Officer which 1) informed that an objection had been received following the making of a Tree Preservation Order at 1 Devonshire Place, Bath, which was provisionally made on 3rd April 2012 to protect a Sycamore and Lawson Cypress which make a significant contribution to the landscape and amenity of the Conservation Area; and 2) recommended after considering the objection that the Order be confirmed without modification.

The public speaker made his statement in support of the Order being confirmed (see Speakers List in *Appendix 2*).

It was moved by Councillor Eleanor Jackson and seconded by Councillor Les Kew and unanimously **RESOLVED** to confirm the Tree Preservation Order entitled "Bath and North East Somerset Council (1 Devonshire Place, Bath No 271) Tree Preservation Order 2012" without modification.

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

The Committee noted the report

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

The Development Manager reported that statements of case had been submitted and that proofs of evidence would be formulated for the Inquiry in January 2013.

The Committee noted.

The meeting ended at 7.50 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services