

## **DRAFT MINUTES PENDING CONFIRMATION AT THE NEXT MEETING**

### **BATH AND NORTH EAST SOMERSET**

#### **MINUTES OF DEVELOPMENT CONTROL COMMITTEE**

Wednesday, 24th October, 2012

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

Also in attendance: Councillors Rob Appleyard, Colin Barrett, David Bellotti, Paul Crossley and Charles Gerrish

#### **66 EMERGENCY EVACUATION PROCEDURE**

The Senior Democratic Services Officer read out the procedure

#### **67 ELECTION OF VICE CHAIR (IF DESIRED)**

A Vice Chair was not required

#### **68 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

An apology for absence was received from Councillor Doug Nicol whose substitute was Councillor Manda Rigby

#### **69 DECLARATIONS OF INTEREST**

The Chair reminded Members of the need to declare any interests in matters before the Committee.

Councillor Bryan Organ declared an interest in the Tree Preservation Order at 35 West Hill Gardens, Radstock, as he knew the owner of the property through his Golf Club and said that he would leave the meeting for its consideration. Councillor Malcolm Lees declared an interest in the planning application at 12 High Street, Weston, Bath (Item 2, Report 11) as he had been involved in arranging a public meeting to discuss the application. Although he had been careful not to express any views and had maintained an open mind, he was concerned that there might be a perception that he had predetermined the matter. He would therefore make a statement as Ward Member and leave the meeting for its consideration. Councillor Manda Rigby declared an interest in the applications at Roman Candles, Terrace Walk, Bath, as she had predetermined the matter. She would therefore make a statement as Ward Member and then leave the meeting for its consideration.

## **70 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR**

There was none

## **71 ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS**

The Senior Democratic Services Officer informed the meeting that there was a speaker wishing to make a statement on the Tree Preservation Order at Hillscroft, Bulls Hill, Wellow (Report 12) and that he would be able to do so when reaching that Item on the Agenda. There were also various members of the public etc wishing to make statements on planning applications in Reports 10 and 11 and they would be able to do so when reaching their respective items in those Reports.

## **72 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS**

There was none

## **73 MINUTES: 26TH SEPTEMBER 2012**

The Chair referred to an e-mail received by Officers shortly before the meeting from the Applicant's Agents in respect of Minute 61 Item 4 relating to Parcel 0006, Maynard Terrace, Clutton, requesting additions to that Minute. After due consideration, Members resolved that the Minutes of the previous meeting held on Wednesday 26<sup>th</sup> September 2012 be approved without amendment and they were signed by the Chair as a correct record

## **74 MAJOR DEVELOPMENTS**

The Senior Professional – Major Developments updated Members on major developments as follows:

- University of Bath - The S106 Agreement had been agreed in principle and would be signed shortly
- Southgate – The vaults were progressing and interest had been expressed by retailers for these units
- Former Cadbury's, Somerdale, Keynsham – An archaeological investigation had been undertaken and had revealed evidence of significant Roman remain on the lower lying land west of the factory buildings. An application from the developers, Taylor Wimpey, was anticipated in the near future

In response to Members' queries regarding other sites, he responded regarding:

- Norton Radstock Regeneration – He would inform Councillor Eleanor Jackson if there were any updates
- MOD Bath sites – There appear to be prospective purchasers for all 3 sites. Land south of Granville Road, Lansdown, had been sold and a scheme would be submitted but no timescale had been fixed
- Former Bath Press site, Lower Bristol Road, Bath – A revised scheme was in its later stages and should be reported to Committee in the next few months
- Network Rail Electrification – Liaison meetings had been held but no details were available at present. Detailed drawings were required which would not be available until next year.

The Committee noted the report.

**75 SITE VISIT LIST - APPLICATION FOR PLANNING PERMISSION FOR DETERMINATION BY THE COMMITTEE**

The Committee considered

- A report by the Development Manager on a planning application at 41 Elliston Drive, Southdown, Bath
- An oral statement by the applicant's agent speaking in support of the proposal, 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.

**41 Elliston Drive, Southdown, Bath – Erection of dormer window** – The applicant's agent made his statement in support of the proposal. The Team Leader, Development Management, reported on the application and the recommendation to refuse permission. The Ward Councillor Paul Crossley read out a statement by his fellow Ward Councillor Dine Romero supporting the application. He then made his own statement supporting the proposal.

Councillor Brian Webber agreed with the comments made by the Ward Members and felt that the design and visual impact of the proposed dormer was acceptable. Accordingly, he moved that the recommendation be overturned and that permission be granted with the conditions cited, namely, obscured glass and fixed windows. The motion was seconded by Councillor Liz Hardman who referred to the Appeal Inspector's decisions. She felt that the proposal was acceptable because it was smaller than the previous dormer and the materials were in keeping with the area.

Members debated the motion. Councillor Neil Butters considered that the case was marginal but that he supported it on balance. Councillor Les Kew felt that it spoilt the roof scape and supported the Officer recommendation. The Officer responded to queries by Councillor Eleanor Jackson regarding how much weight should be given to the fact that the site was not in a Conservation Area but within a World Heritage Site, and the number of extensions already on the rear of the houses in Elliston Drive. Councillor David Veale supported the proposal but felt that there should be some dormer design guidance to process such applications more speedily.

The motion was put to the vote. Voting: 10 in favour and 3 against. Motion carried.

**76 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 etc
- Oral statements by members of the public etc on Item Nos 1-5, the Speakers List being attached as *Appendix 1* to these Minutes

- An Update Report by the Development Manager on Items Nos 1-3, 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 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 the demolition of all the buildings currently on site (excluding the multi storey car park which will be extended)** – The Case Officer reported on this application and his recommendation to Permit subject to £700,000 being put aside for off-site improvement works in terms of highway improvements, public access/public realm improvements, and to various conditions. He referred to the Update Report which comprised consultation responses from various bodies and referred to additional letters of representation. He stated that a further letter of representation had subsequently been received. The Officer stated that there was some harm to the historic environment but that, in his view, this was outweighed by the substantial public benefits of the scheme. The Chair stated that Members had received two technical briefings on the scheme in the presence of Planning Officers and that a petition had been received objecting to the design.

The public speakers made their statements on the application. Councillor David Bellotti, as Cabinet Member for Community Resources, made a statement in support of the scheme which was followed by a statement by Councillor Charles Gerrish as adjoining Ward Member also in support.

Councillor Bryan Organ opened the debate. He referred to the reasons for the earlier deferral of the application and observed that many of the historic buildings in the Conservation Area were no longer there. He felt that a different design would mean that the building could not fulfil its various functions. In his view, the objectors who had signed the petition objecting to the design only represented a very small percentage of the local population. He supported the proposal and accordingly moved the Officer recommendation. This was seconded by Councillor Les Kew.

Members asked questions to which the Officer responded. The Chair felt that the trees/greenery in the application should be maximised. Councillor Nicholas Coombes was still opposed to the scheme for various reasons and agreed with the views of English Heritage. There should be a scheme that created less harm to the environment/conservation area but with the same public benefits. Councillor Les Kew felt that there had been a lot of improvements to the design and the development would provide a nucleus for further developments and increase the footfall in the town. It was important to ensure that there was quality of workmanship with sample panels being provided. Councillor Neil Butters considered that there had been improvements and that the Focus Groups etc had worked well together. The historic character of this area in Keynsham had gone. There were various benefits of the scheme which was supported by the Town Council and local Councillors. He therefore supported the proposal. Councillor David Martin appreciated the improved design, the benefits of regeneration and sustainability aspects of the proposal and therefore supported it. Members generally were supportive of the scheme. The mover and seconder revised the motion to include the monies of £700,000 for off-site

improvements etc being index-linked. The Chair summed up the debate and put the motion to the vote. Voting: 12 in favour and 1 against. Motion carried.  
(Note: After this Item at 3.35pm, there was a 10 minute natural break.)

**Item 2 No 12 High Street, Weston, Bath – Erection of rear ground floor extension (totalling approximately 206 sq m) to create an enlarged retail unit together with rear first and second floor extensions to create 6 two bed apartments and alterations to existing shop fronts at Nos 12-20 High Street, Weston** – The Case Officer reported on this application and her recommendation to (A) authorise the Planning and Environmental Law Manager to enter into a Section 106 Agreement to secure £18,000 for the improvement of local public transport infrastructure; and (B) subject to the prior completion of the above Agreement, authorise the Development Manager to Permit subject to conditions. The Update Report gave details of a further objection having been received.

The public speakers made their statements on the application which was followed by a statement by the Ward Councillor Colin Barrett against the proposal. Ward Councillor Malcolm Lees made a statement and informed the Committee of the planning background as regards shops in the area, the lack of footfall since Tesco had occupied the premises as they sold fewer product lines, the problems of parking/deliveries, and the similarity to the Co-op in Larkhall which had 10 parking spaces. The car park here would become a private car park for Tesco only and he was concerned that additional residential accommodation would create more demand for parking. The Development Manager advised that Development Plan policies needed to be adhered to unless the policies were outweighed by other material considerations. Car parking was a material consideration but evidence should be provided in support. The number of product lines or future occupiers of the site was not material. Councillor Lees then left the meeting in view of his interest declared earlier in the meeting. The Senior Development Control Engineer gave advice on the parking situation. Members asked various questions to which Officers responded. Councillor Les Kew had some concerns about the development and moved that consideration be deferred for a Site Visit to view the site in the context of its surroundings and the potential impact of increased residential accommodation and parking provision. The motion was seconded by Councillor Bryan Organ. The motion was put to the vote, 7 voting in favour and 2 against with 3 abstentions. Motion carried. (Note: Councillor Malcolm Lees was absent and therefore did not vote).

**Items 3&4 Roman Candles, 5 Terrace Walk, Bath – (1) Display of external fascia and hanging signs (regularisation) and removal of existing light fittings and associated works (Ref No 12/03082/AR); (2) external alterations for the display of external fascia and hanging signs (regularisation) and removal of existing light fittings and associated works (Ref No 12/03095/LBA)** – The Case Officer reported on these applications and his recommendations to Refuse advertisement and listed building consent. The Update Report contained an amended reason for refusal of advertisement consent. The applicant made a statement in support of his applications. This was followed by a statement by the Ward Councillor Manda Rigby who supported the proposal and stated that the applicants would remove the light fittings and were willing to alter the gloss finish to a matt finish. She then left the meeting in view of the interest she had declared earlier in the meeting.

Councillor Brian Webber, as the other Ward Member on the Committee, supported the proposal and moved that the Officer's recommendations be overturned and that advertisement and listed building consent be granted. The motions were seconded by Councillor Martin Veal. They considered that the size, materials and design were not detrimental to the appearance of the building, the adjacent listed buildings, the Conservation Area or the World Heritage Site.

Members debated the motions. It was generally felt that the hanging sign was fairly inconspicuous and the typeface of the fascia sign was of classic design, whether gloss or matt finish. The Development Manager reminded the Committee that the building, being listed and in the Conservation Area and the World Heritage Site, required the use of traditional materials. She sympathised with the applicants but the materials would have a harmful impact on the building and the area as a whole. Members felt, in the circumstances, that there could be some compromise, perhaps a temporary consent for 2 or 3 years. Councillor Martin Veal considered that, on the basis that the light fittings would be removed and the fascia sign given a matt finish, moved that temporary consents be granted for a period of 3 years. This was seconded by Councillor Neil Butters. It was considered that Officers could negotiate with the applicants for appropriate materials to be used in any replacement signs during that time period. Councillor Brian Webber agreed the amendment.

The motions were put to the vote separately. The voting was unanimously in favour of both motions.

**Item 5 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 (Resubmission)** – The Case Officer reported on this application and her recommendation to Permit with conditions. The applicant made a statement in favour of his application.

The Chair queried whether trees would be protected. The Officer stated that a condition regarding tree protection could be added. Councillor Les Kew queried why the track was located in the middle of the field and the materials. The Officer replied that a track down the side of the field would affect the bungalow on adjoining land; the track would be made of scalplings. Councillor Eleanor Jackson moved the Officer's recommendation with an additional condition on Tree Protection. This was seconded by Councillor Neil Butters. The motion was put to the vote and was carried, 12 voting in favour and 0 against with 1 abstention.

**Item 6 Site of Alcan Factory, Nightingale Way, Midsomer Norton – Application for a Deed of Variation to a S106 Agreement relating to a residential-led mixed use redevelopment comprising the erection of 169 dwellings, community facilities, offices, town centre link, formal green space and associated works (Agreement signed and permission granted 29<sup>th</sup> June 2012)** – The Case Officer reported on this application seeking a variation to the S106 Agreement to require that the community and office building is available for occupation prior to the occupation of more than 100 residential dwellings - the Agreement would remain unchanged in all other respects. He recommended that the Committee agree to the request for the variation of the planning obligations entered into in respect of this development and, if the Committee accepted this recommendation, to resolve that the Council enter into a supplemental S106 Agreement with the current owners of

the land to vary the terms of the S106 Agreement made between the Council, Linden Homes Ltd and HSBC Bank Plc in respect of the former Alcan factory site, Nightingale Way, Midsomer Norton ("the original S106 Agreement") to provide in respect of the community and office building that 1) construction to commence before occupation of 65 dwellings; and 2) the building to be available for occupation prior to occupation of more than 100 residential dwellings. The Ward Councillor Rob Appleyard made a statement in support of the variation.

Councillor Eleanor Jackson supported the application for the variation and moved the Officer recommendation. This was seconded by Councillor Les Kew.

The motion was put to the vote and was carried, 11 voting in favour and 1 against (Note: Councillor Brian Webber had left the meeting before consideration of this application).

## **77 TREE PRESERVATION ORDER: HILLSCROFT, BULLS HILL, WELLOW**

The Committee considered

- A report by the Senior Arboricultural Officer which 1) informed the Committee that an objection had been received to the making of a Tree Preservation Order at Hillscroft, Bulls Hill, Wellow, which was provisionally made on 26<sup>th</sup> May 2102 to protect a Silver Birch and a Poplar which make a contribution to the landscape and amenity of the Conservation Area; and 2) recommended after considering the objection that the Order be confirmed without modification
- An oral statement by a representative of Wild Wood Tree Surgeons objecting to the Order

Councillor Neil Butters moved that a Site Visit be held to fully appreciate whether the trees made a contribution to the amenity of the area. This was seconded by Councillor Les Kew.

**RESOLVED** that a Site Visit be made on Monday 12<sup>th</sup> November and the matter be resubmitted to the Committee at its meeting on Wednesday 21<sup>st</sup> November 2012

## **78 TREE PRESERVATION ORDER: 35 WEST HILL GARDENS, RADSTOCK**

The Committee considered a report by the Senior Arboricultural Officer which 1) informed that two objections had been received following the making of a Tree Preservation Order which had been provisionally made on 2<sup>nd</sup> May to protect a Sycamore which made a contribution to the landscape and amenity of the Conservation Area; and 2) recommended after considering the objections that the Order be confirmed without modification.

Councillor Eleanor Jackson considered that, although the tree needed some work, it was worthy of retention and therefore moved that the Officer recommendation be approved. The motion was seconded by Councillor Liz Hardman. Councillor Les Kew moved an amendment that the matter be deferred for a Site Visit to assess the significance of the tree. This was seconded by Councillor David Veale.

**RESOLVED** that the matter be deferred for a Site Visit on Monday 12<sup>th</sup> November and be resubmitted to the Committee on Wednesday 21<sup>st</sup> November 2012 and that, as this Order would lapse after 7<sup>th</sup> November, a new Order be made to run either before this date or consecutively in order that the tree can be preserved before the Committee makes its decision  
(Note: Councillors Bryan Organ, Manda Rigby and Brian Webber had left the meeting before consideration of this Item).

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

Members commended the Officers on the success rate of appeals that had been dismissed.

The report was noted.

**80 MONTHLY UPDATE ON FORMER FULLERS EARTHWORKS, COMBE HAY, BATH**

The Development Manager stated that there was nothing further on which to update Members at this time.

The meeting ended at 6.05 pm

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**