

DRAFT MINUTES PENDING CONFIRMATION AT THE NEXT MEETING

BATH AND NORTH EAST SOMERSET

MINUTES OF DEVELOPMENT CONTROL COMMITTEE

Wednesday, 21st November, 2012

Present:- Councillor Gerry Curran in the Chair

Councillors Neil Butters, Nicholas Coombes, Liz Hardman, Eleanor Jackson, Les Kew, Malcolm Lees, Douglas Nicol, Bryan Organ, Manda Rigby (In place of David Martin), Martin Veal, David Veale and Brian Webber

Also in attendance: Councillors Mathew Blankley, Anthony Clarke and Jeremy Sparks

81 EMERGENCY EVACUATION PROCEDURE

The Senior Democratic Services Officer read out the procedure

82 ELECTION OF VICE CHAIR (IF DESIRED)

A Vice Chair was not required

83 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

An apology for absence was received from Councillor David Martin whose substitute was Councillor Manda Rigby

84 DECLARATIONS OF INTEREST

Councillor Nicholas Coombes declared interests in the planning applications at Paulton Engine, Hanham Lane, Paulton (Item 4, Report 11) as he had worked with the applicant, and Hope House, Shaftesbury Road, Oldfield Park, Bath (Item 8, Report 11) as he had studied with the applicant. Therefore he would leave the room for the consideration of those Items. Councillor Les Kew declared an interest in the application at Parcel 0006, Maynard Terrace, Clutton (Item 3, Report 11) as he was the subject of a complaint arising from the previous consideration of this application by Committee and, as such, he did not feel it appropriate for him to speak or vote. He would therefore leave the meeting for its consideration. Councillor Bryan Organ declared a non-pecuniary interest in the planning application at Saltford Golf Club (Item 5, Report 11) as he was a member of the Club and therefore he would leave the room for its consideration. Councillor Neil Butters declared an interest in the application at the Paulton Engine site (Item 4, Report 11) as he was a non-active member of the Somerset Coal Canal Company but as this was considered not to be prejudicial, he would remain for its consideration. Councillor Malcolm Lees declared an interest in the application at 12 High Street, Weston, Bath (Site Visit Report 10) as he had been involved in arranging a public meeting to discuss the application and he was concerned that, although he had an open mind, there might be a perception that he had pre-determined the matter. He would therefore make a statement as Ward Member and then leave the meeting for its consideration.

85 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none

86 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 Governor's House, Stuart Place, Twerton, Bath (Report 13) and that she 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 that they would be able to do so when reaching their respective Items in those Reports.

87 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

The Chair referred to notice of a Question by Councillor Brian Webber regarding appeals during 2011/12 where costs had been awarded against the Council, the response to which had been circulated. Councillor Webber felt that there was a lesson to be learnt here and that Members needed to be particularly careful when considering overturning Officers' recommendations on planning applications. The Chair concurred and added that Members could attend at Appeal Inquiries to justify reasons for refusal on decisions that had gone against Officers' advice.

88 MINUTES: 24TH OCTOBER 2012

The Minutes of the previous meeting held on Wednesday 24th October 2012 were approved as a correct record and signed by the Chair

89 MAJOR DEVELOPMENTS

The Senior Professional – Major development gave an update on the following major developments:

- MoD sites, Bath – The first part of the Ensleigh site had now been sold to developers and preliminary discussions were being held with the prospect of a planning application early next year
- Somerdale, Keynsham – The bad weather conditions had hampered investigations but results were expected in December and a further update would be made to Members in January
- Southgate, Bath – The Station Vaults would be occupied by a number of cafes and restaurants which would likely open before Christmas.

The Committee noted.

90 SITE VISIT LIST - APPLICATION FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE

The Committee considered:

- A report by the Development Manager on a planning application at 12 High Street, Weston, Bath
- An Update Report by the Development Manager on the matter, a copy of which is attached as *Appendix 1* to these Minutes
- Oral statements by public speakers on the application, the Speakers List being attached as *Appendix 2* 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 3* to these Minutes

12 High Street, Weston, Bath – Erection of rear ground floor extension (totalling approx. 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 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 S106 Agreement to cover the provision of £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 provided Officers' comments on further information received and amended the reasons for granting approval as set out in the Report. She referred to a further letter of representation received that day.

The public speakers made their statements which were followed by a statement by the Ward Councillor Colin Barrett who spoke against the proposal. Councillor Malcolm Lees, as the other Ward Member, made a statement raising various concerns and then left the meeting.

Councillor Martin Veal opened the debate referring to various concerns including the problems of car parking, the loss of character and amenity to local residents and villagers and the impact of more cars and shoppers in the area. Councillor Eleanor Jackson considered that the objections were not significant enough to refuse the application - the development would tidy up the rear of the building and enhance the Conservation Area. She therefore moved the Officer recommendation but considered that a Parking and Construction Management Plan should be included in the conditions. The motion was seconded by Councillor Bryan Organ who felt that delivery times to the shop should be limited.

Members debated the motion. Some Members raised concerns regarding car parking, delivery times and problems during the construction period. It was also felt that the village would lose some of its historic character. Other Members cited examples of other similar stores that had been approved because a refusal couldn't be defended on appeal. The development provided much needed housing and was of a good design. Issues regarding the highways were raised to which the Senior Highways Engineer responded that levels of parking were appropriate for the size of store and that its viability rested on good access and parking being provided. The Development Manager referred to the National Planning Policy Framework as applied to this application. She felt that no additional problems regarding parking were envisaged and that the appropriate authorities had the powers to manage parking in the area. The issue of parking and also noise from delivery vehicles were covered in the recommended Condition 7. Members considered that a condition

needed to be included to secure a Construction Management Plan but that the details of delivery times could be left to Officers to decide.

After a thorough debate, the motion was put to the vote. Voting: 9 in favour and 3 against. Motion carried

91 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, 3 and 7, a copy being included as *Appendix 1* to these Minutes
- Oral statements by members of the public etc on Item Nos. 1-9, 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 4* to these Minutes.

Item 1 The Wharf, Greensbrook, Clutton – Erection of 15 dwellings following demolition of existing workshop and stone shed – The Development Manager updated Committee on the policy position regarding residential development outside the housing development boundary as this was relevant to the next 3 applications on the Agenda. She explained that recent appeal decisions indicated that, where residential development was proposed outside of the housing development boundary, Inspectors and the Secretary of State were likely to find that the presumption in favour of sustainable development in the National Planning Policy Framework outweighed local housing policies if the local planning authority was unable to demonstrate a 5 year supply of housing land. Because the Council had been unable to demonstrate to the Core Strategy Inspector that it had a 5 year supply of housing land, it would therefore be very difficult to defend a refusal of planning permission on this basis unless the land was protected in some other way, for example, it was within an Area of Outstanding Natural Beauty or where a European Protected Species was affected. The Development Manager also explained that the local policies preventing isolated development in the countryside were still considered to be sound.

The Case Officer reported on this application and his recommendation to (A) authorise the Planning and Environmental Law Manager to secure an Agreement under S106 of the Town and Country Planning Act 1990 to secure (i) the provision of 5 dwellings as affordable housing comprising social rent and shared ownership accommodation; (ii) a financial contribution of £7,089.33 towards improvements to pedestrian facilities and/or traffic management in the village of Clutton; and (iii) a financial contribution of £16,313.51 towards primary School Places and Youth Services; and (B) upon completion of the Agreement, authorise the Development Manager to Permit subject to conditions. He referred to the Update Report which contained Officers' comments on further consultation responses and added further provisos for the S106 Agreement regarding (a) a financial contribution of £6,037.51 to reflect omission of employment space on the site; and (b) provision of a

pedestrian connection to the village avoiding the use of the main road. He recommended that a hard and soft landscaping condition be added.

The public speakers made their statements on the matter which was followed by a statement by the Ward Councillor Jeremy Sparks supporting the application but with conditions. The Development Manager commented on the proposal as regards the National Planning Policy Framework. This was a sustainable development which, despite the site being outside the housing development boundary, would contribute to the 5 year supply of housing.

Councillor Neil Butters referred to a stone shed on site which was probably the last surviving Bristol and North Somerset Railway Weighbridge Office. The weighbridge itself appeared to be still in situ, albeit partly tarmacked over. The Case Officer stated historical records had been checked and all other railway infrastructure had been removed. Councillor Liz Hardman moved the Officer recommendation as she felt it was an ideal development supported by the Parish Council and some residents and provided social housing on a brownfield site. The only issue was that it was outside the housing development boundary but other benefits outweighed this restriction. The motion was seconded by Councillor Martin Veal.

Members debated the motion. Some Members considered that the railway assets that remained should be preserved and that a local tie be included as condition regarding social housing. Councillor Neil Butters stated that, as the developer had kindly offered to dismantle the items, he could advertise them in the Heritage Railway Association's Journal "Sidelines". The Development Manager responded that the railway assets would be best dealt with by adding an Informative and that the local tie on housing could be negotiated through the S106 Agreement. Regarding provision of a footpath, the Senior Highways and Development Engineer stated that this could be achieved through the S106 Agreement and was aided by the fact that the adjoining development had been completed.

The Chair summed up the debate and put the motion to the vote. Voting: unanimously in favour. Motion carried.

Item 2 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 which had been determined by Committee in June when Members resolved to Delegate to Permit subject to a S106 Agreement that included an obligation that a village shop was operational prior to development commencing. However, this requirement, and a requirement for payment of certain highway contributions, had been rejected by an Inspector at a planning appeal relating to a similar development on the site. The application was being brought back to Committee with a recommendation to (A) 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; and (B) upon completion of the Agreement, authorise the Development Manager to Permit subject to conditions.

The applicants' agent made a statement in favour of the application.

Councillor Bryan Organ opened the debate. He considered that the Appeal Inspector's report was not helpful. A number of accesses had been considered and

he personally felt that Brookside Drive was the most suitable. Councillor Nicholas Coombes stated that the land was allocated for housing post 2011 and therefore there was no other option than to approve the application and he therefore moved the Officer recommendation. This was seconded by Councillor Brian Webber.

Members debated the motion. It was queried whether any financial contributions were included in the S106 Agreement to which the Case Officer responded that there was approximately £6,000 towards Children's Services. The motion was then put to the vote and was carried, 12 voting in favour and 1 against.

Item 3 Parcel 0006, Maynard Terrace, Clutton – The Case Officer reported on this application and his recommendation to authorise the Planning and Environmental Law Manager to enter into a S106 Agreement as detailed in the Report to Committee and, upon completion of the Agreement, authorise the Development Manager to permit the application subject to the conditions contained in the Report.

The public speakers made their statements on the application which was followed by a statement by the Ward Councillor Jeremy Sparks who referred to the benefits and drawbacks of the scheme as expressed by local residents. He felt that the application should be deferred for a traffic and pedestrian safety audit.

Councillor Nicholas Coombes opened the debate. He stated that the same policies applied to this application as to the previous application and that Members shouldn't be swayed by the possibility of the applicants going to appeal if it was refused. He considered that the reasons for refusal for the application in September still applied, namely, that the proposal was unsustainable and outside of the housing development boundary, and that insufficient information had been submitted with regard to ecology. He therefore moved that the application be refused on that basis. The motion was seconded by Councillor Bryan Organ.

Members debated the motion. Councillor Eleanor Jackson explained the changes to the previous application, referred to the Ecology Officer's objections/comments in the Report and considered that the Committee should keep to its original refusal reasons as before. Councillor Liz Hardman felt that there were benefits to the scheme and would vote in favour, which was also supported by Councillor Brian Webber. The Development Manager referred to her previous advice regarding the Council's inability to demonstrate a 5 year supply of housing land and explained why the recommendation was to grant permission. The site was not covered by any special designations or protections and the impact would only be in the immediate vicinity. There was no objection from the Ecology Officer. The development would provide much needed housing and a high percentage of social housing. Most issues of concern could be covered by conditions. The Senior Highways Development Engineer advised Members on the changes to the road layout which had certain advantages and would be subject to some provisos to address issues of safety.

The Chair expressed his views on the proposal and summed up the debate. The motion was put to the vote. Voting: 10 in favour and 2 against. Motion carried At this point, however, the Development Manager informed the meeting that, as the decision was contrary to Officer advice, she would invoke her power to refer the application to a subsequent meeting of the Committee for reconsideration. (Note: Councillor Les Kew was not present for consideration of this application.)

Item 4 Paulton Engine, Hanham Lane, Paulton – Extension and alteration of existing 3 bed house to provided 2 further bedrooms and dining room and demolition of 1960’s single storey bathroom extension; reconstruction of roofless outbuilding to provide garage, workshop and studio over; erection of pair semi-detached holiday cottages; repair of derelict pigsties to provide potting sheds and bat loft; rebuilding of derelict stable; roofing and repair of 2 walls as open woodshed; lean-to greenhouse to replace kennels; rubbish clearance within site and landscape improvements – The Case Officer reported on this application and his recommendation to refuse permission. The public speakers made their statements and this was followed by a statement by the Ward Councillor John Bull who spoke against the proposal.

The Ward Member on the Committee, Councillor Liz Hardman, opened the debate. She considered that a number of issues had been raised since the advertisement for the Departure from the Development Plan and there were now issues of concern. Councillor Les Kew still considered this to be an excellent development and only minor issues had been raised. He felt that the Committee should keep to its original decision and therefore moved that the application be delegated to Officers to permit subject to appropriate conditions and a S106 Agreement as before. The motion was seconded by Councillor Doug Nicol.

Members debated the motion. Most Members supported the motion but some felt that the heritage assets were not being preserved and that the development would totally change this peaceful rural location. The views of the Parish and Ward Councillors should be taken into account. The Development Manager clarified the Committee’s reasons for approval, namely, that the development would not be detrimental to the character and appearance of the Conservation Area, that Members had afforded some weight to the argument that the holiday cottages would help the viability of the scheme, it would provide economic development in a rural area, and the extension and new build were of an appropriate design that would not impact adversely on the ruins or on the overall development.

The Chair summed up the debate and put the motion to the vote. Voting: 7 in favour and 3 against with 2 abstentions. Motion carried (Note: Councillor Nicholas Coombes was not present for consideration of this application in view of his declared interest).

Item 5 Saltford Golf Club, Golf Club Lane, Saltford – Change of use of land and extension of existing golf course to create new golf academy, including contouring and landscaping; erection of driving range building; provision of a car park; and installation of ground level flood lighting to driving range – The Case Officer reported on this application and his recommendation to refuse permission. The representative for the Golf Club spoke in favour of the application. The Ward Councillor Mathew Blankley made a statement in support of the proposal.

The Development Manager advised that the issues of archaeology and lighting that had been raised were important considerations. However, the applicants were willing to address the issue of archaeology to mitigate any impact. Regarding lighting, Members would need to make a judgement as to the impact on the area and she informed Committee that a time limit could be imposed to restrict lighting at night. Councillor Les Kew considered that the issue of archaeology would be covered by the Club and that lighting could be controlled and restricted by condition. On the basis that he considered that the development would not be detrimental to the Green

Belt, would provide youth and social benefits and that the lighting would not impact significantly on the night sky, he moved that the recommendation be overturned and that it be delegated to Officers to permit subject to appropriate conditions. The motion was seconded by Councillor Liz Hardman.

Members debated the motion. The issues of archaeology and lighting were discussed and it was generally accepted that the archaeology aspect could be addressed by the Club but that the impact of the lighting was a big concern. There would be a substantial increase in the upward sky glow above the Institute of Lighting Engineers Standards. Members considered times for lighting and felt that 9pm would be an appropriate cut-off time.

The Chair summed up the debate and put the motion to the vote. Voting: 8 in favour and 1 against with 3 abstentions. Motion carried (Note: Councillor Bryan Organ was not present for consideration of this application).

Item 6 No 11 Mount Beacon, Beacon Hill, Bath – Erection of a single dwelling and associated works – The Case Officer reported on this application and his recommendation to Permit with conditions. The public speakers made their statements on the application which was followed by a statement by the Ward Councillor Anthony Clarke supporting the proposal.

Councillor Les Kew considered that this was a good application and landscaping would address the issue of any overlooking. He therefore moved the Officer recommendation but including a condition that a close-boarded fence be erected prior to the landscaping maturing - this was seconded by Councillor Martin Veal.

Members debated the motion. The issue of overlooking was discussed but it was generally felt that this was not of significant importance as the adjoining garden could already be overlooked. Councillor Les Kew withdrew the condition that a fence be erected. The amended motion was then put to the vote and was carried, 9 voting in favour and 2 against (Notes: 1) Councillors Manda Rigby left the meeting before the consideration of this application as did Councillor Neil Butters who had to attend a function as Vice Chairman of the Council; and 2) Members had previously undertaken a Site Visit of the property).

Item 7 No 489B Bath Road, Saltford – Change of use to restaurant and takeaway (Use Class A3/A5) to include extension in rear courtyard and new shop front (Resubmission) – The Case Officer reported on this application and his recommendation to Permit with conditions. The Update Report recommended an additional condition in relation to the parking area for the premises. The public speakers made their statements on the application. Councillor Les Kew read out a statement prepared by Councillor Mathew Blankley who was opposed to the proposal.

Councillor Bryan Organ felt that there was no problem with this application and moved the Officer recommendation which was seconded by Councillor Eleanor Jackson. Members debated the motion and generally considered that, with a condition to the effect that the car parking spaces were exclusively available for customers of the proposed restaurant, the proposal was acceptable.

The motion was put to the vote and was carried unanimously.

Item 8 Hope House, Shaftesbury Road, Oldfield Park, Bath – Erection of a two storey side extension and single storey rear extension following demolition of existing car port – The Case Officer reported on this application and her recommendation to Permit with conditions. The public speakers made their statements on the application.

Councillor Brian Webber considered that there were no strong reasons to refuse this application which in terms of size was not much above permitted development. There could be some light loss to the adjoining property but it would not be significant enough to refuse permission. He therefore moved the Officer recommendation which was seconded by Councillor Les Kew. The motion was then put to the vote and was carried, 9 voting in favour and 1 against (Note: Councillor Nicholas Coombes was not present for consideration of this application in view of his declared interest).

Item 9 Maylou, 118A Rush Hill, Southdown, Bath – Erection of two storey extension and a single storey garage extension (Revised resubmission) – The Case Officer reported on this application and her recommendation to Permit with conditions. The public speakers made their statements on the application.

Members discussed the proposal. Councillor Brian Webber considered that a Site Visit would be useful to fully understand the proposal in the context of its surroundings and therefore so moved. This was seconded by Councillor Les Kew. On being put to the vote, the motion was carried without dissension.

92 QUARTERLY PERFORMANCE REPORT - JULY TO SEPTEMBER 2012

The Committee considered the report of the Development Manager which provided performance information across a range of activities within the Development Management function.

The Committee noted the report and thanked Officers for their hard work.

93 TREE PRESERVATION ORDER - GOVERNOR'S HOUSE, STUART PLACE, TWERTON, BATH

The Committee considered

- The report of the Senior Arboricultural Officer which recommended that a Tree Preservation Order made on 16th August 2012 to protect a Tulip tree, which made a contribution to the landscape and amenity of the Conservation Area, be confirmed without modification
- A statement by a resident of the property supporting the Tree Preservation Order
- A statement by the Ward Councillor June Player also supporting the Order

It was moved by Councillor Eleanor Jackson and seconded by Councillor Doug Nicol and **RESOLVED** that the Tree Preservation Order entitled "Bath and North East Somerset Council (Governor's House, Stuart Place, Twerton, Bath No 281) Tree Preservation Order 2012 be confirmed without modification.

(NOTE: Referring to Minute Nos. 77 and 78 of the previous meeting held on 24th October 2012, the Senior Arboricultural Officer, prior to this Item, updated Members that, since the Site Visits (1) the objection to the Tree Preservation Order on trees at **Hillscroft, Bulls Hill, Wellow**, had been withdrawn and therefore confirmation of the Order could be dealt with under Delegated Powers; and (2) that a new Order on a tree at **35 West Hill Gardens, Radstock**, was made on 31st October and consultees had been given until 13th December to make representations; therefore if objections were received, a further report would be submitted, probably to the January Committee meeting.)

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

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

After some comments by Members, the report was noted.

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

By this stage of the meeting, the Team Leader, Development Management, had taken over from the Development Manager who had to leave. He was not in a position to update the Committee.

The meeting ended at 8.05 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services