

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

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

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

Wednesday, 12th December, 2012

**Present:-** Councillor Gerry Curran in the Chair

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

Also in attendance: Councillors Nathan Hartley and Jeremy Sparks

#### **96 EMERGENCY EVACUATION PROCEDURE**

The Senior Democratic Services Officer read out the procedure

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

A Vice Chair was not desired

#### **98 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There was an apology from Councillor Bryan Organ whose substitute was Councillor Sally Davis. It was stated that Cllr Organ had broken his ribs in a fall. The Chair on behalf of the Committee extended his best wishes for a speedy recovery.

#### **99 DECLARATIONS OF INTEREST**

Councillor Les Kew declared an interest in the planning application on Parcel 0006 Maynard Terrace, Clutton (Item 2, Report 11) as he was the subject of a complaint arising from an earlier 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 Eleanor Jackson declared an interest in the application at 5 Bath Road, Peasedown, as she was acquainted with a neighbour but as she did not consider it to be significant and prejudicial, she would speak and vote on the matter.

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

There was none

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

The Senior Democratic Services Officer informed the meeting that there were no speakers on matters other than planning applications. There were a number of people wishing to make statements on planning applications in Reports 10 and 11 and that they would be able to do so when reaching those items on the Agenda.

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

There was none

## **103 MINUTES: 21ST NOVEMBER 2012**

The Minutes of the previous meeting held on Wednesday 21st November 2012 were approved and signed by the Chair as a correct record

## **104 MAJOR DEVELOPMENTS**

The Senior Professional - Major Development informed the meeting that there were no updates to report but he would respond to any queries.

In response to Members' queries, the Officer reported as follows:

Norton Radstock Regeneration - He was not personally involved with the preparation of the proposals for this development but understood that a planning application with a significant package of information was expected to be submitted shortly after Christmas. He would advise Members at that stage.

Brunel Square/Vaults at Bath Spa Railway Station - Not all the units would be occupied before Christmas due to problems with water seepage but it was expected that they would be by mid-January.

Former Cadbury's site, Somerdale - Some significant archaeological discoveries had been found at The Hams part of the site (possible Roman town). More work was to be undertaken on the land south of the factory but it was considered that the impact on the number of houses would be less than feared.

Woolley Valley - Further information concerning this site would be provided at the end of the meeting.

Gasometers, Western Riverside - Although this was being dealt with by the Major Projects Team, he understood that discussions had been held regarding finance for their decommissioning but there was no timetable yet for their removal. The next step would be for the gas suppliers to make further arrangements for equipment/installations elsewhere in the gas network before they could be removed.

## **105 SITE VISIT LIST - APPLICATION FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE**

The Committee considered:

- a report by the Development Manager on an application for planning permission at Maylou, 118A Rush Hill, Bath
- oral statements by an objector and the applicant's representative, 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.

**Maylou, 118A Rush Hill, Bath - Erection of a 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 against and in favour of the application.

After receiving clarification to a query, Councillor Eleanor Jackson moved the Officer recommendation which was seconded by Councillor Martin Veal.

The motion was put to the vote and was carried, 10 voting in favour and 2 against with 1 abstention.

## **106 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, the Speakers List being attached as *Appendix 1* to these Minutes
- an Update Report by the Development Manager on Item 2, 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 Former Bath Press site, Lower Bristol Road, Bath - Mixed use redevelopment comprising 6,300sq m of retail (Class A1), 4,580sq m of creative workspace (Class B1), 2,610sq m of offices (Class B1), 220sq m of community space (Class D1/D2), 10 residential houses, basement car park, landscape and access (including realignment of Brook Road)** - The report on this application was withdrawn by the Development Manager as a result of further information being received which could not be assessed in time for this meeting.

**Item 2 Parcel 0006, Maynard Terrace, Clutton - Erection of 36 dwellings and associated works (Revised resubmission)** - The Case Officer reported on this application and his recommendation to (A) authorise the Planning and Environmental Law Manager to enter into a S106 Agreement as detailed in the report to the Committee; and (B) upon completion of that Agreement, authorise the Development Manager to permit the application subject to conditions. He referred to the Update Report where 2 further conditions were being recommended and which also referred to a recent appeal decision in which an application for residential development had been allowed by the Inspector who had attached significant weight to the fact that the Council could not demonstrate a 5 year supply of housing land. The Case Officer stated that recent evidence suggested that, nationally, Inspectors appeared to be allowing appeals in respect of residential development outside of housing development boundaries where local planning authorities could not demonstrate a 5 year supply of housing land. He also referred to some of the highways issues relating to the proposal.

The public speakers made their statements against and in favour of the proposal which was followed by a statement by the Ward Councillor Jeremy Sparks.

Members asked questions and commented on the proposals stating that there had been no change to the previous application. The Case Officer and the Senior Highways Development Engineer responded to some of the comments. Councillor Eleanor Jackson referred to paragraphs 14, 47 and 49 of the National Planning Policy Framework. Affordable housing was needed but this was a sensitive site in an unsustainable location with inadequate mitigation measures. It would have a significant impact on the rural aspect of Clutton and destroy its rural character. She also had concerns regarding highway safety. She felt Members should keep to their principles and, on this basis, moved refusal of the application for the same reasons as had been moved at the Committee's September meeting, namely, that the proposal was unsustainable and outside the housing development boundary; and that insufficient information had been submitted with regard to ecology. The motion was seconded by Councillor Martin Veal who also had concerns about the proposed highway arrangements. Councillor Nicholas Coombes agreed and shared their concerns relating to highways. He suggested that a highways reason for refusal should be added.

Members debated the motion. It was felt that this site in the middle of the countryside was inappropriate for this development. Members discussed the highways issues. It was generally felt that the proposed junction was poor and that changing the direction of traffic flow would introduce a conflict which would impact on road safety contrary to Policies T1 and T24. The Senior Highways Development Engineer responded to the queries raised regarding change of direction of traffic flow which would culminate in a cul de sac.

The Chair referred to the new requirement with effect from 1st December to provide a statement setting out how the local planning authority has worked with the applicant in a positive and proactive manner. He considered that this could be based on the fact that there had been a site visit, the application had been considered by the Committee on 3 separate occasions, and there had been extensive correspondence by the local planning authority with the applicants and objectors. Other Members added that comments from the applicants had been welcomed and that some Members had met with the Chief Executive of Curo and had weighed up his comments.

The Chair summed up the debate and put the motion to the vote. Voting: 10 in favour and 2 against. Motion carried (Notes: 1) Councillor Les Kew was not present for consideration of this application; and 2) Councillor Martin Veal considered that, should an appeal be lodged, Committee Members should attend any appeal hearing to put forward their views in support of the refusal against Officer recommendation).

**Item 3 Crescent Office Park, Clarks Way, Odd Down, Bath - Erection of a residential care home (Use Class C2) with associated car parking and servicing** - 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, or secure a Unilateral Undertaking, to relinquish the creche planning application permission ref 10/01532/FUL in the event that the approval hereby granted is implemented; and (B) subject to the above, Permit with conditions. The

Officer recommended that a lighting condition be added together with the requisite positive and proactive statement.

The applicants' agent made her statement in support of the application.

Councillor Eleanor Jackson considered that this was a good scheme and therefore moved the Officer recommendation which was seconded by Councillor Liz Hardman.

Members debated the motion. Although a Member felt that the site should be retained as offices as per the Master Plan, most Members were supportive of the proposal as there was a need for care homes and this was a good location.

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

**Items 4&5 Automobile Services, 37 Coombend, Radstock - 1) Erection of 7 two-bed dwellings with parking, altered site access, landscaping and ancillary works and allotments following demolition of garage workshop (Resubmission); and 2) demolition of garage workshop** - The Case Officer reported on these applications and her recommendations to 1) grant permission with conditions; and 2) grant consent with conditions. She reported the receipt of a request by Councillor Charles Gerrish for a contribution by the applicants to works at the nearby culvert - she stated, however, that the Environment Agency had considered the works to be unnecessary.

The applicants' agent made her statement in support of the applications.

Councillor Eleanor Jackson referred to some revisions to the proposals but still had some concerns about the proposal. However, the neighbours were in favour. She clarified that, although she was a Member of the Town Council, she played no part in any discussions relating to planning. Councillor Les Kew felt that this was a good use of a brownfield site. However, as this was a departure from the Development Plan, the proposal would need to be advertised as such and therefore he moved that the application for planning permission be delegated to Officers to Permit subject to the requisite advertisement and the conditions set out in the Report. This was seconded by Councillor Martin Veal. The motion was put to the vote and was carried unanimously.

Councillor Les Kew moved the Officer recommendation on Item 5 to grant consent to demolish which was seconded by Councillor Martin Veal. The motion was put to the vote and was carried unanimously.

**Item 6 No 5 Bath Road, Peasedown - Erection of one pair of semi-detached dwellings on land at the rear of 5 Bath Road** – The Case Officer reported on this application and his recommendation to refuse permission. He reported on the receipt of an objection from the adjoining property.

The applicant made a statement in support of the application which was followed by a statement by the Ward Councillor Nathan Hartley in favour of the proposal.

Councillor Eleanor Jackson opened the debate. She considered that, although there was a need for more housing, there were a number of issues against this application. A two storey building would be overbearing and impact on neighbouring properties.

There would also be the consequent impact of noise and disturbance from 2 semi-detached properties in this location. She felt, however, that it was possible that a single storey dwelling might be acceptable. In view of the significant impact of this proposal, she moved that the application be refused as recommended. The motion was seconded by Councillor Liz Hardman.

Members debated the motion. Most Members agreed that this proposal was unacceptable but that one dwelling, preferably single storey, might be more appropriate in this location. The Chair summed up the debate and put the motion to the vote. Voting: Unanimously in favour of refusal.

**Item 7 Parcel 5975 St Clements Road, Keynsham - Erection of a new sewage pumping station** – The Case Officer reported on this application and his recommendation to Permit with conditions. He recommended an additional condition regarding the provision of landscaping prior to the use commencing.

The applicants' agent made a statement in support of the proposal.

The Chair stated that the Recommendation should also be amended to Delegate to permit as this was a Departure from the Development Plan and would therefore need to be advertised as such.

Councillor Les Kew supported the proposal and moved the revised recommendation which was seconded by Councillor Eleanor Jackson. After a brief debate, the motion was put to the vote and it was carried unanimously.

**Item 8 Hartley Barn Farm, Barn Lane, Chelwood - Refurbish existing barn into self-contained holiday accommodation with associated parking** – The Case Officer reported on this application and her recommendation to refuse permission.

The public speakers made statements against and in support of the application which were followed by a statement by the Ward Councillor Jeremy Sparks who supported the Officer's reasons for refusal.

Councillor Les Kew queried whether the proposal might require a Site Visit. Councillor Nicholas Coombes considered that this was inappropriate development in the Green Belt with no very special circumstances being demonstrated or attempts to find an alternative use. He therefore moved the Officer recommendation to refuse permission which was seconded by Councillor Neil Butters.

After some brief comments supporting the motion, it was put to the vote and was carried unanimously.

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

The report was noted

**108 FORMER FULLERS EARTHWORKS, COMBE HAY, BATH**

The Development Manager stated that Proofs of Evidence had been drafted and would be exchanged shortly. The Public Local Inquiry would be held on 28th January 2012.

**109 WOOLLEY VALLEY**

Referring to a query raised under Item 9 Update on Major Developments, the Development Manager commented on the current situation regarding Woolley Valley. She stated that the recently submitted planning applications were invalid. If valid planning applications were not received shortly, the development could be the subject of a report to Committee in January regarding possible enforcement action.

The meeting ended at 4.45 pm

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**