

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

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

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

Wednesday, 16th January, 2013

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

Councillors Neil Butters, Nicholas Coombes, Liz Hardman, Eleanor Jackson, Les Kew, Malcolm Lees, David Martin, Douglas Nicol, Bryan Organ, Martin Veal, David Veale and Brian Webber

Also in attendance: Councillors Ian Gilchrist, Paul Myers, Manda Rigby and Chris Watt

#### **110 EMERGENCY EVACUATION PROCEDURE**

The Senior Democratic Services Officer read out the procedure

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

A Vice Chair was not required

#### **112 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There was none

#### **113 DECLARATIONS OF INTEREST**

Councillor Martin Veal declared an interest in the planning application at Beechen Cliff School (Item 5, Report 10) as his son was a pupil there. However, he did not consider that this would influence his judgement and he would therefore speak and vote on the application. Councillor Les Kew declared an interest in the application at the Old Coal Yard, Marsh Lane, Clutton (Item 6, Report 10) as he owned land in the area and, as he felt that this could be considered to be prejudicial, he would leave the meeting for its consideration. Councillor Bryan Organ declared an interest in Report 11 Tree Preservation Order at 35 West Hill Gardens, Radstock, as he knew the owner and therefore he would leave the meeting for its consideration. Regarding the former Bath Press site (Item 1, Report 10), Councillor Eleanor Jackson stated that she was a member of the Co-operative Party and clarified that this was not connected to the Co-operative Society which ran the store in Moorland Road. She was also a shareholder in the Radstock Co-operative Society; however, the store in Moorland Road was in a different federation.

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

There were no items of urgent business

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

The Senior Democratic Services Officer informed the meeting that there were various members of the public etc wishing to make statements on planning applications and that they would be able to do so when reaching their respective items in Report 10. He pointed out that the Chair had extended the time for statements on the Former Bath Press site in view of this being a large development which had created a lot of public interest with a number of speakers.

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

There was none

## **117 MINUTES: 12TH DECEMBER 2012**

The Minutes of the previous meeting held on Wednesday 12<sup>th</sup> December 2012 were approved as a correct record and signed by the Chair subject to the following:

Minute 99 6<sup>th</sup> line Delete "neighbour" and insert "architect"

Minute 106 Items 4&5, 3<sup>rd</sup> paragraph, 2<sup>nd</sup> line After "...neighbours", insert "on the other side of the road ..."

## **118 MAJOR DEVELOPMENTS**

The Development Manager updated Members as follows:

- Former Cadbury's site, Somerdale, Keynsham – Archaeological investigations now completed and report by Taylor Wimpey's Archaeologist would be presented to English Heritage for a decision on Ancient Monument Scheduling. It was anticipated that it would not impact materially on the developable area or housing numbers. Discussions were being held with the Environment Agency regarding floodplain and riverbank issues.
- Bath Western Riverside – The Reserved Matters applications for the next 2 stages were currently being registered.
- Bath Spa Station Vaults – The problem with water ingress was being addressed so that remaining users could begin fit-out works. The Highways Development Control Team Leader stated that the temporary barriers in Brunel square would be removed shortly.
- Former Railway Land, Radstock – Pre-application discussions had commenced for a reworked project to be submitted to the Council with Linden Homes on board. A timetable for the project would be submitted to a future Committee meeting.
- Rail Electrification – No details likely to be available until March. An update would be made at a future meeting.

## 119 PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE

The Committee considered

- The report of the Development Manager on various applications for planning permission etc
- An Update Report by the Development Manager on Item Nos. 2 – 4, a copy of which is attached as *Appendix 1* to these Minutes
- Oral statements by members of the public etc on Item Nos. 1 – 6, the Speakers List being attached as *Appendix 2* to these Minutes

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

**Item 1 Former Bath Press site, Lower Bristol Road, Bath – Mixed use redevelopment comprising 6,300sq m of retail (Class A1), 4,580sq m of creative work space (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)(Ref 12/01999/EFUL)** – The Case Officer updated Members on this proposal including late representations from Crest Nicholson regarding the gas holders; and further representations from the applicant regarding the retail issues. She advised that there was no change to her recommendation as a result of these representations. A correction was made to the 3<sup>rd</sup> line of the 2<sup>nd</sup> reason for refusal of the Recommendation to Refuse permission, namely, that “in out data” should read “input data”. She gave a power point presentation on the scheme to the Committee.

The public speakers made their statements against and in support of the proposal. The Chair stated that the Ward Councillor June Player, if able to attend, would have objected to the scheme in its present form as would the other Ward Councillor Sharon Ball.

Councillor Eleanor Jackson opened the debate. She expressed doubt regarding benefits to the economy from this scheme and felt for a number of reasons that this was not the right site for this scheme. Traffic issues had not been properly addressed and, importantly, the proposal would have a significant impact on the nearby Moorland Road shopping centre. She therefore moved the Officer recommendation to refuse permission which was seconded by Councillor Martin Veal.

Members debated the motion. It was considered that the reasons for refusal were substantial with the Health and Safety Executive advising that there was a potential danger to human life by virtue of proximity to the gas holders. Traffic problems were still anticipated, the requirements of the sequential test had not been met and there would be an adverse impact on the Moorland Road District Shopping Centre. A number of Members indicated that they supported the motion. Councillor Martin Veal considered that the report was detailed and balanced but the lack of more detailed highway plans in the Officer presentation was an oversight. The highway implications

of the scheme were a major issue particularly because the Council had its own highway improvement scheme and the implications of both schemes needed to be made clear for Members.

At the suggestion of the Chair, the Senior Transport Planner gave a detailed presentation using the application site plan which showed the proposed junction arrangement adjacent to the site. He explained the proposals being put forward by the applicant and the Council and explained the implications of both schemes at the junction and the wider highway network. He answered questions by Members on this aspect of the proposals.

Some Members considered that this was a good scheme which would clear a derelict site and help to regenerate the area. It would provide employment for a lot of people and funding for decommissioning the gas holders would be provided by the private sector. In response to a Member's query, the Development Manager gave advice regarding the West of England LEP: Revolving Infrastructure Funding (RIF) and the Development Agreement with Crest Nicholson regarding a staged implementation of the Bath Western Riverside development. Reference was made by Members to the benefits from the Tesco store in Keynsham but the Development Manager advised that this was a different situation as that proposal was in accord with Local Policies and it was not a good comparison to this site where the proposal was contrary to Policy. The proposed development would impact on the viability of Moorland Road District Shopping Centre a short distance away.

Members generally supported the motion to refuse permission which was put to the vote. Voting: 9 in favour and 4 against. Motion carried.

**Items 2&3 No 17 George Street, Bath – (1) Change of use of upper floors from offices (Use Class B1) to 7 residential units (Use Class C3) and associated works (Resubmission)(Ref 12/04296/FUL); and (2) internal and external alterations to enable conversion of upper floors from residential, and associated internal access alterations at ground floor level (Ref 12/04297/LBA)**  
– The Historic Environment Team Leader reported on these applications and the recommendations to refuse planning permission and listed building consent. The Update Report commented on further representations received. The applicants' agent made a statement in support of the proposal.

Councillor Brian Webber as local Member opened the debate. He referred to the possible conflict between conservation of a building and use for modern day needs. Residential use had been accepted by the Officers and there were various benefits from such use. It was not a Grade I listed building and there would be no external changes. He felt that, on balance, the benefits from conversion to residential use outweighed any possible harm to the layout of the interior of the building and, on that basis, moved that the recommendations be overturned and that permission and consent be granted. The motions were seconded by Councillor Bryan Organ. The other Ward Member, Councillor Manda Rigby, indicated that she agreed with Councillor Webber.

Members debated the motions. Some Members felt that fewer units would be better and that the proposal affected the grandeur of this Georgian Town House. Other Members felt that the proposal should be approved as the rooms were still a good size with no major alterations and the fireplaces unaffected.

The motions were put to the vote separately and were both carried, voting being 9 in favour and 4 against. It was clarified that the applications would be delegated to Officers for the imposition of appropriate conditions.

**Item 4 Lloyds TSB Bank Plc, 2 Silver Street, Midsomer Norton – Erection of 4 terraced dwellings on land to the north east of 2 Silver Street (Ref 12/04456/FUL)** – The Case Officer reported on this application and her recommendation to (A) authorise the Development Manager, in consultation with the Planning and Environmental Law Manager, to enter into a Unilateral Undertaking to secure a contribution of £7,387.55 for Education Services; and (B) upon completion of the Undertaking, authorise the Development Manager to Permit subject to conditions. She referred to the Update Report which amended the recommendation by adding conditions; also, a further representation about a fence.

The public speakers made their statements against and in favour of the proposal which was followed by statements by the Ward Councillor Paul Myers, and also Chris Watt, speaking against the proposal.

Members asked questions about the proposal to which Officers responded. Councillor Eleanor Jackson referred to a previous refusal for residential development on this site and felt that retail or some form of employment use would be better. She made reference to another local site Gladys House where offices had been converted to residential use. Councillor Jackson also felt that the design was not good and furthermore the development would result in overdevelopment of the site; two semi-detached houses with front gardens would be better. Access and parking close to a busy junction was also a concern. For these reasons, she moved that permission be refused which was seconded by Councillor Doug Nicol.

The Development Manager gave advice regarding the proposal. The site was not protected for commercial use and was in line with housing policy. The policy position had been different in the Gladys House case.

Members debated the motion. Most Members supported the motion. However, one Member considered that for various reasons it would be difficult to refuse permission.

The motion was put to the vote. Voting: 11 in favour and 2 against. Motion carried.

**Item 5 Beechen Cliff School, Kipling Avenue, Bear Flat, Bath – Alterations and extension to existing 6<sup>th</sup> Form Block to form new Student Accommodation and Classroom Block (Ref 12/04515/FUL)** – The Case Officer reported on this application and her recommendation to Permit with conditions. She referred to representations (previously circulated) from Councillor David Bellotti, Ward Member for the adjoining Ward, supporting 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 Ian Gilchrist objecting to the development.

Members debated the application. Councillor Les Kew considered that this was a good proposal that would enhance the site and commended the Officer for her presentation. He therefore moved the Officer recommendation which was seconded

by Councillor Eleanor Jackson. The motion was then put to the vote and was carried unanimously. (Note: Councillor Nicholas Coombes subsequently declared an interest in this application as he used to work for the architects a number of years ago; however, he did not consider this to be significant.)

**Item 6 Old Coal Yard, Marsh Lane, Clutton – Erection of steel framed building with external cladding to roof rear and two sides, front elevation to remain as open portal (Ref 12/05093/FUL)** – 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 proposal.

Councillor David Veale as local Member stated that Marsh Lane was a single track road and this intensified use demanded a better access onto a sensibly constructed road. He considered that there would be more lorries and some form of study should be undertaken on lorry movements. Councillor Eleanor Jackson considered that the development would be screened and would not cause any harm to the area. She therefore moved the Officer recommendation which was seconded by Councillor Liz Hardman.

Members briefly debated the motion and issues raised in the applicant's statement. The motion was put to the vote and was carried, 10 voting in favour and 2 against. (Note: Councillor Les Kew was absent for consideration of this Item in view of his declared interest earlier in the meeting.)

#### **120 TREE PRESERVATION ORDER - 35 WEST HILL GARDENS, RADSTOCK**

Referring to the Minutes of the Committee meeting held on 24<sup>th</sup> October 2012, the Senior Arboricultural Officer reported on this Tree Preservation Order (1) informing that it had been provisionally made on 31st October 2012 to protect a Sycamore tree which makes a contribution to the landscape and amenity of the Conservation Area; (2) stating that objections had been received from the occupiers of adjoining properties; and (3) recommending that the Order be confirmed without modification.

The Officer added that the condition of the wall had been assessed by the Council's Building Surveyor who confirmed that it was not dangerous and that the small section affected could be rebuilt. Councillor Eleanor Jackson considered that this landmark tree was worthy of retention and therefore moved the Officer recommendation which was seconded by Councillor Liz Hardman. The motion was put to the vote.

**RESOLVED** to confirm the Tree Preservation Order entitled "Bath and North East Somerset Council (35 West Hill Gardens, Radstock No 29A) Tree Preservation Order 2012" without modification

Voting: 10 in favour and 0 against with 2 abstentions (Note: Councillor Bryan Organ was absent from the meeting for this Item in view of his earlier declared interest.)

#### **121 TREE PRESERVATION ORDER - 17 THE LINLEYS, BATH**

The Committee considered the report of the Senior Arboricultural Officer which (1) informed that this Tree Preservation Order had been provisionally made on 11<sup>th</sup> October 2012 to protect an Ash tree which makes a contribution to the landscape

and amenity of the area; (2) indicated that objections had been received from occupiers of the adjoining property; and (3) recommended that the Order be confirmed without modification.

Members discussed the matter. It was felt that the tree was worthy of retention. It was therefore moved by Councillor Eleanor Jackson and seconded by Councillor Neil Butters that the Officer recommendation be approved. The motion was put to the vote.

**RESOLVED** that the Tree Preservation Order entitled "Bath and North East Somerset Council (17 The Linleys, Bath No 279) Tree Preservation Order 2012" be confirmed without modification

(Voting: Unanimously in favour)

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

After some comments by Members, the Committee noted the report.

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

The Development Manager reported that the appeal documents were on the Council's website and that the appellants would be applying for costs against the Council.

The Committee noted.

The meeting ended at 5.45 pm

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**