

DRAFT MINUTES PENDING CONFIRMATION AT THE NEXT MEETING

BATH AND NORTH EAST SOMERSET

MINUTES OF DEVELOPMENT CONTROL COMMITTEE

Wednesday, 10th April, 2013

Present:-

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

Also in attendance: Councillor Vic Pritchard

152 CHAIR FOR THE MEETING

In the absence of Councillor Gerry Curran, Councillor Nicholas Coombes took the Chair for the duration of the meeting.

153 EMERGENCY EVACUATION PROCEDURE

The Senior Democratic Services Officer read out the procedure

154 ELECTION OF VICE CHAIR (IF DESIRED)

A Vice Chair was not desired

155 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

An apology for absence was received from Councillor Gerry Curran whose substitute was Councillor Manda Rigby.

156 DECLARATIONS OF INTEREST

Councillor Nicholas Coombes declared an interest in the planning application at Gibbs Mews, Walcot Street, Bath (Item 1, Report 10) as he had worked briefly with one of the public speakers on this Item; however, he did not consider that this would prejudice his judgment of the application. Councillor Manda Rigby stated that she had pre-determined the application at Gibbs Mews and therefore she would make a statement as Ward Member and then leave the meeting for its consideration.

157 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There were no items of urgent business.

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

The Senior Democratic Services Officer informed the meeting that there was a speaker on Former Fullers Earthworks (Item 11) and that she would be able to do so when reaching that Item on the Agenda. There were also a number of speakers

wishing to make statements on planning applications, Items 1-4 of Report 10 on the Agenda, and that they would be able to do so when reaching those Items in that Report.

159 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

There were no items from Councillors.

160 MINUTES: 13TH MARCH 2013

The Minutes of the previous meeting held on Wednesday 13th March 2013 were approved as a correct record and signed by the Chair subject to, in the 6th line of Minute No 142, the words “the Friends of Bath” being inserted before “Abbey Management Committee.”

(Note: An amendment to change the word “detention” to “retention” pond in the last sentence of the 1st paragraph of Minute No 148 was not made as it was subsequently established that “detention” was the correct term.)

161 MAJOR DEVELOPMENTS

The Senior Professional – Major Development gave Members an overview on the 3 MoD sites in Bath and updated specifically as follows:

Ensleigh, Lansdown – Two parcels of land, the smaller sold and a planning application submitted and the larger parcel bought by a management company which was negotiating with prospective developers. There was a possibility that land to the north of the latter could be acquired as an extension to this land.

Warminster Road – The freehold had been acquired and discussions were being held with development partners. A planning application was anticipated by the end of the year.

Foxhill, Combe Down – The site had been acquired by Curo (formerly Somer) and discussions would be held in due course.

Councillor Eleanor Jackson referred to the barriers outside Bath Spa Station and enquired about the location of the bus shelter. The Officer stated that, in the absence of information, he would respond to Councillor Jackson and/or report back to the next meeting.

Councillor Bryan Organ enquired about the delay in development of the former Cadbury’s site, Somerdale, Keynsham. The Officer responded that an application had been received comprising many large documents which would need a lot of consideration. He would inform the Committee when the application was confirmed to be valid. The Chair requested that Ward Members be kept informed.

The Committee noted.

162 MAIN 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 1 and 2, a copy of which is attached as *Appendix 1* to these Minutes
- Oral statements by members of the public etc on Item Nos 1-4, 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 Gibbs Mews, Walcot Street, Bath – Erection of 4 dwellings (Retrospective amendments to Application 08/00591/FUL amended 11/03532/NMA) – The Case Officer reported on this application and her recommendation to refuse permission. She referred to the Update Report which commented on additional information received from the applicant.

The public speakers made their statements against and in favour of the application. Councillor Manda Rigby made a statement against the proposals and then left the meeting in view of her pre-determination declared earlier in the meeting.

The Case Officer and the Team Leader – Development Management provided advice regarding use of materials.

Councillor Eleanor Jackson opened the debate. The development had been viewed at the Site Visit prior to this meeting. There was no problem with the principle of the development although she felt that the landscaping was poor. The use of artificial stone did not conserve or enhance the appearance of the development in this part of the Conservation Area or the World Heritage Site or when viewed from the River. She therefore moved the recommendation to refuse permission which was seconded by Councillor Les Kew.

Members debated the motion. Most Members considered that there was no blame on the Council's part and that the applicants had proceeded using the wrong materials without due authorisation. The use of Natural Bath Stone was required for a good reason.

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

Items 2&3 Charmydown Lodge, Charmydown Lane, Swainswick, Bath – (1) Conversion of Charmydown Barn to a 5 bed dwelling, alteration and reinstatement of Charmydown Lodge to a 3 bed dwelling, retention of new detached garage block, minor works to the walls of the former pigsties and associated soft and hard landscaping following demolition of modern barns, stables and lean-to (Revisions to permitted scheme 08/04768/FUL and 08/04769/LBA); and (2) Internal and external alterations for the conversion of Charmydown Barn to a 5 bed dwelling, alteration and reinstatement of Charmydown Lodge to a 3 bed dwelling, retention of new detached garage block, minor works to the walls of the former pigsties following demolition of modern barns, stables and lean-to (Revisions to permitted scheme 08/04768/FUL and 08/04769/LBA) – The Case Officer reported on these

applications for planning permission and listed building consent and the recommendations to (1) refuse permission and (2) grant consent with conditions. She referred to receipt of a letter from the applicants' Solicitors. The Update Report gave a further Officer assessment of the proposals. Councillor Martin Veal queried whether the walls of the Lodge had been deliberately demolished to which the Officer replied that they had been as the applicants had been advised that they were unsafe.

The applicants' Agent made a statement in favour of the proposals.

Councillor Les Kew opened the debate. He observed that the proposal was substantially the same as previously approved and that the Lodge needed to be restored to retain the quality of the whole development. He considered that, as the stone had been stored for re-use and the building work was of good quality, the development should be allowed. Reinstatement with a small extension was the correct way forward. There were very special circumstances to warrant that the development should be allowed and he moved accordingly. The motion was seconded by Councillor Martin Veal. The Principal Solicitor advised that a new building in the Green Belt was inappropriate development and was therefore by definition harmful to the Green Belt. Members needed to consider whether they accepted the very special circumstances put forward by the applicants that were, in summary, that the Lodge building should be reinstated as it was a heritage asset and made an important contribution to the setting of the listed buildings. The mover and seconder agreed that those factors amounted to very special circumstances.

Members debated the motion. Councillor Eleanor Jackson disagreed and considered that this was an historic settlement in a stunning location. The building had not been inhabited for very many years. It had been demolished and, if rebuilt, it would be a new house and very special circumstances did not exist. Discussion ensued and most Members supported the motion for the reasons cited. Councillor David Martin stated that solar panels or photo voltaic cells should be considered.

The Team Leader – Development Management requested that the motion be amended to delegate authority to Officers to enable appropriate conditions to be imposed and for a S106 Agreement to secure that the Lodge remained ancillary to the main dwelling. The mover and seconder agreed.

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

Regarding the application for listed building consent, Councillor Les Kew moved the Officer recommendation to grant consent with conditions. This was seconded by Councillor Martin Veal and put to the vote and was carried unanimously.

Item 4 The Chase, Rectory Lane, Compton Martin – Erection of extensions including a first floor extension to create a 1.5 storey dwelling (Revised proposal) – 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. The Ward Councillor Vic Pritchard made a statement on the matter.

The Chair commented that the plans were not clear as regards context, that is, levels and relationship to the adjoining dwelling. Councillor Neil Butters agreed and moved that the application be deferred for a Site Visit. The motion was seconded by Councillor Martin Veal.

The motion was put to the vote and was carried, 9 voting in favour and 4 against.

163 UPDATE ON FORMER FULLERS EARTHWORKS, COMBE HAY, BATH

The Development Manager and the Principal Solicitor reported on the current situation as regards appeals and Enforcement Notices relating to the above site. The appeals against the 3 Notices had now been withdrawn by the appellants. As regards Notice 01, the owners contended that they had complied with the requirements of the Notice. The Officers had visited the site (with representatives of the Environment Agency) and could confirm that they had not fully complied. The Council, however, had today withdrawn Notice 01 leaving the 2nd Bite Notice in place to protect the Council's position.

The Officers responded to various questions by Members including references to photographs of the site, the role of the Environment Agency and the current appearance of the site.

The public speakers made their statements on the matter (see *Appendix 2* to these Minutes).

Members considered the situation and asked further questions to which the Officers responded.

The Committee thanked the Officers for their update and noted the current position.

164 COUNCILLOR CURRAN'S BIRTHDAY

In the absence of Councillor Gerry Curran, Members expressed their best wishes for his 50th birthday.

The meeting ended at 4.25 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services