

DRAFT MINUTES PENDING CONFIRMATION AT THE NEXT MEETING

BATH AND NORTH EAST SOMERSET

MINUTES OF DEVELOPMENT CONTROL COMMITTEE

Wednesday, 3rd July, 2013

Present:- Councillor Gerry Curran in the Chair
Councillors Sally Davis (In place of David Veale), Ian Gilchrist, Liz Hardman, Eleanor Jackson, Les Kew, Malcolm Lees, Douglas Nicol, Bryan Organ, Manda Rigby, Dine Romero, Martin Veal and Brian Webber

Also in attendance: Councillors Charles Gerrish, Francine Haeberling, Caroline Roberts and Geoff Ward

19 EMERGENCY EVACUATION PROCEDURE

The Senior Democratic Services Officer read out the procedure

20 ELECTION OF VICE CHAIR (IF DESIRED)

A Vice Chair was not required

21 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There was an apology for absence from Councillor David Veale whose substitute was Councillor Sally Davis

22 DECLARATIONS OF INTEREST

There were no declarations of interest

23 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There were no items of urgent business

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

The Senior Democratic Services Officer informed the meeting that there were 2 speakers wishing to make statements on the Local Enforcement Plan (Report 11) and that they 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 Report 10 and they would be able to do so when reaching those Items on the Agenda.

25 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

There were no items from Councillors

26 MINUTES: 5TH JUNE 2013

The Minutes of the previous meeting held on Wednesday 5th June 2013 were approved as a correct record and were signed by the Chair

27 MAJOR DEVELOPMENTS

The Chair stated that there was no update for this meeting on major developments but, if Members had any questions, these could be directed to Officers.

The Committee noted.

28 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
- An Update Report on Item Nos 6 and 8, a copy of which is attached as *Appendix 1* to these Minutes
- Oral statements by members of the public etc on Item Nos 2 and 6-12, 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 No 169 Newbridge Hill, Bath – Erection of an 11 bed care home to the rear of the existing care home and associated works – The Team Leader – Development Management stated that it had just come to light that some of the planning history of the site had not been included in the report and that this would be a material consideration in this planning application. He therefore recommended that consideration of the application be deferred for an assessment of this information. He suggested that it may be useful to hold a Site Visit before a revised report on this application is reconsidered by Members at the next meeting.

Members debated the matter. Councillor Eleanor Jackson moved the Officer recommendation to Defer for consideration of the planning history and a Site Visit. The motion was seconded by Councillor Manda Rigby. The Chair stated that it was likely that, even without this new information, the application would have been deferred for a Site Visit. The motion was put to the vote and was carried unanimously.

Item 2 Former Little Chef, Lower Bristol Road, Farrington Gurney – Refurbishment of existing restaurant (A3) to create restaurant (A3) and takeaway (A6) including single storey extensions, installation of cod and canopy, installation of drive through lane and associated works to the site (Resubmission) – The Case Officer reported on this application and his recommendation to refuse permission.

The public speaker made a statement against the proposal.

Councillor Les Kew as Ward Member opened the debate and read out a letter from the Chairman of Farrington Gurney Parish Council. He referred to the issues of noise from cars that would use the “drive through” facility and the impact on adjoining houses - this was considered to be unacceptable. He therefore moved the Officer recommendation to refuse which was seconded by Councillor Doug Nicol.

Members debated the motion. It was generally felt that the increased use of the premises with a takeaway and “drive through” and, in addition, increased hours of operation, would create unacceptable disturbance. It would be detrimental to the amenities of adjoining residents.

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

Items 3-5 Former Little Chef, Lower Bristol Road, Farrington Gurney – (1) Installation of 2 white acrylic “McDonalds” text signs and 2 yellow acrylic “golden arch” symbol signs (Revised proposal); (2) display of 1 internally illuminated gateway sign, 4 internally illuminated totem signs, 5 non-illuminated directional signs, 1 non-illuminated banner and 1 non-illuminated hero board; and (3) display of 1 internally illuminated freestanding 8m totem sign (Revised proposal) – Members considered the report of the Case Officer on these applications for advertisement consent and his recommendations to refuse consent.

Councillor Les Kew moved that these applications be refused as recommended. The motions were seconded by Councillor Doug Nicol. On being put to the vote, the motions were carried unanimously.

Item 6 Church Farm Barn, Washing Pound Lane, Whitchurch – Repair and rebuilding of existing dilapidated workshop/outbuilding, 1 one and a half storey dwelling with associated access, car parking area and garden area (Resubmission) – The Case Officer reported on this application and his recommendation to refuse permission. The Update Report corrected a reference in the report to a paragraph in the NPPF.

The applicant’s agent made a statement in support of the proposal.

Councillor Les Kew read out a statement on behalf of the Ward Member who was unable to be present and who supported the application. Councillor Kew considered that this proposal would not have a significant impact on the openness of the Green Belt. There had previously been a building on the site, it would tidy up the site which was currently an eyesore and the NPPF supported barn conversions. He therefore moved that permission be granted with appropriate conditions. This was seconded by Councillor Bryan Organ.

Members debated the motion. In response to a Member’s query, the Team Leader – Development Management stated that the planning history of the site was a material consideration of the application. It had been previously considered that rebuilding the barn was inappropriate and would conflict with Green Belt policy. Some Members supported the proposal as traffic was one way, the building would improve the site, there were no highway objections and it would add another dwelling to the number of houses required to be developed in the village. However, other Members were not

supportive as it would be “new build” in the Green Belt and therefore would affect its openness and would conflict with the purposes of preventing neighbouring towns from merging. The Chair summed up the debate and stated that he would vote against the motion.

He therefore put the motion to the vote. Voting: 5 in favour and 5 against with 3 abstentions. The Chair used his second and casting vote against the motion which was therefore 5 in favour and 6 against. Motion lost.

Councillor Eleanor Jackson moved the Officer recommendation to refuse permission which was seconded by Councillor Liz Hardman. The motion was put to the vote. Voting: 5 in favour and 5 against with 2 abstentions. The Chair used his second and casting vote in favour which was therefore 6 in favour and 5 against. Motion carried. (Note: Councillor Doug Nicol was absent for this vote)

Item 7 Costa Coffee, 50 High Street, Keynsham – Change of use of the highway to the siting of 2 tables and 4 chairs – The Planning Officer reported on this application and the recommendation to grant permission with conditions.

The applicants’ agent made a statement in support of the proposal which was followed by a statement by the Ward Councillor Charles Gerrish who spoke against the proposal.

Councillor Bryan Organ referred to the large number of objections received on this application. He considered that tables and chairs with their occupants would cause an obstruction in this location and was not acceptable on highway grounds. There was also the issue of public health as the tables and chairs would be located close to a pedestrian crossing with the consequent fumes from cars. He therefore moved that permission be refused on these grounds. This was seconded by Councillor Dine Romero.

Members debated the motion. It was considered that this was not a good location for tables and chairs being close to a pedestrian crossing on a busy road. There were no other tables and chairs on the pavement of the High Street close to the road. Some Members agreed that there was the health issue to be considered. Other Members felt that the proposal would create a more continental atmosphere and would enhance the ambience of the street. There was no highway objection.

The Chair summed up the debate and the issues that needed to be considered. The Team Leader – Development Management stated that the public health issue needed to be based on evidence and no harm had been identified.

The motion to refuse permission was put to the vote. Voting: 6 in favour and 4 against with 3 abstentions. Motion carried.

Item 8 No 54 High Street, Saltford – Erection of a two storey dwelling and a new double garage for use by No 54, modification works to retaining walls to create wider entrance and associated works following demolition of existing single garage and stone retaining walls – The Planning Officer reported on this application and the recommendation to grant permission with conditions. The Update Report referred to the withdrawal of Ward Councillor Matthew Blankley’s objection and his further comments on the matter.

The public speakers made their statements against and in favour of the application. The Ward Councillor Francine Haerberling made a statement on the proposal and suggested that a site visit would be useful.

Councillor Eleanor Jackson felt that there were quite of number of issues to be considered and agreed that a site visit would be useful in this instance. She therefore moved that consideration be deferred for a Site Visit accordingly which was seconded by Councillor Martin Veal.

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

(Note: Councillor Sally Davis had left the meeting before this application was considered.)

Item 9 Ashes Hill Farm, Kilkenny Lane, Englishcombe – Change of use of the land and construction of an all-weather horse exercise arena (ménage) – The Planning Officer reported on this application and the recommendation to refuse permission.

The public speakers made their statements in support of the application.

The Team Leader – Development Management referred to the policy issue and NPPF guidance on the matter. This change of use from agricultural to equestrian was inappropriate in the Green Belt.

Councillor Les Kew stated that horse riders could already use the land and a fence could be erected without planning permission being required. A different surface was practically all that was required for bad weather. He considered that there would be no impact on the openness of the Green Belt and it was not inappropriate development. On that basis, he moved that permission be granted with appropriate conditions. This was seconded by Councillor Liz Hardman.

Members debated the motion. It was considered that there was no impact on the Green Belt or the farm and it would not affect the distinctiveness of the landscape. The surfacing could easily revert back to its current condition.

The Team Leader – Development Management reiterated that this was a change of use from agriculture to equestrian in the Green Belt. If Members wished to approve the proposal, it would need to be delegated to Officers for appropriate conditions including no public use of the land (eg gymkhanas) and non-contaminant surfacing to prevent leaching. The mover and seconder agreed.

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

Item 10 Hillside Gardens, Tadwick Lane, Tadwick, Bath – Erection of a single storey extension and covered terrace connecting to main house following demolition of dilapidated outbuildings, garages and sheds adjoining main house, remodelling of interior to main house, new windows and doors, renovation of outbuilding to create home office, removal of external hard surfacing, restoration of natural landscape and new permeable road surfacing – The Case Officer reported on this application and her recommendation to refuse

permission. She updated Members on the Ecologist's report and amended the wording of the third reason for refusal.

The applicant's agent made a statement in support of the proposal which was followed by a statement by the Ward Councillor Geoff Ward in support of the application.

Councillor Martin Veal, the Ward Member on the Committee, felt it was a good report but he disagreed with some aspects of it such as not respecting the host dwelling or affecting the AONB. He considered that the siting, scale and design were not harmful to the appearance of the Green Belt and the development would be in keeping with the host dwelling and the area as a whole. Local residents supported the proposal. On this basis, he moved that the application be delegated to Officers to permit subject to appropriate conditions. This was seconded by Councillor Liz Hardman.

The Team Leader – Development Management referred to the Ecologist's report and bat mitigation measures which could be dealt with by Officers under delegated powers - it was doubtful that the applicants could provide an assessment before the next meeting.

Members debated the motion. It was generally considered that the siting, scale and design would not be detrimental to the host dwelling or affect the AONB and Green Belt. The bat mitigation measures could be dealt with under delegated powers.

The motion was put to the vote and was carried, 11 voting in favour and 1 against.

Item 11 No 13 Lytton Gardens, Southdown, Bath – Installation of rear dormer –
The Chair stated that the applicant, Mr O'Mara, had not given notice to speak but he was present and wished to do so. The Committee agreed that he be able to make a statement on this occasion.

The Case Officer reported on this application and her recommendation that permission be refused.

The applicant made a statement in support of his application.

Councillor Dine Romero, the Ward Member on the Committee, stated that this was a modern building and that the proposed dormer would not affect the building or the setting of the World Heritage site. There would be no overlooking and there were already similar dormers in the area. On this basis, she moved that permission be granted subject to appropriate conditions. This was seconded by Councillor Martin Veal.

Members debated the motion. It was generally felt that the dormer would not significantly harm the appearance of the building or the setting of the World Heritage site. Councillor Liz Hardman pointed out that the numerous Georgian and Victorian properties in the City had dormer windows. Councillor Eleanor Jackson considered that it would impinge on the roofline of the terrace and that the reasons put forward by the applicant for wanting a dormer were not reasons to grant permission. Councillor Martin Veal considered that some official guidance or policy was required on dormer windows. Councillor Les Kew stated that, if permission were to be granted, it was particularly important that a condition be added to ensure that the

materials were in keeping with the dwelling. The motion should therefore be delegate to Officers to grant permission subject to appropriate conditions. The mover and seconder agreed.

The amended motion was put to the vote and was carried, 9 voting in favour and 2 against.

(Note: Councillor Brian Webber left the meeting before this application was considered.)

Item 12 Old Dairy Cottage, Claysend Cottages, Clays End Lane, Newton St Loe – Erection of oak-framed outbuilding in rear garden – The Planning Officer reported on this application and the recommendation to refuse permission.

The applicant made a statement in support of the proposal.

The Chair explained the reason for his decision to bring the application before the Committee.

Councillor Eleanor Jackson considered that the removal of the outbuildings was an improvement to the appearance of the garden. The proposal would not affect the openness of the Green Belt or be inappropriate development in the Green Belt. She therefore moved that permission be granted subject to appropriate conditions including that the building not be used for garaging motor vehicles and only for horticultural or gardening equipment. The motion was seconded by Councillor Les Kew.

The motion was debated by Members. It was felt that the removal of the outbuildings and their replacement by one outbuilding of a good design would improve the visual appearance of the garden. The Team Leader – Development Management stated that the appearance was not so much of an issue as the use which would need to be conditioned.

The motion was put to the vote and was carried, 10 in favour and 0 against with 1 abstention.

29 LOCAL ENFORCEMENT PLAN

The Principal Enforcement Officer submitted a report regarding the Council publishing a Local Enforcement Plan to manage enforcement proactively in a way appropriate to its area as recommended to local planning authorities in the National Planning Policy Framework (NPPF). It recommended the Committee to note the Policy (Appendix A to the report) and its contents, and accept the use of the Enforcement Complaint Form (Appendix B).

Peter Duppa-Miller (Local Councils Association) and Caroline Kay (Chief Executive of the Bath Preservation Trust) made Statements on the Plan and requested some amendments (Note: Copies of their Statements are included in the Minute Book).

Members debated the issues raised in the report and Plan and requested consideration by Officers of the points raised by the public speakers. The following

comments were made together with suggested amendments for inclusion in the Plan:

- The principle of openness was welcomed
- What time limit would be imposed for concluding negotiations on enforcement matters?
- Agree that enforcement action be taken when expedient to do so and not relate to non-planning considerations
- Ward Councillors and Parish Councils should be kept informed on enforcement matters
- Where anonymous complaints are made, even if no investigation is done, there should still be some checks undertaken when resources allow
- There should be some protection for trees not covered by a TPO or outside a Conservation Area (Note: The Chair responded that this would not really be possible where trees had been removed; also there would not be the resource to undertake this huge task)
- Where there is some informal action on an enforcement issue, this should go into the public domain
- There should be clarity on the degree of protection of trees in the Conservation Area where they add to the ambience of the Area
- Regarding unauthorised demolition, wording should be added to cover whether deliberate or by wilful neglect

The Principal Enforcement Officer responded to some of the points raised.

Councillor Les Kew moved that the Committee (1) note the attached Policy and await the amended version; and (2) accept the use of the Enforcement Complaint Form. This was seconded by Councillor Bryan Organ and, on being put to the vote, was carried unanimously.

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

Members commented on some of the appeals and noted the report

31 UPDATE ON FORMER FULLERS EARTHWORKS, COMBE HAY

The Principal Solicitor informed Members that an update report would be submitted to the next meeting. The Chair requested that it be the first substantive item on the Agenda.

The Committee noted.

The meeting ended at 5.33 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services