

DRAFT MINUTES PENDING CONFIRMATION AT THE NEXT MEETING

BATH AND NORTH EAST SOMERSET

MINUTES OF DEVELOPMENT CONTROL COMMITTEE

Wednesday, 4th September, 2013

Present:- Councillor Gerry Curran in the Chair

Councillors Andy Furse, Ian Gilchrist, Liz Hardman, Eleanor Jackson, Les Kew, Malcolm Lees, Douglas Nicol, Bryan Organ, Manda Rigby, Martin Veal, David Veale and Brian Webber

Also in attendance: Councillors Sally Davis, David Martin, Caroline Roberts and Dine Romero

49 EMERGENCY EVACUATION PROCEDURE

The Senior Democratic Services Officer read out the procedure

50 ELECTION OF VICE CHAIR (IF DESIRED)

A Vice Chair was not desired

51 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence

52 DECLARATIONS OF INTEREST

Councillor Liz Hardman declared a prejudicial interest in the planning application at Paulton Infants School (Item 3, Report 10) as a Governor of the School and therefore she would make a statement and then leave the meeting for its consideration. Councillor Andy Furse stated that, although he lived in the vicinity of the application site of Lark Place, Upper Bristol Road, Bath (Report 9), he did not have any interest to declare. Councillor Malcolm Lees (later in the meeting) declared an interest in the planning application at Private Garden, Lark Place, Upper Bristol Road, Bath (Item 3, Report 10) as he was formerly acquainted with the applicant's Architects.

53 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There were no items of urgent business. However, the Chair informed the meeting that the Enforcement Report at Rough Ground and Buildings, Queen Charlton Lane, Queen Charlton, had been withdrawn and therefore would not be considered at this meeting.

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

The Senior Democratic Services Officer informed the meeting that there were members of the public etc wishing to make statements on the planning applications in Reports 9 and 10 and that they would be able to do so when reaching those Items on the Agenda

55 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

There were no items from Councillors

56 MINUTES: 31ST JULY 2013

The Minutes of the previous meeting held on Wednesday 31st July 2013 were approved as a correct record and were signed by the Chair

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

The Committee considered

- The report of the Development Manager on an application for planning permission at 4 Lime Grove, Bathwick, Bath
- An Update Report by the Development Manager which is attached as *Appendix 1* to these Minutes
- Oral statements by members of the public etc, 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

No 4 Lime Grove, Bathwick, Bath – Conversion of student lets into 2 maisonettes and 1 self-contained apartment with first floor extension at the rear (Resubmission of 12/01925/FUL) – The Case Officer reported on this application and her recommendation to grant permission subject to conditions. The Update Report referred to the receipt of further representations and recommended an additional condition.

The public speakers made their statements against and in favour of the application which was followed by a statement by the Ward Councillor David Martin who was against the proposal.

After hearing Officer's responses to various questions about the proposal, Councillor Eleanor Jackson moved that the recommendation be overturned and that permission be refused on the basis that there would be a greater intensity of use of the building and the garden, the design would affect the appearance and symmetry of the building when viewed from the rear, it would detract from the amenities of the adjoining property and would not preserve or enhance this part of the Conservation Area, all contrary to Policies D2, D4 and HG12 of the Local Plan. The motion was seconded by Councillor Doug Nicol.

Members debated the motion. It was felt that it would be unreasonable to increase the impact on the adjoining property with greater intensity of use and the loss of light resulting from the first floor extension. Members generally agreed that the proposal would detrimentally affect the amenities of the adjoining property. However, one Member considered that there would be minimal impact on the neighbour and that their light would not be affected; the boundary wall was possibly a little too high. The Team Leader – Development Management gave advice regarding the relevance of the Policies quoted as regards the motion to refuse permission.

The motion was then put to the vote. Voting: 10 in favour and 2 against with 1 abstention. Motion carried.

58 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 5, a copy of which is attached as *Appendix 1* to these Minutes
- Oral statements by members of the public etc, 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 Rough Ground and Buildings, Queen Charlton Lane, Queen Charlton – Change of use of land to private gypsy and traveller caravan site – The Case Officer reported on this application and his recommendation to refuse permission. The Update Report informed of further letters of objection being received. The Officer recommended a further reason to refuse permission, namely, lack of sustainability. He therefore amended his recommendation to Delegate to Refuse.

A representative of Compton Dando Parish Council made a statement against the proposal. The Ward Councillor Sally Davis made a statement agreeing with the Officer's recommendation and the points raised by the public speaker.

After some clarification as to the use of buildings in the vicinity of the application site, Councillor Les Kew moved the Officer recommendation. This had been an on-going problem for the area and there were clear reasons for refusal. The motion was seconded by Councillor Bryan Organ.

Members debated the motion. Councillor Eleanor Jackson queried whether the openness of the Green Belt was affected. The welfare of the family should be considered and she felt that temporary permission could be granted.

After some further comments, the motion was put to the vote which was carried, 12 voting in favour and 1 against.

Item 2 Private Garden, Lark Place, Upper Bristol Road, Bath – Erection of a pair of two storey semi-detached 3 bedroom dwellings and a terrace of 3 two storey dwellings including access, parking for 3 cars, cycle storage and amenity provision – 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 to secure various provisions relating to Education, Open Space and Recreational Facilities, and Transport; and (B) subject to the prior completion of the Agreement, authorise the Development Manager to grant permission subject to conditions set out in the report (or to be determined). He reported the receipt of 2 further objections.

The public speakers made their statements against and in favour of the proposal.

Councillor Andy Furse opened the debate as one of the Ward Members on the Committee. He considered that there were 3 key issues/concerns, namely, the impact on local residents, highways/access, and loss of the allotments. He expounded on these areas of concern and other issues. Councillor Doug Nicol, the other Ward Member on the Committee, agreed with the concerns that had been raised and queried whether legal advice was required on the use as an allotment.

Councillor Ian Gilchrist felt that it would be useful to visit the site to see the existing use and the surroundings. He therefore moved that the application be deferred for a Site Visit. The motion was seconded by Councillor Eleanor Jackson.

Members debated the motion. It was requested that, if the motion was agreed, the site be the first site on the Itinerary to be visited. Councillor Malcolm Lees declared an interest in the application as he was previously acquainted with the applicant's Architects. The motion was put to the vote and was carried, 9 voting in favour and 1 against with 3 abstentions.

Item 3 Paulton Infants School, Plumptre Close, Paulton – Erection of a 3 classroom extension – The Planning Officer reported on this application and the recommendation to grant permission subject to conditions. She reported the concerns of the Chair of the Governors of the Paulton Junior School that had recently been received.

The public speakers made their statements against the proposal.

Councillor Liz Hardman (Ward Member on the Committee) read out a statement by Councillor John Bull (the other Ward Member on the Committee). She stated that there was no objection to the school's expansion; however, there were various issues that needed to be addressed particularly regarding the highway and access to the site with congestion caused by dropping-off and picking-up. A workable Transport Plan was required. She considered that the application should be deferred for this to be done. Councillor Hardman then left the meeting in view of her interest declared earlier in the meeting.

Councillor Les Kew opened the debate. He considered that there was a number of problems to be sorted out and therefore moved that the application be deferred for further negotiations to enable a satisfactory Travel Plan/Statement to be provided. The motion was seconded by Councillor Martin Veal.

Members debated the motion. It was felt by some Members that the existing problems of congestion around the site needed to be addressed and that a time limit should be imposed on any deferment. It was also suggested that permission could be granted with a deadline for work on the Travel Plan. The Team Leader – Development Management informed Members that there was approximately £1M provided by the Polestar developers for educational facilities as a result of additional development in the village. Permission could be granted with the Travel Plan to be completed before occupation. The Highways Development Control Team Leader informed Members that previous information on the matter was now out of date and Officers were working with the School to achieve a preferred Travel Plan. A lot of preparatory work was required before this could be achieved with short, medium and long term measures being required. Members continued to discuss the issue of the Travel Plan. Some Members felt that a deferment with a time limit of 2 months imposed regarding the Travel Plan. Others considered that permission could be delegated to Officers with a Travel Plan being required within 2 months. Some Members were sceptical about whether a Travel Plan could be achieved in such a short space of time to which the Highways Engineer agreed. A Member pointed out that child safety was the priority and should be the main objective of the Travel Plan.

After a full discussion on the subject, Councillor Les Kew stated that classrooms were needed and a solution found. He therefore withdrew his motion to Defer and moved Delegate to Permit with conditions and a satisfactory Travel Plan to be agreed within 2 months. The motion was seconded by Councillor Bryan Organ. The Cabinet Member for Early Years, Children and Youth commented that a large number of children would be looking to start school in September next year; also that the Transport Plan would not influence the highways situation. The Highways Development Control Team Leader agreed but pointed out that there would be resources available next year to deliver some changes to the highways.

The motion was put to the vote. Voting: 6 in favour and 6 against. The Chair used his second and casting vote against the motion which was therefore 6 in favour and 7 against. Motion lost.

Councillor David Veale moved the Officer recommendation to Permit with conditions which was seconded by Councillor Malcolm Lees. The motion was put to the vote and was carried, 9 voting in favour and 0 against with 3 abstentions. Motion carried.

Item 4 Parcel 8970 Tunley Road, Tunley – Erection of an agricultural storage barn and widening of existing access – The Case Officer reported on this application and her recommendation to refuse permission.

The public speakers made their statements against and in favour of the proposal.

Councillor Eleanor Jackson knew the site and the dangerous road junction at which a number of car accidents had occurred. She moved that the Officer's recommendation be approved. Councillor David Veale queried whether there was a need for the development. An improvement to the junction was being proposed. He did not support the proposal. Councillor Andy Furse seconded the motion.

Members debated the motion. It was felt that the proposal would be highly visible and it was situated on a fast road. It would affect the openness of the Green Belt and the business using the agricultural storage barn was situated some distance away

from the site. Some Members supported the proposal as it was an agricultural development which could be seen as an exception to Green Belt policy. The building could be set into the ground to minimise the impact. The nearby listed building was not of great significance.

The motion was put to the vote and was carried, 10 voting in favour and 3 against.

(Note: After this decision at 4.50pm, there was a natural break for 5 minutes after which business was resumed)

Item 5 Oldfield School, Kelston Road, Newbridge, Bath – Relocation of existing temporary classroom building within the school campus, erection of new single storey Drama Block on the current site, reintroduction of grassed area and removal of existing lighting columns to current temporary car park at rear of site – The Case Officer reported on this application and her recommendation to grant permission subject to conditions. The Update Report referred to the Highways Officer's response to the neighbour's representations and it amended the recommended Condition 2 and added an extra Condition. The Officer reported on the receipt of a letter of objection from the owner of the adjoining property.

The public speaker made a statement against the application which was followed by a statement by the Ward Councillor Caroline Roberts who suggested various options before the proposal could be considered for permission.

Members discussed the fact that work had started without permission and the impression that this work was being undertaken by the Council. Councillor Les Kew considered that a Site Visit was required to view the impact of the development on the adjoining property and to assess other possible locations within the School site. He moved accordingly which was seconded by Councillor Liz Hardman. A Member considered that a Master Plan should have been provided for development on the site. If the motion was approved, it was requested that it be viewed from the adjoining property and that a sedum roof be considered by the applicants.

The motion was put to the vote and was carried without dissension.

Item 6 Bath Urban Area, Generic Urban Area – Display of vertical banners at Manvers Street, Orange Grove, High Street, Stall Street and George Street; display of pendant banners at Churchill Bridge, Dorchester Street and Southgate Street; and display of Cross Street banners at Milsom Street – The Case Officer reported on this application and her recommendation to grant consent for 1) Cross Street Banner at Milsom Street; 2) Pendant Banners at Stall Street; 3) Pennant Banners at Brunel Square on Dorchester Street; 4) Pendant Banners at Churchill Bridge; 5) Vertical Banner on George Street; 6) Vertical Banners on the High Street (x2); 7) Vertical Banners on Orange Grove (x5); 8) Vertical Banners on Terrace Walk (x3); 9) Vertical Banners on Manvers Street (x7 including temporary posts); and 10) Vertical Banners on Stall Street (x2). There was a recommendation to refuse consent for 1x Vertical Banner at the Guildhall entrance and 2x Vertical Banners between Cheap Street and Orange Grove to the North elevation of the Abbey.

The applicants' Agent made his statement in favour of the proposal.

Councillor Manda Rigby as one of the Ward Members on the Committee spoke first and expressed dismay that she was not consulted on the application by the applicant prior to it being submitted. She referred to the City's status as a World Heritage site and banners being more acceptable in shopping streets. She did not support the proposal. Councillor Brian Webber, as the other Ward member on the Committee, considered that the proposal was acceptable and moved the Officer recommendation. A Member expressed concern on the vertical banners adjoining the highway. In seconding the motion, Councillor Andy Furse queried the time period that the banners would be erected. A 12 week period for these banners was acceptable but he would not wish to see many banners etc around the City for the various events that are held in Bath all year round. Some Members expressed their dissatisfaction with some of the banners that were proposed.

The motion was put to the vote and was carried, 9 voting in favour and 3 against (Note: Councillor Malcolm Lees had left the meeting prior to consideration of this application).

Item 7 Bath Urban Area, Generic Urban Area – Display of non-illuminated 6 sheet poster and temporary low level horizontal banner advertising at B&NES Council car parks (Avon Street, Charlotte Street, Kingsmead, Manvers Street and Sports Centre); Park and Ride sites (Newbridge, Lansdown and Odd Down); and City centre compactor litter bins – The Case Officer reported on this application and her recommendation to grant advertisement consent subject to conditions.

The public speakers made their statements against the proposal.

Members discussed the proposals. Concerns were expressed on the possible obstruction of pavements and public safety, also the lack of control over the content of the adverts on the litter bins. Councillor Liz Hardman considered that generally the proposals were acceptable and therefore moved the Officer's recommendation which was seconded by Councillor Les Kew. The motion was put to the vote. Voting: 6 in favour and 6 against. The Chair used his second and casting vote against and therefore the voting was 6 in favour and 7 against. Motion lost.

Councillor Andy Furse considered that, on the basis of pedestrian access and egress not being hindered and such or similar wording being included in the Recommendation 1b (ii), the advertisements at the City centre car parks and the Park and Ride sites be approved. This was seconded by Councillor Les Kew. The motion was put to the vote and was carried 11 voting in favour, 0 against and 1 abstention.

Regarding the advertisements on Litter Bins, Councillor Andy Furse moved Refusal which was seconded by Councillor Gerry Curran on the grounds of loss of visual amenity. The motion was put to the vote and was carried, 7 voting in favour and 5 against.

59 ENFORCEMENT REPORT - ROUGH GROUND AND BUILDINGS, QUEEN CHARLTON LANE, QUEEN CHARLTON

The Committee noted that this Report had been withdrawn from the Agenda

60 BRIEFING UPDATE - PARCEL 5319, CHARLTON FIELD LANE, QUEEN CHARLTON

The Development Manager submitted a report (1) referring to the Committee's decision at its meeting on 5th June 2013 to approve planning applications at this site; (2) informing that the distance between the site and the nearest house (classed as a sensitive receptor) was 131m, not 150m as stated in the report to that meeting; (3) advising that the difference in distance was not considered material as the key distance was whether or not the property was within 250m of the site which it clearly was; and (4) recommending that the situation be noted.

Members considered the report and approved the Officer's recommendation

RESOLVED to note that the actual distance between the boundary of the composting site and the boundary of the nearest sensitive receptor was 131m, not 150m as reported; however, this did not alter the recommendation that the applications should be approved subject to conditions.

61 ENFORCEMENT UPDATE - PARCEL 0005/2866, WOOLLEY LANE, CHARLCOMBE

Referring to the Minutes of the meeting held on 5th June 2013, the Committee considered (1) the report of the Development Manager which updated Members on the progress on addressing the various breaches of planning control at this site; and (2) an Update Report by the Development Manager, a copy of which is attached as *Appendix 1* to these Minutes.

Councillor Martin Veal noted that it stated in the Minutes of the meeting held on 5th June that the alterations to the site access were immune from enforcement action. He referred to and quoted S171b of the Town and Country Planning Act 1990 which inferred that the usual 4 year rule did not apply. A report to the Committee on 18th July 2010 stated that enforcement action would be taken with regard to the access as it was within the 4 years. The applicants' agent was now claiming that the site access was now lawful and he therefore requested advice as to whether this was the case. It was agreed that the necessary advice be provided to Councillor Veal subsequent to this meeting.

The Team Leader – Development Management gave advice on the Committee's decision of 5th June and updated Members with regard to applications received to regularise the situation.

The Committee noted the report.

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

The report was noted

The meeting ended at 6.12 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services