

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

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

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

Wednesday, 25th September, 2013

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

Councillors Lisa Brett (In place of Ian Gilchrist), Liz Hardman, Eleanor Jackson, Les Kew, Dave Laming (In place of Malcolm Lees), Douglas Nicol, Bryan Organ, Manda Rigby, Caroline Roberts, Martin Veal, David Veale and Brian Webber

Also in attendance: Councillors Cherry Beath, Andy Furse, Brian Simmonds and Roger Symonds

#### **63 EMERGENCY EVACUATION PROCEDURE**

The Senior Democratic Services Officer read out the procedure

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

A Vice Chair was not desired

#### **65 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were apologies for absence from Councillors Ian Gilchrist and Malcolm Lees whose respective substitutes were Councillors Lisa Brett and Dave Laming

#### **66 DECLARATIONS OF INTEREST**

There were no declarations of interest

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

There were no items of Urgent Business

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

The Senior Democratic Services Officer informed the meeting that there was a member of the public who wished to make a statement on Item 12 Former Fullers Earthworks who would be able to do so when reaching that Item at the end of the Agenda. There were various members of the public wishing to make statements on planning applications in Reports 9 and 10 and they would be able to do so when reaching the items in those Reports. He advised that the Chair had extended the amount of speaking time on 2 applications in view of the number of people wishing to speak.

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

There were no items from Councillors

## 70 MINUTES: 4TH SEPTEMBER 2013

The Minutes of the previous meeting held on Wednesday 4<sup>th</sup> September 2013 were approved as a correct record subject to the following amendment:

In paragraph 3 of Minute No 58 relating to Item 3 Development at Lark Place, delete the words “and queried whether legal advice was required as an allotment.” and insert the words “...and requested legal advice on the use as an allotment”.

## 71 SITE VISIT LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE

The Committee considered

- The report of the Development Manager on applications for planning permission
- An Update Report by the Development Manager on Item 1, a copy of which is attached as *Appendix 1* to these Minutes
- Oral statements by members of the public etc on Items 1 and 2, a copy of the 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 Private Garden at Lark Place, Upper Bristol Road, Lower Weston, Bath – Erection of a pair of 2 storey semi-detached 3 bedroom dwellings and a terrace of 3 two storey 3 bedroom dwellings, including access, parking for 5 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 contributions relating to Education, Open Space and Recreational Facilities, and Transport; and (B) subject to the prior completion of the S106 Agreement, authorise the Development Manager to Permit subject to conditions (or such Conditions as she may determine). The Update Report referred to further objections received from local residents and the Allotments Association, receipt of a Petition, comments by the applicant’s Solicitor and comments by the Building Regulations Section. He recommended further Conditions to be imposed relating to reinstatement of the perimeter boundary wall and works being undertaken in accordance with the approved plans.

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

Councillor Doug Nicol opened the debate and considered that the application should be refused on the grounds of loss of allotment land. Councillor Les Kew stated that this was not allotments but private land which would remain derelict if not developed. He considered that this was a good development of 5 houses and therefore moved the Officer recommendation to Delegate to Permit with the S106 Agreement and the conditions recommended. He continued by saying that his only concern was the car parking issue on Upper Bristol Road but felt that this could be overcome by parking provision in adjoining roads and therefore moved that Condition 5 be amended to

include the provision of alternative parking in adjoining roads. In response to Members' queries, the Officers gave advice on Policy CF8 regarding protection of allotments which it was considered did not apply and designation of the land in the Local Plan which Officers considered was not allotment land. Councillor Eleanor Jackson referred to the national standards for allotments and queried the value of 5 allotments against 5 houses. She considered that 5 houses were a better use of the land and therefore seconded the motion to Delegate to Permit.

Members debated the motion. A Member expressed dismay that Policy CF8 did not seem to apply but felt that the community value should be taken into account. There was still some concern about on street parking provision with the loss of spaces in order to obtain access to the site. Councillor Manda Rigby felt that housing was a better use of the land and moved an amendment in order for further work to be undertaken in consultation with Officers regarding parking on the highway. The amendment was not seconded. It was noted that this would probably require the application to be deferred.

After a short discussion, the motion was put to the vote. Voting: 9 in favour and 2 against with 2 abstentions. Motion carried.

**Item 2 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 Permit with conditions. She referred to the Update Report with further Conditions being recommended and to further details having been received regarding a sedum roof, landscaping and building heights.

The public speaker made a statement against the application.

Councillor Caroline Roberts opened the debate as the Ward Member and considered that this was overdevelopment which was too close to the boundary with the adjoining resident. The Case Officer responded to Councillor Les Kew's queries regarding a gap in the boundary hedge and landscaping. He felt that semi-mature trees should be included if possible. Councillor Eleanor Jackson stated that the Site Visit was very beneficial and considered that the proposal was satisfactory and therefore moved the Officer recommendation to Permit with conditions. She felt that a Master Plan should be provided by the School which perhaps the Ward Member could pursue. The Chair agreed that such a Plan should be provided and referred to incremental development over the years and the greater intake of children from South Gloucestershire and Bristol since becoming a Co-Educational School a couple of years ago. Councillor Liz Hardman seconded the motion to Permit with conditions with adequate landscaping being provided.

Members debated the motion. The Chair had a concern regarding the height of the building and felt that some clarity was required. The Team Leader – Development Management stated that a condition could be imposed regarding the agreement of ground levels and this was accepted by the mover and seconder.

The motion was then put to the vote and was carried, 8 voting in favour and 4 against with 1 abstention.

(Note: Following this decision at 3.05pm, there was a 10 minute natural break)

## 72 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 1, a copy of which Report is attached as *Appendix 1* to these Minutes
- Oral statements by members of the public etc on Items 1-3, a copy of which List is 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 at *Appendix 4* to these Minutes

**Item 1 Former Cadbury's Factory, Cross Lane, Keynsham – Hybrid planning application for mixed use development (including part demolition of existing buildings) comprising:**

**(A) Outline application for up to 430 dwellings, 60 bed care home (C2), primary school (D1), local centre to include crèche and medical facility (D1) and retail (A1, A3, A4 and A5), café/restaurant (A3) and associated roads, infrastructure (including flood protection measures), landscaping, new wildlife areas, open space and cycle/foot ways. All matters except access reserved.**

**(B) Detailed application for the erection of 157 dwellings, change of use of Block A for up to 113 apartments, highway works at Somerdale Road/Station Road,, social and sports provision (new Fry Club), new sports pitches, relocation of groundsman's hut, alterations to factory buildings B and C for employment use (B1), leisure (D2) and retail (A3, A4 and A5), including use of existing basements for car parking and associated surface level parking, access roads, landscaping and associated infrastructure, engineering works to Chandos Road and associated landscaping, extension to Station overspill car park, surface water attenuation pond and outfall to the River Avon**

The Case Officer reported on these applications and his recommendations to (A) authorise the Planning and Environmental Law Manager to secure an Agreement under S106 of the Town and Country Planning Act 1990 to secure various provisions; and (B) authorise the Development Manager of Planning and Transport Development to Permit subject to conditions. He referred to the Update Report which gave details of further comments received from local residents, Keynsham Town Council and various other consultees.

The public speakers made their statements against and in favour of the proposals. This was followed by a statement by the Ward Councillor Brian Simmonds who expressed concern about the proposals primarily with highways/access.

Councillor Bryan Organ opened the debate. He supported the proposals which he felt were good for Keynsham and therefore moved the Officer recommendations. He continued by saying that the existing road network had coped with traffic for a number of years. However, with other major development coming on stream, he felt

that an Officer should be appointed to oversee development/highways in and around Keynsham – a 10 year Plan would also be helpful. The motion was seconded by Councillor Martin Veal who considered that the need for a 2<sup>nd</sup> access road had not been proven. However, an Integrated Transport Scheme was required in view of the major developments in the town which would need to be approved before final phases of development were completed.

Members debated the motion. Various issues were discussed including the road access or lack of a 2<sup>nd</sup> access, the pedestrian crossing, employment including the occupation of part of the site by a large drinks distribution company, the possibility of a better train timetable, loss of sports pitches, the current High Street shops. The Team Leader – Development Management clarified that the application was for B1 employment use, namely, offices and light industrial use. The Case Officer responded to some of the issues. He said that the single access was shown to work and that safeguarding the 2<sup>nd</sup> access was not part of the proposals. A Member hoped that 35% affordable housing could be achieved.

After a full discussion, the Chair summed up the debate and then put the motion to the vote which was carried unanimously.

**Item 2 Elm Tree Inn, Wells Road, Westfield, Radstock – Construction of 14 new dwellings comprising 3 three bedroom houses, 7 two bedroom houses, 2 two bedroom apartments and 2 one bedroom apartments** – 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 100% affordable housing; and (B) subject to the prior completion of the S106 Agreement, authorise the Development Manager of Planning and Transport Development to Permit subject to conditions (or such Conditions as she may determine).

The public speaker made a statement in favour of the proposal.

Councillor Eleanor Jackson supported the proposal. There were various facilities in the vicinity which would obviate the need for contributions under a S106 Agreement. The re-siting of the bus stop was a good measure. She therefore moved the Officer recommendation which was seconded by Councillor Liz Hardman. The Chair put the motion to the vote which was carried unanimously.

**Item 3 No 16 Southstoke Road, Combe Down, Bath – First floor extension over existing property resulting in 2 storey dwelling. Two storey rear extension and 2 single storey side extensions** – 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. This was followed by statements by the Ward Councillors Cherry Beath and Roger Symonds who were against the proposal.

Councillor Les Kew felt that it would be beneficial to have a Site Visit to view the site in the context of its surroundings. He therefore moved that it be deferred accordingly. Councillor Liz Hardman seconded the motion as it was important to assess the proposal in the light of the group value of adjoining buildings.

The motion was put to the vote and was carried, 8 voting in favour and 3 against with 2 abstentions.

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

The Committee noted the report

**74 UPDATE ON LAND AT FORMER FULLERS EARTHWORKS, COMBE HAY, BATH**

The Committee considered (1) the report which updated Members on various matters pertaining to the site; and (2) an oral statement by the Clerk of Combe Hay Parish Council. It was clarified that the date of the enforcement notice in the penultimate paragraph of the report was 21<sup>st</sup> February 2013 and not 9<sup>th</sup> April 2013 as printed.

The report was noted.

The meeting ended at 5.30 pm

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**