

BATH AND NORTH EAST SOMERSET

DRAFT MINUTES OF DEVELOPMENT CONTROL COMMITTEE

Wednesday, 20th November, 2013

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

Also in attendance: Councillors Neil Butters, Sally Davis, Loraine Morgan-Brinkhurst MBE and Tim Warren

86 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the procedure

87 ELECTION OF VICE CHAIR (IF DESIRED)

RESOLVED that a Vice Chair was not required on this occasion.

88 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies were received from Councillor Malcolm Lees, for whom Cllr Dave Laming substituted.

89 DECLARATIONS OF INTEREST

Councillor Kew declared a non-pecuniary interest in Items 1-3 of Agenda Item 10 (Horseworld) because his wife has an interest in a parcel of land adjacent to land owned by Horseworld. He therefore left the room during the consideration of these items.

Councillor Webber declared a non-pecuniary interest in Item 12 of Agenda Item 10 (Little Willows) because he had had dealings with the owners and staff of the establishment and lived close to the site. He left the room during the consideration of this item, and did not return for the rest of the meeting. Because Item 14 was taken immediately after Item 8, he was present during the consideration of Item 14, but not during the consideration of Items 12 and 13.

90 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There were no items of urgent business

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

The Democratic Services Officer informed the meeting that there were various people wishing to make statements on planning applications in Reports 9, 10 and 11

and that they would be able to do so when reaching their respective items in those Reports.

92 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

Councillor Jackson raised a concern about the wall on the terrace between 118 and 120 Frome Road, Radstock. She said that the wall was unstable following severe weather and there was a danger that it would collapse and harm children living at one of the properties. She hoped that action to deal with it could be expedited. The Development Manager thanked Councillor Jackson for her concern, and informed Members that this was still an open case; she would seek information about it from the appropriate officers.

93 MINUTES: 23RD OCTOBER 2013

The Minutes of the previous meeting held on Wednesday 23rd October 2013 were approved as a correct record and signed by the Chair.

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

Agricultural Haulage Building and Yard, Pinkers Farm, Middle Street, East Harptree – Erection of 8 houses and 4 workshops and provision of a new access road – The Case Officer reported that the application had been withdrawn by the applicant.

95 MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE

The Committee considered

- A report by the Development Manager on various applications for planning permission
- Oral statements by members of the public etc on Item Nos 1-14, the Speakers List being attached as *Appendix 1* to these Minutes
- An Update Report by the Development Manager on Item Nos 4 and 12, the Speakers List being attached as *Appendix 3* 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

Items 1-3 Horseworld, Staunton Lane, Whitchurch – (1) Hybrid planning application for residential development of up to 125 dwellings and associated demolition, highways infrastructure and landscaping works. The outline component comprises up to 118 dwellings including associated demolition, highways infrastructure and landscaping works; and the detailed component comprises the redevelopment of 6 curtilage listed dwellings including associated demolition, highways infrastructure and landscaping works

adjacent to the Grade II listed Staunton Manor; (2) erection of new visitor centre for the Horseworld charity including associated highways infrastructure, parking provision and landscaping; and (3) conversion of curtilage listed buildings to residential including selective demolition, extensions, internal and external works –

Cllr Kew withdrew from the room in accordance with his declaration of interest.

The Case Officer reported on these applications and his recommendations to grant permission with conditions.

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

Members sought clarification on various aspects of the applications. Members discussed the applications. Councillor Organ said that these were among the most difficult applications he had had to consider during his years on the Committee. At present he was unable to support them. He was concerned about the proposal to build 125 homes in the Green Belt and by the fact that only 10% of affordable homes were proposed, rather than the Council target of 35%. There were varying estimates of visitor figures, but in his view the only way of making the centre viable was to attract more visitors and keep them there longer, so that they spent more money.

The Development Manager was asked to comment on the Green Belt issues. She said that the Committee had to look at these applications on their merits and proposals to take land out of the Green Belt in the Draft Core Strategy could only be given limited weight. The Committee should, in relation to the first two applications, focus on the harm that would result from inappropriate development, together with any harm to openness of the Green Belt and other harm. The Committee then needed to decide whether there were very special circumstances that clearly outweighed this harm. In relation to the third application, the Committee should consider the impact of the proposal on the listed building.

Councillor Gilchrist said that while he noted the potential for highways problems in the future, he would move to permit the applications. This was seconded by Councillor Webber. He thought Horseworld was a highly-regarded charity, which made a valuable contribution to tourism and leisure in the Authority's area. It provided useful employment in the area. He did not think that there would be any adverse impact on the listed building or its setting. He thought these factors together formed very special circumstances, which outweighed any harm to the Green Belt. He thought the site was suitable for housing development and noted that the Council had proposed that it be deleted from the Green Belt.

Councillor Nicol said that 10% affordable housing was not good enough and he could not support building in the Green Belt.

Councillor Hardman said that the information given about visitor figures was not clear and that she was not convinced that the proposal would solve Horseworld's problems.

Councillor Roberts said that 10% of affordable housing was not enough; it should be 35%. He was not convinced there were very special circumstances outweighing the

need to protect the Green Belt, and was concerned about setting a precedent for further developments in the Green Belt.

Councillor Laming thought information about transport issues was incomplete. Officers advised that they had received sufficient information on this matter.

Councillor Rigby was concerned about the impact on the listed building. She was also worried about transport issues and the sustainability of Whitchurch as a village.

Councillor Veal congratulated Officers for a well-presented case. However, he could not support their recommendations. He did not think a case had been made for very special circumstances. He was concerned about access and egress to the site and the financial viability of the centre. Horseworld, with 100,000 visitors a year, should already be successful.

Councillor Jackson was also not convinced about the commercial viability of Horseworld. Granting these permissions would be a high cost to pay if Horseworld failed. She was also concerned about the impact of a new housing development on the local primary school, which was already overcrowded.

The motions to approve the Officer's recommendations in respect for Items 1-3 were put to the vote in turn and in each case were defeated by 2 votes in favour and 10 against.

It was then moved by Councillor Organ and seconded by Councillor Jackson to refuse the applications. Members gave their reasons for refusal which related to the Green Belt harm, harm to openness under provision of affordable housing, harm resulting from traffic congestion and harm to the listed building which they felt was not outweighed by the very special circumstances put forward by the applicant. The motions were put to the vote in turn and were in each case carried by 10 votes in favour and 2 against.

Item 4 Car Park, Newbridge Park and Ride Car Park, Newbridge, Bath – Extension of existing Newbridge Park and Ride facility to provide 248 spaces, construction of central amenity building, along with associated landscape and engineering works – The Case Officer reported on these applications and his recommendation to grant permission with conditions. He proposed amendments to Conditions 2, 3, 5, 6, 11 and 12.

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

Cllr Lorraine Morgan-Brinkhurst, the ward councillor, made a statement against the proposal.

The Case Officer referred Members to the update report and also some corrections to the published conditions and the constraints listed at the beginning of the report. Members asked the Case Officer for further information about the potential for flooding and whether the Committee was able to take into account the availability of an alternative site, as mentioned by one of the public speakers. The Case Officer replied that the Environment Agency was happy with the anti-flood measures contained in the proposal and that in general it is not a material consideration that an alternative site might be available, although in this case his report had made

reference to the site to the south of the River Avon, which has been previously considered and discounted by the Local Plan Inspector.

Following discussion, it was proposed by Councillor Kew and seconded by Councillor Hardman to permit the proposal with conditions amended as proposed by the Case Officer. The motion was put and carried by 9 votes in favour, 1 against, with 2 abstentions.

Items 5&6 Parcel 2866 Woolley Lane, Charlcombe – (1) Alterations and extension to existing agricultural building, formation of farm track, construction of stock pond and ancillary works (Retrospective)(Resubmission of 12/05660/FUL); and (2) Certificate of Lawfulness for the existing alterations to access and formation of hard standing and track around existing building –
The Case Officer reported on these applications and his recommendations to grant permission and a Certificate of Lawfulness.

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

Councillor Veal congratulated the applicant for working with Officers and for complying with recent directions. However, he felt that these applications were inappropriate. He considered that the stock barn was in fact a self-contained industrial unit, as a speaker had described, and was not fit for the purpose of sheltering livestock, and should be returned to its proper use. The stock pond was built in fuller's earth and was unstable. He believed that enforcement action should be renewed. Permission for development should not be granted. He fully agreed with the well-argued and balanced statement from Charlcombe Parish Council.

Councillor Kew asked for an explanation of a Section 102 Order, referred to by a speaker. The Principal Solicitor explained that section 102 of the Town and Country Planning Act 1990 conferred a discretionary power on a local planning authority to discontinue a use or require any buildings to be altered or demolished if it appeared expedient to do so. The exercise of this power had to be confirmed by the Secretary of State. A proposal to exercise this power would have to be the subject of a separate report to the Committee.

In response to a question from Councillor Gilchrist, the Chair explained that the Article 4 direction applied to a wider area than just this site, and that it had originally been imposed by Wansdyke District Council. In response to questions from members, officers clarified the nature and effect of the Article 4 direction.

Councillor Jackson said that the situation at the site was a historic mess. However, she observed that even though this was an Area of Outstanding Natural Beauty, it was still a working environment. She therefore moved to accept the Officer's recommendations. Councillor Hardman seconded the motion.

The Chair said that he would support the motion. He had visited the site some years ago, and thought that the track had greened over and was now less obtrusive than it had been. He did not think that the stock pond was visually obtrusive. He recalled that when there was poultry on the farm, the stock barn had been modified to allow egg sorting. It still seemed capable of supporting agriculture.

Councillor Laming wondered how the barn would be monitored to prevent residential use. The Chair suggested that the situation was no different from that of any other agricultural building. The Development Manager advised that any allegation relating to a breach of planning control would be investigated in the normal way .

The two motions were put to the vote in turn, and both were carried by 8 votes in favour, 5 against with 2 abstentions.

Item 7 Forge Stud, Hunstrete – Change of use of existing land and stables to a Farrier business and conversion of existing stone barn to provide rural worker’s dwelling – The Case Officer reported on this application and her recommendation to refuse it.

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

Councillor Sally Davis, the Ward Councillor, made a statement in favour of the application.

Councillor Kew said that he had struggled with this application, but had finally concluded that it was consistent with government planning advice. He felt that it was critical for this type of business to have people living on the site, because horses were valuable and could not be left by themselves over night. He moved not to follow the Officer’s recommendation, but to permit the application. This was seconded by Councillor Veal.

Councillor Roberts felt that the proposal was not merely to convert the barn, and said that he was unable to support the motion.

Councillor Jackson supported the motion. She suggested that there should be a site visit, if Members had doubts about the proposal. She believed that the proposed house was of an attractive design and would improve the area. There was no ecological reason to preserve the barn. There should be businesses in rural areas, and in his statement Councillor Warren had spoken of the need for a farriers’. She suggested that there should be a condition tying the house to an agricultural or equine business.

Councillor Hardman said that rural businesses should be encouraged and that a case could be made that there were special circumstances to permit this proposal in the Green Belt.

Councillor Webber said that there was no authorised business at the site at the moment and that rules about the Green Belt should be upheld. He would therefore oppose the motion. The business could be established elsewhere.

The Chair asked the Case Officer whether there was an established business at the site. The Case Officer replied that only private use was authorised at the site as recently as 2010. The Development Manager advised that in the view of Officers there was no established business at the site, though the Committee might conclude that there were very special circumstances for allowing the development in the

Green Belt. She suggested that if Members thought there should be an agricultural/equine tie, they should delegate the decision to permit to Officers, so that a legal agreement could be drawn up.

Councillor Jackson suggested that as many traffic movements would be generated if the farrier had to travel round to do his business as would be generated by customers coming to him.

Councillor Kew agreed to amend his motion from permit to delegate to permit subject to conditions and a legal agreement as described.

Councillor Curran reminded the applicant that the application was to convert, not to demolish, the barn and asked that care be taken that it did not collapse during building work.

The motion to delegate to permit was put to the vote, and was carried by 11 votes in favour, 1 against, with 1 abstention.

Item 8 Parcel 0056 Kilkenny Lane, Englishcombe, Bath – Change of use of land to mixed use of agriculture and equestrian and erection of timber stables – The Case Officer reported on this application and her recommendation to refuse it.

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

Councillor Jackson said that she considered that the applicant's agent had made a good case for the application, and moved to delegate to permit it. She suggested that a condition should be included prohibiting any commercial use. Councillor Gilchrist seconded the motion.

Councillor Webber asked why consent was needed for a change of use. The Development Manager explained that the National Planning Policy Framework (NPPF) had not carried forward provisions in PPG2 relating to change of use in the Green Belt, so that by default a change of use was inappropriate, and would have to be justified by very special circumstances. The Committee could put weight on paragraph 81 of the NPPF, though it would have to be certain that it did apply in this case.

Councillor Kew thought it was a matter of how paragraph 89 was interpreted. He did not see how it was possible to build a stable without changing the use of the land. He thought the drafting of paragraph 89 could be improved and he intended to raise the issue with ministers. He could see no objection to the building of a timber structure in the Green Belt for personal use.

The motion to delegate to permit was put to the vote and carried unanimously. The application will also be advertised as a departure from the development plan.

Item 9 No 2 Rush Hill, Southdown, Bath – Change of use from Labour Club (Sui generis) to Office (B1) – The Case Officer reported on this application and his recommendation to refuse it.

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

Councillor Roberts said that the alternatives here were to have two dwellings on the site or create jobs in new offices. In NPPF terms it was normal not to have offices out of town, but here they would generate jobs. People would be able to walk to the offices from Oldfield Park. He moved to delegate to permit the proposal. This was seconded by Councillor Laming, who thought jobs should be a higher priority than homes at present.

Councillor Jackson said that it was right to emphasise jobs in this location. There were already other offices in the vicinity.

The Chair said that he was a local resident and used the junction near the site several times a day, which only became congested at peak times.

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

Item 10 Costa Coffee, 50 High Street, Keynsham – Change of use of the highway to place 2 tables and 4 chairs to the south of the existing coffee shop entrance (Resubmission of 13/0412/FUL) – The Case Officer reported on this application and her recommendation to permit it.

The public speaker made his statement against the proposal.

Councillor Organ said that he was completely opposed to the proposal. The site was immediately opposite a zebra crossing, which must be the site of the maximum air pollution in the High Street. He could not see that two tables and four chairs could be accommodated in the space available. He could not see that the proposal was compatible with any of the Council's policies. He moved to refuse the application. This was seconded by Councillor Laming.

Councillor Rigby said that she would support the motion to refuse, because the tables and chairs would be an obstruction for disabled people using the zebra crossing.

Councillor Hardman said that though she had supported the previous application as giving a touch of the continent in England, she now considered that the tables and chairs were too close to the pavement.

Councillor Kew said he disagreed with the motion. He thought that the pavement was at its widest at this point. He thought the biggest obstruction in the High Street was the bicycle stand.

The Chair said that people like to sit outside with their refreshments and he saw no reason why they should not be able to do so in Keynsham as elsewhere.

The motion to refuse was put to the vote and carried by 8 votes in favour and 5 against.

Item 11 No 28 Park Road, Keynsham – Erection of single storey side extension including integral garage and revised access arrangements – The Case Officer reported on this application and her recommendation to permit it.

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

Councillor Roberts moved to permit the application. This was seconded by Councillor Webber.

The motion was put to the vote and carried unanimously.

Item 12 Little Willows Day Nursery, Powlett Road, Bathwick, Bath – Installation of modular building for temporary 2 year period –

Councillor Webber left the room and did not return for the rest of the meeting.

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 Kew noted that there would be no increase in the number of children at the nursery and that the application was only for a two-year period, so that it could be reassessed in due course. He moved the recommendation. He pointed out that 2014 in condition 1 should be 2015. Councillor Organ seconded the motion.

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

Item 13 No 129 Ringswell Gardens, Lambridge, Bath – Change of use from C3 (Dwelling) to C4 (HMO) – The Case Officer reported on this application and her recommendation to permit it.

The public speaker made his statement against the proposal.

Councillor Jackson moved to permit the application. She said that she did not think the number of vehicles associated with the premises would differ whether it was in multiple occupation or occupied by a single family.

Councillor Hardman seconded the motion.

Councillor Laming said that he thought family homes were needed in the area, and that he would therefore oppose the motion.

Councillor Nicol said that there was an eight-year waiting list for single person's accommodation.

Councillor Rigby said that she agreed with Councillor Laming on the need to preserve family homes.

The Development Manager advised that the Council no longer had a policy to preserve family homes, but did have a policy for mixing household types.

Councillor Laming said that the number of occupants was not clear: was it 4, 5 or 6?

The Chair said that the application said 6 or fewer, but a condition was to stipulate 4.

The motion to permit was put to the vote and carried by 7 votes in favour, 4 against with one abstention.

Item 14 Bubblers Dytch, High Street, Wellow – Erection of 2 detached two storey houses with attached garages following demolition of existing single storey house (Resubmission) –

[This item was taken after Item 8 and before Item 9.]

The Case Officer reported on this application and her recommendation to permit it.

Pat Caudle of Wellow Parish Council made a statement against the proposal.

Councillor Neil Butters, the Ward Councillor, made a statement against the proposal.

Councillor Roberts said that he thought the proposal represented overdevelopment and moved to refuse the application for the same reasons that the Committee had refused the previous application. Councillor Kew seconded the motion.

Councillor Jackson seconded the motion and agreed that it would be overdevelopment and would result in loss of amenity for the neighbours.

Replying to a question from Councillor Webber, the Case Officer confirmed that the principle of having two dwellings on the site had been established by virtue of permission being granted for another dwelling on the site (with the retention of the existing house).

The motion to refuse was put to the vote and carried by 11 votes in favour with 2 abstentions.

96 GAMMON PLANT HIRE, ROCK HALL LANE, COMBE DOWN, BATH

Oral statements by members of the public speaking against the application

The Case Officer reported on the application and her recommendation that a Deed of Variation be prepared to remove the financial contribution to Children's Services from the S106 Agreement.

Public speakers spoke in favour of the application.

Members debated the matter. The Chair said that there were exceptional circumstances in this case. Good quality homes were being provided as well as an educational facility, benefitting the community in Bath and visitors. He moved to grant the application. This was seconded by Councillor Nicol.

The motion was put to the vote and carried unanimously.

RESOLVED that a deed of Variation be prepared to remove the financial contribution to Children's Services from the S106 Agreement.

97 QUARTERLY PERFORMANCE REPORT - JULY TO SEPTEMBER 2013

Councillor Jackson asked why 140 enforcement cases were investigated, but only 10 enforcement notices were issued. The Development Manager replied that many of the cases had turned out not to be breaches of development control, some had been minor and others had been resolved by negotiation. The number of enforcement notices was therefore not the best measure of the effectiveness of enforcement.

Councillor Laming asked whether it would be possible to have a list showing the sites, the issues and progress. The Development Manager said that work was being done to facilitate this. Case details had to be entered into the database; a new member of staff would be appointed to take this work forward.

RESOLVED to note the report.

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

Councillor Kew referred to case 12/00707/FUL summarised on pages 235 and 236 of the agenda. He wondered how the viability of the enterprise would be monitored.

RESOLVED to note the report.

The meeting ended at 8.42 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services