

BATH AND NORTH EAST SOMERSET

MINUTES OF DEVELOPMENT CONTROL COMMITTEE

Wednesday, 11th December, 2013

Present:- Councillor Gerry Curran in the Chair
Councillors Liz Hardman, Eleanor Jackson, Les Kew, Malcolm Lees, Bryan Organ,
Nigel Roberts, Martin Veal, David Veale, Brian Webber, Ian Gilchrist and Manda Rigby

Also in attendance: Councillors Sharon Ball and June Player

99 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the procedure.

100 ELECTION OF VICE CHAIR (IF DESIRED)

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

101 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies were received from Councillor Douglas Nicol.

102 DECLARATIONS OF INTEREST

There were none.

103 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

104 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 Report 10 and that they would be able to do so when reaching their respective items in that Report.

105 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

There were none.

106 MINUTES: 20TH NOVEMBER 2013

These were approved as a correct record and signed by the Chair.

107 MORTGAGEE IN POSSESSION CLAUSES FOR AFFORDABLE HOUSING DELIVERY

The Team Manager (Enabling & Development) presented the report. She explained that the Council already allowed its housing partners to use Mortgagee in Possession Clauses, so that repossessed affordable housing land of a housing association could be resold on the open market unfettered by restrictions on valuation or occupancy. The recommendation to the Committee was that such clauses should, as standard practice, be included in all the Council's Section 106 Deeds, to ensure the continued availability of finance for affording housing development.

It was moved by Councillor Roberts and seconded by Councillor Kew and **RESOLVED** that all the Council's S106 Deeds shall include, as standard practice, an appropriated Mortgagee in Possession (MIP) clause. The MIP clause will fulfil the requirements of lenders of funding for affordable housing development and will be negotiated with the developer as part of wider S106 discussions.

108 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 1-3, the Speakers List being attached as *Appendix 1* to these Minutes
- An Update Report by the Development Manager on Item Nos 2 and 4, which 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 as *Appendix 3* to these Minutes.

Item 1: Proposed Development Site, King George's Road, Twerton, Bath – Erection of 11 houses and 10 flats following the demolition of half an existing apartment building

The Case Officer gave a presentation on the proposal and his recommendation to delegate to permit it

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

Councillors Sharon Ball and June Player made statements against the proposal.

Councillor Veal said that having considered all the information presented to the Committee he was at present unable to come to a decision, and moved that there should be a site visit to clarify a number of issues. This was seconded by Councillor Hardman.

Other Members spoke in favour of a site visit and referred to aspects of the application which they believed needed clarification, including access to the site,

traffic flows, the proximity of the site to the railway, and its proximity to the allotments and existing residences.

The motion for a site visit was put to the vote and passed unanimously.

Item 2: 63 Warminster Road, Bathampton, BA2 6RU – Erection of replacement dwelling following demolition of existing dwelling (Revised proposal)

The Case Officer gave a presentation on the proposal and his recommendation to permit.

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

Councillor Veal said that he was delighted to see a much-improved application return to the Committee and congratulated the applicants on their constructive negotiations with officers. He moved to permit the application.

Councillor Organ said that it was very unusual for the Committee to refuse an application on design grounds alone. He thought the original design had been very messy and bitty, but the current design was a vast improvement. He had no reservations about, it and seconded the motion to permit.

Other Members also complimented the new design.

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

Item 3: 1 Pitway Close, Farrington Gurney, Bristol BS39 6TE – Erection of detached dormer style bungalow (resubmission)

The Case Officer gave a presentation on the proposal and her recommendation to refuse.

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

Councillor Kew said that he could see no reason why this site should not be developed. Under the National Planning Policy Framework housing applications had to be considered in the context of the presumption in favour of sustainable development. The Parish Council fully supported the proposal and the site was within the housing boundary. A scrap yard is located near the site, to which large lorries made regular journeys, so additional journeys of vehicles associated with the proposed new bungalow would have only a small impact on traffic flows. There was easy access from the site to Bristol, Bath and Wells. Even though the Old Parsonage is a grade II listed building, the Parsonage Yard is used for commercial purposes. The erection of the new dwelling would be part of the gradual development of the village, which was exactly what was desired. He moved to delegate to permit the application with conditions.

Councillor Gilchrist wondered why this application had come to Committee, noting that it was Councillor Kew had requested this. The Chair replied that said he considered all requests for applications to be brought to Committee. These requests always stated the reasons for which the request had been made, but these reasons did not always appear in the agenda reports.

Councillor Jackson said that she did not think that the refusal of this application could be defended at appeal. She did not see that the small, modest, dwelling proposed would in any way detract from the listed building or the amenity of the area. She would second the motion to permit.

Councillor Roberts said that even if the Committee disagreed with officers, it should be consistent in its decisions, and he did not feel that this would be the case if the application were to be permitted on this occasion.

Councillor Hardman said she agreed with Councillor Jackson. The proposal was only for a modest dwelling and she would support it.

The Chair requested advice from The Team Leader: Development and Management. He said that while Councillor Kew was right to refer to the National Planning Policy Framework (NPPF); the Council did not yet have a 5-year supply of housing land. However, it should be also noted that the NPPF was in force last August, when the previous similar application had been refused. A previous application had also been dismissed at appeal, and the Committee should have regard for consistency in its decision making.

Councillor Rigby said the reasons for the previous refusals were not give in the report. The Team Leader: Development and Management said that these related to its appearance and impact on the area.

The motion to delegate to permit was put to the vote and carried by 9 votes in favour, 1 against with 2 abstentions.

Item 4: 3 Upper Furlong, Timsbury, BA2 0NN – Erection of two-storey side extension

The Case Officer gave a presentation on the proposal and her recommendation to permit.

Councillor Organ said that he was sure that this application would have been approved under delegated authority had it not been made by a member of staff. He moved to permit. This was seconded by Councillor Webber.

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

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

Councillor Organ noted that the Council had won 8 out of 9 appeals made and congratulated officers on this result.

Councillor Veal noted that the appeal on Stowey Quarry had been dismissed. He thought this outcome justified the lengthy discussions the Committee had had about it and vindicated the democratic process.

Councillor Kew noted that the appeal on the use of chalets for residential use at West End, Breach Hill Lane, Chew Stoke had been dismissed and asked whether

enforcement action would be taken to demolish the two chalets. The Team Leader: Development and Management said that he would report back about this.

The meeting ended at 3.57 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services