

DRAFT MINUTES PENDING CONFIRMATION AT THE NEXT MEETING

BATH AND NORTH EAST SOMERSET

MINUTES OF DEVELOPMENT CONTROL COMMITTEE

Wednesday, 4th June, 2014

Present:- Councillor Gerry Curran in the Chair

Councillors Patrick Anketell-Jones, Ian Gilchrist, Liz Hardman, Eleanor Jackson, Les Kew, Malcolm Lees, Douglas Nicol, Vic Pritchard (In place of Bryan Organ), Manda Rigby, Jeremy Sparks, Martin Veal and David Veale

Also in attendance: Councillors Sally Davis, David Martin and Ben Stevens

1 EMERGENCY EVACUATION PROCEDURE

The Senior Democratic Services Officer read out the procedure

2 ELECTION OF VICE CHAIR (IF DESIRED)

A Vice Chair was not desired

3 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There was an apology for absence from Councillor Bryan Organ whose substitute was Councillor Vic Pritchard

4 DECLARATIONS OF INTEREST

Councillor Martin Veal declared a personal and prejudicial interest in the planning application at Victory Gardens, Bannerdown Drive, Batheaston (Item 7, Report 10) as he was the applicant and therefore he would leave the meeting for its consideration. Councillor Malcolm Lees declared an interest in the application at Weston All Saints Ce Vc Primary School, Broadmoor Lane, Upper Weston, Bath (Item 3, Report 10) as he owned property in the near vicinity and therefore he would make a statement as Ward Councillor and leave the meeting for its consideration. Councillor Ian Gilchrist declared an interest in the application at Parcel 0074 Flatts Lane, Farmborough (Item 1, Report 10) as he was a shareholder of Bath and West Community Energy and therefore he would leave the meeting for its consideration.

5 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none

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

The Senior Democratic Services Officer explained the procedure for public speaking and indicated that there were numerous people wishing to make statements on

planning applications and that they would be able to do so when reaching their respective items in Reports 9 and 10

7 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

There was none

8 MINUTES: 7TH MAY 2014

The Minutes of the previous meeting held on Wednesday 7th May 2014 were approved as a correct record and signed by the Chair

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

The Committee considered

- The report of the Divisional Director of Development on an application for planning permission etc
- Oral statements by members of the public etc against and in favour of the development, the Speakers List being attached as *Appendix 1* to these Minutes

RESOLVED that, in accordance with their delegated powers, the application be determined as set out in the Decision List attached as *Appendix 2* to these Minutes

Land between access road and canal, Sham Castle Lane, Bathwick, Bath – Erection of 1 detached dwelling (Resubmission) – The Case Officer reported on this application and her recommendation to grant permission subject to conditions.

The public speakers made their statements on the matter which was followed by a statement by the Ward Councillor David Martin.

Members asked questions about the proposal to which the Officer responded. Councillor Les Kew considered that this was a good proposal which, subject to appropriate conditions including obscured glass on the balcony, was acceptable. He therefore moved the Officer recommendation. The motion was seconded by Councillor Doug Nicol.

After a short debate, the motion was put to the vote and was carried unanimously.

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

The Committee considered

- The report of the Divisional Director of Development on various applications for planning permission etc
- Oral statements by members of the public etc on Item Nos 1-10, the Speakers List being attached as *Appendix 1* to these Minutes

- An Update Report on Item Nos. 1, 2, 4 and 6, a copy of the report 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

Item 1 Parcel 0074 Flatts Lane, Farmborough – Construction of a solar park to include associated equipment and works (Resubmission of 13/02527/FUL) –

The Case Officer reported on this application and his recommendation to grant permission with conditions. The Update Report made some corrections to the Main Report and amended the Recommendation to (A) authorise the Group Manager – Development Management to finalise a Unilateral Undertaking from the applicant to secure the provision of a permissive footpath along the north eastern and south eastern boundaries of the site and the maintenance of permissive public access to the informal open space to the north west corner of the application site to be publicly accessible for the lifetime of the development; (B) that the application be referred to the Secretary of State to give him the opportunity to consider whether to exercise his call-in powers in accordance with the Town and Country Planning (Consultation) (England) Direction 2009; and (C) subject to the Secretary of State not calling-in the application, authorise the Group Manager – Development Management to permit the application subject to the conditions listed in the Main Report and to an additional condition.

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

Councillor Les Kew opened the debate. He stated that there had been a lot of opposition to the scheme. He was opposed to the loss of the best and most versatile agricultural land in the Green Belt and that industrial land was better suited to this type of development. The planning impact on local residents needed to be taken into account and there were no social or economic benefits from the scheme. The scheme would introduce a substantial amount of man-made infrastructure and harm rural character. As this is inappropriate development in the Green Belt, the impact on the countryside and the loss of openness to the Green Belt was a major factor for consideration. Therefore, on this basis, he moved that the application be refused which was seconded by Councillor Jeremy Sparks.

Members debated the motion. Councillor Vic Pritchard considered that the scheme if allowed would look like a public footpath round an industrial site and it would be an abuse of this land which was in an elevated position. He recognised that the Council were underperforming as regards its green energy targets but he could not support the scheme. Some other Members supported the motion due to the damage to the character of the landscape and Green Belt. However, some Councillors considered that good screening had been provided and that there would be a community benefit. The land which could still be used for grazing would also revert to full agricultural use after 25 years. The Group Manager – Development Management sought clarity on the reasons for refusal.

The Chair summed up the debate and put the motion to the vote. Voting: 6 in favour and 4 against with 2 abstentions. Motion carried.

(Note: Councillor Ian Gilchrist was not present for consideration of this item in view of his interest declared earlier in the meeting.)

Item 2 Parcel 7540 Lower Bristol Road, Bath – Change of use of land as a gypsy site to provide 8 residential pitches and 5 transit pitches – The Case Officer reported on this application and his recommendation to grant permission subject to conditions. The Update Report made some corrections to wording in the Main Report.

The applicants' agent made a statement in support of the proposal.

The Chair as Ward Councillor spoke in support of the application. Councillor Eleanor Jackson considered that the site was properly controlled and well-sited for facilities. Good mitigation measures were to be provided and also a speed restriction on the A36. She therefore moved the Officer recommendation which was seconded by Councillor Doug Nicol.

Members debated the motion. It was considered that the road and access were safe and the site had been used for around 5 years with no issues. The Council had a duty to provide pitches and although it did not meet the whole need, it was a start. It was felt that very special circumstances applied in this case to justify the proposal going ahead despite it being inappropriate development in the Green Belt. In contrast, one Member felt that this was an unwarranted application based on a loose arrangement and did not meet the demand. There was also the cost of providing the pitches. The Group Manager – Development Management stated that cost was not a material consideration and that there were guidelines on standards of pitches. The Chair summed up the debate.

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

(Note: After this item at 3.55pm, there was a 10 minute natural break)

Item 3 Weston All Saints Ce Vc Primary School, Broadmoor Lane, Upper Weston, Bath – Provision of a new 6 classroom teaching block and associated external works (Resubmission) – The Case Officer reported on this application and his recommendation to grant permission subject to conditions.

The public speakers made their statements against and in favour of the proposal. Councillor Malcolm Lees made a statement as Ward Member expressing some concerns and then withdrew from the meeting in view of his interest declared earlier.

Councillor Martin Veal considered that there were traffic and safety concerns which Members needed to assess and therefore moved that the application be deferred for a site visit which would need to be undertaken when children were dropped off or collected from the School. The motion was seconded by Councillor Doug Nicol.

After some discussion about the highway issues and timing of the visit, the motion was put to the vote and was carried by a substantial majority.

Item 4 WT Burden Ltd, Bath Road, Farmborough – Demolition of existing building and redevelopment of site with up to 14 dwellings with associated

means of access, access roads, car parking, boundary treatments and landscaping; conversion, including recladding, of retained building to provide office/workshop accommodation (Class B1) with associated car parking – The Case Officer reported on this application and her recommendation to refuse permission. The Update Report referred to further information received from the applicant and, on which basis, the second recommended reason for refusal had been removed.

The public speakers made their statements against and in favour of the proposal. The Ward Councillor Sally Davis then made a statement referring to some areas of concern.

Councillor Les Kew moved that the application be deferred for a site visit to assess the visual impact of the proposal which was seconded by Councillor Liz Hardman. The motion was put to the vote and was carried, 6 voting in favour and 5 against with 2 abstentions.

Item 5 Parcel 3567 Stitchings Shord Lane, Bishop Sutton – Approval of reserved matters with regard to outline application 12/04238/OUT for erection of 25 dwellings and associated infrastructure – The Case Officer reported on this application and his recommendation (as amended in the Update Report) to grant permission subject to the conditions listed in the Main Report. He also recommended further conditions relating to sample panels and stonework.

The Chairman of Stowey Sutton Parish Council made a statement against the proposal.

Councillor Vic Pritchard opened the debate. He considered that the revisions received had diluted the scheme and it needed more character - more work was required by the applicants. He therefore moved refusal of the application; however, the motion was not seconded.

Councillor Eleanor Jackson felt that the different style of development was not a major consideration and therefore moved the Officer recommendation which was seconded by Councillor Liz Hardman.

In response to a query by the Chair, the Group Manager – Development Management commented on the late revisions to the scheme and indicated that a landscaping condition was not included on the outline application but could be added now. Councillor Eleanor Jackson amended her motion to include this condition with maturing trees to which the seconder agreed. Councillor Vic Pritchard referred to flooding issues which he felt had not been properly addressed. Councillor Les Kew expressed some disappointment with the design and the terraced blocks of the development.

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

(Note: After this item at 5.25pm, there was an adjournment for Tea for 25 minutes)

Item 6 Land opposite Tunley Farm House, Wood Lane, Priston – Outline application for the erection of 2 live/work buildings and realignment of the

highway – The Case Officer reported on this application and her recommendation to refuse permission. The Update Report referred to revised drawings being received which resulted in the recommended refusal reasons 3 and 4 being removed.

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

Councillor David Veale as Ward Member on the Committee considered that the application was worthy of support and that, if permission was granted, the proposed S106 Agreement for highway works including a footpath was a good feature. Councillor Vic Pritchard considered that there were no very special circumstances for this development in the Green Belt and that he did not favour the changes to the road layout. He therefore moved the Officer recommendation which was seconded by Councillor Gerry Curran.

Members debated the motion. Some Members expressed their support for the scheme in that they considered that there would not be any further harm to the Green Belt with its closeness to the housing development boundary and an existing large structure on site with the provision of live/work units a good feature of the scheme. The site would be tidied up and the junction realigned. The Group Manager – Development Management reminded Members that this was inappropriate development which would impact on the openness of the Green Belt. It was also outside the housing development boundary.

The motion was put to the vote. Voting: 3 in favour and 9 against. Motion lost.

On the basis that the scheme had a good relationship to the existing buildings around it, the site would be tidied up, there is already a large structure on site which is exempt from enforcement and there would be an improvement to the highway at a blind corner, Councillor Eleanor Jackson moved that the Officers be delegated to grant permission subject to appropriate conditions and to a S106 Agreement to realign the junction and provide a footpath from Overdale to Tunley. The motion was seconded by Councillor Liz Hardman. The motion was put to the vote and was carried, 9 voting in favour and 2 against with 1 abstention.

Item 7 Victory Gardens, Bannerdown Drive, Batheaston, Bath – Erection of two storey side extension to existing dwelling, detached garage/workshop and 4 holiday let units – The Case Officer reported on this application and his recommendation to (A) authorise the Group Manager – Development Management to permit the application subject to the applicant entering into a legal agreement to secure a contribution to the provision of formal open space; and (B) subject to the prior completion of the Agreement, authorise the Group Manager – Development Management to grant permission subject to conditions (or such conditions as he may determine)

The public speaker made a statement against the proposal.

Councillor Les Kew stated that the site was within the housing development boundary and the proposal would tidy up and enhance this part of the site. The design was innovative with acceptable elevations. Little traffic used the road and there were no highway objections. He therefore moved the Officer's recommendation which was seconded by Councillor Ian Gilchrist.

Members debated the motion. Some concern was expressed regarding the style and density of the development to which the Case Officer responded.

The Chair put the motion to the vote which was carried, 5 voting in favour and 3 against with 4 abstentions.

(Note: Councillor Martin Veal was not present for consideration of this application in view of his interest declared earlier in the meeting.)

Item 8 No 61 Lorne Road, Westmoreland, Bath – Change of use of dwelling (Use Class C3) to House in Multiple Occupation (Use Class C4 – The Case Officer reported on this application and his recommendation to refuse permission.

The applicant made a statement in support of the proposal which was followed by a statement by the Ward Councillor Ben Stevens in support of the application perceiving that this is an exceptional street with only a very few others like it.

Councillor Ian Gilchrist, as Ward Member on the Committee, stated that around 80% of houses in the area were HMOs and this required special consideration as there was no longer a mix of housing in the area. He therefore moved that permission be granted which was seconded by Councillor Malcolm Lees.

Members asked questions to which Officers responded. The motion was debated by Members. There was some sympathy with the applicant but some Members felt that financial reasons ie the value of the house, were not a justification to change the use of the property. One Member stated that it would be better if the Article 4 Direction was removed entirely as the Policy could be undermined otherwise. It could set a precedent. The Group Manager – Development Management stated that the numbers of HMOs was disputed but it was the only evidence available to Officers. The policy couldn't be changed because numbers had reached a tipping point. Good planning reasons were needed to allow the application. Members continued to ask questions and debate the matter where principally it was considered relevant factors in favour were that the house was formerly an HMO and its loss was not unacceptable due to its immediate location of relative isolation from other C3 dwellings.

The Chair then summed up the debate and put the motion to the vote. Voting: 7 in favour and 4 against with 2 abstentions. Motion carried.

Item 9 Court Farm, The Street, Compton Martin – Retention of existing building for use as ancillary accommodation (extension) to Court Farmhouse and retention of access track and alterations to car parking to serve adjacent holiday lets (Retrospective) – The Case Officer reported on this application and her recommendation to grant permission subject to conditions.

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

Councillor Vic Pritchard, as Ward Member on the Committee, stated that there had been a history of non-compliance with planning regulations on the site. He considered that, in view of this and to be able to assess the site in the context of its surroundings, a site visit needed to be held, and he so moved. Councillor Les Kew seconded the motion and requested that Officers provide all the necessary facts for

Members to make a decision. The motion was put to the vote and was carried unanimously.

Item 10 The Old Rectory, Anchor Lane, Combe Hay – Erection of garage with staff accommodation and extension of the curtilage of The Old Rectory (Resubmission) – The Case Officer reported on this application and her recommendation to refuse permission.

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

Councillor David Veale, as Ward Member on the Committee, stated that the property had been improved by the applicant and was only just outside the housing development boundary. He felt that the site needed to be viewed in the context of its surroundings and therefore moved that it be deferred for a site visit. The motion was seconded by Councillor Les Kew.

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

Item 11 Designer Composites, Fosseyway, Westfield, Midsomer Norton – Erection of 4 four bed detached dwellings, 2 two bed detached dwellings, and 1 three bed detached dwelling following demolition of existing industrial buildings – The Case Officer reported on this application and her recommendation to (A) authorise the Planning and Environmental Law Manager to prepare an Agreement under Section 106 of the Town and Country Planning Act 1990 to secure a contribution of £9,923.72 towards education; and (B) upon completion of the Agreement, authorise the Group Manager – Development Management to grant permission subject to conditions.

Councillor Les Kew could not see any problem with this application and therefore moved the Officer recommendation which was seconded by Councillor Manda Rigby.

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

11 QUARTERLY PERFORMANCE - JANUARY TO MARCH 2014

The Group Manager – Development Management reported on the Quarterly Performance Report which provided Members with performance information across a range of activities within the Development Management function.

Members commented on the report. It was requested that the graph in Table 1 of the report be in colour in future. This was a new format where colour differentiation was required for comparing applications determined within target time.

The Chair complimented the Officers on their performance and the Committee noted the report.

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

After a brief discussion, the report was noted

The meeting ended at 7.50 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services