

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

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

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

Wednesday, 2nd July, 2014

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

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

Also in attendance: Councillors Colin Barrett, Sally Davis, Terry Gazzard, David Martin and Geoff Ward

#### **13 EMERGENCY EVACUATION PROCEDURE**

The Senior Democratic Services Officer read out the procedure

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

A Vice Chair was not desired

#### **15 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There was an apology for absence from Councillor Les Kew whose substitute was Councillor Vic Pritchard. There was also an apology from Councillor Eleanor Jackson.

It was pointed out that Cllr Kew was currently recovering from a heart operation and the Chair requested that Councillor Bryan Organ pass on the Committee's best wishes for a speedy recovery.

#### **16 DECLARATIONS OF INTEREST**

There were none. Councillor Malcolm Lees pointed out that, at the previous meeting when the Weston All Saints Primary School planning application was considered, he declared an interest as the Report referred to Vernslade where he owned a property. However, the Report did not refer to it on this occasion and therefore he would speak and vote on the application when it was to be considered at this meeting.

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

There was none

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

The Senior Democratic Services Officer informed the meeting that there were a number of people wishing to make statements on planning applications in Reports 9 and 10 and that they would be able to do so when reaching those respective items.

The Chair requested that, in view of the large public interest in the application at Bath Recreation Ground, the time be extended from the standard 3 minutes to 6 minutes to which the Committee agreed.

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

There was none

## **20 MINUTES: 4TH JUNE 2014**

The Minutes of the previous meeting held on Wednesday 4<sup>th</sup> June 2014 were approved and signed by the Chair as a correct record

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

The Committee considered

- A report by the Group Manager for Development on various applications for planning permission etc
- Oral statements by members of the public etc on Items Nos 1-4, the Speakers List being attached as *Appendix 1* 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 2* to these Minutes

**Item 1 Weston All Saints Primary School, Broadmoor Lane, Weston, Bath – Provision of a new 6 classroom teaching block and associated external works (Resubmission)** – The Case Officer reported and updated the Committee on this application and his recommendation to grant permission with conditions.

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

Councillors Colin Barrett (Ward Member) and Geoff Ward (Bathavon North) made statements on the application.

Members asked questions about the proposal to which the Officer responded.

Councillor Bryan Organ pointed out that there were usually issues with traffic and schools due to parents using their cars to drop off and collect their children from school. However, regarding this proposal, there were highway and traffic management measures that would mitigate the effect and therefore he moved the Officer recommendation to grant permission with conditions. The motion was seconded by Councillor Liz Hardman.

Members debated the motion. Councillor Manda Rigby considered that a condition should be added to ensure that all outstanding matters be resolved before the buildings are occupied to which the mover and seconder agreed. The Team Manager – Development Management stated that it was not considered necessary to attach a condition to this application requiring a Travel Plan and that it was the applicants' responsibility to satisfy the recommended conditions. However,

Councillor Manda Rigby considered that a condition requiring the submission of a Travel Plan should be added if permission was granted.

Councillor Malcolm Lees (Ward Member) referred to a number of issues with which he was concerned. These included the safety of the pupils, the Highways Officer objection, that the need for the expansion had not been identified, a Travel Plan not being submitted in time on a previous application, a number of “near miss” incidents that had not been recorded, problems with “Park and Stride”.

The Chair summed up the situation and voiced his support. Councillor Malcolm Lees suggested that the Site Visit had been “stage managed” to give a better impression of the situation on the ground.

The Chair put the matter to the vote. Voting: 8 in favour and 4 against. Motion carried.

**Item 2 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 (Part retrospective)** – The Case Officer reported on this application and her recommendation to grant permission with conditions.

The public speakers made their statements.

Councillor Vic Pritchard as Ward Member on the Committee opened the debate. He referred to previous issues on the site not being compliant with planning regulations and to a commercial element being retained. The car park was practically redundant and a landscape condition was required.

After some discussion, Councillor Ian Gilchrist moved the Officer recommendation which was seconded by Councillor Neil Butters. Councillor Liz Hardman considered that the application would regularise the situation but felt that the landscaping condition should be more specific. The Case Officer responded that this could be achieved with removal of some of the tarmac car park and hedging. The Team Manager – Development Management confirmed that the standard condition with additional wording added to require the removal of part of the car park would cover the situation. The mover and seconder agreed that this be included in the motion. There was further discussion about the tarmac car park and it was considered that about half needed to be removed as indicated by the Case Officer on the site plan. Councillor Vic Pritchard felt that this was not enough and that there was further parking available on the site. He considered that the access was excessive.

The Chair summed up the debate and put the motion to the vote. Voting: 6 in favour and 1 against with 5 abstentions. Motion carried.

**Item 3 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 (including recladding) of retained building to private office/workshop accommodation (Class B1) with associated car parking** – 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.

The Ward Councillor Sally Davis made a statement in support of the application.

The Team Manager – Development Management informed the meeting that a 5 year land supply had been identified in the Core Strategy but the NPPF still needed to be considered regarding the effect on the openness of the Green Belt which would be adversely affected by the development. A line of trees had been felled but, even if they had not been, the openness would still be affected.

Members discussed the issues of this proposal. It was considered that there were various benefits from the site being developed for residential use. It was within walking distance of the site, affordable housing was included in the proposal and houses would be better than some other commercial or possibly industrial use, Councillor Vic Pritchard agreed and the proposal would tidy up an unsightly site. On this basis and despite it being located in the Green Belt, he moved that the recommendation be overturned and that permission be delegated to Officers for appropriate conditions including landscaping to screen the development. The motion was seconded by Councillor Liz Hardman.

Members debated the motion. It was considered that the fall back position of industrial use would have a greater impact on the Green Belt. The motion was put to the vote and was carried, 10 voting in favour and 1 against with 1 abstention.

However, the Team Manager – Development Management exercised his delegated power under Paragraph 7 of the Committee's Protocol when decisions were contrary to Policy and Officer advice. This rendered the decision of no effect until the application is reconsidered by the Committee at a subsequent meeting when it can make such decision as it sees fit.

**Item 4 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. She updated Members on the applicant's offer of improvements to the public footpath.

The Clerk to Combe Hay Parish Council made a statement on the application which was followed by a statement by the applicant in support of his application.

Councillor Patrick Anketell-Jones opened the debate. He referred to the fact that the proposal was in the Green Belt and outside the housing development boundary. He felt that there could be some suburbanisation being close to Bath and the integrity of the village could be eroded. Councillor Bryan Organ considered that the extension of residential use into the Green Belt was wrong and therefore moved the Officer recommendation to refuse permission which was seconded by Councillor Doug Nicol.

Members debated the motion. It was supported by some Members even though the site was in the Green Belt and located outside the housing development boundary. Other Members considered that for various reasons they could not support the motion.

The motion was put to the vote and was lost, 4 Members voting in favour and 8 against.

Councillor Vic Pritchard therefore moved that Officers be delegated to grant permission subject to appropriate conditions which was duly seconded. This was on the basis of earlier discussion by Members, namely, that development would complement The Old Rectory which was a prestigious property and would enable staff to be located on the premises to maintain the property, there were no existing garage facilities for the property and there would be a planning gain by removal of an unsightly old wall. The Ward Member on the Committee, Councillor David Veale, stated that, on balance, he supported the application. The Team Manager – Development Management stated that, if permission were to be granted, a S106 Agreement may need to be included to ensure that the accommodation was ancillary to the main house which was accepted by Members.

On this basis, the motion was put to the vote and was carried, 9 voting in favour and 3 against.

(Note: After this decision at 4.20pm, the Committee adjourned for a 5 minute comfort break.)

## **22 MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE**

The Committee considered

- A report by the Group Manager for Development on various applications for planning permission etc
- Oral statements by members of the public etc on Item Nos 1-4 and 6 and 7, the Speakers List being attached as *Appendix 1* to these Minutes
- An Update Report by the Group Manager on Item Nos 1 and 3, a copy of which 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 Recreation Ground, Pulteney Mews, Bathwick, Bath – Retention and/or replacement of, and extensions to, the existing temporary spectator stands along the north, west and eastern sides of the retained playing field (as approved under planning permission references 09/01319/FUL, 10/01609/FUL, 10/01608/FUL, 10/01611/FUL), provision of new hospitality boxes to either side of the retained south stand, new control room and associated works and ancillary facilities comprising toilets and food and bar facilities (temporary application for period of up to 2 years) –** The Case Officer reported on this application and his recommendation to grant permission with conditions. He referred to the Update Report which made a correction to the Main Report and set out further representations received and his further comments.

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

Councillor Manda Rigby stated that Members had not had an opportunity to read all of the submissions from the public and that deferral for a Site Visit would be beneficial. She therefore moved that the application be deferred for a Site Visit for the site to be viewed in the context of its surroundings. This was seconded by Councillor Ian Gilchrist.

The motion was put to the vote and was carried, 7 voting in favour and 0 against with 3 abstentions.

**Item 2 The Old Timber Yard, Tynning Road, Bathampton, Bath – Outline planning application with all matters reserved, except of means of access for a residential development (15 units) following the demolition of existing buildings and associated parking, landscaping and ancillary works and relocation of mast** – The Consultant Planning Officer reported on this application and the recommendation to authorise the Group Manager for Development, in consultation with the Planning and Environmental Law Manager, to a) enter into a S106 Agreement to secure financial contributions towards street lighting improvements and educational provision and the provision of affordable housing; and b) upon completion of the Agreement, grant permission subject to conditions. He stated that this was not agricultural land and not an MOD Safeguarded Area as stated in the Report. The Core strategy had also been found sound but this did not mean that the planned delivery of 13,000 houses was a cap. He continued by stating that the proposal complied with the NPPF in that it proposed development of previously developed land and was not considered to have an adverse impact on the openness of the Green Belt.

The applicants' agent made his statement in support of the application which was followed by statements by the Ward Councillors Geoff Ward and Terry Gazzard who supported the proposal.

Based on the mitigation measures to be imposed, Councillor Bryan Organ moved the Officer recommendation which was seconded by Councillor Vic Pritchard.

Members debated the motion. After a brief discussion regarding the Bath Transport Package and whether the potential use of the site for Park and Ride east of Bath was a material consideration, the motion was put to the vote. Voting: 9 in favour and 1 against. Motion carried.

**Item 3 Radway Service Station, 482 Wellsway, Odd Down, Bath – Demolition of the existing Radway Service Station and dwelling house at 2 Oolite Road to provide 5 small scale student cluster flats (Resubmission)** – The Case Officer reported on this application and his recommendation to (A) authorise the Group Manager for Development to grant permission subject to the applicant entering into an Agreement under S106 of the Town and Country Planning Act 1990 to secure various provisions relating to Public transport, Formal open space and a Site Management plan; and (B) subject to the prior completion of the Agreement, authorise the Group Manager for Development to grant permission subject to conditions (or such conditions as he may determine). He reported the receipt of 2 further objections and corrected a reference in the report to read National Planning Practice Guidance 2014.

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

Members discussed the issues and asked questions to which the Officers responded. Councillor Ian Gilchrist considered that the application was acceptable and moved the Officer recommendation which was seconded by Councillor Bryan Organ.

Members debated the motion. The Chair referred to flooding issues which he felt were not a big problem given its location. He observed that the design was not in the local vernacular and also expressed reservations about attempting to make students park their cars 2km away from the building as recommended in the terms of the S106 Agreement. Members considered that it would be more appropriate to request that tenants do not have cars at all. The mover and seconder agreed to vary the motion accordingly.

The amended motion was put to the vote. Voting: 9 in favour and 0 against with 1 abstention.

(Note: At 5.35pm after this decision, the Committee adjourned for a Tea break for approximately 25 minutes.)

**Item 4 No 21 Woodland Grove, Claverton Down, Bath – Erection of 3 detached dwellings following demolition of a single dwelling and garage** – The Case Officer reported on this application and his recommendation to (A) authorise the Group Manager for Development to grant permission subject to the applicant entering into an Agreement under S106 of the Town and Country Planning Act 1990 to secure financial contributions towards the provision of Formal open space; and (B) subject to the prior completion of the above Agreement, authorise the Group Manager for Development to grant permission subject to conditions (or such conditions as he sees fit).

The Ward Councillor David Martin made a statement raising various concerns about the proposal.

Councillor Ian Gilchrist agreed with these comments and therefore moved that the Officer's recommendation be overturned and permission be refused which was seconded by Councillor Vic Pritchard.

Members debated the motion. It was considered that reasons for refusal would be that it was over development and the design was out of character with the street scene and adjoining properties.

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

**Item 5 Druid Farm, Pensford Lane, Stanton Drew – Erection of new building following the demolition of existing dwelling for storage purposes** – The Case Officer reported on this application and his recommendation to refuse permission.

Councillor Bryan Organ agreed with the Officer's conclusions and therefore moved the Officer's recommendation. The motion was seconded by Councillor Liz Hardman who outlined the reasons for supporting the motion.

The Chair put the motion to the vote which was carried unanimously.

(Note: After this decision, Councillor Doug Nicol left the meeting.)

**Item 6 Abbey Hotel, 1 North Parade, Bath – Change of use of public highway to allow temporary siting of chalet to house outside catering bar** – The Case Officer reported on the application and his recommendation to refuse permission.

The applicant made a statement in support of his proposal and stated that he would accept a 3 year permission.

Councillor Manda Rigby, as Ward Member on the Committee, opened the debate. She considered that the duration of this temporary structure would extend the festive season and it would only be for 3 years. Councillor Vic Pritchard read out a statement prepared by the other Ward Councillor Brian Webber.

Councillor Liz Hardman agreed that this was a temporary structure, the use would extend the festive season in this part of the City and the permission would only be for 3 years. She therefore moved that the Officer recommendation be overturned and that Officers be authorised to grant permission for a 3 year trial period subject to appropriate conditions. The motion was seconded by Councillor Gerry Curran.

Members debated the motion. The number of days that the structure would be erected was discussed. The Team Manager – Development Management stated that the duration would be 45 days in a 12 month period and that a condition would need to be added to remove permitted development rights.

The Chair summed up the debate and put the motion to the vote. Voting: 8 in favour and 0 against with 1 abstention. Motion carried

(Note: Councillors Vic Pritchard and David Veale left the meeting after this decision.)

**Item 7 End Farm, St Catherine Lane, St Catherine – Provision of field gate onto St Catherine Lane adjacent to junction to Beek's Lane allowing access to 3 agricultural fields east of Beek's Lane formerly accessed via Beek's Lane (Retrospective) (Resubmission)** – The Case Officer reported on this application and his recommendation to refuse permission.

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

Councillor Bryan Organ relayed the views of the Ward Councillors Martin Veal and Geoff Ward who supported the recommendation to refuse permission. The Principal Solicitor responded to a Member's query about the relevance of private ownership rights.

Councillor Bryan Organ agreed with the Officer's recommendation and therefore moved that permission be refused which was seconded by Councillor Liz Hardman.

The motion was put to the vote and was carried, 6 voting in favour and 0 against with 1 abstention.

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



The report was noted

The meeting ended at 7.02 pm

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**