

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

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

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

Wednesday, 24th September, 2014

**Present:-** Councillor Gerry Curran in the Chair  
Councillors Rob Appleyard, Neil Butters, Ian Gilchrist, Les Kew, Dave Laming, Malcolm Lees, Bryan Organ, Vic Pritchard, Manda Rigby, Martin Veal, David Veale and Brian Webber (In place of Patrick Anketell-Jones)

Also in attendance: Councillor Nathan Hartley

#### **48 EMERGENCY EVACUATION PROCEDURE**

The Senior Democratic Services Officer read out the procedure

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

A Vice Chair was not required

#### **50 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There was an apology for absence from Councillor Patrick Anketell-Jones whose substitute was Councillor Brian Webber

#### **51 DECLARATIONS OF INTEREST**

There was none

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

There was none.

The Chair informed members of the public that the planning applications at Cleveland House, Bathwick (Items 2 and 3, Report 10) and land opposite 199 Bailbrook Lane, Lower Swainswick (Item 4, Report 10) had been withdrawn from the Agenda and would not be considered at this meeting.

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

The Senior Democratic Services Officer informed the meeting that there were a few 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 on the Agenda.

## 54 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

There was none

## 55 MINUTES: 3RD SEPTEMBER 2014

The Minutes of the previous meeting held on 3<sup>rd</sup> September 2014 were approved as a correct record and were signed by the Chair

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

The Committee considered

- The report of the Group Manager – Development Management on various planning applications
- An Update Report by the Group Manager on Item 2, a copy of which is included in the Minutes as *Appendix 1*
- Oral statements by members of the public etc. on Item Nos. 1 and 2, the Speakers 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 Land adjacent to Tree Tops, Firgrove Lane, Peasedown – Erection of straw bale, timber framed living/work unit (Retrospective)** – The Case Officer reported on this application and his recommendation to refuse permission.

The applicant made a statement in favour of the proposal. The Ward Councillor Nathan Hartley then made a statement in support of the application. Councillor Manda Rigby informed the meeting that the other Ward Councillor Sarah Bevan couldn't attend the meeting but also supported the proposal.

Councillor Malcolm Lees sought clarification on whether the site was outside the Green Belt. The Group Manager confirmed that the site was indeed outside the Green Belt and, though adjacent to it, would not impact on its setting.

Councillor Dave Laming moved that the recommendation be overturned and that permission be granted. The motion was seconded by Councillor Malcolm Lees.

Members debated the motion. Councillor Les Kew opened the debate. He stated that the development was outside the housing development boundary and a green field site and queried whether anyone with a bit of land being used for some agricultural purpose could be granted permission for a dwelling. Although he had sympathy with the applicant, this was a policy issue and it would set a dangerous precedent if permission was granted. The Group Manager agreed that there was a consistency issue. There was an obligation for the applicant to demonstrate that an agricultural use required that workers or a family live on the site. An Agricultural Appraiser had been appointed who advised that the use did not generate the need for someone to live on the site. The Development Plan needed to be taken into consideration as to whether this was an essential use and this application did not meet that test. If the

application was refused, the Council would need to consider if it was expedient to take enforcement action and an enforcement report would be formulated for consideration by Committee. If enforcement action was approved, there would be an amount of time for the occupants to find alternative accommodation. Regarding a few queries by Members regarding building regulations approval, measures to avoid setting a precedent and rearing alpacas on the site, the Group Manager stated that building regulations were not for consideration at this meeting; it would be very difficult to grant permission without setting a precedent; and specialist advice would be required regarding alpacas which at the moment was a hypothetical issue.

Members continued to debate the motion. It was suggested that a personal permission could be granted to prevent occupancy in the future by anyone else other than the applicant. Also, a temporary permission for up to 5 years could be granted. It was pointed out that if permission was refused, the applicant could appeal against the decision. Reference was made to an apparently similar development at Bathampton but it was pointed out that, in that case, the applicant was a traveller with health issues. It was generally felt by Members that there were good policy reasons for refusing permission. The reasons for overturning the recommendation were discussed. It was felt that the development created a carbon free environment and that an alternative lifestyle should be supported. The motion was put to the vote. Voting: 3 in favour and 7 against with 3 abstentions. Motion lost.

It was therefore moved by Councillor Bryan Organ and seconded by Councillor Vic Pritchard to refuse permission as recommended by Officers. Voting: 7 in favour and 3 against with 3 abstentions. Motion carried.

**Item 2 Rentokil Tropical Plants, Pipehouse Nursery, Pipehouse, Freshford – Erection of 10 dwellings, including access road, car parking and hardstanding, landscaping and associated works and services following demolition of existing buildings and structures** – 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 various provisos relating to Transport and accessibility, Affordable housing, Open space and recreational facilities, Education and Protection of boundary hedges; and (B) subject to the prior completion of the above Agreement, authorise the Group Manager to grant permission subject to conditions (or such conditions as may be appropriate).

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

Councillor Neil Butters, the Ward Member on the Committee, referred to the Neighbourhood Plan and the provision of affordable housing (which this development would provide). However, he had issues with the proposal as regards the windows, the access from a narrow lane and its unsustainability regarding shops and public transport facilities being a distance away. On this basis, he moved that the recommendation be overturned and permission be refused. The motion was seconded by Councillor Brian Webber.

In response to a Member's query, Officers provided information regarding the number of dwellings to the acreage and potential percentages on affordable housing based on the size of the development. The motion was debated and found some support amongst Members. It was felt that the site was long and thin like a "finger" pointing into the countryside. Too many houses were proposed and 3 or 4 may be

more appropriate. It was considered to be overdevelopment. There were also issues of traffic and pedestrian safety. Affordable housing issues were discussed and some Members felt that this was not the best site for such development. Concern was expressed regarding refuse and recycling bins and their collection. The Group Manager stated that, if permission was granted, details could be negotiated with the applicant. He outlined the reasons for refusal as discussed by Members. After commenting on the application, the Chair put the motion to the vote. Voting: 6 in favour and 7 against. Motion lost.

Councillor Bryan Organ therefore moved the Officer recommendation including details to be provided on bin storage and collection. The motion was seconded by Councillor Rob Appleyard. On being put to the vote, the motion was carried, 7 voting in favour and 6 against.

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

The Committee considered

- a report by the Group Manager – Development Management on various planning applications
- an oral statement on Item 1, the Speakers 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 4* to these Minutes.

**Item 1 The Chase, Rectory Lane, Compton Martin – Erection of single storey extension and alterations to the footprint (Retrospective)** – The Case Officer reported on this application and her recommendation to grant permission subject to conditions. She reported on further submissions received.

The applicant made a statement in favour of the proposal.

Councillor Vic Pritchard raised various queries to which the Case Officer responded. After a point of clarification, Councillor Malcolm Lees moved the Officer recommendation to refuse permission which was seconded by Councillor Dave Laming.

Members debated the motion. Various queries were raised to which the Case Officer replied. The Group Manager stated that whether or not the extension could be seen from the road was a matter that should be taken into account. Members generally felt that the increased size was minor and would have been granted permission if the proposal had been submitted in its current form.

The motion was put to the vote and was carried, 9 voting in favour and 1 against with 3 abstentions.

**Items 2 and 3 Cleveland House, Sydney Road, Bathwick, Bath – Erection of a single storey side extension and first floor terrace, including internal alterations, demolition of existing single storey extension (Revised proposal) (Ref 14/01380/FUL); and Internal and external alterations to include the**

**erection of a single storey side extension and first floor terrace, following demolition of existing single storey extension (Ref 03181/LBA)** – These applications were withdrawn from the Agenda and were not considered

**Item 4 Land opposite 199 Bailbrook Lane, Lower Swainswick, Bath – Erection of 2 detached dwellings with retained open space** – This application was withdrawn from the Agenda and was not considered

**Item 5 Abbots Barn, Cameley Lane, Hinton Blewett – Erection of 1 dwelling house (Outline application with some matters reserved)** – The Case Officer reported on this application and her recommendation to refuse permission.

The Ward Councillor Tim Warren made a statement on the application.

Councillor Malcolm Lees moved the Officer recommendation which was seconded by Councillor Dave Laming.

It was agreed that there were strong planning policies on which to refuse permission.

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

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

The report was noted

The meeting ended at 4.25 pm

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**