

DRAFT MINUTES PENDING CONFIRMATION AT THE NEXT MEETING

BATH AND NORTH EAST SOMERSET

MINUTES OF DEVELOPMENT CONTROL COMMITTEE

Wednesday, 11th February, 2015

Present:- Councillor Gerry Curran in the Chair

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

Also in attendance: Councillors Colin Barrett, Cherry Beath, Liz Hardman, David Martin, Ben Stevens and Roger Symonds

104 EMERGENCY EVACUATION PROCEDURE

The Senior Democratic Services Officer read out the procedure

105 ELECTION OF VICE CHAIR (IF DESIRED)

A Vice Chair was not required

106 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There was an apology for absence from Councillor Bryan Organ whose substitute was Councillor Brian Webber

107 DECLARATIONS OF INTEREST

Councillor Rob Appleyard declared an interest in the planning application at the MoD site, Foxhill, Combe Down, Bath (Item 5, Report 9) as a Director of Curo (the applicants). He would therefore leave the meeting for its consideration.

108 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There were no items of urgent business. However, at the Chair's request, the meeting held a minute's silence for those who died in the recent accident involving a runaway lorry in Lansdown Lane, Weston, Bath.

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

The Senior Democratic Services Officer stated that (1) notice had been given of a statement to be made by the Bath Preservation Trust relating to cumulative impact in the World Heritage Site which would be heard shortly; and (2) various people had registered to speak on planning applications and that they would be able to do so when reaching their respective items in Report 9.

Caroline Kay, Chief Executive of the Trust, read out her statement which the Committee noted. The Chair stated that Officers would respond to the statement in due course.

110 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

There was none

111 MINUTES: 14TH JANUARY 2015

The Minutes of the previous meeting held on Wednesday 14th January 2015 were approved as a correct record and were signed by the Chair

112 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 applications for planning permission etc.
- An Update report by the Group Manager on Item Nos. 3-6, a copy of which is attached as *Appendix 1* to these Minutes
- Oral statements by members of the public etc. on Item Nos. 1-7 and 9, a copy of 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 Pinesgate, Lower Bristol Road, Bath – Erection of an office building (Use Class B1) with basement parking, associated infrastructure and landscaping following demolition of existing office building – The Case Officer reported on this application and her recommendation to (A) authorise the Group Manager, in consultation with the Planning and Environmental Law Manager, to enter into a S106 Agreement for various provisions; and (B) on completion of the above Agreement, grant permission subject to conditions. She referred to the sample panels of facing materials which had been the subject of a Technical Briefing for Members and which were now on display at this meeting. The Panel numbered 2 was preferred by the applicants and was recommended by Officers.

The public speakers made their statements against and in favour of the proposals. The Ward Councillor Ben Stevens made a statement on the benefits of the scheme.

The Ward Member on the Committee, Councillor Ian Gilchrist, supported the scheme and moved the Officer recommendation with the recommended sample panel numbered 2 which was seconded by Councillor Rob Appleyard.

Members debated the motion. Councillor Les Kew considered that the details of windows and doors and the proposed facing materials that had a similar hue to Bath stone were now acceptable. However, there should be a condition that a large sample panel of the facing material should remain on site until completion of the work. Councillor Manda Rigby, with some other Members, did not feel that the facing

material was acceptable and would not support the motion. Councillor Patrick Anketell-Jones agreed with Councillor Kew that the facing material was acceptable. However, there was some doubt concerning the weathering process and he felt that a condition should be added for a 10 year monitoring of the facing materials to maintain its appearance. There should also be a condition to make the building gull proof. Some Members agreed with these proposed amendments. The Group Manager advised that a 10 year survey would not be reasonable but gull proofing could be added as a condition. The mover and seconder agreed to amend the motion accordingly. The matter of the large sample panel was covered in the recommended Condition 3 and could be delegated to Officers to ensure it was in accord with the small panel provided by the applicants. Councillor Brian Webber was content with the proposed materials but expressed concern about the height of the building. He indicated that he would not vote against the motion on the grounds of the height of the building.

After a full discussion on the proposed scheme and the facing materials, the motion was put to the vote. Voting: 6 in favour and 6 against with 1 abstention. The Chair used his second and casting vote against the motion and therefore the motion was lost, 6 voting in favour and 7 against.

The Chair therefore moved that the application be refused as the proposed facing materials and height of the building would have a detrimental impact on the area and this part of the World Heritage Site and were not in accord with the Bath Western Riverside Supplementary Planning Document. This was seconded by Councillor Dave Laming. The motion was put to the vote. Voting: 6 in favour and 6 against with 1 abstention. The Chair used his second and casting vote in favour of the motion which was therefore carried, 7 in favour and 6 against.

Item 2 MoD Warminster Road, Bathwick, Bath – Demolition of existing buildings, erection of 204 dwellings, 2 accesses from Warminster Road, vehicular parking, open space, landscaping (including tree removal), pumping station, and associated engineering works – The Team Manager – Development Management reported on this application and the recommendation to (A) authorise the Planning and Environmental Law Manager to enter into a S106 Agreement to secure various provisions relating to (i) Affordable Housing, (ii) Education, (iii) Public Open Space and Recreation, (iv) Public Transport, Walking and Cycling provision, (v) Conservation Management Plan, and (vi) Maintenance of Canal Towpath; and (B) subject to the prior completion of the above Agreement, authorise the Group Manager to grant permission subject to conditions. He reported on late objections received and recommended 2 further conditions relating to garages and land for education/public footpath and an Informative.

The public speakers made their statements against and in favour of the development. The Ward Councillor David Martin made a statement against the proposed scheme.

Members asked questions about the scheme to which the Team Manager responded. Discussion covered various aspects of the scheme including affordable housing, landscaping, education land etc. Councillor Rob Appleyard referred to the fact that he could see the site from his property but felt that his participation in the debate and vote was reasonable. Councillors Manda Rigby, Dave Laming and Patrick Anketell-Jones stated that they could also see the site from a distance and

therefore each declared a similar interest but they all considered their participation in the item to be reasonable. Councillor Ian Gilchrist considered the proposed development was acceptable and moved the Officer recommendation which was seconded by Councillor Vic Pritchard.

Members debated the motion. They discussed various issues including the number of houses, affordable housing, rainwater goods etc. It was generally felt that the scheme provided much needed housing of a quality design on a brownfield site and would dramatically improve the existing appearance. The Group Manager stated that the benefits of the scheme outweighed any drawbacks when considered as a whole. Councillor Ian Gilchrist considered that the street furniture should be of a good quality as indicated in the drawings provided by the architect. The Chair summed up the debate and put the motion to the vote. Voting: 10 in favour and 3 against. Motion carried.

(Note: There followed a 5 minute adjournment for a natural break)

Items 3&4 The Colonnade beneath Grand Parade, Bath – Change of use of vault and undercroft spaces below Grand Parade to restaurants and ancillary facilities (A3), with works to allow pedestrian access to Boat Stall Lane and The Colonnade and to facilitate access to Slippery Lane. Alteration to the public highway, the creation of pedestrian space, the realignment of bus and service parking capacity along Grand Parade and towards Orange Grove, provision of a new loading bay and construction of vertical reception and service receptions (Applications Ref Nos. 14/01772/REG03 and 14/01773/REG13) – The Case Officer reported on these applications and her recommendations to (1) grant permission with conditions and that (2) regarding the application for listed building consent (A) 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 (B) subject to the Secretary of State not calling in the application, to authorise the Group Manager to grant consent subject to conditions. She referred to the receipt of comments from English Heritage and the added Condition (relating to protection of the structure of Pulteney Bridge) and Plans List referred to in the Update Report. In relation to Item 3, the recommended Condition 22 of the application for planning permission could now be deleted as it was better covered under condition 16 of the Operational Statement. She referred to further representations from statutory consultees on the matter. She informed the meeting that there were various references in the Report on Item 4 (at pages 117 to 121 of the Agenda) to “planning application/planning permission” whereas these should read “listed building application/listed building consent” and confirmed that the report has had special regard to the desirability of preserving the Grade II listed Colonnades and its setting and that of the surrounding listed buildings as well as paying special attention to the preservation of the character of the surrounding Conservation Area. She explained that this had been given full consideration as detailed within the Report. Whilst it had been accepted that the development would result in harm to the setting of the listed buildings and the Conservation Area, full attention had been given to the duty of the Council to consider the necessary issues within the Planning (Listed Buildings and Conservation Areas) Act.

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

Councillor Manda Rigby, as one of the Ward Members on the Committee, welcomed the use of The Colonnade and it being opened up but could not support the recommendations. She agreed with English Heritage and references in the NPPF that there would be harm to Pulteney Bridge. The building-out of the pavement could prevent a number of events that were planned for Grand Parade. She therefore moved that permission and consent be refused on the grounds that the proposed development would cause substantial harm and would provide little public benefit and that it would be detrimental to the character and appearance of Pulteney Bridge and this part of the Conservation Area and the World Heritage Site. The motion was seconded by Councillor Martin Veal.

Councillor Brian Webber, the other Ward Member on the Committee, considered that there were some benefits of the scheme but had concerns about access and the appearance of the kiosks. He gave some of the history of the site and felt that there was little demand for more restaurants. The Group Manager made reference to the consultation responses from English Heritage and advised that it was unclear if English Heritage thought the harm in question fell to be considered under NPPF 133 or 134. The difference between the two paragraphs and the tests contained therein was significant to the decision to be made. The Group Manager advised that clarification should be sought from English Heritage as the consultation report before the Committee was not clear – he therefore felt that it would be better if the application was deferred.

Members debated the motion and had regard to the advice from the Group Manager. Most Members agreed that the principle of opening up the Colonnades was beneficial but could not accept the design of the kiosks and the effect on this part of the City. Members considered that, notwithstanding the advice of the Group Manager, the proposal constituted substantial harm to the setting of Pulteney Bridge and that it should therefore be refused. The motion was therefore put to the vote and was carried, 12 voting in favour and 0 against with 1 abstention.

(Note: After this decision at 5.15pm, the Committee adjourned for Tea until 5.40pm)

Item 5 Former MoD Premises, Foxhill, Combe Down, Bath – Outline planning permission for up to 700 dwellings, up to 500 sq. m retail (Use Classes A1-A5), up to 1000 sq. m employment (Use Class B1), up to 3500 sq. m community/education (Use Class D1), single form entry primary school, open space and all associated infrastructure – 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 provisions relating to (i) Transport, (ii) Open Space, (iii) Affordable Housing, (iv) Education, (v) Community Services, and (vi) Economic Development; and (B) subject to the prior completion of the above Agreement, to authorise the Group Manager to grant permission subject to conditions. He updated the meeting on further representations being received and details of further planting proposed.

The public speakers made their statements against and in favour of the application. The Ward Councillors Cherry Beath and Roger Symonds made statements in support of the scheme.

Councillor Neil Butters considered this to be a good scheme and moved the Officer recommendation. He enquired about the highway layout at the junction of Entry Hill and Bradford Road. The motion was seconded by Councillor Ian Gilchrist.

Members asked questions about the development to which the Officer responded. Councillor Vic Pritchard referred to the building-out of the pavement on the southern side of the proposed roundabout on Bradford Road at the main entrance to the site and felt that painted white lines would be preferable. The Highways Officer responded that this could be considered. Members discussed various aspects of the scheme. The Group Manager referred to various aspects that would be included as Reserved Matters. The Chair stated that the Entry Hill junction would be given appropriate consideration. He summed up the debate and put the motion to the vote which was carried unanimously (Note: Councillor Brian Webber had left the meeting before this application was considered and Councillor Rob Appleyard was not present for its consideration in view of his interest declared earlier in the meeting).

Item 6 The Wharf, Greensbrook, Clutton – Erection of 15 dwellings following demolition of existing workshop and stone shed – The Case Officer reported on this application and his recommendation to (A) authorise the Planning and Environmental Law Manager to secure an Agreement under S106 of the Town and Country Planning act 1990 to secure various provisions relating to (i) affordable homes, (ii) a financial contribution towards improvements to pedestrian facilities and/or traffic management, and (iii) a financial contribution towards Primary School Places and Youth Provision; and (B) upon completion of the Agreement, authorise the Group Manager to grant permission subject to conditions. The Update Report recommended an increase in the amount of financial contribution towards Primary School Places and Youth Provision.

The Chairman of Clutton Parish Council made a statement in support of the application.

Councillor Les Kew explained the circumstances of the application and moved the Officer recommendation which was seconded by Councillor Dave Laming. The motion was put to the vote and was carried, 11 voting in favour and 0 against with 1 abstention.

Item 7 Lansdown Mazda, 59 High Street, Weston, Bath – Erection of single storey front extension to car showroom (Revised proposal) – The Team Manager reported on this application and the recommendation to refuse permission.

Councillor Malcolm Lees read from a statement prepared by the objector who was due to speak at the meeting but was too unwell to attend. The applicant made a statement in favour of the scheme. The Ward Councillor Colin Barrett then made a statement in support of the proposal.

Councillor Malcolm Lees made a statement as Ward Councillor requesting that a Site Visit be held and then left the meeting for its consideration having taken a decision not to participate in the vote.

Councillor Rob Appleyard considered that the scheme was acceptable. On the basis that the scheme would not affect the character of the Conservation Area, it would not significantly affect the amenities of the adjoining neighbour and would not unduly

affect the highway, he moved that the recommendation be overturned and that permission be granted. The motion was seconded by Councillor Martin Veal.

Members debated the motion. Some Members considered that this was a small extension to the showroom and would be an improvement to the street scene. Reference was made to the parking of cars on the forecourt being in contravention of a condition of an earlier permission. The Chair stated that the effect on listed buildings and local residents needed to be taken into account. The Group Manager stated that no weight could be given to the applicant's financial situation or to the fact that cars were being parked on the forecourt as the latter was in breach of a planning condition on a previous permission. The Group Manager noted that the technical advice from the Highways Officer was that there would be problems for traffic and pedestrians emerging onto the High Street. Members would need to consider whether the development would preserve or enhance the Conservation Area. He advised that the motion would need to be amended to delegate Officers to grant permission subject to appropriate conditions which was accepted by the mover and seconder. Some Members considered that the development would have a detrimental impact on the street scene and affect this part of the Conservation Area.

The motion was put to the vote and was carried, 7 in favour and 4 against.

Item 8 Parcel 4645 Bath Road, Farmborough – Construction of vehicular access and hard standing for round bale silage storage (Retrospective) – The Case Officer reported on this application and his recommendation to grant permission subject to conditions. The Officer provided an oral update to the Committee in relation to the impact of the development on the character of the area. He stated that, due to the limited size of the hard standing, the limited length of the hedgerow lost and the fact that the development was on the edge of the settlement, the Officer view was that the impact on landscape character was not significant.

Councillor Les Kew stated that it was unfortunate that this was a retrospective application but considered that permission should still be granted and he therefore moved the Officer recommendation which was seconded by Councillor Vic Pritchard. The motion was put to the vote and was carried unanimously (Note: Councillors Malcolm Lees and Martin Veal were not present for consideration of this application).

Item 9 No 28 Brummel Way, Paulton – Erection of dwelling house and associated car parking following demolition of existing garage – The Team Manager reported on this application and the recommendation to grant permission subject to conditions. He gave an oral update to the Report which noted that the Council's Core Strategy had been adopted.

The applicants' agent made a statement in support of the development. The ward Councillor Liz Hardman made a statement against the proposed development.

The Group Manager advised Members that loss of property value was not a material planning consideration.

Councillor Vic Pritchard considered that there were practical problems with the scheme and moved that permission be refused on grounds of overdevelopment and poor vehicular access. The motion was seconded by Councillor Rob Appleyard.

Members debated the motion. A Member considered that, with the extension already approved and the little amount of traffic generated from 1 additional property, there would not be a problem. There was a contrary view that a poor standard of amenity would ensue from the development. The Group Manager advised that it would be difficult to defend reasons of overdevelopment at any appeal but stated that grounds of harm to amenity, whilst not supported by Officers, were grounds which Members might decide to be harmful enough to warrant refusal. A refusal based on highways reasons would also be difficult to defend when taking into account the Inspector's comments as mentioned in the Report. Councillor Vic Pritchard considered that there would be potential conflict with 2 adjoining families in this small space at the end of a cul de sac. On advice, he amended the reasons for refusal of his earlier motion to that of over intense use of the site and poor vehicular access and egress. The seconder agreed.

The motion was then put to the vote and was carried, 6 voting in favour and 4 against with 1 abstention (Note: Councillors Malcolm Lees and Brian Webber were absent for consideration of this item).

113 TREE PRESERVATION ORDER - MIDMAR, RICHMOND ROAD, BEACON HILL, BATH

The Committee considered (1) a report by the Senior Arboricultural Officer on an objection received to a Tree Preservation Order made on 23rd September 2014 on a Silver Birch in the front garden of the above property, which tree made a contribution to the landscape and visual amenity of the Conservation Area; and (2) an oral statement by the son-in-law of the owner against the Order.

The Senior Arboricultural Officer gave a presentation on the matter. Members considered the recommendation to confirm the Order without modification. Councillor Patrick Anketell-Jones (Ward Member on the Committee) felt that the tree was out of proportion to the garden and house and therefore could be reduced in size. A replacement tree would be more appropriate.

The Officer responded to various queries by Members regarding potential works to the tree or its felling and replacement by trees of a different species. The Group Manager – Development Management emphasised that this was a significant tree situated within the Conservation Area and its visual amenity made it worthy of a Tree Preservation Order. Councillor Vic Pritchard considered that the Order gave the Council control over the tree and that there would be a substantial loss of amenity if the tree was felled. He therefore moved the Officer recommendation for the Order to be confirmed without modification which was seconded by Councillor Rob Appleyard.

Members debated the motion. As there had been some discussion regarding works to trees in the Conservation Area, it was considered that it would be useful if a guidance note could be produced explaining the difference between this and works to trees covered by a Tree Preservation Order. The Senior Arboricultural Officer stated that she would circulate a Note in due course. The motion was put to the vote and was lost, 4 voting in favour and 6 against with 1 abstention.

Councillor Manda Rigby therefore moved that the Order not be confirmed which was seconded by Councillor Les Kew. The motion was put to the vote and was carried, 7 voting in favour and 3 against with 1 abstention.

114 QUARTERLY PERFORMANCE REPORT - OCTOBER TO DECEMBER 2014

The report was noted. The Chair, on behalf of the Committee, extended his thanks to Officers on their performance during this Quarter.

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

The report was noted

The meeting ended at 8.30pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services