

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

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

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

Wednesday, 11th March, 2015

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

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

Also in attendance: Councillors Charles Gerrish and Brian Simmons

#### **116 EMERGENCY EVACUATION PROCEDURE**

The Senior Democratic Services Officer read out the procedure

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

A Vice Chair was not required

#### **118 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There was an apology from Councillor Vic Pritchard whose substitute was Councillor Sally Davis

#### **119 DECLARATIONS OF INTEREST**

There was a disclosable pecuniary interest declared by Councillor Martin Veal regarding the planning application on land opposite 199 Bailbrook Lane, Batheaston (Item 3, Report 9) and he would therefore withdraw from the meeting for consideration of this matter.

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

There was none

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

The Senior Democratic Services Officer informed the meeting that 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

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

Councillor Ian Gilchrist raised an issue regarding the discharge of conditions on the planning permission recently issued for development at Beechen Cliff School, Bath.

He requested that an item be included on the next Agenda so that the Case Officer could attend and give an explanation of his interpretation of the conditions.

A Member considered that it was not appropriate for the matter to be dealt with in this manner. The Chair agreed and stated that notice had not been given of this matter being raised. He would, however, speak to appropriate Officers to resolve the matter.

### **123 MINUTES: 11TH FEBRUARY 2015**

The Team Manager – Development Management stated that the listed building application at The Colonnades, Grand Parade, Bath (Minute 112) would need to be referred to the Secretary of State for a decision with a recommendation to refuse consent.

Councillor Neil Butters referred to the application at The Wharf, Greensbrook, Clutton (Minute 112) and the issue of the former railway weighbridge and stone built office which was to be demolished. He stated that he had requested that due consideration be given to relocation of these heritage assets. The Team Manager stated that this would be taken into account.

The Minutes of the previous meeting held on Wednesday 11<sup>th</sup> February 2015 were approved as a correct record and were signed by the Chair.

### **124 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. 1,2 and 9, a copy of which is attached as *Appendix 1* to these Minutes
- Oral statements by members of the public etc. on Item Nos. 1-10, 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 Former Cadbury site, Cross Street, Keynsham – Full planning permission for partial demolition, change of use and extension of Building B to a 135 unit care home use (C2), partial demolition and extension and use of Block C for employment use (B1) alongside the erection of 30 dwellings (open market and affordable) at the site of a previously approved care home, including the use of existing basements for car parking (Buildings B&C), associated surface level parking, access roads, landscaping and associated infrastructure. Works altering planning approval 13/01780/EOUT as approved on 19<sup>th</sup> February 2014 –** The Case Officer reported on this application and his recommendation to (A) authorise the Planning and Environmental Law Manager to secure a Deed of Variation to the existing S106 Agreement to secure various provisions relating to (i) affordable housing, (ii) employment space, (iii) education,

and (iv) occupiers of the care flats in Block B; and (B) upon completion of the Agreement, authorise the Group Manager to grant permission subject to conditions. He referred to the Update Report which had amended the original recommendation.

The applicant made a statement in favour of the proposed development which was followed by statements by the Ward Councillors Charles Gerrish and Brian Simmons.

Councillor Bryan Organ was pleased that Freeman Retirement Planning was involved in the scheme. Negotiations were progressing on provision of a doctors' surgery. He felt that this was a good scheme and therefore moved the Officer recommendation which was seconded by Councillor Les Kew.

Members debated the motion. Councillor Dave Laming expressed some concerns about the scheme. There was no Transport Strategy and there was no firm commitment on provision of a doctors' surgery. Councillor Manda Rigby stated that, although welcoming the statement of intent, there was a sustainability issue. There was no contribution to any medical provision and no commitment to build a surgery. She considered that some wording should be added regarding an appropriate S106 contribution to provide sustainable medical facilities on site for the occupiers of the development. The Chair stated that there was no obligation to provide a doctors' surgery – the existing 8 GP's in the area could use the funding to move onto the site. The Case Officer responded to these issues by saying that 1k sq m was included in the scheme for provision of medical facilities and that the funding was available for provision of a doctors' surgery, not necessarily one particular surgery. If a doctors' surgery was to be included in the existing scheme, a new application would be required.

Members continued to debate the matter and asked questions to which the Case Officer responded. There was discussion regarding whether the doctors' surgery would be included or only could be included. The Officer replied that space had been made available on the site but a planning application would be required to do so.

The motion by Councillor Bryan Organ and seconded by Councillor Les Kew was then put to the vote and was carried, 12 voting in favour and 0 against with 1 abstention.

**Item 2 The Poplars to be demolished, Bath Road, Farmborough – Erection of 12 one and two storey dwellings (including 4 affordable housing) and construction of vehicular and pedestrian access following demolition of existing bungalow** – The Case Officer reported on this application and her recommendation to (A) authorise the Planning and Environmental Law Manager to enter into a S106 Agreement to secure various provisions relating to (i) highways, (ii) education, (iii) parks and open spaces, and (iv) affordable housing; and (B) subject to the prior completion of the above Agreement, authorise the Group Manager to grant permission subject to conditions (or such other conditions as may be appropriate). She informed the meeting that the reference in the paragraph in the report describing the site and application needed to be amended by deleting "outline" (as this was a full application) and the last sentence of the paragraph. The recommended Condition 4 would also need to be reworded. A further 4 objections had been received but these raised no new issues.

Councillor Sally Davis, Ward Member on the Committee, stated that this was a controversial application. The proposed dwellings had been moved closer to the boundaries of neighbouring residents. The design of the dwellings did nothing to reflect the rural setting of the village. She felt that the Place Making Plan had not been considered and the Core Strategy had not been adhered to. She therefore moved that the recommendation be overturned and that permission be refused. The motion was seconded by Councillor Les Kew who considered that the design and materials were not appropriate for this location.

Members debated the motion and asked questions to which the Case Officer responded as appropriate. Most of the Members raised concerns about the development including the design, materials, layout and the location of affordable housing. It was generally felt that this development was not suitable to its location in Farmborough. The Team Manager – Development Management clarified the reasons for refusal as being that the proposed design and layout of the development would have a significantly detrimental impact on the character of the village and the amenities of local residents contrary to approved planning policies and the NPPF. The mover and seconder agreed. Councillor Rob Appleyard considered that the development failed to meet Code 3 of the Standard Construction Requirement.

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

**Item 3 Land opposite 199 Bailbrook Lane, Batheaston, Bath – Erection of 2 detached dwellings with retained open space** – 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 application.

Councillor Dave Laming, Ward Member on the Committee, was totally against this development and quoted the Appeal Inspector's decision letter that there should be no development on this land. Members discussed the proposed development and asked questions to which Officers responded as appropriate. The Case Officer confirmed that the access did not encroach on the neighbour's land. Some Members saw that there were some benefits with the development which sought to reduce the impact on its surroundings. Other Members referred to the site being smaller for these 2 houses (as opposed to the 4 houses on the larger site which was lost on Appeal) and that the meadow should be protected from any further development.

Councillor Malcolm Lees referred to the Inspector's report on the earlier appeal which stated that no development was acceptable. The views from the south had not been considered. He therefore moved that the recommendation be overturned and that permission be refused. The motion was seconded by Councillor Dave Laming.

The Team Manager – Development Management advised that the Inspector's decision was not set in stone and, although it was a material consideration, could be revisited. Councillor Dave Laming stated that his reason for moving refusal was based on the Inspector's decision that there be no development on the land and that the development did not respect the historic grain of the area. The Chair made reference to the access which had an industrial feel. The Case Officer stated that there would be some loss of wall for the opening but most of the character would be retained with the existing wall - the materials in the opening could be changed. The Team Manager stated that the recommended Condition 3 regarding protection of the

meadow could be better enforced by becoming a S106 Agreement and he was aware that the applicants would have no objection to this.

The motion to refuse permission was put to the vote which was lost, 3 voting in favour and 8 against with 1 abstention.

Councillor Les Kew therefore moved the Officer recommendation to grant permission with conditions but including a S106 Agreement to protect the meadow. This was seconded by Councillor Bryan Organ. The motion was put to the vote and was carried, 7 voting in favour and 2 against with 3 abstentions.

(Notes: (1) After this decision, there was a short adjournment for a natural break; and (2) Councillor Martin Veal was absent for consideration of this Item in view of his interest declared earlier in the meeting).

**Item 4 No 2 Hermitage Road, Lansdown, Bath – Erection of 1 five bedroom dwelling following demolition of existing bungalow** – The Case Officer reported on this application and her recommendation to grant permission subject to conditions. She referred to some minor errors in the report and that a further 2 conditions were recommended relating to the side windows and restricting the use of the flat roof.

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

The Ward Member on the Committee, Councillor Patrick Anketell-Jones, stated that there was a lot of opposition to the proposed development which would affect openness of the site and peoples' light – the proposed car dock would also have an impact. He therefore moved that consideration be deferred for a Site Visit which was seconded by Councillor Rob Appleyard.

The motion was put to the vote and was carried, 11 voting in favour and 2 against.

**Item 5 Sawyers Mill, Hunstrete, Marksbury – Erection of 2 five bed dwellings and detached garages following demolition of existing commercial buildings and subdivision of land** – The Case Officer reported on this application and her recommendation to grant permission subject to conditions.

The Ward Councillor on the Committee, Councillor Sally Davis, considered that there were no problems with this scheme which was supported by the Parish Council. Councillor Les Kew stated that the scheme conformed to planning policies and was a brownfield site. The development would provide 2 well designed houses. He therefore moved the Officer recommendation which was seconded by Councillor Bryan Organ.

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

(Note: Councillor Malcolm Lees was not present for consideration of this application).

**Item 6 Cheriton Cottage, Springfield, Peasedown – Removal of Condition 2 of application Ref 13/04071/FUL to use garage parking space as ancillary accommodation (Erection of a dwelling and double garage in garden of**

**Cheriton Cottage) (Revised submission)** – The Case Officer reported on this application and her recommendation to grant permission subject to conditions.

The speaker acting for the applicants spoke in favour of the proposed development.

Councillor Les Kew considered the proposed scheme to be acceptable and moved the Officer recommendation which was seconded by Councillor Dave Laming.

The motion was put to the vote and was carried, 10 voting in favour and 2 against with 1 abstention.

**Item 7 The Lodge, 1 London Road West, Lower Swainswick, Bath – Erection of extension following removal of existing lean-to** – The Case Officer reported on this application and her recommendation to refuse permission. She reported the views of the Conservation Officer.

The applicants' Agent made a statement in favour of the proposed development.

Councillor Dave Laming, the Ward Member on the Committee, considered that the existing house was small and didn't meet modern day standards for a family. The extension would provide some balance to the existing house. He therefore moved that the recommendation be overturned and that permission be granted which was seconded by Councillor Martin Veal.

Members debated the motion. Most Members agreed that the extension would be subservient to the existing house and would not be excessively large as regards its curtilage. The Team Manager – Development Management requested that the motion be amended to Delegate Officers to grant permission with appropriate conditions including a sample panel of stonework to be provided on site and also samples of the timber and roof materials being submitted. Councillor Les Kew requested that it be a slate roof. The mover and seconder agreed to these amendments.

The amended motion was put to the vote and was carried, 12 voting in favour and 0 against with 1 abstention.

Councillor Les Kew requested that the decision be issued without delay.

**Item 8 Greenacres, Wick Lane, Stanton Wick – Conversion of recreational building to dwelling (Renewal of application 04/01778/FUL)** – The Case Officer reported on this application and her recommendation to refuse permission.

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

Councillor Les Kew considered that the proposal was not inappropriate development and would not harm the setting of the Green Belt. It would involve minor works to an existing building. He therefore moved that the recommendation be overturned and that permission be granted. The motion was seconded by Councillor Dave Laming.

The Team Manager – Development Management advised that the motion would need to be amended to Delegate to Officers to grant permission for appropriate conditions. This was accepted by the mover and seconder.

The motion was put to the vote and was carried, 12 voting in favour and 0 against with 1 abstention.

**Item 9 Sunnyside, Whistley Lane, West Harptree – Proposed new vehicular access** – The Case Officer reported on this application and her recommendation to grant permission subject to conditions. The Update Report referred to an error in the main report which should have read “the access itself is not considered to cause harm to the character or appearance ... etc.”

The applicant made a statement in support of his proposed development which was followed by a statement by the Ward Councillor Tim Warren.

Councillor Les Kew made reference to the Parish Council’s objections and the Site Visit which he found useful in consideration of this application. He considered that the existing access was not an accident blackspot and that this proposal would destroy the character of the village with the removal of the existing hedge. He therefore moved that the recommendation be overturned and that permission be refused which was seconded by Councillor Dave Laming.

Members debated the motion. The Team Manager – Development Management clarified that the reasons for refusal would be that the development would affect the character and appearance of the AONB and setting of the Conservation Area and cause significant harm to the rural character of the area. Councillor Manda Rigby requested that the reasons also include the impact on ecology as regards mitigation measures which was agreed by the mover and seconder.

The motion was put to the vote and was carried, 11 voting in favour and 0 against with 2 abstentions.

**Item 10 Densley View, Bath Road, Tunley – Erection of a first floor rear extension and loft conversion (Resubmission of 14/3470/FUL)** – The Case Officer reported on this application and her recommendation to refuse permission.

The applicant made a statement in support of his application.

Councillor David Veale, Ward Member on the Committee, felt that more space would be required for a modern family home than provided by the existing accommodation. He stated that extensions had been undertaken on other neighbouring properties. He queried the percentage increase in size to which the Case Officer responded. Councillor Les Kew considered that there would be a big planning gain from this development which would provide decent sized living accommodation. The Parish Council had no objections to the application. In his opinion, the scheme would not cause harm to the area or to residential amenity. He therefore moved that the recommendation be overturned and that Officers be authorised to grant permission subject to appropriate conditions. The motion was seconded by Councillor Dave Laming.

Members debated the motion and asked questions to which the Team Manager – Development Management responded as appropriate. There was some discussion regarding the facing materials on the rear elevations and it was agreed that this

should be in render. The Team Manager stated that a revised drawing would be required to correct an inaccuracy on the submitted drawings.

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

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

After some comments by Members on some of the appeals, the report was noted.

**126 CHANGE OF DATE OF MAY MEETING**

The Committee noted the change of date of the May meeting from Wednesday 6th May to Wednesday 29th April due to the Elections being held on Thursday 7<sup>th</sup> May

The meeting ended at 5.45pm

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**