

## **DEVELOPMENT MANAGEMENT COMMITTEE**

### **Minutes of the Meeting held**

Wednesday, 13th January, 2016, 2.00pm

Councillor Rob Appleyard	- Bath & North East Somerset Council
Councillor Jasper Martin Becker	- Bath & North East Somerset Council
Councillor Paul Crossley	- Bath & North East Somerset Council
Councillor Matthew Davies	- Bath & North East Somerset Council
Councillor Sally Davis (Chairman)	- Bath & North East Somerset Council
Councillor Eleanor Jackson	- Bath & North East Somerset Council
Councillor Les Kew	- Bath & North East Somerset Council
Councillor Bryan Organ	- Bath & North East Somerset Council
Councillor Caroline Roberts	- Bath & North East Somerset Council
Councillor David Veale	- Bath & North East Somerset Council

Also attending: Councillors June Player and Tim Warren

#### **92 EMERGENCY EVACUATION PROCEDURE**

The Senior Democratic Services Officer read out the procedure

#### **93 ELECTION OF VICE CHAIRMAN (IF DESIRED)**

A Vice Chairman was not required

#### **94 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were no apologies

#### **95 DECLARATIONS OF INTEREST**

There was none. However, Councillor Eleanor Jackson informed the meeting that, with regard to the planning application at Broad Mead, Broadmead Lane, Keynsham (Report 9), she had served as the Chair of the Scrutiny Panel concerning river travellers. However, she did not have an interest in the application and was simply better informed about the issue.

#### **96 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN**

There was none

#### **97 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 who would be able to do so when reaching their respective items in Reports 9 and 10

## 98 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

There were no items from Members. However, the Chairman stated that, with reference to the recent request by Councillor Paul Crossley for these meetings to be webcasted, it had been agreed that this be undertaken as from this March for a trial period of 3 months. Councillor Crossley welcomed the decision.

## 99 MINUTES: 16TH DECEMBER 2015

The Minutes of the previous meeting held on Wednesday 16<sup>th</sup> December 2015 were approved as a correct record and signed by the Chairman, subject to the following amendments:

- 1) In Minute 90 Item 12 relating to 15 Station Road, Keynsham, a sentence being inserted before "The motion was put to the vote ..." as follows: "It was moved by Councillor Les Kew to accept the Officer recommendation which was seconded by Councillor Eleanor Jackson."
- 2) In Minute 90 Item 8 relating to Castle Farm, Midford Road, Midford, the voting be amended to read "8 in favour and 0 against and 0 abstentions."

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

The Committee considered

- The report of the Group Manager – Development Management on an application for planning permission
- An Update Report by the Group Manager on this application, the Report being attached as *Appendix 1* to these Minutes
- Oral statements by members of the public etc., the Speakers List being attached as *Appendix 2* 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 3* to these Minutes

**Broad Mead, Broadmead Lane, Keynsham – Development of land off Broadmead Lane, Keynsham, for a marina which comprises 326 berths and designed to accommodate a variety of craft sizes; a marina facilities building with 24 hour access to toilets, showers and laundry with daytime access to a reception and chandlery; car parking for a maximum of 144 cars will be designed as a series of satellite car parks screened by suitable vegetation; and a tearoom and office included within the facilities building** – The Case Officer reported on this application and her recommendation to refuse permission. She referred to the Update Report which provided further information on ecology and the impact on highway safety and recommended that the wording of the first reason for refusal be amended for clarity purposes.

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

Councillor Bryan Organ, Ward Member on the Committee, commented on the application. He stated that a lot of work had been undertaken on the proposal in

recent years and some of the problems overcome. However, there were still other issues such as ecology that needed to be addressed. This was a leisure proposal and not residential as he had previously thought. Overall, he supported the application but it still required more work. It was a high number of berths and he felt that some monitoring of occupation was needed. Improvements in the area would be good for the river as a whole.

Councillor Paul Crossley agreed with the Officer recommendation and moved refusal of permission. He considered that a number of issues, including parking, ecology and housing displacement, had not been adequately addressed. Some form of masterplan was required for this area of the Broadmead peninsula. The motion was seconded by Councillor Rob Appleyard.

Members debated the motion. It was generally felt that, although the principle of the development could be supported, there still too many issues that required further work. Councillor Jasper Becker raised a couple of issues regarding the loss of existing moorings and the need for a masterplan for this length of the river. A number of Members raised concerns about the loss of existing residential moorings and the consequent effect on the occupants. The Case Officer responded that the loss of moorings had been considered but there were no policies for their protection; the Principal Solicitor advised Members that the human rights of the residents of the moorings should be considered. The Team Manager – Development Management stated that Officers were considering a more strategic approach to the use and development of the river.

After some further discussion regarding two houseboats being included in the application and the loss of moorings, the motion was put to the vote and was carried, 5 voting in favour and 1 against with 4 abstentions.

## 101 **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 applications for planning permission etc.
- An Update Report on Items 1 and 3, a copy of which is attached as *Appendix 1* to these Minutes
- Oral statements by members of the public etc. on Items 1-3, 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 4* to these Minutes

**Item 1 Former Bath Press premises, Lower Bristol Road, Bath – Demolition of existing buildings and redevelopment of the site to provide a residential-led mixed use comprising 244 dwellings (Use Class C3) and 1,485.2sq m GIA flexible employment space (Use Class B1), basement car park, substation, associated landscaping and access** – The Case Officer reported on this application and his recommendation to delegate to permit, namely, subject to the submission of further and satisfactory details about the treatment of the retained

windows in the retained façade fronting Lower Bristol Road and the treatment of the rear of this façade; details of the retained south boundary wall and details of the proposed pedestrian access through this wall; amendments to the windows and balconies to the southernmost housing and flats to safeguard the privacy of existing residents to the south of the site; amendments to the on-site pedestrian links to the new pedestrian access through the southern boundary wall to ensure that there is a ramped access instead of, or in addition to, the steps serving this access; confirmation of the unrestricted pedestrian and cycle routes through the development; and to add, amend or remove conditions as appropriate as a result of the submission of any further or revised information/plans; and (A) authorise the Head of Legal and Democratic Services to enter into a S106 Agreement and a S278 Agreement to secure the requirements set out in the Recommendation on the Main Report and the subsequent Update Report; and (B) subject to the completion of (A), authorise the Group Manager – Development Management to grant permission subject to conditions. The Case Officer also informed Members that there was an additional matter that needed to be agreed with the applicants to the satisfaction of Officers before planning permission was granted, namely, the minimum clearance under the building for access for refuse vehicles, and the S106 Agreement should include provisions to secure a minimum 14% affordable housing delivered in accordance with the Council's Planning Obligations SPD and to ensure that there is permanent public access to the publicly accessible footpaths through the site. It was also possible due to recent alterations to the proposed pedestrian access from the south side of the site which affects a proposed planting area that the financial contributions towards tree planting outside of the site might need to be recalculated. Additional planning conditions should also be added to the planning permission to ensure that the publicly accessible pedestrian/cycle routes are not gated or otherwise enclosed without planning permission and that details of the proposed boundary treatment on the corner of Dorset Close and Lower Bristol Road are submitted for approval. The Case Officer also advised that Condition 34 would require amending as regards facing materials. The Update Report contained information on Parking and comments from the Parks Department and recommended an amended Condition 3.

The applicants' representative made a statement in support of the proposed development which was followed by a statement by the Ward Councillor June Player who objected to the application.

Members asked questions for clarification to which Officers responded. Councillor Paul Crossley opened the debate by moving the Officer recommendation as he considered that it was a good mixed use with partial red brick for materials at the rear and a link to the old building and retained façade. However, he had some concerns regarding the existing clock, the potential for residents of the development to use adjoining parking zones (where Permits were required), and the low level of 14% affordable housing. However, the removal of flat roofs was a good feature but he would like to see more balconies included. The motion was seconded by Councillor Bryan Organ who felt that the development should not be occupied until any new school provision was developed or made available. The Officers responded to some of the points raised. Residents' parking was a scheme operated by Parking Services and it was possible to refuse permits from adjoining areas – Parking Services could be advised accordingly. The parking area for the commercial units could be used by residents at night. Councillor Rob Appleyard expressed concern regarding vehicular egress onto the busy Lower Bristol Road and the houses to be

built opposite the school in Dorset Close as regards dropping off and picking up times. He hoped that the proposed houses would not become HMOs. Despite these concerns, there were numerous benefits of the scheme. The Team Manager – Development Management responded that a yellow hatched box could be painted on the Road to allow vehicular egress from the site; Parking Services would be able to manage any issues arising from the School; and any applications for HMOs would be considered as and when received. Councillor Les Kew rounded off the debate by stating that there were a number of positives from the scheme which was welcomed but that the low level of affordable housing was regrettable. The use of red brick was acceptable and he agreed that the clock should be kept in working order. The Team Manager clarified that the brick to be used was not red and clarified the actual brick to be used as in the Officer's report. She also advised against imposing a Condition to ensure that the clock was kept in working order as such a Condition would not meet the relevant test and suggested that this matter be delegated to the Officer to consider what could reasonably be agreed by Condition. These points were accepted by the mover and seconder.

The motion was put to the vote and was carried, 9 voting in favour and 0 against with 1 abstention.

**Item 2 Parcel 3300 Temple Inn Lane, Temple Cloud – Approval of reserved matters with regard to outline application 13/03562/OUT allowed on appeal on 19.08.15 for 70 dwellings and associated roads, drainage, landscaping, open space, parking, layout, scale and appearance** – 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 proposals which was followed by a statement by the Ward Councillor Tim Warren.

Members asked questions for clarification to which Officers responded. Concern was expressed regarding the close proximity to an end house on the existing adjoining development, the provision of Grow Spaces and maintenance of the hedgerow and proposed Management Company. It was felt that a bit more work was required and that the Parish Council should be involved in the maintenance issue.

Councillor Paul Crossley moved that the application be deferred to enable negotiations to take place between the applicants and Officers on the long term maintenance of the green space on the site including the Grow Spaces. The motion was seconded by Councillor Les Kew. The Team Manager – Development Management advised that the Unilateral Undertaking, which accompanied the outline permission, required that a Landscape Scheme Management Plan be agreed prior to the development being commenced and that was currently being discussed as covered in the Officer's report. There was no reason for not determining the application at this meeting as the two matters were not linked. She pointed out that the wording in Condition 2 required an amendment for clarity. She suggested that, as the maintenance issue was a separate matter, the Case Officer could enter into negotiations with the developer and report back to the Spokespersons. However, this was not acceptable to Members. There was further debate and the Principal Solicitor advised that it was possible for the Committee to defer the application.

Members debated the motion. There was still concern about the hedgerow and adjoining fence and water supply for the Grow Patches. The Chairman suggested

that the matter could be brought back to Committee at its next meeting to allow the negotiations to take place which was accepted by the mover and seconder.

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

(Note: Councillor Caroline Roberts was not present for the vote on this matter)

**Item 3 Kings Cottage, Nempnett Street, Nempnett Thrubwell – Change of use of a traditional stone barn and its curtilage to create a 2 bed holiday cottage with associated external works** – The Case Officer reported on this application and her recommendation to refuse permission. She referred to the Update Report which provided amendments to the text of the main report as regards Impact on the Green Belt and on Amenity.

The applicant made a statement in support of the proposal.

Councillor Les Kew moved that the Officer recommendation be overturned and permission granted on the basis that the building was capable of conversion without much reconstruction or major external works and would be in keeping with its surroundings, it would not result in replacement agricultural buildings, and it would not have a materially greater impact than the present use on the openness of the Green Belt. The motion was seconded by Councillor Eleanor Jackson.

Members debated the motion. Councillor Rob Appleyard suggested that a Condition be added to ensure that the holiday lets continued in perpetuity which was accepted by the mover and seconder who therefore amended the motion to Delegate to Officers to grant permission subject to appropriate conditions.

The motion was put to the vote and was carried, 9 voting in favour and 0 against with 1 abstention.

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

The report was noted

The meeting ended at 5.00pm

Chair .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**