

## **DEVELOPMENT MANAGEMENT COMMITTEE**

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

Wednesday, 10th February, 2016, 2.00 pm

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

#### **103 EMERGENCY EVACUATION PROCEDURE**

The Senior Democratic Services Officer read out the procedure

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

A Vice Chairman was not required

#### **105 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were no apologies

#### **106 DECLARATIONS OF INTEREST**

There was a declaration of interest by Councillor Paul Crossley regarding the planning applications at the Bath Recreation Ground (Items 3&4, Report 9) as he had previously supported Bath Rugby proposals during his time as Leader of the Council. There would be a public perception that he would not be open minded when considering these applications and therefore he would withdraw from the meeting when these items were considered. Councillor Caroline Roberts declared a non-pecuniary interest in the same applications as she was a season ticket holder of Bath Rugby but she was still open minded about the proposals and would speak and vote on the items as appropriate.

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

There was none

108 **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 and that they would be able to do so when reaching their respective items in Report 9

109 **ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS**

There was none

110 **MINUTES: 13TH JANUARY 2016**

The Minutes of the previous meeting held on Wednesday 13<sup>th</sup> January 2016 were approved as a correct record and signed by the Chairman

111 **PLANS 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 the applications at Parcel 3300 Temple Inn Lane, Temple Cloud; Former Cadbury Factory, Keynsham; and Bath Recreation Ground, Bath, a copy of which is attached as *Appendix 1* to these Minutes
- Oral statements by members of the public etc. on the applications at Parcel 3300 Temple Inn Lane, Temple Cloud; Pinesgate, Lower Bristol Road, Bath; Former Cadbury Factory, Keynsham; Recreation Ground, Bath; 48 Box Road, Bathford; and Closed Public Toilets, North Parade Road, Bath, 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 and 3A* to these Minutes

**Item Deferred from Previous Meeting - 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 Approve subject to conditions. He provided further information regarding the Management Company and referred to the Update Report which gave further information on Landscape Management issues, the nature of the Play Area and Ecology and therefore recommended 2 further conditions relating to Play Areas and Lighting.

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 the Case Officer responded. Councillor Les Kew referred to the outline permission granted and the fact that this site would be developed. He thought that the Developer and the Parish Council could have worked together regarding a Management Plan. However, he considered that it was a worthwhile application for which permission could not be refused and therefore moved the Officer recommendation. These sentiments were echoed by Councillor Paul Crossley who seconded the motion. He hoped that the relevant parties could come to some agreement in the future regarding a Management Plan and he congratulated the Officers on their endeavours to make the scheme work.

Members debated the motion. It was felt that there were a number of community benefits from the scheme and it was hoped that the Developer and the Parish could come to some agreement in the future. The Group Manager stated that, as the Parish Council had withdrawn from participating in the Management Plan, the decision would need to be amended and he therefore recommended that the motion be amended to Delegate to grant permission with appropriate conditions. The mover and seconder agreed.

After a short debate, the motion was put to the vote and was carried unanimously.

**Item 1 Pinesgate, Lower Bristol Road, Bath – Erection of an office building (Use Class B1) totalling 15,348 sq. m GIA and a purpose-built educational campus comprising academic accommodation (Use Class D1) and integral student accommodation (Use Class C2) of 16,491 sq. m together with basement parking, associated infrastructure and landscaping** - The Case Officer reported on this application and her recommendation to refuse permission. She updated Members on further representations received from residents and the applicants. Cycle provision had been increased from 30 to 60 bikes – therefore the recommended reason for refusal 03 could now be deleted.

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

Councillor Jasper Becker opened the discussion as Ward Member on the Committee. He considered that there was a willingness by the Developer to invest in providing much needed office space. However, the size and dominance of the proposal would influence future development in the area - a better design and roofing was required to encourage such development. Councillor Eleanor Jackson considered that the scheme was too high and brutalistic and would dominate the street scene and therefore moved the Officer recommendation to refuse permission. The motion was seconded by Councillor Jasper Becker.

Members debated the motion. There was no support for the motion as it was considered that, although it was a large building, it would not dominate the street scene or the area as a whole. There was demand for office space and the scheme provided other benefits such as parking being underground and increased cycle parking provision. There was also a commitment from the applicants that, prior to the occupation of the college campus, a contract would be entered into for the construction of the office development.

The motion was put to the vote and was lost, 2 voting in favour and 7 against with 1 abstention.

It was therefore moved by Councillor Paul Crossley, and seconded by Councillor Rob Appleyard, to delegate authority to Officers to grant permission subject to appropriate conditions and a S106 Agreement including the condition suggested by the Developer regarding construction of the office space.

Members debated the motion. Councillor Eleanor Jackson referred to money being made available for deterring gulls and queried whether the Developer could make some contribution to further research. Councillor Les Kew considered that the development would improve the appearance of Lower Bristol Road and the area as a whole. Bath needed modern developments and this scheme would provide office floor space and bring revenue to the City. The Group Manager – Development Management drew attention to the previous refusal for a similarly sized building on part of the site. He stated that Officers were supportive of the proposed uses but that the quantum of development on the site was too great. There were a number of objections to the current scheme from the relevant professionals within the Council including conservation and urban design as well as strong concerns from Historic England and objections from the Bath Preservation Trust as it would be a dominant building that was bigger than the Western Riverside buildings nearby. He explained that the context of the site and the much lower forms of development along Lower Bristol Road meant that this was a transitional site and that Officers considered that the development would harm the World Heritage site, the Conservation Area and listed buildings and he had concerns that the elevations would appear dominant and oppressive. He advised that reasons were needed to explain how the harm previously identified in the refused scheme had now been overcome. Regarding the issue of gulls perching and nesting on the roof, he felt that it was not necessary to require a contribution towards research. Councillor Paul Crossley replied that there were a number of reasons why he felt permission could be granted and these included that the proposal would not be harmful to the setting of the Bath World Heritage site, it would contribute to economic growth and vitality which would add to the prosperity of the City, the buildings were offset so enabling changes to be made to the gyratory road if required, it provided adequate parking, it would provide a modern setting which would present the City in a positive light, and there was a robust commitment from the applicants to commit to building the office development before occupation of the campus. He considered that such a Condition went as far as it could in the current economic climate. The Group Manager advised that Officers considered that the Condition requiring a contract to be let for the delivery of the offices was not strong enough and that his advice to Members was that he would advise that the offices were built prior to occupation of the campus. He further commented that several of the reasons given to explain the motion were contrary to the decision of the Council on the previous proposal. He therefore considered that the main reason put forward which would be given weight was the wider economic and regeneration benefits of the redevelopment of Pinesgate as a whole.

Members went on to debate the motion. Councillor Rob Appleyard felt that there were big differences between this and the previous scheme that was refused permission. The office accommodation had been increased and it would make for a vibrant and forward thinking City. The existing offices on site were no longer fit for purpose. Councillor Les Kew stated that materials were a big issue in the original proposal and this had now been addressed. Councillor Jasper Becker felt that there was a need to get the right development for the site and it needed to be redesigned.

After some further discussion, the motion was put to the vote. Voting: 7 in favour and

2 against with 1 abstention.

(Note: After this decision at 3.30pm, the Committee adjourned for 10 minutes for a comfort break)

**Item 2 Former Cadbury Factory, Cross Street, Keynsham – Partial demolition, change of use and extension of Buildings A and B to create a Care Village consisting of a 93 bed care Home, 128 Extra Care apartments (Use Class C2) and communal facilities. Partial demolition, change of use and extension of Building C to B1 Office on part ground and upper floors (10,139 sq. m GIA) and Class D1 GP Surgery/Medical Centre (833 sq. m GIA) and Class A1 Retail (150 sq. m GIA) on part ground floor. Associated surface car parking, the use of basements for car parking, landscaping and associated infrastructure. Proposals altering previous site wide 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 (or a new S106 Agreement if appropriate) to secure Employment Space, Specification of Extra Care flats as C2 housing, and Travel Plan and Parking Management Plan; and (B) upon completion of the Agreement, authorise the Development Manager to grant permission subject to conditions. He referred to the Update Report regarding the description of the development and a listed Roman Well on the site and to a letter of support from NHS England.

The applicants' representative made a statement in support of the application which was followed by a statement by the Ward Councillor Brian Simmons.

Councillor Bryan Organ stated that he was delighted that St Monica Trust was coming to Keynsham. He referred to a number of benefits of the development and moved the Officer recommendation which was seconded by Councillor Paul Crossley.

Members debated the motion. After a brief discussion relating to employment issues, the motion was put to the vote and was carried unanimously.

**Items 3&4 Recreation Ground, Pulteney Mews, Bath – (1) Part demolition of existing permanent West Stand (retaining rear wall and concrete slab) together with terraces in north-west corner of the site and removal of existing temporary stands and seating; erection of temporary covered West Stand and seating including camera gantry, uncovered seating and associated works and ancillary facilities including retention of existing floodlighting, erection of boundary fence with new access gates onto riverside path, provision of toilet and food and bar facilities within temporary stand (temporary application for a period of up to 4 years); and (2) erection of temporary spectator stands along the north and eastern sides of the playing field; erection of hospitality to either side of the retained south stand; erection of control box and screen/scoreboard between north and east stands including fence enclosure. Associated works and ancillary facilities comprising floodlights and toilets, food and bar facilities within temporary north and east stands (temporary application for a period of up to 4 years) –** The Case Officer reported on these applications and his recommendations to grant permission subject to conditions. He referred to the Update Report which amended the description of the development of

Item 3 by removing the permanent element; amended the wording of Condition 2 of that Item; and provided his comments on further objections received.

The public speakers made their statements against and in favour of the applications which was followed by a statement by the Ward Councillor Jonathan Carr who raised concerns about the developments.

Councillor Rob Appleyard moved the Officer's recommendations on these applications. He considered that there would not be substantial harm to the area or listed buildings and that the developments would bring a number of benefits to people and the City as a whole. The temporary permissions would allow Bath Rugby to submit some proposals on a permanent basis. He wondered why the roof needed to be removed temporarily as the new roofline tidied up the appearance of the Stand and queried whether the Condition could be removed. Councillor Les Kew in seconding the motion also queried this aspect as it only referred to roof material being removed and it was agreed that the deletion of Condition 5 in Item 3 that referred to this aspect be included in the motion.

Members debated the motion. Councillor Eleanor Jackson considered that the developments complied with planning policies and would improve the view and appearance of the Stand. The covered area would be better and would enhance the economic potential of the site. She agreed that there was little point in temporary removal of the roof material. The Group Manager – Development Management agreed that Condition 5 could be removed if Members felt it was unnecessary. He explained that it was not satisfactory to keep granting temporary permissions but there were unique circumstances regarding the Rugby Club and this would give them sufficient time to submit a permanent solution.

The motions were put to the vote separately and were carried unanimously.

(Note: Councillor Paul Crossley was not present for consideration of these 2 applications in view of his interest declared earlier in the meeting)

**Item 5 No 48 Box Road, Bathford, Bath – Erection of 4 four bedroom dwellings each with a detached double garage following demolition of existing bungalow. To include associated hard and soft landscaping works, construction of retaining walls to sections of the north, east and west boundaries and improvements to site access** – The Planning Officer reported on this application and the recommendation to grant permission subject to conditions.

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

After a question by a member for clarification, Councillor Les Kew stated that he did not consider this to be overdevelopment and that it was an acceptable scheme for the site. It would provide much needed housing in the area. He therefore moved the Officer recommendation. After some discussion regarding the number of houses proposed for the Plan period, Councillor Paul Crossley seconded the motion stating that it was acceptable density with trees covered by a TPO.

Members debated the motion with which there was some dissension as it was felt to be too many houses being proposed and out of character with surrounding properties.

After a short discussion regarding materials, the motion was put to the vote and was carried, 7 voting in favour and 3 against.

**Items 6&7 Church Farm Derelict Property, Church Hill, High Littleton – (1) External alterations to create a new agricultural entrance to the rear of Church Farm from the A39; and (2) construction of new pedestrian and vehicular access to Church Farm from the A39 following removal of section of boundary wall** – The Planning Officer reported on these applications and the recommendations to (1) grant consent subject to conditions; and (2) (A) authorise the Head of Legal and Democratic Services to enter into a S106 Agreement to secure the relocation of the bus stop and associated works to allow the insertion of the new access; and (B) subject to the completion of (A) above, authorise the Group Manager to permit the development subject to conditions. He reported on amended comments by the Parish Council and pointed out that the site was not in the Conservation Area.

Councillor Les Kew (Ward Member on the Committee) opened the debate. He referred to recent planning history of the site and considered that the access for agricultural purposes was acceptable and the scheme could help towards work on the listed Church Farmhouse which was currently in disrepair and gave a bad appearance on entering the village. He therefore moved that the Officer's recommendations be approved which was seconded by Councillor Bryan Organ.

Members debated the motion. The Group Manager advised that the access to the adjoining field would not necessarily lead to the Farmhouse being renovated and that the application was not linked to this possibility.

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

**Item 8 No 12 Henrietta Villas, Bathwick, Bath – Internal alterations to add a set of wedding doors to ground floor living room/dining room** – The Officer reported on this application and the recommendation to refuse consent.

Councillor Bob Goodman (in his professional capacity as agent of the applicant) and the Ward Councillor Peter Turner made statements in support of the application.

Councillor Eleanor Jackson considered that the scheme would affect the elegance and character of the property and therefore moved the Officer recommendation which was seconded by Councillor Caroline Roberts.

Members debated the motion. Officers responded to a Member's query regarding the legal position. Councillor Les Kew considered that there was little impact from the proposal. The motion was then put to the vote. Voting: 4 in favour and 5 against with 1 abstention. Motion lost.

On the basis that it was not regarded as harmful to the listed building and was a better use of the building, it was then moved by Councillor Les Kew to Delegate to Consent subject to appropriate conditions. The motion was seconded by Councillor Matthew Davies.

The motion was put to the vote and was carried, 5 voting in favour and 4 against with 1 abstention.

**Item 9 Closed Public Toilets, North Parade Road, Bath – Demolition of dilapidated former public convenience and construction of new artist studio building (B1 Use)** – The Case Officer reported on this application and her recommendation to refuse permission. She advised that a sequential test had been provided as the site was in a Flood Zone but that it was out of date being 3 years old.

The applicant and his Architect made statements in support of the proposals.

The Ward Councillor Jasper Becker commented that the building had been derelict for a long time over which different proposals had been submitted. An attractive scheme had been proposed for a site with no neighbours and it was tucked under the railway bridge. He therefore felt the scheme should be approved.

Councillor Eleanor Jackson considered that the building would not be used as public conveniences in the future and this scheme would enhance the locality and this part of the Conservation Area. It would provide an interesting feature at an entrance to the City. On these grounds, she moved that the recommendation be overturned and that permission be granted. The motion was seconded by Councillor Les Kew who considered that it was an innovative design at a focal point of the City although he had concerns regarding the use of timber cladding and would prefer lead or zinc.

Members debated the motion. Councillor Paul Crossley felt that this was a bold imaginative scheme which was set against an overhead railway bridge with large buildings opposite and was therefore of an appropriate scale. He was happy with the cladding proposed. Regarding the sequential test, it would be difficult to find an alternative site in a flood zone in comparison and he felt that it would not be a stumbling block with the test submitted being 3 years old. The Group Manager – Development Management responded that this was a small cramped site and the scale of the proposal was inappropriate. The timber cladding was a concern and, if Members were not happy, they could defer consideration for alternative materials to be submitted. Regarding the sequential test, the work done by the applicant needed updating. The Committee could defer for materials and a sequential test or Delegate to Permit subject to approval of a sequential test. Councillor Eleanor Jackson felt that the latter was a better option as this was a commercial use as an artist's studio and not residential. The Group Manager advised Members on sequential tests and the fact that they had to be applied consistently.

Councillor Paul Crossley considered that, if the application could be reported back to the Committee in March or April, if need be then he would be willing to move an amendment to Delegate to Permit for a satisfactory sequential test to be submitted. Councillor Eleanor Jackson agreed to the amendment and seconded the motion. It was stated that, if the sequential test could not be agreed by Officers, the application would be remitted back to the Committee. The Group Manager was asked about how long a sequential test would take to produce. He advised that this depended upon the resources available to the applicant and his team but that it could be done relatively quickly and that it was unlikely that the applicants would seek to delay the preparation of it.



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

**112 QUARTERLY PERFORMANCE REPORT - OCTOBER TO DECEMBER 2015**

The Committee considered the report of the Group Manager – Development Management which provided Members with performance information across a range of activities within the Development Management function.

Members discussed some aspects of the report. It was considered that it would be useful if it could be considered whether information could be provided when applications did not meet their timescales after 6 months, 1 year and over a year; also, statistics when the Parish/Town Council was in favour of an application against an Officer recommendation. The Group Manager stated that he had introduced a 6 monthly monitor of applications to assess performance.

The report was noted.

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

The Group Manager – Development Management submitted a report on Planning Appeals.

After a brief discussion, the Committee noted the report.

The meeting ended at 6.00pm

Chair .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**