

DRAFT MINUTES PENDING CONFIRMATION AT THE NEXT MEETING

BATH AND NORTH EAST SOMERSET

MINUTES OF DEVELOPMENT CONTROL COMMITTEE

Wednesday, 6th July, 2011

Present:- Councillor Gerry Curran in the Chair
Councillors Neil Butters, Nicholas Coombes (in place of Lisa Brett), Sally Davis (in place of David Veale), Liz Hardman, Eleanor Jackson, Les Kew, David Martin, Doug Nicol, Bryan Organ, Martin Veal and Brian Webber

Also in attendance: Councillors Andy Furse, Vic Pritchard and Jeremy Sparks

12 EMERGENCY EVACUATION PROCEDURE

The Senior Democratic Services Officer read out the procedure

13 ELECTION OF VICE CHAIR (IF DESIRED)

A Vice Chair was not required

14 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillors Lisa Brett and David Veale and their respective substitutes were Councillors Nicholas Coombes and Sally Davis

15 DECLARATIONS OF INTEREST

Councillor Eleanor Jackson declared a personal and prejudicial interest in the planning applications at Bath Spa University, Newton St Loe (Items 8 and 9, Report 11) as a former employee and would leave the meeting for their consideration. Councillor Sally Davis stated that, as Ward Councillor for the application at land between Barton House and Laburnum Cottage, Corston (Item 5, Report 11), she would make a statement and then leave the meeting for its consideration.

16 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There were no items of Urgent Business

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

The Senior Democratic Services Officer reported that there were various members of the public etc wishing to make statements on the planning applications for consideration and that they would be able to do so when reaching those items in Report 11

18 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

There were no items from Councillors

19 MINUTES: WEDNESDAY, 8TH JUNE 2011

The Minutes of the previous meeting held on Wednesday 8th June 2011 were approved and signed by the Chair as a correct record

20 MAJOR DEVELOPMENTS

The Development Manager reported that there were no updates on major developments and that, if Members had any queries, they should direct them to the Senior Professional – Major Developments.

Councillor Eleanor Jackson requested an update at the next meeting on the former Railway Land at Norton Radstock as regards renewal of permissions and issuing of Traffic Regulation Orders. The Development Manager responded in general terms on the aspect of permissions and said that traffic regulation orders were not part of the planning system. It was considered in the circumstances that it would not be appropriate to report on this matter at the next meeting and that Councillor Jackson could raise it directly with the appropriate Officers.

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

The Chair commented on the generally high success rate of appeals being dismissed.

The Committee noted the report.

22 PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE

The Committee considered

- The report of the Development Manager on various planning applications
- An Update Report by the Development Manager on Item Nos. 1, 2, and 7 – 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 – 3 and 5 – 9, 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 Stowey Quarry, Stowey Road, Stowey – Restoration of Stowey Quarry by landfilling of Stable Non-Reactive Hazardous Waste (SRNHW) and inert wastes – The Council's Consultant reported on this application and the recommendation to Permit subject to conditions. She referred to the Update Report

which recommended some amendments to some wording of Conditions 9 and 14 and reported on various concerns raised by Members at the previous meeting.

The applicant's agent made a statement in favour of the proposal. The Ward Councillor Vic Pritchard made a statement against the proposal followed by a statement from Councillor Jeremy Sparks as adjoining Ward Member for Clutton who raised various concerns.

Members asked questions about the proposal to which Officers responded. Councillor Nicholas Coombes considered that there were various benefits from land filling the site which outweighed the negative effects and therefore moved the Officer recommendation to Permit with conditions. Councillor Brian Webber felt confident about the proposal and its operation and seconded the motion.

Members debated the motion. Some Members supported the proposal whereas some Members still expressed concerns on the basis of the numerous objections received and the possible impact on watercourses and traffic congestion. The motion was then put to the vote. Voting: 6 in favour and 5 against with 1 abstention. Motion carried.

Items 2&3 No 4 James Street West – Construction of new hotel of 108 bedrooms with ancillary bar, restaurant, guest drop-off area, disabled parking, cycle storage, enclosed service bay and plant area following demolition of all existing buildings at 4 James Street West/1a and 2 Kingsmead North; and Demolition of all existing buildings at 4 James Street West/1a and 2 Kingsmead North – The Chair stated that the application for Consent to demolish (Item 3) would be considered first and asked the Case Officer to give his presentation. The Officer reported on the application to demolish these buildings and recommended that the wording of Condition 2 be amended. The Chair considered that the buildings had little merit and there was no justification for their retention. Councillor Les Kew agreed and moved the Officer recommendation to grant Consent with the amended Condition. This was seconded by Councillor Bryan Organ and put to the vote which was carried unanimously.

The Chair then asked the Case Officer to report on the application for a 108 bedroom hotel etc (Item 2). The Officer reported on this proposal and his recommendation to (A) authorise the Planning and Environmental Law Manager to secure a planning obligation to include contributions to various measures/facilities; and (B) upon completion of the obligation, authorise the Planning and Transport Development Manager to Permit subject to various conditions. The Update Report gave Officers' comments on further letters of objection.

The public speakers made their statements against and in favour of the application. The Ward Councillor Andy Furse made a statement against the proposal.

Councillor Doug Nicol moved Refusal of the application. He spoke about permissions already granted for hotel developments in the City centre which would create an over-provision of hotels over possibly the next 18 months. He considered that the proposal was inappropriate for the site and it was a budget hotel which was not needed and would affect the City's status as a World Heritage Site. The development would deprive the area of other developments such as social housing which would be of more benefit to the community. The issue of parking had not been

fully taken into account as regards service vehicle deliveries and the probability of visitors still wishing to use cars to arrive at the hotel and then look for local parking – this would cause additional congestion in the centre and put pressure on existing car parks. In this regard, he felt that there should be a review of parking provision for future hotel developments. In addition, there would be an effect on small businesses that provide bed spaces in the City and it would affect the economic balance of the City as a whole. He therefore considered that it should be refused as it was contrary to various Policies in the Local Plan, namely, ET3; CF3; HG1, 4 and 8; BH1, 4, 6 and 7; and T1, 3, 5, 13, 25 and 26. The reasons for overturning the recommendation to Permit were that it would be detrimental to the local economy, it was inappropriate development for the site and would detrimentally affect the City as a World Heritage Site, it would increase traffic congestion and be detrimental to the amenities of local residents. The motion was seconded by Councillor Martin Veal.

The Development Manager gave advice on the Visitor Accommodation Study which was not a planning document but which was nevertheless a material consideration since it had been used as part of the evidence base for the Council's Draft Core Strategy. However, the Draft Core Strategy could only be afforded limited weight until it had progressed further down the route of adoption. She advised that the application site was not located within a core business area and so the loss of the retail unit, the warehouse and light industrial unit would not conflict with policy. The proposal for a hotel was in line with local and national policies in terms of the proposed use as a hotel and so there was no requirement to justify the need for the proposed hotel. The parking provision proposed was also in line with policy since the site is located in a sustainable location and the application was supported by a Travel Plan to identify alternative modes of transport. Survey information had indicated that there was spare capacity in surrounding car parks for those guests that would choose to travel to the site by car. The Development Manager went on to explain that the planning system could not control the type of hotel proposed since any change in star rating was not a change of use in planning terms. As such, concerns about competition with other accommodation providers were not material. She also advised that, if Members resolved to refuse permission, and in the event that an application was made for costs at any subsequent appeal, then the Council would be at risk of an award of costs being made against it. On the basis of her comments relating to the fact that the type of hotel being proposed was not a planning matter, she asked for clarification of the reasons for refusal since the third reason relating to a budget hotel having a detrimental impact on the World Heritage Site was not sustainable. Councillor Nicol therefore agreed to retract that aspect from his motion.

Members asked questions about the proposal to which Officers responded. The motion was debated. A number of Members considered that the proposed hotel would make the City more buoyant bringing more visitors to Bath and creating more employment. The buildings did not have a primary shopping frontage. The applicants were promoting the use of public transport for visitors and in a central location there would be less need for visitors to use their cars. The design of the hotel had merit as it mirrored the multiplex cinema adjoining. Some Members, however, expressed concern about the service delivery vehicle arrangements and further traffic movements in the City centre which would create more traffic congestion. In response to these concerns, Officers pointed out that an operational management plan could be included regarding service vehicles, there was no highway objection raised to the development and a Travel Plan was included in the recommended

conditions. On advice, the mover and seconder of the motion agreed to alter the motion to Delegate to the Development Manager to Refuse in order for Officers to formulate the wording of the reasons for refusing permission and to incorporate the appropriate policies. The amended motion was then put to the vote. Voting: 9 in favour and 3 against. Motion carried.

(Note: After consideration of this Item at approximately 3.55pm, there was an adjournment for 15 minutes for a comfort break)

Item 4 Newton Mill Caravan and Camping Site, Pennyquick, Newton St Loe – Siting of 17 static caravans to replace 28 caravan pitches – This application was withdrawn from the Agenda and was not considered.

Item 5 Land between Barton House and Laburnum Cottage, The Barton, Corston – Erection of new dwelling from existing access on land adjacent to Laburnum Cottage – The Case Officer reported on this application and his recommendation to Refuse permission. The public speakers made their statements against and in favour of the proposal which was followed by a statement by Councillor Sally Davis as Ward Member who then left the meeting for its consideration.

Members asked questions about the proposal to which Officers responded. Councillor Nicholas Coombes made reference to a similar application for infilling on an adjoining site and a claim by the applicants that this application should also be allowed as it was infilling. He considered that the site could be developed if there were positive benefits. However, there was a degree of overlooking and the design had little merit and did not add anything positive to the environment. He therefore moved the Officer recommendation to Refuse permission which was seconded by Councillor Bryan Organ.

Members debated the motion. Councillor Les Kew considered that this was a difficult site within the housing boundary and in the Green Belt, although it was difficult to understand why the Green Belt boundary was drawn to include this site. If the application was refused, then in his view the Council would probably lose on appeal. He felt that the proposal was similar to a recent development allowed on adjoining land and that this site was unsightly and should be developed. Councillor Brian Webber felt that he couldn't support the first reason for refusal regarding infilling. However, Members generally supported the motion which was put to the vote. Voting: 9 in favour and 1 against with 1 abstention. Motion carried (Note: Councillor Sally Davis was absent from the vote on this application).

Item 6 No 22 The Tynning, Widcombe Hill, Bath – Erection of side and back extension, internal alterations to provide flexible family property, landscaping and formation of parking area, general upgrading of services, insulation levels and existing windows – The Case Officer reported on this application and her recommendation to Refuse permission. The applicant's Agent made a statement in favour of the proposal.

Councillor Nicholas Coombes considered that this was an exposed corner plot where any development would be highly visible. The design would detract from the property and the street scene, particularly as there were other semi-detached buildings which give a coherent appearance to this part of Widcombe Hill. He therefore moved the

Officer recommendation to Refuse permission which was seconded by Councillor Eleanor Jackson. The motion was then put to the vote and carried unanimously.

Item 7 Stables, Butcombe Lane, Nempnett Thrubwell – Retention of stable block, field shelter, hay store, hard standing, lean-to and secure tack room and siting of tractor, trailer, horse box and touring caravan and change of use of land to equestrian – The Case Officer reported on this application and his recommendation to Permit with conditions. The Update Report recommended an amendment to Condition 3 as a horse jump was already on the site. The public speaker made a statement against the proposal which was followed by a statement by the Ward Councillor Vic Pritchard.

Councillor Les Kew considered it was an untidy site that had no regard to its location in the AONB and Green Belt and some enforcement action should be taken. Although some minor aspects of the proposal were acceptable, he could not support the recommendation to grant permanent permission and therefore moved Refusal. This was seconded by Councillor Doug Nicol.

The Development Manager gave advice on aspects of the application and the use of temporary permissions. Temporary permissions had been granted previously and it was now incumbent on the Local Planning Authority to decide whether there was sufficient harm being caused to warrant a refusal and if not then a permanent permission should be granted. Members debated the motion. It was generally felt that a permanent permission should not be granted for this proposal. Councillor Les Kew stated that his reason for a motion overturning the Officer recommendation was that, since there was no justification for the structures on the site, this proposal was harmful to the natural beauty of the landscape of the AONB and the openness of the Green Belt.

The motion was put to the vote, Voting: 8 in favour and 3 against with 1 abstention. Motion carried.

(Note: Councillor Eleanor Jackson left the meeting for the following items of business)

Items 8 and 9 Street Record and Sydney Court, Bath Spa University Campus, Newton St Loe – Demolition of existing residential (Use Class C2) and education (Use Class D1) buildings and redevelopment of part of Newton Park for educational purposes as Phase 1 of the Campus Master Plan to provide a 2/3 storey academic building (approximately 8,528.7 sq m) together with associated access, landscaping, car parking and infrastructure, in addition to temporary extension to main car park south of campus; and Extensions to Sydney Court to the north of Newton Park Campus to provide a single storey building and enclosed flues to accommodate an energy centre comprising bio-fuel boilers and back up equipment and an electricity sub-station, together with a compound to house a generator adjacent to the library, and associated access and landscaping works – The Senior Professional – Major Development introduced these applications on which there would be one presentation by Officers but with separate decisions to be made by Members. The Senior Conservation Officer and the Senior Highways Development Control Officer reported comprehensively on the proposals. The Senior Professional – Major Development stated that, although fully worded conditions to the recommendations to grant

permission were included in the Update Report, some amendments were still required and he therefore recommended that the Committee Delegate to Officers to Permit in order to review the wording of the Conditions. The Director of Estates and Services of the University then made a statement in support of the proposals.

Members asked questions to which the Senior Professional – Major Development responded. Councillor Martin Veal moved the revised Officer recommendations to Delegate to Permit with conditions which was seconded by Councillor Neil Butters.

Members debated the motion. Councillor David Martin asked questions regarding the renewable energy aspects of the proposal. It was agreed that further conditions should be added regarding the installation of photo voltaic cells on the roof and also the source of the fuel for the biomass boiler and generator. The Senior Highways Development Control Officer replied to queries concerning access from the village of Newton St Loe and on cycling to the Campus via the Bristol to Bath Cycling Path. Councillor Sally Davis thanked the applicants for keeping adjoining villages informed of the proposals.

The motions were then put to the vote. Item 8 (Ref 10/04747/EFUL) Voting: Unanimously in favour. Item 9 (Ref 10/04748/EFUL) Voting: Unanimously in favour.

(Note: Councillor Liz Hardman left the meeting prior to a vote being taken on these applications. Councillor Eleanor Jackson had left the meeting prior to their consideration.)

The meeting ended at 6.36 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services