

DRAFT MINUTES PENDING CONFIRMATION AT THE NEXT MEETING

BATH AND NORTH EAST SOMERSET

MINUTES OF DEVELOPMENT CONTROL COMMITTEE

Wednesday, 3rd August, 2011

Present:- Councillor Gerry Curran in the Chair

Councillors Lisa Brett, Neil Butters, Liz Hardman, Eleanor Jackson, Les Kew, David Martin, Douglas Nicol, Bryan Organ, Martin Veal, Brian Webber and Sally Davis (In place of David Veale)

23 EMERGENCY EVACUATION PROCEDURE

The Senior Democratic Services Officer read out the procedure

24 ELECTION OF VICE CHAIR (IF DESIRED)

A Vice Chair was not required

25 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

An apology for absence was received from Councillor David Veale whose substitute was Councillor Sally Davis

26 DECLARATIONS OF INTEREST

Councillor Liz Hardman stated for the record that she had attended Paulton Parish Council when the planning applications at Midsomer Pet Lodge, Paulton – to be determined at today's meeting - had been considered but that she had not taken part. She would therefore participate in the discussion and vote when these applications were considered by the Committee later in the meeting.

27 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There were no items of Urgent Business

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

The Senior Democratic Services Officer reported that notice of a statement had been received and that this should be taken at this stage of the proceedings. There was also a representative for the applicants wishing to make a statement on Item 2 of the planning applications and she would be heard when reaching that Item in Report 10. Both speakers would have up to 3 minutes to make their statements.

The Chair invited Edward Drewe to make his statement regarding a perceived conflict between licensing and planning as regards food outlets open after 11pm. He

referred to documentation sent direct to Members about this matter. After hearing the statement, the Members discussed the issue. The Senior Legal Adviser responded to some of the points raised by Members and advised that licensing and planning were separate statutory regimes and that different criteria applied in the determination of licensing and planning applications. Members debated the issue and it was **RESOLVED** that a report be made to the next meeting with Edward Drewe being kept informed accordingly.

(Note: A copy of the document on this matter provided by Edward Drewe to Committee Members has been retained in the Minute Book)

29 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

There were no items from Councillors

30 MINUTES: WEDNESDAY 6TH JULY 2011

The Minutes of the previous meeting held on Wednesday 6th July 2011 were approved as a correct record and signed by the Chair, subject to Councillor Martin Veal's name being added to the comments made about renewable energy aspects of the proposals at Bath Spa University (Items 8 and 9, Minute 22, Page 15)

31 MAJOR DEVELOPMENTS

The Senior Professional – Major Developments updated the Committee on major developments in the district as follows:

K2 Keynsham – The Secretary of State had issued his decision to allow the appeal against the Council's refusal of development on the plot of land owned by Taylor Wimpey. An application for costs had been made. He would report on progress at a later date. If any Member would like a copy of the decision letter, they could contact the Committee Administrator to forward the request to him. He responded to Members' questions about various aspects of the proposed development.

Bath Western Riverside – A further application had been received from Crest Nicholson to develop 4 houses on some adjoining land which would complete the development. In response to a Member's comment, he stated that it was likely that the development would be completed ahead of schedule.

Former Railway Land, Radstock (Norton Radstock Regeneration) – In response to an enquiry by Councillor Eleanor Jackson about the road system, he stated that this was still a live application and couldn't comment on it. However, the highway works were being investigated and 2 Traffic Regulation Orders were being advertised. A further report on this development would probably be made to Committee at its September meeting. He advised that the Highways Department would be able to provide further information on the road system etc.

Supermarket developments in Bath – In response to a comment by the Chair, he stated that these were live applications and he couldn't comment except to say that Tesco hoped to develop the former Bath Press site on Lower Bristol Road, Bath, and that Sainsbury's were looking to extend their existing supermarket at Green Park

Station, Bath. It was anticipated that these applications could come before the Committee at its meeting in September.

Bath Spa Railway Station/Bus Station – Councillor Neil Butters raised the issue of works at the Railway Station which could have a large impact and considered that this should be included in the major developments on which the Committee were updated. Councillor Les Kew provided information on the prospective completion date. The Senior Professional – Major Developments agreed to include this site in his regular updates to the Committee. There was further discussion regarding wc facilities not being available at the Bus Station with no directions to other public conveniences. This was the responsibility of First Group. It was stated that the facilities at the rear of Debenhams in Southgate closed from 5pm. The Chair stated that he would see what he could do to ensure that better facilities could be provided in the future. The Senior Professional – Major Developments requested that he be advised in advance if there were any other major developments on which Members would like to be updated at Committee.

Lidls – In response to a Member’s query, the Chair stated that there were some issues to be resolved but it was hoped that permission could be issued shortly.

Somerdale, Keynsham – The Senior Professional – Major Developments reported that, after undertaking a marketing exercise, the owners, Cadbury Kraft, had short-listed 3 developers for the site and that discussions/negotiations would be carried out with the successful developer and the Council later in the year.

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

The Committee considered

- The report of the Development Manager on two planning applications at Midsomer Pet Lodge, Paulto’ Hill, Paulton
- An Update Report by the Development Manager on Item 2, the Report being attached as *Appendix 1* to these Minutes
- An oral statement by a Trustee for Greyhound Rescue West of England speaking on behalf of the applicants, 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 as attached as *Appendix 3* to these Minutes.

Item 1 Midsomer Pet Lodge, Paulto’ Hill, Paulton – Erection of replacement kennel building (Retrospective) – The Case Officer reported on this application and his recommendation to Permit with conditions. He stated that the wording of the recommended Condition 3 relating to land drainage assessment would need to be amended to ensure that the drainage works were carried out.

Members discussed the proposal. Councillor Liz Hardman considered that the proposal would not have a greater impact on the countryside or highway as there was no significant increase of the existing facilities provided. Also the facility existed prior to the residential dwelling on land adjoining the site and she felt that the amenities of the residents would not be significantly affected. The proposal, however, would benefit from some landscaping. She pointed out that the Parish Council supported the application. Councillor Hardman then moved the Recommendation to Permit with conditions which was seconded by Councillor Les Kew. Councillor Eleanor Jackson then read out a comment received from Councillor John Bull, one of the Ward Councillors, who supported the application.

Members debated the motion. Councillor Martin Veal referred to the “dazzling effect of the spotlight” to which an objector had referred and he enquired whether this could be mitigated. The Case Officer advised that a condition could be added accordingly. The mover and seconder of the motion agreed to this addition. Councillor Doug Nicol queried whether photovoltaic cells could be added to the roof for renewable energy purposes. The Case Officer responded that this was not part of the current application and could not be included without negotiation with the applicants.

The motion was then put to the vote. Voting: 11 in favour and 0 against with 1 abstention. Motion carried.

Item 2 Midsomer Pet Lodge, Paulto’ Hill, Paulton – Use of store/office/cattery building as a 2 bedroomed dwelling and office with alterations to existing external appearance – The Case Officer reported on this application and his recommendation to Refuse permission. The Update Report commented on further letters of support received.

The public speaker made her statement in support of the proposal. The Senior Legal Adviser commented on some of the issues raised in the statement as regards the legal status of the current Enforcement Notice on the property and the consequences if permission was granted for this proposal.

Councillor Liz Hardman opened the debate. She considered that this was a long established enterprise which was acceptable in a rural area. The adjoining house was originally part of the enterprise but the land had been divided some years ago. She commented that this was a useful facility located only a short distance from the community and felt that the kennels needed residential occupation on site for the welfare of the animals. The occupation of the dwelling could be tied to the business. She therefore considered that the recommendation should be overturned and accordingly moved that permission be granted. The motion was seconded by Councillor Neil Butters. Councillor Eleanor Jackson then read out the comments of Councillor John Bull, one of the Ward Councillors, who supported the application.

The Chair commented on some of the issues raised by Councillor Hardman. Councillors Les Kew and Bryan Organ asked questions about Council Tax payments and also the Enforcement Notice applying to the premises to which the Senior Legal Adviser responded. Members debated the motion. Some Members considered that there needed to be permanent residential occupation on the site for the wellbeing of the animals. The issue of the Enforcement Notice was discussed. The Case Officer responded that the Notice still applied to the property but no action had been taken to prosecute due to the personal circumstances of the then occupiers. The Senior

Legal Adviser responded on the legal situation if permission was either granted or refused. Reference was made by some Members to applications for residential dwellings required in conjunction with agriculture. Some Members were not convinced that permanent residential occupation was required on the site. The Chair pointed out that there was always the possibility that the business could fail or the applicants could retire etc which would then provide a permanent residence on the site without an allied business use. The Team Leader – Development Management emphasised the planning history of the site with a number of appeals against refusal being dismissed. The need for a permanent residential use had not been proven. He advised that, if permission was granted, it would need to be delegated to the Officers for appropriate conditions to be added. Also Members should be clear about the reasons for granting planning permission. It was also clarified that any permission would be subject to a Section 106 Agreement tying the residence to the business. This was accepted by the mover and seconder. Councillor Liz Hardman confirmed the reasons for granting permission.

The amended motion was then put to the vote. Voting: 6 in favour and 6 against. As there was an equality of voting, the Chair decided to use his second and casting vote against the motion. The voting was therefore 6 in favour and 7 against. Motion lost.

It was therefore moved by Councillor Les Kew to accept the Officer recommendation to Refuse permission which was seconded by Councillor Eleanor Jackson. The motion was put to the vote. Voting: 6 in favour and 6 against. As there was an equality of voting, the Chair decided to use his second and casting vote in support. Voting: 7 in favour and 6 against. Motion carried.

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

The report was noted

The meeting ended at 4.07 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services