

DRAFT MINUTES PENDING CONFIRMATION AT THE NEXT MEETING

BATH AND NORTH EAST SOMERSET

MINUTES OF DEVELOPMENT CONTROL COMMITTEE

Wednesday, 31st 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, David Veale, Brian Webber and Sally Davis (In place of Martin Veal)

Also in attendance: Councillor David Bellotti

34 EMERGENCY EVACUATION PROCEDURE

The Senior Democratic Services Officer read out the procedure

35 ELECTION OF VICE CHAIR (IF DESIRED)

A Vice Chair was not required

36 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

An apology for absence was received from Councillor Martin Veal whose substitute was Councillor Sally Davis

37 DECLARATIONS OF INTEREST

Councillor Sally Davis stated that, as Ward Councillor for the application at Barton House, Barton Lane, Corston (Item 1, Report 10), she would leave the meeting for its consideration.

38 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There were no items of Urgent Business. The Chair however informed the meeting that, due to certain circumstances, a request had been received from another speaker to make a Statement against confirmation of the Tree Preservation the subject of Agenda Item 12. The Committee agreed that she should be allowed to make a Statement on this occasion.

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

The Senior Democratic Services Officer informed the meeting that a speaker wished to make a Statement on the Tree Preservation Order the subject of Agenda Item 12 and that they would be able to do so when reaching that Item. The Committee had earlier agreed that an additional speaker would also be allowed to make a Statement on this matter. He informed the meeting that there were also several speakers

wishing to make Statements on the planning applications in Report 10 and that they would be able to do so when reaching those items in that Report.

40 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

There were no items from Councillors

41 MINUTES: WEDNESDAY 3RD AUGUST 2011

The Minutes of the previous meeting held on Wednesday 3rd August 2011 were approved as a correct record, and signed by the Chair

42 MAJOR DEVELOPMENTS

The Senior Professional – Major Developments circulated a Briefing Note for Members on the proposed residential development at Parkhouse Lane, Keynsham (“K2”) which had been allowed on appeal.

He then gave an Update on current major developments at (1) Bath Spa Railway Station where new entrances were proposed at the front and rear of the building; and (2) Bath Western Riverside where work was progressing. The Officer answered Members’ queries on these developments.

In response to a Member’s query regarding proposed development on the Former Railway Land at Norton Radstock, he informed the Committee that there were 2 schemes – one for the housing development by Linden Homes and the other for the traffic scheme involving Traffic Regulation Orders. These were separate schemes and mustn’t be linked together.

The Committee noted the update.

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

The Committee considered

- A report by the Development Manager on various applications for planning permission
- Oral statements by members of the public etc on Items 1-3, the Speakers List being attached as *Appendix 1* 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 2* to these Minutes.

Item 1 Barton House, Barton Lane, Corston – Erection of a single storey front and side extensions and a rear orangery – The Case Officer reported on this application and her recommendation to Refuse permission. The applicant’s Agent made a Statement in support of the proposal.

Members asked questions regarding the proposed increase in volume to which Officers responded. Councillor Brian Webber referred to Green Belt policy and the

high percentage increase in volume that was proposed. Although he sympathised with the applicant, he considered that the policy should be upheld. He therefore moved the Officer recommendation to Refuse permission. The motion was seconded by Councillor Eleanor Jackson.

Members debated the motion. Some Members supported the motion whereas others did not. It was considered to be a borderline decision as to whether permission should be refused or not. The Team Leader – Development Management gave advice on comments raised by Members. The motion was then put to the vote. Voting: 6 in favour and 5 against. Motion carried.
(Note: Councillor Sally Davis was not present for consideration of this item.)

Item 2 No 96 Entry Hill, Combe Down, Bath – Provision of loft extension with rear dormer – The Case Officer reported on this application and his recommendation to Refuse permission. The applicant made a Statement supporting the application and the Ward Councillor David Bellotti made a Statement in favour of the proposal.

Members discussed the proposal. The Case Officer responded to comments regarding the size and design of the proposal and a possible alternative design. Councillor Les Kew expressed concern with regard to dormers generally and considered that they had an adverse impact on host buildings. Councillor Liz Hardman moved that the recommendation be overturned and permission granted on the basis that she considered that there was no significant loss of visual amenity, it was an acceptable design, there was already a dormer in the terrace, there were no objections from local residents and she did not agree that this proposal would have a detrimental impact on the character or appearance of the host building or the streetscene. This was seconded by Councillor Doug Nicol and the motion was put to the vote. Voting: 8 in favour and 3 against with 1 abstention. Motion carried.

Item 3 No 12 Bennett Street, Bath – Internal alterations to replace existing carpet with floating bamboo flooring in galleries – The Historic Environment Team Leader reported on this application and on the recommendation to Refuse consent. A representative of the Museum of East Asian Art made a Statement in support of the proposal.

Councillor Brian Webber opened the debate. He considered that a balanced decision was required as there was the need to preserve the building but also to maintain the cultural and tourist benefits to the City from the operation of the Museum. He referred to the destruction of the building during the second World War with the loss of original features. Also many buildings in Bath were now used as offices with the consequent loss of features or at least being hidden from view. On balance, he supported the proposal and therefore moved that the recommendation be overturned and consent granted on the basis that there was no material impact on the historic fabric or character of this listed building. The motion was seconded by Councillor Neil Butters.

Members debated the motion. Comments centred on the fact that this was a floating bamboo laminate floor which would be placed on top of hardboard which was already in place under the carpet. The process is reversible – the original flooring was not being removed and the laminate floor would protect the historic floorboards. The benefits of the building as a museum also shouldn't be ignored. Some Members

considered however that the character of this town house would be lost as a result of using a modern laminate and therefore could not support the motion. Before the vote, the Historic Environment Team Leader considered that the decision should be delegated to Officers to enable conditions to be added including details of how the materials would be fixed. Members considered that this was unnecessary and that standard conditions, together with the method of fixing to be agreed by the local planning authority, could be imposed. A Member suggested reasons for granting permission which were accepted by Members, namely, that it was considered that the proposal would protect the historic floorboards and preserve the character of the listed building. The motion was then put to the vote. Voting: 9 in favour and 3 against. Motion carried.

44 PLANNING AND LICENSING LEGISLATION

Referring to the Statement made by Edward Drewe at the previous meeting of the Committee, the Development Manager and the Senior Legal Advisor submitted a joint report addressing the issue of the perceived conflict between licensing and planning as regards food outlets open after 11pm. The report set out the issues, the relevant law and policy and the relationship between licensing and planning. Where a planning permission and a Premises Licence differ, the operator must abide by the earlier time and, if they did not, they would leave themselves open to enforcement action.

RESOLVED to note the report which Members agreed was very clear and to be commended.

45 TREE PRESERVATION ORDER - LAND BETWEEN 6 AND WILMSLOW, BANNERDOWN ROAD, BATHEASTON, BATH NO 15

The Committee considered

- the report of the Senior Arboricultural Officer which recommended that this provisional Tree Preservation Order be confirmed without modification
- oral statements by Andrew Jeffryes and Catherine Gregory (owners of the land in which the tree was situated) speaking against the Order being confirmed

Councillor Eleanor Jackson considered that the Tree Preservation Order should be confirmed so as to protect a tree which makes a significant contribution to the landscape and amenity of the area. She therefore moved the Officer recommendation to confirm the Tree Preservation Order without modification. The motion was seconded by Councillor Doug Nicol. It was commented that this was a magnificent tree that needed to be protected – the care exercised by the current owner could not be guaranteed in the future if ownership changed hands. The motion was then put to the vote and carried, voting being 7 in favour and 3 against with 2 abstentions.

RESOLVED to confirm without modification the Tree Preservation Order entitled “Bath and North East Somerset Council (Land between 6 and Wilmslow, Bannerdown Road, Batheaston No 15) Tree Preservation Order 2011”.

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

Members commended Officers on the high rate of success of appeals being dismissed.

The report was noted.

The meeting ended at 3.35 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services