

DRAFT MINUTES PENDING CONFIRMATION AT THE NEXT MEETING

BATH AND NORTH EAST SOMERSET

MINUTES OF DEVELOPMENT CONTROL COMMITTEE

Wednesday, 28th September, 2011

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

Also in attendance: Councillors Tim Ball and Vic Pritchard

47 EMERGENCY EVACUATION PROCEDURE

The Senior Democratic Services Officer read out the procedure

48 ELECTION OF VICE CHAIR (IF DESIRED)

A Vice Chair was not required

49 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillors Neil Butters and Les Kew and their respective substitutes were Councillors Jeremy Sparks and Sally Davis. An apology was also received from Councillor Doug Nicol.

50 DECLARATIONS OF INTEREST

Councillor David Martin stated that he was a member of the Council's School Service Major Projects Board that had considered the planning application at Oldfield School, Kelston Road, Newbridge, Bath (Item 1, Report 10 of this Agenda) and he would therefore leave the meeting for its consideration. With regard to Report 13 on Stowey Quarry, Councillor Jeremy Sparks stated that he was openly opposed to the development and had predetermined the matter. He would therefore leave the meeting for its consideration.

51 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

The Chair stated that he had allowed an Urgent Item to be considered at this meeting regarding the Draft National Planning Policy Framework (NPPF) as comments were required to be submitted to the Government before the next meeting. The previously circulated report requested the Committee to (1) consider the changes to national policy arising from the Draft NPPF and the implications for B&NES as set out in the appended report to Cabinet on 12th October 2011; and (2) advise the Cabinet on the need for any further changes to the Draft NPPF.

The Senior Planning Policy Officer reported on the issues. Councillor Tim Ball as Cabinet Member for Homes and Planning commented on the matter and requested

any individual Member's views be submitted as soon as possible for the Cabinet meeting on 12th October.

Members discussed the issues and the proposed changes. Various views were expressed including:

- Concern regarding removal of brownfield targets from housing development
- Insufficient weight given to energy efficiency and renewable energy regarding sustainable development - the standard should be as high as practicable
- Little weight given to demography regarding more housing provision for older people
- The Certificate of Conformity was too vague and should be in line with the Core Strategy
- There should be more emphasis on protecting local green spaces
- A better definition of "sustainable development" was required

Members considered it to be a good report with a clearly set out summary of the issues. The Chair requested Members to make their views known to the Senior Planning Policy Officer and Councillor Tim Ball. The Officer stated that he would be willing to make a presentation to individual Groups if requested to do so.

RESOLVED (1) to support the proposed comments to the Department of Communities and Local Government (DCLG) set out in the report to Cabinet on 12th October; and (2) that the above views and any further views be submitted to Cabinet to forward to DCLG.

52 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 about Stowey Quarry, Stowey, the subject of Report 13 on the Agenda, and that they would be able to do so before that item was considered. There were also members of the public wishing to make statements on Items 1 and 2 on the Plans List report and they would be able to do so when reaching those Items on the Agenda.

53 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

There were no items from Councillors.

54 MINUTES: WEDNESDAY 31ST AUGUST 2011

The Minutes of the previous meeting held on Wednesday 31st August 2011 were approved as a correct record and signed by the Chair.

55 MAJOR DEVELOPMENTS

The Senior Professional - Major Development gave a brief update to Members on developments at Dorchester Street/Bath Spa Railway Station and Bath Spa University. He responded to a Member's query concerning the lift installation at the Railway Station stating that this was an operational issue and the responsibility of First Great Western but it would be kept under review.

The Committee noted the update.

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

The Committee considered

- a report by the Development Manager on various planning applications
- an Update Report by the Development Manager on Item No 1, the Update being attached as *Appendix 1* to these Minutes
- oral statements by members of the public etc. on Item Nos. 1 and 2, 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 Oldfield School, Kelston Road, Newbridge, Bath - Erection of a new 4 court sports hall incorporating changing rooms, car park, multi-use game area, associated external works and landscaping - The Case Officer reported on this application and her recommendation to grant permission. An Update Report comprising comments from the Landscape Architect and the Case Officer had been previously circulated. She further updated Members and recommended an additional Condition relating to levels of the site. The Chair of Governors made a statement in favour of the proposal.

Members asked questions about the materials and lighting etc. to which the Officer responded. Councillor Bryan Organ considered this to be an acceptable proposal and moved the Recommendation for permission to be granted which was seconded by Councillor Lisa Brett. Members debated the motion. The Senior Highways Development Control Engineer responded to queries regarding parking and it was confirmed that these matters would be dealt with under the Travel Plan and Operational Statement. After a brief discussion, the motion with the additional condition was put to the vote and was carried unanimously.
(Note: Councillor David Martin was not present for this item.)

Item 2 Filers Coaches, Wick Lane, Stanton Drew - Extend area of coach/bus stationing for an additional 10 vehicles (Resubmission) - The Case Officer reported on this application and his recommendation to Refuse permission. An Agent representing objectors stated that he had registered to speak against this application but had not been included on the list due to a breakdown in communication. The Committee decided to allow him to speak on this occasion. He therefore made a

statement on behalf of objectors to the proposal which was followed by a statement by the applicants' Agent in favour.

After hearing a response to his query concerning the number of coaches that could be accommodated in the lawful part of the site, Councillor Martin Veal moved the Recommendation to Refuse permission. This was seconded by Councillor Bryan Organ.

Some Members supported the proposal as it was considered that there was little visual impact and it was a sustainable development providing jobs and transport for the local community. Other Members felt that the Green Belt policies should be adhered to due to the impact on the openness of the Green Belt. In response to a Member's query, the Senior Legal Adviser gave advice regarding the potential for a legal challenge by objectors if permission was granted. The Chair summed up the discussion supporting the Officer's recommendation to Refuse permission.

The motion was then put to the vote. Voting: 6 in favour and 5 against. Motion carried.

Item 3 Closed Polestar Purnell Factory Site, Access Road to Works, Paulton - Mixed use redevelopment of former print works comprising offices, industrial, residential, continuing care retirement community, pub/restaurant, community building, open space, associated infrastructure, landscaping and access roads
- This application was withdrawn from the Agenda.

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

The Committee noted the report and the good success rate with appeals being dismissed.

58 EXCLUSION OF THE PUBLIC

The Committee decided that it was not necessary to go into Exempt Session for consideration of this matter. However, the written report circulated to Members with the Agenda would remain Exempt.

59 PROPOSED CLAIM FOR JUDICIAL REVIEW - STOWEY QUARRY, STOWEY ROAD, BRISTOL

The Committee considered (1) a statement by a member of the public; (2) a statement by the Ward Councillor Vic Pritchard expressing concerns about the permission; and (3) the issues surrounding a proposed claim for Judicial Review relating to the permission for landfilling of Stowey Quarry with non-reactive hazardous waste, namely, asbestos.

The Chair made a statement regarding certain errors made by the Council in dealing with the application and apologised to local residents and the applicant. He therefore moved that the Council consent to the quashing of the permission in the High Court on the basis that the site notice and newspaper advert did not comply with the EIA Directive and Regulations. This was seconded by Councillor Martin Veal and it was carried unanimously.

(Note: Councillor Jeremy Sparks was present but did not speak or vote.)

The meeting ended at 3.35 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services