

DRAFT MINUTES PENDING CONFIRMATION AT THE NEXT MEETING

BATH AND NORTH EAST SOMERSET

MINUTES OF DEVELOPMENT CONTROL COMMITTEE

Wednesday, 26th October, 2011

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

Also in attendance: Councillors Patrick Anketell-Jones, Andy Furse and Malcolm Lees

60 EMERGENCY EVACUATION PROCEDURE

The Senior Democratic Services Officer read out the procedure

61 ELECTION OF VICE CHAIR (IF DESIRED)

A Vice Chair was not required

62 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillors Lisa Brett and Neil Butters and their respective Substitutes were Councillors Dine Romero and Jeremy Sparks.

63 DECLARATIONS OF INTEREST

Councillor Liz Hardman informed the meeting that she was present when Paulton Parish Council had considered the planning application at the Closed Polestar Purnell site, Paulton (Item 3, Report 10 of this Agenda) but that she did not participate. She therefore had no interest to declare on this Item and would speak and vote when it was considered.

64 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There were no items of Urgent Business

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

The Senior Democratic Services Officer informed the meeting that there were speakers wishing to make a statement on the Enforcement Item on The Old Orchard, The Shrubby, Lansdown, Bath (Report 11) and that they would be able to do so for up to 3 minutes each when reaching that Item. There were also members of the public wishing to make statements on planning applications in Report 10 and they would be able to do so when reaching their respective Items in that Report.

66 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

There were no items from Councillors

67 MINUTES: WEDNESDAY 28TH SEPTEMBER 2011

The Minutes of the previous meeting held on Wednesday 28th September 2011 were approved as a correct record and signed by the Chair.

68 MAJOR DEVELOPMENTS

The Development Manager informed the Members that, if they had any queries on major developments, they should contact the Senior Professional – Major Developments direct.

69 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 Items Nos. 2, 3, 5 and 6, a copy of which is attached to these Minutes as *Appendix 1*
- Oral statements by members of the public etc. on Item Nos. 1 – 4 and 6, the Public Speakers List being attached to these Minutes as *Appendix 2*

RESOLVED that, in accordance with their delegated powers, the applications be determined as set out in the Decisions List attached to these Minutes as *Appendix 3*.

Items 1&2 Kingsmead House, James Street West, Bath – 1) Demolition of Kingsmead House (Ref 10/04868/CA); and 2) Erection of a 177 bed hotel incorporating conference facilities, restaurant, café/bar and associated facilities, servicing and works following demolition of Kingsmead House (Ref 10/04867/FUL) – The Historic Environment Team Leader reported on the application for consent to demolish Kingsmead House. He stated that the wording of Condition 2 of the Recommendation to permit would need to be amended as more precise wording was required.

The Senior Planning Officer reported on the application to erect a 177 bed hotel etc. on the site of Kingsmead House. He referred to the Update Report which contained the Officer's comments on further representations received from the Council's Development and Regeneration Team and the Bath Preservation Trust.

The public speakers made their statements on these applications. The Ward Councillor Andy Furse then made a statement commenting on various aspects of the proposals.

Members asked questions for clarification purposes on the **application for consent to demolish (Ref 10/04868/CA)** to which Officers responded. Councillor Bryan

Organ moved that **consent be granted** for demolition which was seconded by Councillor Martin Veal. During the debate on the motion, it was considered that a timescale should be included in Condition 2, namely, that a landscaping scheme be implemented if work for redevelopment of the site had not commenced within 6 months. Also, the applicant be required to recycle materials from the demolition of the building. The mover and seconder agreed to these amendments. The motion was put to the vote and was **carried unanimously**.

The **application for the hotel (Ref 10/04867/FUL)** was then considered. Members asked questions about access to the upper floors of the proposed hotel, the arrangements for patrons arriving by car and coach, whether solar panels had been included etc. Some Members made reference to the tourism aspect of the proposal with too many hotels in the area and car parking being at full capacity. There was no Master Plan for Kingsmead or a Supplementary Planning Document. A Visitor Accommodation Study had been adopted which should have some impact. The Officers responded to these queries. Councillor Eleanor Jackson considered that provision for conferences was a useful benefit to the scheme. She had some concern about the design which didn't look like a hotel although it did link in with the style of some of the adjoining buildings. She moved the **Officer recommendation** – which was seconded by Councillor Liz Hardman - to (A) Authorise the Planning and Environmental Law Manager to secure an Agreement under Section 106 of the Town and Country Planning Act 1990 for (a) a financial contribution to fund the following: an amended Traffic Regulation Order in respect of the layby at the front of the site onto James Street West to restrict parking for the use of taxis and coaches only for limited time periods; an amended Traffic Regulation Order to allow coaches and taxis accessing the site from Green Park Road to turn right into the western end of James Street West; (b) the resurfacing of footways along site frontages to include widened James Street West frontage and dedication as public highway; and (B) upon completion of the Agreement, authorise the Development Manager to Permit the application subject to the conditions set out in the Report.

Members debated the motion and various issues were discussed. The use of the site as offices for employment was mentioned but it was pointed out that the existing office building had been empty for some time and that tourism was important to the City's economy. A Member stated that market forces were encouraging use as a hotel and this would probably be a mainstream hotel rather than a budget or luxury establishment. The Council, however, should take responsibility for traffic and parking. The design was modern and fitted the context of the street scene and the Conservation Area. The Traffic Regulation Order should be amended at the developers' expense to include Zone 6 New King Street which was mentioned by the Ward Councillor in his statement. Some Members agreed with these sentiments and made similar comments. However, other Members felt that there were already a number of hotels in the area for which planning permission had recently been granted. More cars would be attracted to the City adding to traffic congestion. The dropping off point for coaches and cars was not adequate. The issue of use of the bar/restaurant by non-residents and the lack of sustainable energy proposals were also concerns raised by some Members. The Chair commented on the proposals and summed up the debate.

The Development Manager commented on some of the points raised. She informed Members that the type of hotel was not a factor for consideration and the demand for a hotel did not need to be proved. There was no Master Plan for the area or a

Supplementary Planning Document but the draft Core Strategy supported the proposal. There were concerns regarding traffic and loss of offices but the site was at the centre of public transport provision and the building was outmoded for continued office use. The issues raised by Members relating to solar panels, use of the bar/restaurant by non-residents and amending the Traffic Regulation Order by extending parking restrictions to Zone 6, would be the subject of discussion with the applicants. A restriction on the hours of use of the bar could be dealt with by the imposition of a planning condition.

The motion was then put to the vote: 7 Members voted in favour and 4 against with 1 abstention. **Motion carried.**

(Note: There followed an adjournment for 5 minutes and the meeting resumed at 4.15pm)

Item 3 Closed Polestar Purnell Factory Site, Access Road to Works, Paulton – Variation of Section 106 Agreement to permission granted for 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 (Ref 07/02424/EOUT) – The Case Officer reported on this application for a Variation to the S106 Agreement. His Recommendation was to agree to the requested variation of the planning obligations entered into in respect of the development and that, if the Committee was minded to accept this recommendation, then it resolve that the Council enter into a supplemental S106 Agreement with the current owners of the land to vary the terms of the S106 Agreement dated 17th June 2010 made between the Council, Purnell Property Group and Investec Ltd in respect of land on the north side of Hallatrow Road, Paulton (“the Original Section 106 Agreement”) to provide that the Affordable Housing provision for the development is reduced from 35% to 20% and that the requirement to provide land which shall be of sufficient size to facilitate the provision of a 52 place pre-school nursery, together with ancillary play space and parking space, be removed but the obligation to construct and fit out a building capable of accommodating a 26 place pre-school nursery, together with ancillary play space, be retained. He referred to the Update Report which contained comments from the Parish Council. The Report also updated Members on the proposal as regards discussions held by the Council’s Housing Team with the applicants who have agreed to provide a minimum of 20% affordable housing without subsidy but with the developers using reasonable endeavours, in conjunction with the Council, to secure funding to increase the percentage of affordable housing up to a maximum of 35%. The Officer recommendation was that Members should accept this improved proposal.

Members asked questions for clarification purposes to which the Case Officer replied. The applicants’ Agent made a statement in favour of the application for the Variation.

Councillor Liz Hardman supported the Officer’s Recommendation but considered that the affordable housing should be “pepper potted” through the site rather than be in one area. She accordingly moved the Recommendation which was seconded by Councillor Les Kew. The Case Officer advised that the distribution of affordable housing could be dealt with under applications for the approval of Reserved Matters.

After a short discussion, the motion was put to the vote which was carried unanimously.

Item 4 No 80 Brookfield Park, Weston, Bath – Erection of a two storey side and rear extension and conversion to 4 flats (Ref 10/02486/FUL) – The Case Officer reported on this application and her Recommendation to Permit with conditions.

The applicants' Architect made a statement in favour of the proposal which was followed by a statement by the Ward Councillor Malcolm Lees against the proposal.

Members asked questions about the proposal to which the Case Officer responded. Councillor Les Kew could not see that there were good planning reasons to refuse the proposal and therefore moved the Officer Recommendation to Permit with conditions. This was seconded by Councillor David Martin. Members debated the motion and various concerns were raised such as loss of symmetry, impact on the street scene and parking.

The motion was then put to the vote. Voting: 6 in favour; 5 against; and 1 abstention. Motion carried.

Item 5 Folly Farm, Folly Lane, Stowey – Change of use from Class C2 to Mixed Use Classes C2/D2 for residential/education, wedding ceremonies and receptions with ancillary café, teaching and workshop facilities (Retrospective) (Ref 10/04399/FUL) – This application was withdrawn from the Agenda to allow further discussions with the applicant.

Item 6 No 11 Old Newbridge Hill, Newbridge, Bath – Provision of loft conversion with 1 side and 1 rear dormer (Resubmission) (Ref 11/03877/FUL) – The Chair informed the meeting that the applicants' Agent had not registered to make a statement and had fallen sick. One of the applicants had therefore requested to speak at the meeting instead. Members considered that this was an exceptional circumstance which warranted the applicant making a statement at this meeting.

The Case Officer reported on this application and his Recommendation to refuse permission. The Update Report contained an objection to the proposal. The applicant then made her statement in favour of the proposal.

Councillor Martin Veal considered that it would be useful to have a policy on the installation of dormers. However, he considered that this proposal should be supported and moved that the Recommendation be overturned and Officers be authorised to grant permission subject to appropriate conditions. This was seconded by Councillor Liz Hardman who considered that the reasons for overturning the Recommendation were that there were no other properties affected, the character of the street had already been affected by dormers in the street, there was no clear harm to the character and appearance of the street scene, and it had no detrimental impact on local residents. Members debated the motion. It was felt that a Dormer Policy was required and that the property would benefit from the proposal. The Development Manager commented that it would be difficult to provide a policy on dormers and that the Council had been successful in resisting the installation of side dormers when there had been appeals against refusals of permission.

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

70 ENFORCEMENT REPORT - THE OLD ORCHARD, THE SHRUBBERY, LANSDOWN

The Committee considered (1) a report by the Development Manager requesting Members to authorise enforcement action regarding (i) the unauthorised orange coloured stone used in cladding the new dwelling; and (ii) gates to the parking area onto the footpath and surface treatment not built according to approved plans; and (2) oral statements by a representative of St James’ Park Residents Association speaking in favour of enforcement action and from the owner of the property speaking against enforcement action.

The Team Leader – Development Management reported on the issues by means of a power point presentation. He informed the Members that he was unable to find any drawing to indicate that the gates on the parking space adjacent to St James’ Park had been approved.

Councillor Eleanor Jackson considered that the photographs shown by the Officer and the sample materials used by the applicant as visual aids in her statement were confusing and clarification was required before enforcement action could be considered. She therefore moved that the matter be deferred for a Site Visit which was seconded by Councillor Martin Veal.

RESOLVED (1) to defer consideration for a Site Visit; and (2) a report be submitted to the next meeting when the public speakers would have a further opportunity to make statements on the matter.

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

The report was noted

The meeting ended at 5.35 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services