

DRAFT MINUTES PENDING CONFIRMATION AT THE NEXT MEETING

BATH AND NORTH EAST SOMERSET

MINUTES OF DEVELOPMENT CONTROL COMMITTEE

Wednesday, 23rd November, 2011

Present:- Councillor Gerry Curran in the Chair

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

Also in attendance: Councillors Patrick Anketell-Jones, Cherry Beath, Sally Davis and Roger Symonds

72 EMERGENCY EVACUATION PROCEDURE

The Senior Democratic Services Officer read out the procedure

73 ELECTION OF VICE CHAIR (IF DESIRED)

A Vice Chair was not required

74 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

An apology for absence was received from Councillor Doug Nicol whose substitute was Councillor Jeremy Sparks

75 DECLARATIONS OF INTEREST

Councillor Lisa Brett declared a personal but non-prejudicial interest in the planning application at 153 Newbridge Hill as her father knew the applicant's father. As this was not a substantial and prejudicial interest, she would speak and vote on this item.

76 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There were no items of urgent business

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

The Senior Democratic Services Officer informed the meeting that there were members of the public wishing to make statements on the Enforcement Report 11 relating to The Old Orchard, The Shrubbery, Lansdown, and that they would be able to do so when reaching that item. There were a number of people wishing to speak on the planning applications in Report 10 and they would be able to make their statements when reaching those respective items in that Report.

78 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

There were no items from Councillors

79 MINUTES: WEDNESDAY 26TH OCTOBER 2011

The Minutes of the previous meeting held on Wednesday 26th October 2011 were approved as a correct record and signed by the Chair

80 MAJOR DEVELOPMENTS

The Senior Professional – Major Developments informed the meeting that there were no issues on major developments on which to update Members.

The Committee noted.

81 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. 1-3 and 5, the Report being attached as *Appendix 1* to these Minutes
- Oral statements by members of the public etc. on Item Nos. 1-4, 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.

Items 1&2 Gammon Plant Hire, Rock Hall Lane, Combe Down, Bath – 1) Erection of 1 Mining Interpretation Centre (rated BREEAM Excellent) 8 Eco Homes (rated Code 5 zero carbon), 1 apartment (rated Code 5 zero carbon) and all associated hard and soft landscaping following demolition of all existing properties with the exception of a portion of historic stone wall to Rock Hall Lane (Ref No. 11/04168/FUL) (Resubmission); and 2) demolition of all existing properties with the exception of a portion of historic wall to Rock Hall Lane (11/04167/CA) – The Historic Environment Team Leader and the Planning Officer reported on these applications and their recommendations to refuse permission/consent. The Update Report gave further information on the applications and recommended an additional reason for refusal on the planning application (Ref No 11/04168/FUL). The public speakers made statements for and against the applications and the Ward Councillors Cherry Beath and Roger Symonds made their statements in favour of the proposals.

Members asked questions about the environmental issues raised by one of the public speakers regarding the screening opinion. One of the concerns raised related specifically to the fact that the revised screening opinion had only been in the public domain 5 days before the meeting. The Planning and Environmental Law Manager

recommended that, in the circumstances, it would be better to defer the applications to allow the revised screening opinion a longer period in the public domain given the period set out in the Regulations for adopting screening opinions. It was therefore moved by Councillor Martin Veal and seconded by Councillor Lisa Brett to defer consideration to allow further time for third parties to be able to comment on the screening opinion. Members briefly debated the motion and it was then put to the vote. Voting: 11 in favour and 0 against with 1 abstention. Motion carried.

Item 3 Land rear of Holly Farm, Brookside Drive, Farmborough – Residential development comprising 38 dwellings with associated access, car parking and landscaping – The Case Officer reported on this application and her recommendation (A) that the application be referred to the Secretary of State as a departure from the Development Plan; (B) to authorise the Planning and Environmental Law Manager to secure an Agreement under Section 106 of the Town and Country Planning Act 1990 as detailed in the Officer's Report; and (C) upon completion of the Agreement, to authorise the Development Manager to permit the application subject to various conditions set out in the Report. The Update Report informed the Committee that Conditions 3 and 4 in the Report were not required and therefore should be deleted from the Recommendation. Members of the public then made statements for and against the proposal which was followed by a statement from the Ward Councillor Sally Davis.

Members asked questions about the proposals to which Officers responded. Reference was made to an advertisement on the application giving 21 days to make representations but which expired after the date of this meeting. The Team Leader – Development Management replied that this was a “departure” advertisement and it was not unusual for such advertisements to appear later on in the planning process as representations could still be submitted and considered when the application was referred to the Secretary of State. Councillor Bryan Organ voiced various concerns regarding access, parked cars, impact of the development on the character of the village etc. He considered that Members needed to see the site and therefore moved that consideration be deferred for a Site Visit. The motion was seconded by Councillor Martin Veal. The motion was put to the vote, 8 voting in favour and 2 against with 2 abstentions. Motion carried.

Item 4 No. 153 Newbridge Hill, Newbridge, Bath – Erection of new single family dwelling on land at the rear of Nos. 153/155 Newbridge Hill – The Case Officer reported on this application and her recommendation to refuse permission. The public speakers made their statements for and against the proposal.

Members asked questions about the proposal. Councillor Martin Veal agreed with the Officer's Recommendation and moved that permission be refused for the reasons cited. This was seconded by Councillor Neil Butters. Members debated the motion. It was generally accepted that this was backland development which would be detrimental to the character of the Conservation Area. There was also concern that this could set a precedent for other gardens to be developed in the area. The motion was put to the vote. Voting: 8 in favour and 2 against with 2 abstentions. Motion carried.

Item 5 No. 69 Haycombe Drive, Southdown, Bath – Erection of detached 2 storey dwelling on land to the rear of 69 Haycombe Drive – This application was withdrawn from the Agenda.

82 ENFORCEMENT REPORT - THE OLD ORCHARD, 1 THE SHRUBBERY, LANSDOWN, BATH

The Committee considered (1) a report by the Development Manager requesting Members to authorise enforcement action regarding (a) the materials used to clad the boundary wall to the garden and parking areas and parts of the new dwelling which did not match the approved sample; (b) the boundary to the property which had not been constructed in accordance with the details approved under planning permission 09/00367/FUL; (c) the boundary to the parking area which had not been constructed in accordance with the approved plan S2B in breach of Condition 10 of planning permission 09/00367/FUL; (d) the surface of the parking area which had not been constructed in accordance with the approved plan S2B in breach of Condition 10 of planning permission 09/00367/FUL; and (e) gates to the parking area which had been erected on the western boundary without planning permission; (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; and (3) a statement by the Ward Councillor Patrick Anketell-Jones raising various concerns.

The Team Leader – Development Management reported on the issues by means of a power point presentation.

The Members discussed the matter. Various issues were raised such as sample panels not being available and the need to ascertain whether there were differences in shades of stone between the suppliers' sample and the materials on the site; the possibility of gravel spilling out onto the footway; the differences in dimensions of the walls and gates from the approved plans. Some Members considered that some of the changes affected residents' amenities but others did not. The Chair gave his views on whether enforcement action should be authorised on the various aspects of concern. It was agreed that each aspect of unauthorised work should be considered individually as to whether enforcement action should be authorised.

After voting on these aspects, the Committee **RESOLVED**: That

(1) enforcement action be authorised relating to (i) the gates to both sides of The Shrubbery; and (ii) the gravel to the parking area;

(2) enforcement action not be authorised relating to (i) the gates facing St James' Park; and (ii) the cladding to the house; and

(3) a decision to authorise enforcement action on the boundary wall be deferred until information had been obtained from the suppliers of the materials regarding different colours of material available.

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

The Committee noted the report

The meeting ended at 4.45 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services