

PLANNING COMMITTEE

Minutes of the Meeting held

Wednesday, 6th April, 2022, 11.00 am

Councillors: Sue Craig (Chair), Sally Davis (Vice-Chair), Shelley Bromley, Paul Crossley, Lucy Hodge, Duncan Hounsell, Shaun Hughes, Dr Eleanor Jackson, Hal MacFie and Brian Simmons (in place of Brian Simmons)

111 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

112 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

The Committee noted that Cllr Brian Simmons was substituting for Cllr Vic Clarke who had submitted his apologies for absence.

113 DECLARATIONS OF INTEREST

Cllr Brian Simmons declared an interest in agenda items 4 of the site visit list and 3 of the main applications list as a member of Keynsham Town Council which had already determined these applications. He confirmed that he would speak on behalf of local residents/as local ward member and then withdraw from the meeting and take no part in the debate or decision.

Cllrs Duncan Hounsell and Hal MacFie declared a minor non pecuniary interest in agenda item 3 of the main applications list in that they were acquainted with the applicant but that this would have no impact on their consideration of the application.

Cllr Lucy Hodge declared an interest in agenda item 2 of the main application list as the parent of a student at the school and confirmed that she would withdraw from the meeting and take no part in the debate or decision.

The Committee noted that Cllr Lucy Hodge was the applicant in relation to agenda item 4 of the main application list which is why the case had been referred to Committee. She confirmed she would withdraw from the meeting and take no part in the debate or decision on that item.

114 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was no urgent business.

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

The Democratic Services Officer confirmed that there were a number of people wishing to make statements on planning applications and that they would be called

to do so when these items were discussed.

116 **MINUTES OF THE PREVIOUS MEETING**

It was moved by Cllr Sally Davis, seconded by Cllr Eleanor Jackson and:

RESOLVED that the minutes of the meeting held on Wednesday 9 March 2022 be confirmed as a correct record and signed by the Chair.

117 **SITE VISIT LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE**

The Committee considered:

1. A report by the Head of Planning on various planning applications.
2. An update report by the Head of Planning (attached as Appendix 1 to these minutes).
3. Oral statements by members of the public and representatives on items. (A copy of the speakers' list is attached as Appendix 2 to these minutes).

RESOLVED that in accordance with the Committee's delegated powers, the applications be determined as set out in the Site Visit decisions list attached as Appendix 3 to these minutes.

Items 1 and 2 were considered together.

Item No. 1

Application No. 21/03965/FUL

Site Location: Manor House, Watery Lane, Burnett, Keynsham, Bristol

Item No. 2

Application No. 21/03966/LBA

Site Location: Manor House, Watery Lane, Burnett, Keynsham, Bristol

The Case Officer introduced the report and confirmed the officer recommendation to permit the full application and grant consent for the listed building application.

The following public representations were received:

1. A representative of the Town Council spoke against the applications.
2. Two local residents spoke against the applications.
3. The applicant spoke in support of the applications.

The local ward member, Cllr Alastair Singleton, spoke in support of the applications. He acknowledged that local opinion was divided on the applications and there were genuine concerns about the visual impact, but that Bath and North Somerset Council had declared a Climate Emergency in 2019 and the applicants had worked with officers to design an acceptable scheme that would provide renewable energy sources to their property.

In response to members' questions, it was confirmed:

1. There was not an adopted Neighbourhood Plan for the area. There was a Village Community Plan, but this would not carry any weight in terms of planning law.
2. Whether the application complied with policy GB1 of the Council's Placemaking Plan (protecting the visual amenities of the green belt) was a consideration and officers had concluded that the proposed development did comply with policy.
3. Roof mounted solar panels would be too steep and enclosed to provide sufficient energy output. Officers were not in a position to consider whether a hybrid scheme was possible as they could only determine the application as submitted.
4. In terms of community engagement requirements as set out in SCR3 of the Placemaking Plan, and concerns expressed by residents about the lack of consultation, officers could only confirm that the applicants had engaged in pre-application discussions with the Council and were unable to comment on whether the applicants had engaged with the community in advance of submitting the applications.
5. In relation to the definition of "protected landscape" referred to in SCR3, this was defined as areas of outstanding natural beauty (AONB) rather than green belt.
6. In terms of the definition of "minimising visual impact" in SCR3, this was site specific in that it must be the minimum feasible in that location.
7. The residents of Whitson Lodge would be able to see the rear view of the panels from bedroom windows. There was a balance between the siting of the panels in terms of optimum location for energy generation and where they would have least impact on visual amenity.
8. The park was not a heritage asset in itself but contributed to the character of the village.
9. The area of the compound was 714 square metres.
10. The growth and impact of the proposed screening hedge had been factored into the scale of the compound to prevent overshadowing. The species and height of the hedge would be conditioned to ensure adequate screening.
11. The amount of energy generated by solar panels would vary and in the case of this application, the energy production had to be considered alongside that of the ground source heat pump.
12. Although there was a change in the update report to confirm that there would not be a surplus generated but a minor additional demand from the grid, the officer recommendation had not changed as it was considered that the energy provided by the development would outweigh the harm.

Cllr Duncan Hounsell opened the debate as ward member and raised the following comments:

1. He had heard the case of the applicant and Councillor Alastair Singleton speaking in support of the scheme as well as residents speaking against the scheme.
2. The Committee could only consider the application as submitted and not comment on any alternative schemes.
3. The Committee needed to be mindful of local and national planning policies in determining the application.
4. The declaration of a climate emergency currently had limited weight in terms of planning law.

5. National policy framework was clear in paragraph 151 that “very special circumstances” were required due to the green belt location.
6. In terms of SCR3 policy the site was not agricultural or a local protected landscape. In terms of minimising visual impact, there would be some harm from the view of Whitson Lodge, but the applicant had considered this to be the location which would have the least impact.
7. In relation to concerns raised by local residents about highway safety, Highways officers had not raised any objection and there was no evidence of glare from the panels and so this could not be defended on appeal as a reason for refusal.
8. If the Committee were minded to approve the applications, screening should be in place as soon as possible to mitigate the impact on the green belt and a condition should be in place to ensure the solar panels would be removed at the end of their life.
9. Members needed to consider if securing the energy needs of the Grade 2 listed building constituted “very special circumstances”, although approving the applications would not open up the green belt to further development as each case had to be judged on its merits.

Cllr Shelley Bromley referred to the openness of the green belt and the impact on the historic village and questioned whether “very special circumstances” were satisfied based on the needs of one property.

Cllr Hal MacFie expressed the view that the positioning of the solar panels was too near Whitson Lodge, and he was concerned about the visual impact.

Cllr Shaun Hughes stated that he did not feel that the applications offered balance from the perspective of neighbouring properties.

Cllr Lucy Hodge stated that she believed there were policy reasons to object to the application and that she did not consider there to be “very special circumstances” to outweigh development in the green belt. She referred to SCR3 and the requirements to minimise visual impact and engage with the community at the pre-application stage which she did not feel had been met.

Cllr Eleanor Jackson moved that the applications be REFUSED for the following reasons:

1. The applications were too intrusive and would have a negative impact on the openness of the green belt. The applications constituted inappropriate development of the green belt and there were not “very special circumstances” to outweigh development in the green belt.
2. There would be a detrimental impact on the setting of the listed buildings of the Manor House and the church. There was a failure to minimise visual impact and a failure to engage with the community which was contrary to heritage policies and SCR3 of the Bath and North East Somerset Council’s Placemaking Plan.
3. Permitting the development would result in a loss of residential amenity and would change the character of Whitson Lodge which was contrary to D6 of the Bath and North East Somerset Council’s Placemaking Plan.

This was seconded by Cllr Hodge.

Vote on item No. 1
Application No. 21/03965/FU

On being put to the vote, the motion was CARRIED (8 in favour and 2 against).

RESOLVED that the application be refused for the following reasons:

1. The application was too intrusive and would have a negative impact on the openness of the green belt. The application constituted inappropriate development of the green belt and there were not “very special circumstances” to outweigh development in the green belt.
2. There would be a detrimental impact on the setting of the listed buildings of the Manor House and the church. There was a failure to minimise visual impact and a failure to engage with the community which was contrary to heritage policies and SCR3 of the Bath and North East Somerset Council’s Placemaking Plan.
3. Permitting the development would result in a loss of residential amenity and would change the character of Whitsun Lodge which was contrary to D6 of the Bath and North East Somerset Council’s Placemaking Plan.

Vote on item No. 2
Application No. 21/03966/LBA

On being put to the vote, the motion was CARRIED (8 in favour and 2 against).

RESOLVED that the application be refused for the following reasons:

1. The application was too intrusive and would have a negative impact on the openness of the green belt. The application constituted inappropriate development of the green belt and there were not “very special circumstances” to outweigh development in the green belt.
2. There would be a detrimental impact on the setting of the listed buildings of the Manor House and the church. There was a failure to minimise visual impact and a failure to engage with the community which was contrary to heritage policies and SCR3 of the Bath and North East Somerset Council’s Placemaking Plan.
3. Permitting the development would result in a loss of residential amenity and would change the character of Whitsun Lodge which was contrary to D6 of the Bath and North East Somerset Council’s Placemaking Plan.

Item No. 3
Application No. 21/03682/FUL
Site Location: Church Farm, Church Lane, Priston, Bath

The Case Officer introduced the report and confirmed the officer recommendation to permit the application.

The following public representations were received:

1. A representative of the Parish Council speaking against the application.
2. A local resident speaking against the application.
3. The applicant’s agent speaking in support of the application.

Cllr Matt McCabe, local ward member, had submitted a statement and was unable to attend due to illness. The Democratic Services Officer read the statement on his behalf which raised the following points:

1. This was a complex application where a large farm had been broken up over the years, with buildings converted to residential housing and the owners were looking to demolish the barns and build housing more in keeping with the local building design.
2. The buildings were outside the Housing Development Boundary and, additionally, the Parish Council had pointed out that the most recent equestrian CLEU did not cover all of each barn.
3. The key consideration was whether the proposal was sufficient to allow for the demolition of both buildings to develop a site outside the Housing Boundary and the officer view was that 'on balance', given compliance with all other policies, a departure from GB2 was acceptable.
4. He noted the concerns of local residents and asked that if the Committee was minded to approve the officer's recommendation, additional conditions be included to improve the road surface of the dirt track and address the surface water run-off.

In response to members' questions, the Case Officer confirmed;

1. The site was outside of, but adjoining, the Housing Development Boundary of Priston and therefore did not directly comply with policy GB2. However, case law demonstrated that an assessment of the 'village on the ground' was also required. The site was also considered to be previously developed land. The application was a departure from GB2 but justified in the view of officers.
2. Allowing the application would not set a precedent for further development as each case would be judged on its merits.
3. The condition of the barns and whether they should be retained rather than demolished was not a material consideration for the Committee.
4. Officers believed the submitted drainage plan was acceptable, but the Committee could change or add a condition relating to drainage as long as this could be justified.
5. In terms of external lighting, there was a condition to require the details to be submitted to and approved in writing by the Local Planning Authority.
6. Although there were limited opportunities for sustainable travel to and from the site, this could not be sustained as an objection due to the close proximity to other dwellings.

Cllr Shaun Hughes stated that he was not convinced that "very special circumstances" applied to allow the development in the green belt.

Cllr Eleanor Jackson expressed concern that the development would alter the character of the area and result in an over development of the site.

Cllr Sally Davis stated she was minded to move the officers' recommendation and sought the views of the Committee on whether two additional conditions in relation to drainage and improving the surface of the dirt track should be attached to the permission as requested by local residents and the ward member.

Cllr Lucy Hodge expressed support for the additional two conditions.

Cllr Sally Davis moved that the Committee delegate officers to permit the application subject to two additional conditions relating to a drainage scheme and improving the surface of the track. This was seconded by Cllr Duncan Hounsell and on being put to the vote was CARRIED (7 in favour and 3 against).

RESOLVED that officers be delegated to permit the application subject to the conditions set out in the report and two additional conditions relating to a drainage scheme and improving the surface of the track.

Item No. 4

Application No. 21/05364/FUL

Site Location: 16 Broadlands Avenue, Keynsham, Bristol

The Case Officer introduced the report and confirmed that the officer's recommendation that the application be permitted.

The following public representations were received:

1. Cllr Brian Simmons as ward member, read a statement on behalf of a local resident objecting to the application.

At this point in the meeting Cllr Brian Simmons withdrew from the meeting and did not participate in the debate or vote.

In response to the following questions from members, the Case Officer confirmed:

1. There was parking space for 3 cars at the front of the property. There was a private lane at the back of the property but no dedicated parking space. A car could park legally in the lane as it was privately owned and not a highway.
2. The proposed garden room consisted of a garage area, studio, home office and general garden room for sitting in. There was a condition to ensure it was ancillary to the main property.

Councillor Shelley Bromley spoke in support of the application as there were similar developments elsewhere on the street.

Councillor Eleanor Jackson stated that there was no policy reason to refuse the application and that she did not consider it to be over development of the site. She moved the officer recommendation to permit the application. This was seconded by Cllr Hal MacFie and on being put to the vote was CARRIED (Unanimous - 9 in favour 0 against)

RESOLVED that the application be PERMITTED subject to the conditions set out in the report.

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

The Committee considered:

A report by the Head of Planning on various planning applications.

An update report by the Head of Planning attached as Appendix 1 to these minutes.

Oral statements by members of the public and representatives. A copy of the speakers' list is attached as Appendix 2 to these minutes.

RESOLVED that in accordance with the delegated powers, the applications be determined as set out in the Main decisions list attached as Appendix 4 to these minutes.

Item No. 1

Application No. 21/05683/FUL

Site Location: Bromley Mount, Bromley Road, Stanton Drew, Bristol

The Case Officer introduced the report and confirmed that the officer recommendation was to refuse the application as it constituted inappropriate development in the green belt.

The following public representations were received:

1. The applicant's agent spoke in support of the application.

Cllr Vic Pritchard, local ward member, spoke in support of the application. He stated that current policy was inadequate and there were justifiable reasons for overriding policy as it would be more sustainable for the applicant to carry out all works at the same time rather than apply for an extension at a later date.

In response to questions from members, the Case Officer confirmed:

1. The application related to the development in its entirety and the key issue was that it was materially larger than the original building (32%) which was contrary to green belt policy and the case would need to be made for "very special circumstances".
2. An application for an extension could not be considered at the same time as it could only been submitted once the current dwelling had been completed.
3. There was no guarantee that an application for an extension in the future would be permitted as each case had to be judged on its merits.

Cllr Duncan Hounsell referred to comments raised about current policy being inadequate and stated that the role of the Committee was to check compliance against existing policy, and he did not consider that the application could be permitted.

Cllr Shelley Bromley concurred that "very special circumstances" had not been proven to allow the development.

Cllr Eleanor Jackson moved the officer's recommendation to refuse the application. This was seconded by Cllr Duncan Hounsell and on being put to the vote and it was CARRIED (unanimous 10 in favour, 0 against).

RESOLVED that the application be REFUSED for the reasons set out in the report.

Item No. 2

Application No. 22/00380/FUL

Site Location: King Edwards School, North Road, Bathwick, Bath

Cllr Lucy Hodge withdrew from the meeting and did not take part in the debate or vote on this item.

The Case Officer introduced the report and confirmed the officer's recommendation to permit the application.

Cllr Duncan Hounsell moved the officer recommendation, this was seconded by Cllr Eleanor Jackson and on being put to the vote it was CARRIED (unanimous 9 in favour and 0 against).

RESOLVED that the application be PERMITTED subject to the conditions set out in the report.

Item No. 3

Application No. 22/00294/FUL

Site Location: Durley Grange, Durley Lane, Keynsham, Bristol

The Case Officer introduced the report and confirmed the officer's recommendation that the application should be refused.

The following public representations were received:

1. The applicant spoke in support of the application.
2. Cllr Brian Simmons, as ward member, spoke in support of the application. He stated that the location of the site was unique in Bath and North East Somerset and the applicant and his family had suffered noise and air pollution due to the close proximity of the dwelling to the Keynsham bypass. He confirmed that the proposed development would allow the site to be improved by creating a screen.

At this point in the meeting Cllr Brian Simmons withdrew from the meeting and did not participate in the debate or vote.

The Case Officer responded to members' questions as follows:

1. There was no dispute that there was noise pollution on the site, but the officer view was that it had not been successfully demonstrated that the proposed building would reduce air and noise pollution.
2. The primary function of the application was the building and the reductions to noise and air pollution may be a byproduct.
3. Whether an alternative location was more suitable was not a consideration as the Committee needed to determine the application in front of them.
4. In terms of whether the view expressed by the applicant that a reduction in height of 1.2m would mean the building was acceptable as permitted development, this was not the case as there was also limit of 2.5m if a building was within 2m of the boundary.

Cllr Shelley Bromley stated that she was uncertain how the application would reduce pollution.

Cllr Eleanor Jackson stated that if the Committee were minded to permit the application, there would need to be a condition to ensure the development was

ancillary to the main house.

Cllr Duncan Hounsell stated it was important to look at the application holistically and confirmed that the site was unusual in terms of layout and moved that a decision be deferred pending a site visit. This was seconded by Cllr Hal MacFie and on being put to the vote was CARRIED (5 in favour and 4 against).

RESOLVED that consideration of the application be deferred pending a site visit.

Item No. 4

Application No. 22/00598/TCA

Site Location: Audley House, Park Gardens, Lower Weston, Bath

Cllr Lucy Hodge withdrew from the meeting during this item.

The Arboricultural Officer introduced the report and confirmed the officer recommendation that no objection be raised to the proposed works.

Councillor Shelley Bromley moved the officer recommendation, seconded by Councillor Eleanor Jackson and on being put to the vote the motion was CARRIED (9 in favour 0 against)

RESOLVED that no objection be raised to application.

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

The Committee considered the appeals report.

In response to a question as to whether enforcement action would now be taken in relation to the appeal which had been withdrawn 17/00563/WASTE - Resourceful Earth Ltd Charlton Field Lane Queen Charlton, the Deputy Head of Planning undertook to update Members after the meeting.

RESOLVED that the report be noted.

[Comment]...

The meeting ended at 3.03 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services