

PLANNING COMMITTEE

Minutes of the Meeting held

Wednesday, 16th November, 2022, 2.00 pm

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

58 **EMERGENCY EVACUATION PROCEDURE**

The Democratic Services Officer read out the emergency evacuation procedure.

59 **APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Cllr Rob Appleyard was substituting for Cllr Shelley Bromley.

60 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

61 **TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR**

There was no urgent business.

62 **ITEMS FROM THE PUBLIC - TO RECEIVE STATEMENTS, PETITIONS OR QUESTIONS**

The Democratic Services Officer informed the meeting that there were a number of people wishing to make statements on planning applications and that they would be able to do so when these items were discussed.

63 **MINUTES OF THE PREVIOUS MEETING**

It was moved by Cllr Paul Crossley, seconded by Cllr Eleanor Jackson and:

RESOLVED that the minutes of the meeting held on Wednesday 19 October 2022 be confirmed as a correct record and signed by the Chair.

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

There were no site visit applications for consideration.

65 **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 and an update report in relation to items 1, 2 and 3 under the main applications list.

Oral statements by members of the public and representatives. A copy of the speakers' list is attached as Appendix 1 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 2 to these minutes.

Item No. 1 Application No: 21/05471/OUT

Site Location: Parcel 5159, Minsmere Road, Keynsham

The Case Officer introduced the report which was an application for 70 homes; new vehicular and pedestrian access on to Minsmere Road, public open space; tree planting and habitat creation; site drainage and associated infrastructure with all matters reserved apart from the access. He reminded Members that while the land was currently safeguarded, it was proposed for 70 homes in the Local Plan Partial Update (LPPU) and there were material considerations which outweighed the conflict with current policy as detailed in the report.

It was noted that the application had been deferred from the previous meeting to enable officers to negotiate in relation to the on-site Biodiversity Net Gain (BGN) and to clarify the triggers for the planning obligations. The Case Officer confirmed that further negotiations had resulted in an increase in onsite BNG such that there would be an overall 12.57% net gain against the emerging policy target of 10%. He also drew attention to the triggers for the various obligations and contributions as detailed in the update report.

He confirmed the recommendation that officers be delegated to permit the application subject to:

1. no comments raising new material considerations from the advertisement of the application as a departure.
2. the completion of a Section 106 Agreement to cover the 11 heads of terms as set out in the report.
3. the conditions as set out in the report.

The following public representations were received:

1. Chris Dolling, applicant, speaking in support of the application.

It was noted that Cllr Andy Wait was unable to attend the meeting to speak as local ward member, but he had reiterated his previous objections to the application.

In response to Members' questions, it was confirmed:

1. There was a condition in relation to Archaeology Controlled Excavation and Historic England would be notified in the event of a significant archaeological find during building works.
2. There was an existing pedestrian exit which connected to manor road community woodland but as this was in the ownership of a third party, it could not be secured in perpetuity.

3. The developer would be required to improve bus stops and enhance bus services to Keynsham High Street with a 30-minute frequency.
4. The target for 10% BGN was a new requirement and so there were not many examples to compare the extent to which other developers had provided this on or off site.
5. In order to achieve 10% BGN on site it would have required a reduction of housing by approximately one third.
6. The Council would determine how the contribution of £1.512m would be split between enhanced local town centre bus service and liveable neighbourhood interventions once the costs of the projects were known.
7. Highway officers may decide that works could begin in advance of the money being received once the terms of the Section 106 had been secured. In relation to the Withies Green site triggers, the majority were due to be completed before occupation of the 50th dwelling.
8. The sustainable transport measures for the two applications were forecast to reduce vehicle trips within the study area by 219 during the morning peak hour and 180 in the afternoon peak hour.
9. The estimates for vehicle movements in and out of the site was site specific and in this case the estimate was 41 in the morning peak, 31 in the afternoon peak and 321 during the whole day. Surveys were carried out after the completion of developments to monitor accuracy.

Cllr Hal MacFie opened the debate as local member and stated that although there was a lot to commend the application, he was still concerned about the intensity of the housing on the site and was minded to oppose the officers' recommendation.

Cllr Duncan Hounsell acknowledged the comments raised by Cllr Andy Wait about the number of objections in relation to the application but stated that the Committee had to judge the application against planning policy and the site was proposed to be allocated for 70 homes in the emerging Local Plan Partial Update (LPPU) which was likely to be found sound. He confirmed that he had raised concerns at the previous meeting in relation to the offsite BNG and the capacity of the highway network, but noted that officers had since negotiated a modest improvement in on-site BGN as well as clarifying triggers for transport mitigation measures and he was now minded to support the application.

Cllr Sally Davis commended officers on negotiating a good package of planning obligations and moved the recommendation to delegate to permit. This was seconded by Cllr Paul Crossley who welcomed the scheme in terms of its delivery of affordable housing. Cllr Eleanor Jackson also stated she was minded to support the application although she was concerned about the impact on the off-site maple tree.

Cllr Shaun Hughes acknowledged that the scheme had benefits in terms of affordable housing but stated he was still concerned about the level of off-site BGN which would not benefit local residents. Cllr Hodge stated that she had similar concerns about the BGN but she was minded to support the application following reassurances about the transport mitigation measures.

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

RESOLVED that officers be delegated to permit the application subject to:

1. no comments raising new material considerations from the advertisement of

- the application as a departure.
- 2. the completion of a Section 106 Agreement to cover the 11 heads of terms as set out in the report.
- 3. the conditions as set out in the report.

Item No. 2 Application No: 21/05521/FUL

Site Location: Rising Sun, 58 Lymore Avenue, Twerton, Bath

The Case Officer introduced the report which assessed an application for the erection of 5 terraced houses and associated off-street car parking. He confirmed that the commencement of works in relation to the previous application did take place and so there was an extant permission for 3 detached dwellings. Members were advised that the provision of a car lift and associated parking had not been included in terms of parking standards due to the unreliability of the provision.

He confirmed the recommendation that officers be delegated to permit the application subject to:

- a. no comments raising new material considerations from the advertisement of the application as a departure.
- b. the conditions as set out in the report.

The following public representations were received:

- 1. John White, agent, speaking in support of the application.
- 2. Mr and Mrs Chapman, local residents, objecting to the application – read out in absence by Cllr Dine Romero.

Cllr Dine Romero in attendance as local ward member raised concerns about the proposed development as follows:

- 1. The application was for 5 houses, but there was a concern that these could be used as HMOs.
 - 2. There was not sufficient outdoor space for 4-bedroom houses.
 - 3. The application would result in an over-development of the site and overlooking of nearby existing properties.
 - 4. Access from the car park would be difficult as on-street parking for existing houses restricted the flow of traffic.
 - 5. The development would result in increased parking pressures in the area.
- She asked that the application be refused on the grounds of highway safety, lack of amenity for each property, and over development of the site and asked that if members were minded to approve the application, a decision be deferred pending a site visit.

In response to Members questions, it was confirmed:

- 1. The developer could choose not to deliver the parking lifts as they were not required to do so by the proposed Section 106 Agreement or a condition. Officers had not included the provision in assessing parking standards due to concerns about failure and lack of maintenance of car lifts which would lead to the parking being inaccessible.
- 2. Officers could request details of the noise impacts of the car lift and restrict the hours of use if this was considered necessary.
- 3. The proposed development was of similar height to nearby buildings.

4. The proposed gardens were smaller than those in the surrounding area, but officers considered the layout to be an efficient use of the site.
5. It was not appropriate to compare with other applications as each application needed to be considered on its merits.
6. The current application was for 5 dwelling houses and not for HMOs. If the developer wanted to use the site for HMOs, they would need to apply for planning permission for a change of use.
7. The informal crossing point would occupy a gap in marked parking bays and so it would not impact on current parking provision.
8. In relation to materials, there was a condition which required a sample panel to be submitted for approval. Officers would be looking for the front elevations to be finished in a natural Bath stone and an appropriate finish for the front walls.
9. There was a proposed condition (6) to secure an electric charging point.
10. In terms of refuse collection, there would be waste stores located at the front of the property. There could be an additional condition to ensure that these were in place before the dwellings were occupied.
11. There was case law in relation to Residents Parking Zones which clarified that a new development had to be completed before residents could apply for a permit.

Cllr Paul Crossley opened the debate as local ward member and stated that the density of the development was difficult, and the parking impact needed to be considered although he acknowledged that there was good bus connectivity in the area. He welcomed the underground car parking proposal and the electric charging point.

Cllr Lucy Hodge moved the officer's recommendation to delegate to permit subject to an additional condition to address concerns about the potential for noise associated with the car lift. This was seconded by Cllr Hounsell.

Cllr Rob Appleyard, in supporting the motion, asked that officers also include an additional condition to ensure that waste stores were provided in advance of the occupation of the dwellings.

Cllr Shaun Hughes stated that he considered 5 dwellings to be an over development of the site and preferred the previous application for 3 dwellings. Cllr Eleanor Jackson stated that she would not support the motion as she also considered the application to be an over development of the site and would result in a loss of amenity to local residents.

Cllr Lucy Hodge withdrew her motion to delegate to permit with the 2 additional conditions, which was then proposed by Cllr Hounsell and seconded by Cllr Davis.

On being put to the vote the motion was CARRIED (6 in favour and 4 against and 2 abstentions).

RESOLVED that officers be delegated to permit the application subject to:

1. no comments raising new material considerations from the advertisement of the application as a departure.
2. the conditions as set out in the report.
3. An additional condition to address concerns about the potential for noise

associated with the car lift.

4. An additional condition to ensure that the waste stores were in place in advance of the dwellings being occupied.

Item No. 3 Application No: 21/05672/EFUL

Site Location: Former Bath Press Premises, Lower Bristol Road, Westmoreland, Bath

The Case Officer introduced the report which assessed an application for a residential-led mixed-use development, comprising residential units, provision of office floor space, provision of three substations, together with associated infrastructure, landscaping, plant equipment, car and cycle parking and access.

He reported the receipt of an additional letter from Bath Preservation Trust commenting on the lack of affordable housing and the use of the retained chimney in the design and confirmed that these issues had been addressed in the report. He referred to the previous application which had been refused by the committee for the following reasons and how these had been addressed in the new application:

1. Insufficient office floorspace. The new application included additional office floorspace and was now over policy requirement
2. Failure to include a pedestrian link. A north-south pedestrian link had been reintroduced as part of this scheme.
3. Loss of 1920s historic chimney. This would now be retained as part of the development
4. Concerns about level of parking. The number of car parking spaces remained the same at 122 but, since the previous application, the Council was closer to adopting the LPPU which had lower parking standards. The site could be justified as being car free, but officers acknowledged the other parking pressures in the area. There was also an enhanced package of sustainable transport measures as detailed in the report.

He confirmed the recommendation that officers be delegated to permit the application subject to:

- a. no comments raising new material considerations from the advertisement of the application as a departure.
- b. the completion of a Section 106 Agreement to cover the 12 heads of terms as set out in the report.
- c. the conditions as set out in the report.

The following public representations were received:

1. Anna Sabine, agent, speaking in support of the application.

Cllr June Player in attendance as local ward member stated that this scheme was an improvement on the previous application in terms of the retention of the historic chimney and footpath and the increased volume of office space but she still had the following concerns:

1. The traffic coming out on to Brook Road should not be able to turn left as this was a heavily residential and very narrow road which was already used as a rat-run.
2. There was a shortage of parking in the area and the development could

- increase demand for on-street parking.
- 3. The development would result in overlooking for residents in South View Road/Denmark Road and would be more acceptable if the height of the building was reduced.
- 4. Westmoreland ward had a deficit of parks and green spaces and it was not acceptable to offer this provision elsewhere in relation to the development.
- 5. The lack of affordable housing was another concern.
- 6. The site was in need of redevelopment, but it was important that any proposal would enhance the area.

In response to Members questions, it was confirmed:

- 1. The 3m footpath/2-way cycleway would cover the entire length of the development and the highway would move back into the development site. The traffic island works would be carried out by the developers.
- 2. The scheme could not support affordable housing on site at the current time, but this would be reviewed at a later date via the viability review mechanism. This may result in a contribution towards affordable housing which could be used across the B&NES area and housing officers would decide on the most appropriate way to use the contribution.
- 3. The viability was determined by the value of the site plus a premium to calculate the benchmark land value. In this case the benchmark value was zero due to contamination of the land and the work required to develop the site. There was no suggestion that the developers had overpaid for the site.
- 4. The developers had offered a design which retained the historic chimney which officers were satisfied with; different design options had not been discussed.
- 5. The contribution to the Lower Bristol Road / Windsor Bridge Road crossing was in addition to contributions already secured for a crossing at Midland Road in relation to the Dick Lovett scheme.
- 6. The proposed height of the building was in accordance with policy and officers did not consider the building to be overbearing.
- 7. The roof gardens were not accessible to the public and it would be for the operational management of the site to determine which residents would have access. If required by the Committee, an additional condition could be added to request the submission of these details.
- 8. There were 2 car club parking spaces and on balance, this was considered to be an appropriate amount. There was no specific E-scooter storage provision as it was currently illegal to use a non-scheme E-Scooter.
- 9. In relation to green space and whether more could be provided on-site, there was a balance between the density of the development and provision of green space. Two public open spaces were proposed within the development along with a contribution towards other green spaces in the area.
- 10. There would be no other contribution towards bus stops/services other than the relocation of and improvements to the westbound bus stop.
- 11. The design of the building included Juliet balconies.

Cllr Rob Appleyard expressed the view that 2 car club spaces was inadequate and there should be additional provision. He also asked if the provision of E-scooter storage could be investigated as it was likely that E-scooters would be legalised in the near future.

Cllr Duncan Hounsell stated that he was minded to support the proposal which would regenerate a currently unused brownfield site. He acknowledged that the

current application addressed a number of concerns that were raised when the previous application was refused.

Cllr Paul Crossley stated that he was still concerned about some issues, he would prefer to see balconies that residents could access rather than Juliet balconies, was disappointed by the lack of affordable housing and would have liked to have seen more green roof space but acknowledged the work of officers in securing the package of benefits and moved the recommendation to delegate to permit subject to officers exploring the feasibility of additional car club spaces and an amendment to condition 15 to make provision for E-scooter storage. This was seconded by Cllr Eleanor Jackson.

Cllr Shaun Hughes stated that, although an improvement from the previous application, he was still concerned about the lack of greenspace and affordable housing. Cllr Hal MacFie also expressed concern about the lack of on-site greenspace.

On being put to the vote the motion was CARRIED unanimous (10 in favour and 0 against).

RESOLVED that officers be delegated to permit the application subject to:

- a. no comments raising new material considerations from the advertisement of the application as a departure.
- b. the completion of a Section 106 Agreement to cover the 12 heads of terms as set out in the report.
- c. the conditions as set out in the report.
- d. officers exploring the feasibility of additional car club spaces and an amendment to condition 15 to make provision for E-scooter storage.

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

The Committee considered the appeals report.

RESOLVED that the report be noted.

The meeting ended at 5.48 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services