

## PLANNING COMMITTEE

### Minutes of the Meeting held

Wednesday, 14th February, 2024, 11.00 am

**Councillors:** Duncan Hounsell (Chair), Ian Halsall (Vice-Chair), Alex Beaumont, Fiona Gourley, Lucy Hodge, Hal MacFie, Toby Simon, Shaun Hughes, Dr Eleanor Jackson and Tim Warren CBE

#### 85 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

#### 86 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Cllr Paul Crossley and Cllr Alex Beaumont was in attendance as a substitute for items 1 and 2 on the main plans list.

#### 87 DECLARATIONS OF INTEREST

Cllr Eleanor Jackson declared an interest in application (1) 23/02448/FUL - The Oval Office, Cobblers Way, Westfield, Radstock (item 1 under the main applications list) as a member of Westfield Parish Council directly affected by the application and confirmed that she would address the committee as ward member and then withdraw from the meeting and not participate in the debate or vote.

#### 88 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was no urgent business.

#### 89 ITEMS FROM THE PUBLIC

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.

#### 90 MINUTES OF THE PREVIOUS MEETING

It was moved by Cllr Eleanor Jackson seconded by Cllr Tim Warren and:

**RESOLVED** that the minutes of the meeting held on Wednesday 17 January 2024 be confirmed as a correct record for signing by the Chair.

#### 91 SITE VISIT LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE

There were no site visit applications for consideration.

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

The Committee considered:

A report by the Head of Planning on the application under the main applications list.

**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.

**(1) 23/02448/FUL - The Oval Office, Cobblers Way, Westfield, Radstock**

The Planning Case Officer introduced the report which considered an application for the conversion of an office building into 9 2-bed apartments. She outlined the history of the site to confirm that the original planning permission for the site restricted the change of use to residential but a subsequent variation of condition application to remove this restriction had been approved and therefore there was no longer a condition restricting permitted development rights in relation to change of use to residential.

She confirmed the officer's recommendation that permission be granted subject to the conditions set out in the report.

The following public representations were received:

1. Jack Broadway, applicant speaking in support of the application.

Cllr Eleanor Jackson declared an interest and withdrew from the Committee and made the following points as local ward member.

1. There had been no response from Westfield Parish Council due to the fact that the Parish Council was an existing tenant of the building and therefore it was not appropriate for the Parish Council to comment on the application.
2. In view of the position of the Parish Council, it was important for the decision to be determined by the Committee so allow for transparency and accountability.
3. The change of use of the building from office space to residential would have an impact on the amenity of local residents as there would be an increase in noise during the evening.
4. The loss of office space was regrettable as 60% of local residents commuted to work outside the area and there was a need for local employment opportunities.
5. Ecological concerns such as light spillage also needed to be considered.

In response to Members' questions, it was confirmed:

1. A full application had been submitted rather than prior approval due to the requirement for the proposed erection of a bin and cycle store which fell outside of the provisions of the General Permitted Development Order.
2. An economic assessment had been carried out as part of the previous variation of condition application. Robust marketing information was submitted at that time and the variation was approved. The site did not fall within the criteria for strong economic reasons listed within Policy ED1B of the Local Plan Partial Update.
3. The site was outside the housing development boundary, and this had not

been changed in the Local Plan Partial Update. The site had Prior approval for the change of use and this was a fallback position which was given weight in the assessment.

4. The issue of alternative accommodation for current tenants was not a material consideration.
5. A bat survey had been undertaken and no further report was required.
6. The bin store would be concealed to prevent odours and provide screening.

Cllr Ian Halsall opened the debate and stated that the fact that the site had prior approval was a material consideration and he did not consider its location outside of the housing boundary to be an issue as this was a windfall site. He moved the officer's recommendation that permission be granted. This was seconded by Cllr Tim Warren.

Cllr Shaun Hughes raised a general concern about the number of applications coming to committee for residential development which were outside of the housing development boundary. He also expressed the view that there was an inconsistent approach by specialist officers in relation to the need for office space.

On being put to the vote the motion was CARRIED (9 in favour, 0 against)

**RESOLVED** that permission be granted subject to the conditions set out in the report.

## **(2) 22/05081/FUL – 53 Rockliffe Road, Bathwick, Bath**

The Planning Case Officer introduced the report which considered an application for the erection of a three-bedroom dwelling with associated landscaping and car parking.

She confirmed the officer's recommendation that permission be granted subject to the conditions set out in the report and a Section 106 agreement to secure a financial contribution for off-site trees of £10,681.

The following public representations were received:

1. Mark Thurstain (chair Bathwick Estate Residents Association) and Andy Harrison objecting to the application.
2. Stuart Rackham, agent supporting the application.

Cllr Manda Rigby addressed the Committee as local ward member and raised the following points:

1. Although the applicant had amended the plans to address some of the concerns raised by local residents, not all issues had been addressed.
2. The site was located in a world heritage site and conservation area and the proposed development would sit uneasily in this setting, it represented an overdevelopment of the site and would result in overlooking of adjacent properties.
3. The issue of whether the site was brownfield or a dedicated garden area needed to be resolved.
4. The loss of trees could not be replaced on site. There was an objection from the Council's Arboricultural Officer.

She recommended that the Committee refuse the application but consider visiting

the site if minded to approve.

In response to Members' questions, it was confirmed:

1. The site had planning permission to be converted from derelict land to garden land, and this use had been partially implemented.
2. In relation to the offsite Biodiversity Net Gain (BNG), DEFRA guidance was that when a site was clear, the baseline needed to be taken from before the site was cleared. Although the policy preference was for onsite BNG, it was also policy compliant for the applicant to provide offsite BNG and for this to be outside of the Bath and North East Somerset District. The replacement trees would be planted in the B&NES area.
3. The current application was larger but lower in height when compared with the previous application.
4. The undercroft was necessary due to the floodzone. The stability of the undercroft was not a planning consideration but would be addressed at the building regulations stage of development as would the requirement for electric vehicle charging.
5. The personal circumstances of the applicant were not a consideration in relation to this application.
6. There was a draft character appraisal for Bathwick which had been given low to moderate weight in the officer assessment as it was currently in draft form.
7. The Committee was advised to focus considerations on whether the development was harmful.

Cllr Toby Simon opened the debate as local ward member and proposed that a decision be deferred pending a visit to the site. This was seconded by Cllr Shaun Hughes.

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

**RESOLVED** that a decision be deferred pending a site visit.

### **(3) 23/00537/FUL – 14 Woodland Grove, Claverton Down, Bath**

The Planning Case Officer introduced the report which considered an application for the erection of a first-floor extension over an existing single-storey accommodation with ground floor entrance lobby. She confirmed the officer's recommendation that the application be permitted subject to the conditions set out in the report.

The following public representations were received:

1. Peter Brewer objecting to the application.
2. Tom Rocke, co-applicant supporting the application.

Cllr Manda Rigby addressed the Committee as local ward member and raised the following points:

1. The site was in a residential area and located in a world heritage site and conservation area.
2. There had been a lot of work to change the design and lessen the impact on The Avenue and although the principle of development was acceptable, the loss of light and impact on residential amenity was not.
3. The site was visible from the road and the proposed materials were not appropriate.

She recommended that the Committee refuse the application but consider visiting the site if minded to approve.

In response to Members' questions, it was confirmed:

1. The proposed cladding was timber on the front and standing seam metal on the rear. Other properties in the area had timber cladding and the use of metal cladding had been approved for a nearby property. The Committee was advised to focus on the overall character of the area.
2. The view of officers was that a contemporary addition was acceptable in relation to this application.
3. It had not been considered appropriate to undertake sunlight studies in relation to this development.
4. The application would have a slightly larger footprint than the existing one storey extension.

Cllr Toby Simon opened the debate as local ward member and stated that he agreed with the officer analysis and moved the recommendation to permit the development. This was seconded by Cllr Tim Warren.

Cllr Shaun Hughes stated that he was concerned about the design of the development in the context of the street scene.

Following comments raised by a number of members that a site visit would help in making a decision, Cllrs Simon and Warren agreed to withdraw their motion.

Cllr Lucy Hodge proposed that a decision be deferred pending a site visit and this was seconded by Cllr Ian Halsall.

On being put to the vote the motion was CARRIED (7 in favour, 1 against and 1 abstention)

**RESOLVED** that a decision be deferred pending a site visit.

#### **(4) 23/04756/FUL - 109 Hurn Lane, Keynsham**

The Planning Case Officer introduced the report which considered an application for the erection of a single storey rear and front extension and garage conversion. She confirmed the officer's recommendation that the application be permitted subject to the conditions set out in the report.

The following public representations were received:

1. Liam Clements, applicant supporting the application.

A statement was read out on behalf of the local ward member Cllr Andy Wait summarised as follows:

1. He had originally been concerned about two issues, firstly the new appearance at the front of the property and, secondly, the effect that the new extension at the front would have on the adjoining property. He was particularly concerned about the reduced amount of day light available at the entrance to 111 Hurn Lane.
2. He was now reassured that the frontage issue wasn't a problem, given work done to other properties close by but asked the Committee to give careful

consideration to the light issue.

In response to Members' questions, it was confirmed:

1. The front extension would extend 1.25m to the front and the width would be the width of the boundary.
2. The flat roof of the front porch would be replaced with a hipped roof.
3. The property faced due north.

Cllr Hal MacFie opened the debate as local ward member and stated that he was minded to support the application but wanted to hear the debate before making a final decision.

Cllr Shaun Hughes expressed concern about the proposed front extension and the tunnelling effect on the adjoining property and stated that he did not support the application. Cllr Ian Halsall concurred with this view.

Cllr Toby Simon expressed the view that as the house was north facing, it would not deprive the adjoining house of sunlight as much as if were facing another direction.

Cllr Lucy Hodge stated that she was also concerned about the window of the adjoining property outlook onto a wall in addition to the light issue.

Cllr Tim Warren spoke in support of the application and moved the officer's recommendation that permission be granted. This was seconded by Cllr Toby Simon.

Cllr Hal MacFie stated that having listened to the debate, he was concerned about the tunnelling effect of the proposed front extension and would not support the motion.

On being put to the vote the motion was CARRIED (5 in favour, 4 against)

**RESOLVED** that permission be granted subject to the conditions set out in the report.

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

In response to a question about the split decision in relation to application 21/00291/UNAETH - Roman City Guest House, 18 Raby Place, Bathwick, the Deputy Planning Officer undertook to report back following consultation with the Enforcement Team.

**RESOLVED** that the report be noted.

The meeting ended at 3.15 pm

Chair .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**