

PLANNING COMMITTEE

Minutes of the Meeting held

Wednesday, 23rd October, 2019, 2.00 pm

Councillors: Matt McCabe (Chair), Sally Davis (Vice-Chair), Alison Born (Reserve) (in place of Hal MacFie), Sue Craig, Lucy Hodge, Duncan Hounsell, Eleanor Jackson, Vic Pritchard (Reserve) (in place of Vic Clarke), Manda Rigby and Brian Simmons

51 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

52 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from:

Cllr Vic Clarke – substitute Cllr Vic Pritchard
Cllr Hal MacFie – substitute Cllr Alison Born

53 DECLARATIONS OF INTEREST

Cllr Eleanor Jackson made a statement about application number 18/05623/OUT, Co-operative Store A, Wells Road, Westfield. Cllr Jackson explained that she is a shareholder of Radco, holding a very small amount of shares which cannot be sold and from which she does not receive a dividend. She also attended the Radco Annual General Meetings and had urged the management to submit a planning application to re-develop the site. However she had never given a view about the merits of such a proposal and the outcome of the planning application would not cause her financial detriment or gain. She stated that she would consider the application with an open mind and would remain in the meeting and vote on this item.

54 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was no urgent business.

55 ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, 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.

56 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 25 September 2019 were confirmed and signed as a correct record.

57 **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 on item 1 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 decisions list attached as *Appendix 3* to these minutes.

Item No. 1

Application No. 18/05623/OUT

Site Location: Co-Operative Store A, Wells Road, Westfield, BA3 3RQ – Hybrid planning application for the mixed-use redevelopment of the Co-Operative store and associated car park in Radstock comprising:

1. **Full planning permission for the demolition of existing store and construction of 1795sqm retail floorspace including replacement store (Class A1), 722sqm office floorspace (Class B1), and 28 dwellings (Class C3), with associated car and cycle parking, works to existing access, landscaping, public realm, drainage and infrastructure.**
2. **Outline planning permission for 26 dwellings with associated car parking, landscaping, drainage and infrastructure (access, scale, and landscaping determined, all other matters reserved).**

The Case Officer reported on the application and his recommendation to delegate to permit. He explained that this was a hybrid application which included requests for both full and outline permission in different parts of the site. He also informed members that the proposed S106 Agreement would require the implementation of a Landscape and Ecological Management Plan, and confirmed that this would contain a requirement to protect these areas in perpetuity.

Representatives from Westfield Parish Council and Radstock Town Council spoke in favour of the application.

The applicant and agent spoke in favour of the application.

Cllr Robin Moss, local ward member, spoke in favour of the application. He commended Radco for consulting with local residents and listening to their concerns. He pointed out that Radco is a local community hub which is valued by residents who wish to see it thrive.

Cllr Jackson, local ward member on the committee, stated that the Radco store is currently not in a good condition. The store was designed in the 1960s and is now an eyesore. She hoped that the proposal would conserve and enhance the area.

She noted that there was a slight concern regarding the height of the new store and whether it was an appropriate building for the gateway to Westfield. Cllr Jackson felt that, on balance, the viability statement provided was acceptable. She also pointed out that the Radco car park is a private facility and stated that the car parking provision seems appropriate.

Officers then responded to questions as follows:

- Access arrangements to the wild area had not yet been agreed and would form part of the S106 Agreement.
- The building heights were contentious as there would be some obstruction of hillside views. Some harm would, therefore, be caused by the development. However, the Case Officer concluded that this is acceptable when weighed against the public benefit. The urban design officer has not expressed concerns about the building heights. The new buildings would only be about 1m higher than the existing buildings opposite the site. The impact is therefore considered to be acceptable.
- The concerns raised by the arboricultural officer relate to phase 2 of the development which is the outline element of the application. Some amendments have now been made to the design to minimise the impact of the trees on the new dwellings.
- There is a bicycle store for the residential buildings and there are likely to be some bicycle stands in the car park.
- Radco staff currently park off site and this is unaffected by the proposal. The parking provided on the site would be for Radco customers and residents. The residents' parking would be unallocated and customer parking would be short-stay. The Case Officer is satisfied that there would be adequate parking.
- There is access for HGVs on the east of the site and a full detailed design would have to be submitted to the highways team for consideration.
- The new building would be more energy efficient than the existing.

Cllr Davis stated that this proposal is a vast improvement on the current buildings on the site and would enhance the local area. She moved the officer recommendation to delegate to permit. This was seconded by Cllr Pritchard.

Cllr Hounsell thanked the officers for the detailed report and stated that he had found the site visit very helpful. He had no concerns about the building heights due to the space between the buildings.

Cllr Pritchard noted the local support and enthusiasm for this development. It would be the focal point when entering Radstock.

Cllr Craig stated that the development would improve the area and commended Radco for the way in which it has worked with local community to achieve an outcome which is so well supported.

The motion was put to the vote and it was RESOLVED unanimously to DELEGATE TO PERMIT the application subject to the conditions set out in the report and the prior completion of a S106 Agreement.

Item No. 2

Application No. 19/03747/FUL

Site Location: 31 Third Avenue, Oldfield Park, Bath, BA2 3NY – change of use from a 5-bed house in multiple occupation (HMO) (Use Class C4) to a 7-bed HMO (Use Class Sui Generis)

The Case Officer reported on the application and his recommendation to permit.

A neighbour spoke against the application.

The agent spoke in favour of the application.

Cllr Shaun Stephenson-McGall, local ward member, spoke against the application. He pointed out the cumulative impact of HMO properties in this area as approximately 45% of the properties in this location are HMOs. The application would lead to overdevelopment with excessively large occupancy of a previous family home. There are already issues with parking in this area and the detrimental effect of the application on residential amenity should be considered. There is likely to be more noise if additional occupants are permitted. This could also set a precedent for other HMO properties in the area leading to a large increase in residents if each individual one decided to add an additional occupant.

Officers then responded to questions as follows:

- There is no requirement to provide a CIL contribution in this case.
- The property can already accommodate six residents without a change of use. This application is requesting an increase to allow seven residents.
- The number of residents would be restricted by the size of the property.
- If a particular planning condition relating to an HMO property is not complied with then an enforcement notice can be served.
- Some members expressed concern that the number of residents could potentially increase to 14 if there were double rooms. The Case Officer explained that there is no scope for further development under permitted development rights. It was acknowledged that a condition restricting occupancy numbers could be difficult to enforce. The Legal Advisor stated that the Local Authority could serve a planning contravention notice (statutory questionnaire) if necessary in order to gather information about any suspected breach of planning control.
- In response to a question from members the Deputy Head of Planning stated that she did not have information relating to enforcement cases and HMOs and if members would like that prior to making a decision the application would have to be deferred. She advised that the Committee should consider each case on its merits and this application is for a change of use to allow one additional person to reside at the property. Although the sui generis use class does not specify a particular number of residents, the applicant would be restricted by the number stated in the planning application which is seven.
- Further internal work in the property would not require planning permission.
- There is one en-suite bathroom, one bathroom on the second floor and one on the ground floor.
- The Highways Officer did not believe that the application would lead to a harmful impact on parking in the area.

- Sui generis does not mean that an unlimited planning permission would be granted; the parameters of any permission would be defined by the description of the development that is being permitted.
- The standards which HMO accommodation must meet under the HMO licensing system are not matters for the planning committee. HMO licensing falls within a separate statutory regime and members were advised to focus on planning issues.

In response to the debate the Deputy Head of Planning advised that, in respect of any reasons for refusal put forward, evidence may be required and that it could be difficult, for example, to say that there were highway safety issues when the Highway Officer did not support that to be the case.

Cllr Jackson stated that she could see no policy grounds on which the application could be refused. She therefore moved the officer recommendation to permit. This was seconded by Cllr Pritchard.

The motion was put to the vote and there were 4 votes in favour, 5 votes against and 1 abstention. The motion was therefore LOST.

Cllr Rigby then moved that the application be refused for the following reasons:

- Detrimental impact on residential amenity contrary to Policy D6 due to an increase in noise levels, amount of waste and vehicle movements.
- Overdevelopment of the property due to an increase in occupancy of a previous family home.

This was seconded by Cllr Craig.

The motion was put to the vote and it was RESOLVED by 5 votes in favour, 4 votes against and 1 abstention to REFUSE the application for the reasons set out above.

58 **QUARTERLY PERFORMANCE REPORT - JULY TO SEPTEMBER 2019**

The Committee considered the quarterly performance report for July to September 2019. Councillor Hounsell queried the low number of enforcement notices issued compared to the amount of investigations launched. He stated that more detailed information is required to enable the Committee to fully comprehend the issues behind the figures presented.

The Deputy Head of Planning agreed to feed these views back to the Enforcement Team. She explained that often, although investigations are launched, an enforcement notice is not actually required because the matter is resolved by negotiation. The Enforcement Team also work with applicants and communities to resolve issues before they reach the enforcement notice stage of the process.

RESOLVED: To note the report.

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

The Committee considered the appeals report.

RESOLVED: To note the report.

The meeting ended at 3.45 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services

BATH AND NORTH EAST SOMERSET COUNCIL

Planning Committee

Date 23 October 2019

**OBSERVATIONS RECEIVED SINCE THE PREPARATION OF THE MAIN
AGENDA**

ITEMS FOR PLANNING PERMISSION

Item No.	Application No.	Address
01	18/05623/OUT	Radco Supermarket, Radstock

Clarification of Listed Building Matters

To clarify, the Radco supermarket building is not listed. A former Rectory once occupied the site; it is understood that it was demolished in the 1980s. The Rectory was Grade II listed and comprised a circa 1800 remodelling of an earlier building. No record can be traced of the demolition of this building being authorised.

The Grade II listed Rectory is still recorded as extant on Historic England records. This anomaly will need to be corrected but as stated in the main report this can be undertaken as a separate process to the current planning application.

Clarification of Ecology/HRA matters

Habitats Regulations Assessment of the proposal: Screening Stage

The proposed development lies immediately adjacent to land providing suitable habitat and conditions for use by greater and lesser horseshoe bats.

The submitted bat surveys identify and confirm use of this habitat by bats for commuting, including horseshoe bats.

The horseshoe bats recorded using the adjacent habitat are considered to be associated with the locally occurring European designated "Bat SACs" (Special Areas of Conservation), including the Bath & Bradford on Avon Bats SAC, North Somerset & Mendip Bats SAC and Mells Valley SAC.

The habitat adjacent to the site is considered to provide supporting habitat to the bat SACs.

The proposal is therefore considered to be capable of impacting on bats of the SAC, and supporting habitat to the SAC. A number of factors may be involved in these potential impacts as discussed below – see previous advice.

Maintaining the habitat and suitable conditions for its use by the bats, and ensuring appropriate lighting design within the development and avoidance of impacts of lighting or light spill onto the habitat, have been identified as the key areas requiring consideration.

Screening conclusion:

The risk of a “likely significant effect” on the SAC (including bats of the SAC and supporting habitat to the SAC) cannot be screened out at this stage therefore an Appropriate Assessment of this proposal is required.

Appropriate Assessment

The key areas requiring consideration are the long term protection and maintenance of the adjacent habitat and maintaining suitable conditions for its use by SAC bats, avoidance of direct impacts on bat activity and use of the habitats, and avoidance of impacts of lighting onto adjacent habitat.

In considering whether planning application will adversely affect the integrity of a SAC, the competent authority must have regard also to any conditions to which the proposal will be subject that will contribute to mitigation of potential impacts.

- o The planning application includes a proposed Landscape and Ecological Management Plan (LEMP), the heads of terms for which, including ecological objectives for long term maintenance and enhancement of the bat habitat, have been submitted. Full details and implementation of the LEMP are to be secured by legal agreement. This approach removes the risk of harmful impacts to the habitat used by bats.

- o A lighting report has been submitted with predicted light spill modelling demonstrating that the scheme is capable of achieving sensitive lighting design, sufficiently to avoid increased light spill levels onto the adjacent habitat and to keep light levels low within areas of habitat. Final details of lighting layout and design, and mitigation, light containment, and lighting controls, and implementation of the approved lighting scheme and controls over any future new changes to external lighting can be secured by condition. This will remove the risk of harm to the adjacent habitats arising from changes to light levels.

CONCLUSION

It is considered that all potential impacts on the bat SACs, bats and supporting habitats to the SACs that have been identified can be addressed by condition and legal agreement as described above.

Subject to the LEMP and Lighting scheme being secured by S106 and condition, it is concluded that the proposal will not adversely affect the integrity of the “bat” SACs, or bats associated with the SACs, or supporting habitat to the SACs.

Consultations

- Natural England has been consulted on this Appropriate Assessment and their views have been taken into account.
- It was not considered necessary to obtain the opinion of the general public regarding the Appropriate Assessment, in this in this case.

References: Details of the Conservation Objectives and supplementary information for each SAC have been referred to in undertaking the Habitats Regulations Assessment copies of which can be obtained from <http://publications.naturalengland.org.uk/category/5374002071601152>

The ecologist has suggested revised conditions relating to lighting, the LEMP and a construction management plan. These matters are considered adequately covered however by the conditions/heads of terms set out in the main report.

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BATH AND NORTH EAST SOMERSET COUNCIL

MEMBERS OF THE PUBLIC AND REPRESENTATIVES WISHING TO MAKE A STATEMENT AT THE MEETING OF THE PLANNING COMMITTEE ON WEDNESDAY 23 OCTOBER 2019

MAIN PLANS LIST			
ITEM NO.	SITE NAME	SPEAKER	FOR/AGAINST
1	The Radstock Co-Operative Society Store A, Wells Road, Westfield, BA3 3RQ	Cllr Ron Hopkins – Westfield Parish Council Cllr Bruce Shearn – Radstock Town Council	For (To share 3 minutes)
		Don Morris (CEO Radstock Co-Operative Society – Applicant) Chris Wilson (Agent)	For (To share 3 minutes)
		Cllr Robin Moss (Local Ward Member)	For
2	31 Third Avenue, Oldfield Park, Bath, BA2 3NY	Chris Wilmot	Against
		Guy Mercer (Agent)	For
		Cllr Shaun Stephenson-McGall (Local Ward Member)	Against

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BATH AND NORTH EAST SOMERSET COUNCIL
PLANNING COMMITTEE
23rd October 2019
DECISIONS

Item No:	01	
Application No:	18/05623/OUT	
Site Location:	Co-Operative Store A, Wells Road, Westfield, BA3 3RQ	
Ward: Westfield	Parish: Westfield	LB Grade: II
Application Type:	Outline Application	
Proposal:	Hybrid planning application for the mixed-use redevelopment of the Co-Operative store and associated car park in Radstock comprising - 1. Full planning permission for the demolition of existing store and construction of 1795sqm retail floorspace including replacement store (Class A1), 722sqm office floorspace (Class B1) and 28 dwellings (Class C3) with associated car and cycle parking, works to existing access, landscaping, public realm, drainage and infrastructure. 2. Outline planning permission for 26 dwellings with associated car parking, landscaping, drainage and infrastructure (access, scale, and landscaping determined, all other matters reserved).	
Constraints:	Agric Land Class 3b,4,5, Coal - Standing Advice Area, Conservation Area, Contaminated Land, Policy CP12 Centres and Retailing, Policy CP9 Affordable Housing Zones, Policy CR3 Primary Shopping Areas, Policy CR3 Primary Shopping Frontages, Flood Zone 2, Flood Zone 3, Housing Development Boundary, Listed Building, Policy LCR5 Safeguarded existg sport & R, LLFA - Flood Risk Management, Policy NE1 Green Infrastructure Network, Policy NE2A Landscapes and the green set, Policy NE3 SNCI, Policy NE5 Ecological Networks, Neighbourhood Plan, SSSI - Impact Risk Zones,	
Applicant:	The Radstock Co-Operative Society	
Expiry Date:	25th September 2019	
Case Officer:	Chris Gomm	

DECISION Delegate to PERMIT subject to applicant entering into S106 agreement and relevant conditions.

Item No:	02
Application No:	19/03747/FUL
Site Location:	31 Third Avenue, Oldfield Park, Bath, Bath And North East Somerset
Ward: Oldfield Park	Parish: N/A LB Grade: N/A
Application Type:	Full Application
Proposal:	Change of use from a 5-bed House in Multiple Occupation (HMO) (Use Class C4) to a 7-bed HMO (Use Class Sui Generis).
Constraints:	Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing Zones, HMO Stage 1 Test Area (Stage 2 Test Req), LLFA - Flood Risk Management, MOD Safeguarded Areas, SSSI - Impact Risk Zones,
Applicant:	Mr Olly Barkley
Expiry Date:	16th October 2019
Case Officer:	Dominic Battrick

DECISION REFUSE

1 The proposed increased occupancy of the house in multiple occupation (HMO) would result in an unacceptable increase in noise, waste and vehicle movements and represents over-intensification of the property in an area saturated with HMOs, to the detriment of the amenities of neighbours. The proposed development is therefore contrary to policy D6 of the Bath and North East Somerset Placemaking Plan.

PLANS LIST:

This decision relates to the following plans/documents:

Location and Block Plan - 01
Existing Plans - 02A
Proposed Plans - 03A
Existing and Proposed Elevations - 04C
Design and Access Statement

all received 21 August 2019.

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. Whilst the application was recommended for permission by Officers, the Planning Committee determined the proposal to be unacceptable for the stated reason.