

PLANNING COMMITTEE

Minutes of the Meeting held

Wednesday, 5th May, 2021, 11.00 am

Councillors: Matt McCabe (Chair), Sally Davis (Vice-Chair), Vic Clarke, Sue Craig, Lucy Hodge, Duncan Hounsell, Shaun Hughes, Eleanor Jackson, Hal MacFie and Manda Rigby

1 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence.

2 DECLARATIONS OF INTEREST

- Cllr Sue Craig declared a disclosable pecuniary interest in planning application nos. 21/00738/FUL and 21/00739/LBA – 21 Victoria Buildings, Westmoreland, Bath, BA2 3EH as she was the applicant. Cllr Craig stated that she would not speak or vote on this application.
- Cllr Eleanor Jackson stated that she was a member and shareholder of the Radstock Co-Operative Society. However, the federation of stores of which she is a member has no connection with the Scala site.

3 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

The Chair explained that there was one item of urgent business. The term of office of the current Vice-Chair had expired and it was necessary to fill this position to enable decisions to be made regarding potential committee items.

It was RESOLVED unanimously to appoint Cllr Sally Davis as Vice-Chair of the Planning Committee on an interim basis.

4 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.

5 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 7 April 2021 were confirmed as a correct record.

6 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. 20/00552/FUL

Site Location: The Scala, Shaftesbury Road, Oldfield Park, Bath, BA2 3LH – Mixed use redevelopment of The Scala site including the demolition of existing extensions and new extensions to improve retail store at ground floor level, provide a new dance centre space (Use Class E) and residential accommodation at first floor (including affordable apartments). Erection of student accommodation including 92 student bedrooms and associated ancillary space. Erection of residential accommodation (16 total residential units). Parking for cars and cycles and associated landscaping.

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

A local resident and a representative from the Bath Preservation Trust spoke against the application.

The applicant spoke in favour of the application.

Cllr Shaun Stephenson-McGall, local ward member, spoke against the application. Although he welcomed the retention of the Co-Op store, housing for long-term residents and community use within the scheme, he had a number of concerns. These included the proposal to provide purpose-built student accommodation, design, massing, height of the courtyard building and materials. He drew attention to the already overloaded infrastructure in this area.

Cllr June Player, local ward member, spoke against the application. She pointed out the large number of students already living in this area which led to an imbalance in the community. She stated that the area needs residential accommodation. She expressed concern at the lack of parking provision proposed and highlighted the existing parking problems in the area. She stated that the residential amenity would be harmed by the proposal. She also provided statistics to highlight the impact of HMO properties and number of students living in this location.

Officers then responded to questions as follows:

- Under current planning policies, the proposal to provide purpose-built student accommodation in this location is acceptable in principle. Recent appeal decisions for the Hartwells and Plumb Centre sites support this assessment. Policy H10 relates to housing mix within the site which is also considered to be acceptable.
- The Case Officer felt that there was scope for a contemporary design in this location. There would be boundary treatment on the ground floor and the windows would be angled to avoid overlooking of neighbouring gardens.
- A condition would be included to control hours of operation and deliveries.
- The Highways Officer explained that it would be preferable for deliveries to take place within the site boundary. Any manoeuvring requiring the vehicle to enter the footway would be undertaken under the supervision of a banksman to ensure safety.
- Buff brick would be the dominant material on the external elevations, combined with areas of Bath stone.
- The height of the building is considered to be acceptable, but this is a matter of judgement. The building height strategy provides guidance but is not a directive.
- Additional trees have been included, following discussions with the applicant, but there is a balance to be struck between additional trees and loss of parking spaces.
- There is a shortfall of one parking space which officers feel is acceptable.
- Students would be requested not to bring cars to the site, and this would be primarily for the operators to enforce.
- There would be some loss of light to neighbouring properties, but this would not cause significant harm.
- In previous appeal decisions the Planning Inspector has stated that there is a demand for purpose-built student accommodation.
- The Deputy Head of Planning explained that the application complies with the adopted planning policies for student accommodation and, whilst there is a very minor parking shortfall, to refuse on highway safety or parking grounds, the Committee would have to provide evidence that this would have a severe impact which would be difficult to argue as the Highway Officer had raised no objections.
- There would be no impact on the non-designated heritage asset.

Cllr Hodge felt that the proposal represented overdevelopment of the site, would cause overlooking and would be detrimental to residential amenity. She also had concerns about the design and massing, which she felt did not reflect the character of the area and did not enhance the Scala building. She drew the committee's attention to policies D2, D5, D6 and CP7 stressing the importance of design.

Cllr Clark was sympathetic to the concerns of the local residents but felt, on balance, that there were no policy reasons for refusal.

Cllr Hughes noted the density of the surrounding area and felt that a 4-storey building would be dominant in this location. He expressed concerns at the loss of open space, the scale of the development and the inclusion of student accommodation.

Cllr Hounsell noted that the current policies must be applied and felt that the

application was largely policy compliant, although he had some reservations.

Cllr Rigby felt that the proposal was overbearing but noted that this would be a very finely balanced decision.

Cllr Craig noted that there is already a high concentration of student housing in this area and that a further increase would have an impact on residents and on the housing mix in this locality.

Cllr MacFie felt that the key concerns were the massing and over-development in the central courtyard part of the development.

Cllr Jackson stated that the development would dominate the Victorian terraced houses in this neighbourhood and would result in loss of amenity for local residents.

Cllr Davis stated that the committee must consider this application in line with its current policies. She then moved the officer recommendation to permit. This was seconded by Cllr Clark.

The motion was put to the vote and there were 3 votes in favour, 6 votes against and 1 abstention. The motion was therefore LOST.

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

- Scale, mass and overdevelopment of the site.
- Design of the courtyard block, which does not complement or enhance the Victorian vernacular architecture.
- The detrimental effect on local amenity, including overlooking.

Cllr Jackson seconded the motion.

The motion was put to the vote and it was RESOLVED by 7 votes in favour 2 votes against and 1 abstention to REFUSE the application for the reasons set out above.

Note: At this point Cllr Sue Craig switched off her audio and video functions, having declared an interest in the following applications, and took no part in the debate or vote.

Item Nos. 2 and 3

Application Nos. 21/00738/FUL and 21/00739/LBA

**Site Location: 21 Victoria Buildings, Westmoreland, Bath, BA2 3EH –
Reinstatement of metal boundary fences. External alterations to reinstate
metal boundary fences.**

The Case Officer reported on the applications and her recommendation to permit the planning application and to grant listed building consent. She confirmed that the design of the fences reflected the character of the building and the wider terrace.

Cllr Rigby moved the officer recommendation to permit and to grant listed building consent. The motion to permit the planning application was seconded by Cllr Jackson and the motion to grant listed building consent was seconded by Cllr

MacFie.

The motion was put to the vote and it was RESOLVED unanimously to PERMIT the planning application and to GRANT listed building consent.

Note: At this point Cllr Sue Craig returned to the meeting.

7 POLICY DEVELOPMENT

There were no policy development items.

8 QUARTERLY PERFORMANCE REPORT - JANUARY TO MARCH 2021

The Committee considered the quarterly performance report for January to March 2021.

RESOLVED: To note the report.

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

The Committee considered the appeals report.

RESOLVED: To note the report.

10 PLANNING COMMITTEE CHAIR

The Chair, Cllr Matt McCabe, stated that this would be his last meeting as Chair of the Planning Committee. He thanked members, officers and the Vice Chair, Cllr Sally Davis, for their support and hard work over the last two years.

Cllr Manda Rigby thanked Cllr McCabe, on behalf of the Committee, for all his work over the last two years in his role as Chair, which he had performed with skill and good humour.

The meeting ended at 12.48 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services

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BATH AND NORTH EAST SOMERSET COUNCIL

Planning Committee Date: 5th May 2021

OBSERVATIONS RECEIVED SINCE THE PREPARATION OF THE MAIN AGENDA

ITEMS FOR PLANNING PERMISSION

Item No.	Application No.	Address
01	20/00552/FUL	The Scala Shaftesbury Road Oldfield Park

S66 of the P(LBCA)A 1990 is referenced, with the Committee Report. For clarity none of the buildings on or surrounding the site are listed. S66 does not therefore apply.

In addition, s72 is referenced but as the site is not in the Conservation Area, the statutory duty does not apply. However, as identified within the report, the setting of the Conservation Area is a material consideration and this has been fully assessed.

For clarity, the development is considered to preserve the character and appearance of the nearby Conservation and there is not considered to be any harm to the setting or attributes of the World Heritage Site. Further, there is no harm resulting to any non-designated heritage assets.

Parks and open space contribution

The Committee Report confirms that there will be a contribution of £169,184 for or towards the enhancement and maintenance of Public Open Space within the Westmoreland, Oldfield, Moorlands and Southdown wards. However, this was based on the original scheme and predicted number of occupiers. This contribution will be revised for the updated plans.

Other matters

The recommendation references the 'Director of Legal and Democratic Services', but as this post no longer exists, it should cite the Monitoring Officer.

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BATH AND NORTH EAST SOMERSET COUNCIL

**MEMBERS OF THE PUBLIC AND REPRESENTATIVES SPEAKING AT THE
VIRTUAL MEETING OF THE PLANNING COMMITTEE ON WEDNESDAY 5 MAY
2021**

MAIN PLANS LIST			
ITEM NO.	SITE NAME	NAME	FOR/AGAINST
1	The Scala, Shaftesbury Road, Oldfield Park, Bath, BA2 3LH	John Branston	Against (To share 3 minutes)
		Alexandra Best (Bath Preservation Trust)	
		Iestyn Lewis (Applicant)	For
		Cllr Shaun Stephenson-McGall (Local Ward Member)	Against
		Cllr June Player (Local Ward Member)	Against

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BATH AND NORTH EAST SOMERSET COUNCIL
PLANNING COMMITTEE
5th May 2021
DECISIONS

Item No:	01	
Application No:	20/00552/FUL	
Site Location:	The Scala, Shaftesbury Road, Oldfield Park, Bath	
Ward: Westmoreland	Parish: N/A	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Mixed Use Redevelopment of The Scala site including the demolition of existing extensions and new extensions to improve retail store at ground floor level, provide a new dance centre space (Use Class E) and residential accommodation at first floor (including affordable apartments). Erection of student accommodation including 92no. student bedrooms and associated ancillary space. Erection of residential accommodation (16 no. total residential units). Parking for cars and cycles and associated landscaping	
Constraints:	Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Indicative Extent, Policy CP12 Bath City Centre 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:	Rengen (Scala) Ltd	
Expiry Date:	7th May 2021	
Case Officer:	Tessa Hampden	

DECISION REFUSE

1 The Courtyard building, due to its inappropriate height, massing and design, fails to reflect or enhance the local vernacular The scheme is therefore not in accordance with policy CP 6 of the Core Strategy (July 2014) and policies D1, D2, D3, D4 and D5 of the Bath and North East Somerset Placemaking Plan (July 2017) and guidance in the National Planning Policy Framework.

2 The proposed development, due to the overall massing and scale of the development is considered to represent the overdevelopment of the site. The scheme is therefore not in accordance with policy CP6 of the Core Strategy (July 2014) and policies D1, D2, D3, D4 and D5 of the Bath and North East Somerset Placemaking Plan (July 2017) and guidance in the National Planning Policy Framework.

3 The proposed development is considered to result in an adverse impact upon the residential amenity of the neighbouring occupiers, including through loss of privacy. The

scheme is therefore not in accordance with policy D6 of the Bath and North East Somerset Placemaking Plan (July 2017)

PLANS LIST:

15 Apr 2021	AP(0)81	BOUNDARY WALL DETAIL
15 Apr 2021	AP(0)10 REV AN	SITE PLAN - GROUND FLOOR
06 Apr 2021	AP(0)14 REV M	SITE PLAN - ROOF
06 Apr 2021	AP(3)10 REV P	MEWS - PROPOSED PLANS
06 Apr 2021	AP(3)20 REV M	MEWS PROPOSED ELEVATIONS
06 Apr 2021	AP(3)20 REV M (COLOUR)	MEWS PROPOSED ELEVATIONS (COLOUR)
15 Jan 2021	AP(0)11 REV U	SITE PLAN - FIRST FLOOR
15 Jan 2021	AP(0)11 REV U	SITE PLAN - SECOND FLOOR
15 Jan 2021	AP(0)13 REV Q	SITE PLAN - THIRD FLOOR
15 Jan 2021	AP(0)30 REV H	PROPOSED SITE SECTIONS AA BB
15 Jan 2021	AP(0)31 REV F	PROPOSED SITE SECTIONS CC DD EE
15 Jan 2021	AP(1)10 REV N	SCALA - PROPOSED GF 1F LAN
15 Jan 2021	AP(1)11 REV K	SCALA - PROPOSED RF PLAN
15 Jan 2021	AP(1)20 REV F	SCALA - PROPOSED ELEVATIONS
15 Jan 2021	AP(1)31 REV A	SCALA - DETAILED SECTION
15 Jan 2021	AP(2)10 REV M	COURTYARD - PROPOSED GF 1F PLAN
15 Jan 2021	AP(2)11 REV L	COURTYARD - PROPOSED 2F 3F PLAN
15 Jan 2021	AP(2)12 REV A	COURTYARD - PROPOSED RF PLAN
15 Jan 2021	AP(2)20 REV J	COURTYARD - PROPOSED ELEVATIONS
15 Jan 2021	AP(2)31 REV A	COURTYARD - DETAILED SECTION
10 Feb 2020	AP(0)05	SITE PLAN - SURVEY
10 Feb 2020	AP(0)09	SITE PLAN - DEMOLITION
10 Feb 2020	AP(0)20	EXISTING SITE ELEVATION
10 Feb 2020	AP(1)01	EXISTING GF PLAN
10 Feb 2020	AP(1)02	EXISTING 1F PLAN
10 Feb 2020	AP(1)05	EXISTING ELEVATIONS Public
10 Feb 2020	AP(1)06	EXISTING SECTIONS
10 Feb 2020	AP(0)01	SITE PLAN - LOCATION

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 Development Management Committee considered the proposal to be unacceptable for the stated reasons.

Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority please note that CIL applies to all relevant planning permissions granted on or after this date. Thus any successful appeal against this decision may become subject to CIL. Full details are available on the Council's website www.bathnes.gov.uk/cil

Item No:	02		
Application No:	21/00738/FUL		
Site Location:	21 Victoria Buildings, Westmoreland, Bath, Bath And North East Somerset		
Ward:	Westmoreland	Parish:	N/A
		LB Grade:	II
Application Type:	Full Application		
Proposal:	Reinstatement of metal boundary fences.		
Constraints:	Agric Land Class 3b,4,5, Air Quality Management Area, Policy B1 Bath Enterprise Zone, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing Zones, District Heating Priority Area, Flood Zone 2, Flood Zone 3, HMO Stage 1 Test Area (Stage 2 Test Req), Listed Building, LLFA - Flood Risk Management, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,		
Applicant:	Mrs Sue Craig		
Expiry Date:	19th April 2021		
Case Officer:	Emily Smithers		

DECISION PERMIT

1 Standard Time Limit (Compliance)

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permission.

2 Painting of railings (Compliance)

The approved railings at time of installation or within the first 3 months of installation shall be painted black and retained as such thereafter unless otherwise agreed in writing.

Reason: To safeguard the character and appearance of the building in accordance with Policy HE.1 of the Bath and North East Somerset Placemaking Plan.

3 Plans List (Compliance)

The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.

Reason: To define the terms and extent of the permission.

PLANS LIST:

OS Extract	16/02/2021	SITE LOCATION PLAN
Drawing	16/02/2021	ELEVATIONS AND DETAILS

Condition Categories

The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

Compliance - The condition specifies matters to which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

Pre-commencement - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

Please note all conditions should be read fully as these headings are intended as a guide only.

Where approval of further information is required you will need to submit an application to Discharge Conditions and pay the relevant fee via the Planning Portal at www.planningportal.co.uk or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council before development commences, failure to comply with the regulations can result in surcharges and additional payments. Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: www.bathnes.gov.uk/cil

Civil or legal consents

This permission does not convey or imply any civil or legal consents required to undertake the works.

Responding to Climate Change (Informative):

The council is committed to responding to climate change. You are advised to consider sustainable construction when undertaking the approved development and consider using measures aimed at minimising carbon emissions and impacts on climate change.

Permit/Consent Decision Making Statement

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework.

Item No:	03
Application No:	21/00739/LBA
Site Location:	21 Victoria Buildings, Westmoreland, Bath, Bath And North East Somerset
Ward: Westmoreland	Parish: N/A LB Grade: II
Application Type:	Listed Building Consent (Alts/exts)
Proposal:	External alterations to reinstate metal boundary fences.
Constraints:	,
Applicant:	Miss Sue Craig
Expiry Date:	5th May 2021
Case Officer:	Emily Smithers

DECISION CONSENT

1 Time Limit - Listed Building Consent (Compliance)

The works hereby approved shall be begun before the expiration of three years from the date of this consent.

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

2 Painting of railings (Compliance)

The approved railings at time of installation or within the first 3 months of installation shall be painted black and retained as such thereafter unless otherwise agreed in writing.

Reason: To safeguard the character and appearance of the building in accordance with Policy HE.1 of the Bath and North East Somerset Placemaking Plan.

3 Plans List (Compliance)

The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.

Reason: To define the terms and extent of the permission.

PLANS LIST:

Drawing	16/02/2021	ELEVATIONS AND DETAILS
OS Extract	16/02/2021	SITE LOCATION PLAN

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Permit/Consent Decision Making Statement

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework.

