

PLANNING COMMITTEE

Minutes of the Meeting held

Wednesday, 17th November, 2021, 11.00 am

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

66 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

67 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence.

68 DECLARATIONS OF INTEREST

Cllr Jackson stated that she is a member of the Radstock Co-operative Society. However, this has no connection with the Scala co-operative store and so there is no conflict of interest.

69 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was no urgent business.

70 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.

71 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 20 October 2021 were confirmed and signed as a correct record.

72 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 items 1 and 2 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. 20/02479/OUT

Site Location: Parcel 1991, Bath Road, Keynsham – Outline application for up to 5,700sqm (GEA) of flexible use commercial development falling within Use Classes B1(b), B1(c), B2, and B8 with primary access onto Bath Road. All matters reserved except access.

The Case Officer reported on the application and his recommendation to delegate to permit. He informed members that on page 44 of the report the reference to the "Somerdale" site should be disregarded as this was an error. He also advised that a further condition was required because of a recent update to the Use Classes Order to ensure that the agreed uses do not include the wider use classes permitted under the new Class E.

Two local residents spoke against the application.

The agent spoke in favour of the application.

Cllr Andy Wait, local ward member, spoke against the application. He expressed concern about the likely increase in traffic, the type of industrial activity that could move onto the site and the increase in carbon emissions which would be contrary to the Council's green agenda.

Officers then responded to questions as follows:

- Policy KE3a states that primary access to the employment land should be from Pixash Lane. It does not specify that there should be no access onto the A4 or that Pixash Lane should be the sole access point and so in the officer's view the application does not conflict with this policy. The applicant has explored other access arrangements but there are issues with third party land ownership and other solutions were found to be undeliverable. There are no highway safety concerns.
- No comments have been received from the Highways Authority about the Metro-Bus scheme and officers do not believe that the proposals would prejudice the scheme.
- The proposed s106 contribution makes up part of a package of contributions from developers of this site. It will provide funding for the improvement of the shared walkway/cycleway, upgraded pedestrian refuges and road upgrades.
- Vehicle restrictions will be in place to permit all operations, deliveries and despatches from the site only between 7am to 7pm Monday to Saturday and 9am to 5pm on Sundays and Bank Holidays. There is no restriction on the type of business within the use classes specified. Businesses are subject to environmental protection regulations relating to noise restrictions. The

proposed landscaping buffer will also provide an opportunity for some acoustic screening.

- The site is already allocated as an employment site for the use classes listed. Therefore, the amount of traffic that would be generated has already been taken into account following strategic assessments.
- The average wait time calculated for an HGV turning right onto the A4 (83 seconds) is felt to be appropriate.
- The £14k contribution for public transport is calculated based on the size and type of development.
- As part of the highways assessment a growth factor has been added to the survey results.
- The part of the buffer zone next to no. 279 Bath Road would be at least 10m.
- The masterplan submitted is policy compliant and does not require approval by other parties such as Town and Parish Councils.
- If there were an exit via Worlds End Lane, then HGVs would not have to pass any residential properties.
- The layout of the site will form part of the reserved matters application.

Cllr MacFie, local ward member on the committee, stated that the best solution would be for HGVs to access and exit the site via Worlds End Lane so that they would not drive past any residential properties. He felt that the proposal would create a large number of vehicle movements and to open up an access onto the A4 makes no sense. He also expressed concern about the B2 use class status because the site is so close to residential properties which could have a detrimental impact on residential amenity. He felt that it would be helpful for members to view the location and moved that consideration of the application be deferred pending a site visit.

Cllr Hounsell seconded the motion. He explained that the A4 is narrower at this junction and felt that it would be helpful for members to view the site to consider any highway safety issues that would be caused by vehicles turning, and by the creation of a third lane on the A4.

The motion was put to the vote and it was RESOLVED by 7 votes in favour and 3 votes against to DEFER consideration of the application pending a SITE VISIT.

Item No. 2

Application No. 21/04049/FUL

Site Location: The Scala, Shaftesbury Road, Oldfield Park, Bath – 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 community space and student accommodation (16 bed spaces) at first floor levels. Erection of student accommodation including 72 student bedrooms and associated ancillary space. Erection of a residential block (C3) including 9 apartments. Parking for cars and cycles and associated landscaping (Resubmission)

The Case Officer reported on the application and the recommendation to delegate to permit. He explained that this is a resubmission of an application that the committee had previously refused. The proposal is now one storey lower following concerns raised regarding bulk and massing.

The agent spoke in favour of the application.

The Case Officer then responded to questions as follows:

- The residential accommodation has been reduced from 16 to 9 units. The courtyard building has been reduced by one storey and the student accommodation has been reduced from 92 to 88 units.
- There is still a deficit of purpose-built student accommodation (PBSA) at the end of the plan period. New PBSA will reduce the need for private lettings and HMO properties in the city. The current policy seeks to prevent student accommodation in enterprise zones or the central area. There is no requirement for the applicant to prove there is a need for this type of accommodation.
- Policy CP10 requires a mix of accommodation but does not specify what this mix will be. This is an area of the city which has a high number of HMO properties, but the new development will add to this mix.
- There are no existing trees on this site and the landscaping detail will form part of the conditions.
- A sunlight assessment was submitted with the previous application and only minor impacts were identified.
- There would be a contribution towards the enhancement of public open space.

Cllr Bromley stated that the proposal is an improvement on the current 1960s building, will offer greater access and provide additional community space. She was disappointed that seven apartments had been lost but felt that overall, this will be an enhancement.

Cllr Hughes also felt that this is an improvement on the previous scheme. However, he felt that the housing mix is wrong as there are already many students and HMO properties in this area. He stated that the student block does not enhance the area.

Cllr Crossley stated that the applicant has listened to the concerns previously expressed by the committee and has made improvements. The proposal provides a good mix of accommodation, although more residential units would have been preferable. He noted the positive comments made by the Bath Preservation Trust.

Cllr Davis moved the officer recommendation to delegate to permit. This was seconded by Cllr Clarke.

Cllr Hodge felt that key worker and family accommodation is needed in this area rather than additional student accommodation. This is an important site, and the right development should be sought.

Cllr Jackson stated that the site will be improved but that the committee should aspire to the best development for the area. She would prefer to see key worker accommodation or affordable housing. However, she did not feel that there were policy reasons to refuse the application.

The motion was put to the vote and it was RESOLVED by 8 votes in favour and 2

votes against to DELEGATE TO PERMIT the application subject to conditions and the completion of a s106 agreement.

Item N. 3

Application No. 21/02929/FUL

Site Location: 2 Molly Close, Temple Cloud, BS39 5AE – Erection of rear extension with flat roof dormer built into the roof space (retrospective)

The Case Officer reported on the application and his recommendation to delegate to permit. He explained that updated plans have now been submitted which address the concerns raised by the objector relating to overlooking.

The Case Officer then responded to questions as follows:

- The window which has raised concerns regarding overlooking has now been removed and the remaining window shown on the updated plans has been reduced in size.
- The use of rooms can change but the window shown on the current bathroom must still consist of obscured glass which will prevent overlooking.
- If updated plans are received it is at the officer's discretion as to whether these are re-advertised for consultation. As the updated plans, in this case, address the concerns of the objector then it was considered to be unnecessary to re-advertise and there is no requirement to do so.
- The plans showing the parking arrangements are indicative only. Three parking spaces would be required for a five bedroomed property.

Cllr Crossley then moved the officer recommendation to delegate to permit. This was seconded by Cllr Davis.

The motion was put to the vote and it was RESOLVED unanimously to DELEGATE TO PERMIT the application subject to conditions.

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

The Committee considered the appeals report.

The Deputy Head of Planning agreed to provide committee members with further information regarding the following matters:

- Details of whether any costs were awarded against the Council in relation to the three appeals that were allowed.
- Further information as to why the Planning Inspector over-ruled the committee decision to refuse the Wansdyke Business Centre application.
- An update regarding the potential appeal in respect of the Mineral Hospital application.

RESOLVED to NOTE the report.

The meeting ended at 2.25 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services

BATH AND NORTH EAST SOMERSET COUNCIL

Planning Committee

Date 17th November 2021

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

ITEMS FOR PLANNING PERMISSION

| Item No. | Application No. | Address |
|-----------------|------------------------|--------------------------------------|
| 01 | 20/02479/OUT | Parcel 1991 Bath Road Keynsham |

Representations

One additional objection to the application has been received. No new issues where raised that haven't been addressed in the main committee report.

Ecology

The following ecology update is provided.

Whilst the proposals will impact existing linear habitat features which are may be used by bats, no roosts have been identified on the site (the trees located within the site are considered to offer negligible potential roosting features). A Natural England licence is therefore not required for the proposed development

Planning Obligations

Following a review and discussions with the applicant, it has been agreed that the Heads of Terms should be updated to incorporate the securing of a pedestrian and cycle link through the site between the A4 Bath Road and Worlds End Lane with the detail of this route to be identified as part of the reserved matters applications.

The first part of the officer recommendation (relating to planning obligations) is therefore updated as below:

RECOMMENDATION
DELEGATE TO PERMIT

1.) Authorise the Head of Legal and Democratic Services to enter into a Section 106 Agreement to secure:

1. A contribution of £104,103 towards improving the walking and cycle route on Bath Road or other sustainable transport measures to mitigate the increase in trips generated by the development
2. A contribution of £14,625 towards providing local bus services should be sought to provide access to public transport to residential areas of Keynsham and Saltford
3. A fee of £5,000 to amend the parking restriction TRO on Bath Road
4. A Full Travel Plan submitted to and approved in writing by the Local Planning Authority prior to occupation of the development.
5. Targeted Recruitment and Training obligations and contribution
6. Contribution of £3,000 towards 2 fire hydrants
7. *Securing a pedestrian and cycle link across the site from A4 Bath Road to Worlds End Lane*

| Item No. | Application No. | Address |
|-----------------|------------------------|--|
| 02 | 21/04049/FUL | The Scala Shaftesbury Road Oldfield Park Bath |

Legislation

The committee report refers to the duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character or appearance of the surrounding conservation area.

The site falls outside of the Conservation Area and therefore the duty does not apply. However, the impact of the proposals upon the setting of the Conservation Area remains a material consideration.

Similarly, the report refers to the duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 'In considering whether to grant planning permission for development which affects a listed building or its setting' to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

There are no listed buildings within the immediate vicinity of the site. The nearest is the Oldfield Park Baptist Church (Grade II) which is approximately 180m to the north-west of the site. Given the height, scale and design of the proposals they are not considered to have any impact upon the setting of any listed buildings.

World Heritage Site

To clarify the assessment in the committee report, it is considered that the proposals, due to their height, scale, massing and design, would preserve the Outstanding Universal Value of the World Heritage Site and therefore are in accordance with policy B4 of the Core Strategy.

Environmental Impact Assessment

The Council has adopted a screening opinion in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and has concluded that it does not represent EIA development.

Other Matters

The recommendation references the 'Director of Legal and Democratic Services', but as this post no longer exists and this reference should be to the 'Head of Legal and Democratic Services'.

Planning Obligations

The Heads of Terms are updated to include the funding of a car club bay including all necessary TRO and all implementation costs.

The first part of the officer recommendation (relating to planning obligations) is therefore updated as below:

RECOMMENDATION DELEGATE TO PERMIT

1.) Authorise the Head of Legal and Democratic Services to enter into a Section 106 Agreement to secure:

1. A contribution of £104,880 for or towards the enhancement and maintenance of Public Open Space within the Westmoreland, Oldfield, Moorlands and Southdown wards;
2. Details of management company and operation of the site and open space;
3. Obligations to secure off-site highway works together with funding of the required Traffic Regulation Order together with implementation costs;
4. The phasing of the development to ensure the delivery of the retail unit and community use in the first phase;
5. The provision of fire hydrants on the development where necessary and a financial contribution towards their maintenance for 5 years.
6. *Funding and implementation of a car club bay*

Planning Conditions

Condition 5 (student management plan) has been updated to reflect current practice and to ensure that it covers all relevant matters relating to the management of the proposed student accommodation. Condition 5 is therefore updated as below:

5. Student Management Plan (Pre-occupation)

The student accommodation hereby approved shall not be occupied until a student management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include the following:

- I. A restriction on the use of the parking spaces by students;*
- II. Measures to prevented student occupiers from parking cars within a 1km radius of the site;*
- III. The arrangements for student drop off / pick up at the start and end of each University semester;*
- IV. Details of refuse storage, management and collection;*
- V. Details of site security and access arrangements;*
- VI. Details of the 24hr on-site management of the student blocks;*

VII. *Contact information for third parties to report student behaviour complaints.*

The student accommodation use shall thereafter operate only in accordance with the approved student management plan.

Reason: In the interests of highways safety, residential amenity, to reduce potential noise and disturbance and to ensure the good management of the building in accordance with policies D6, ST7 and North East Somerset Placemaking Plan.

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TH AND NORTH EAST SOMERSET COUNCIL

**MEMBERS OF THE PUBLIC AND REPRESENTATIVES SPEAKING AT THE
MEETING OF THE PLANNING COMMITTEE ON WEDNESDAY 17 NOVEMBER
2021**

| MAIN PLANS LIST | | | |
|------------------------|--|------------------------------------|------------------------------|
| ITEM NO. | SITE NAME | NAME | FOR/AGAINST |
| 1 | Parcel 1991, Bath Road, Keynsham | Mike Williams | Against (To share 3 minutes) |
| | | Yvonne Gravell | |
| | | Ralph Salmon (Agent) | For |
| | | Cllr Andy Wait (Local Ward Member) | N/A |
| 2 | The Scala, Shaftesbury Road, Oldfield Park, Bath | Kit Stokes (Agent) | For |

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BATH AND NORTH EAST SOMERSET COUNCIL

PLANNING COMMITTEE

17th November 2021

DECISIONS

| | | |
|----------------------------|---|----------------------|
| Item No: | 01 | |
| Application No: | 20/02479/OUT | |
| Site Location: | Parcel 1991, Bath Road, Keynsham, Bath And North East Somerset | |
| Ward: Keynsham East | Parish: Keynsham Town Council | LB Grade: N/A |
| Application Type: | Outline Application | |
| Proposal: | Outline application for up to 5,700 sqm (GEA) of flexible use commercial development falling within Use Classes B1(b), B1(c), B2, and B8 with primary access onto Bath Road. All matters reserved except access | |
| Constraints: | Saltford Airfield 3km buffer, Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Policy CP9 Affordable Housing Zones, Policy ED2A Strategic & Other Primary In, MOD Safeguarded Areas, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro, | |
| Applicant: | Places For People Strategic Land | |
| Expiry Date: | 12th March 2021 | |
| Case Officer: | Chris Griggs-Trevarthen | |

DECISION Deferred for site visit

| | |
|---------------------------|---|
| Item No: | 02 |
| Application No: | 21/04049/FUL |
| Site Location: | The Scala, Shaftesbury Road, Oldfield Park, Bath |
| Ward: Westmoreland | Parish: N/A LB Grade: N/A |
| Application Type: | Full Application |
| Proposal: | 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 community space and student accommodation (16no bed spaces) at first floor levels. Erection of student accommodation including 72no. student bedrooms and associated ancillary space. Erection of a residential block (C3) including 9 no. apartments. Parking for cars and cycles and associated landscaping (Resubmission). |
| Constraints: | Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP12 Centres and Retailing, 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: | 30th November 2021 |
| Case Officer: | Emma Watts |

DECISION Delegate to permit subject to Section 106 Agreement

| | |
|--------------------------|---|
| Item No: | 03 |
| Application No: | 21/02929/FUL |
| Site Location: | 2 Molly Close, Temple Cloud, Bristol, Bath And North East Somerset |
| Ward: Mendip | Parish: Temple Cloud With Cameley Parish Council |
| LB Grade: | N/A |
| Application Type: | Full Application |
| Proposal: | Erection of rear extension with flat roof dormer built into the roof space (retrospective) |
| Constraints: | Bristol Airport Safeguarding, Agric Land Class 1,2,3a, Policy CP9 Affordable Housing Zones, Housing Development Boundary, Policy M1 Minerals Safeguarding Area, Policy PCS6 Unstable Land-Coal Mining Le, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro, |
| Applicant: | Mr And Mrs Davis |
| Expiry Date: | 6th October 2021 |
| Case Officer: | Sam Grant |

DECISION PERMIT

1 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:

This Decision relates to the following plans:

| | | | |
|-----------------|-------------|----------|-------------------------------|
| Drawing | 21 Jun 2021 | 004 B | EXISTING ELEVATIONS |
| Drawing | 21 Jun 2021 | 004 B | ROOF DETAILING |
| Revised Drawing | 16 Nov 2021 | 004 C | PROPOSED ELEVATIONS |
| Revised Drawing | 16 Nov 2021 | PL 011 D | PLANS EXISTING AND PROPOSED |
| Drawing | 28 Sep 2021 | 007 B | ROOF PLAN |
| Revised Drawing | 28 Sep 2021 | 006 A | BLOCK PLAN PARKING |
| ARRANGEMENTS | | | |
| OS Extract | 22 Jul 2021 | 001 B | LOCATION PLAN AND BLOCK PLANS |

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.

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.

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.