

PLANNING COMMITTEE

Minutes of the Meeting held

Wednesday, 21st September, 2022, 11.00 am

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

39 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

40 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence or substitutions.

41 DECLARATIONS OF INTEREST

There were no declarations of interest.

42 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was no urgent business.

43 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.

44 MINUTES OF THE PREVIOUS MEETING

Cllr Duncan Hounsell asked for an amendment to item no. 2 Application No: 20/02964/FUL Lansdown Lawn Tennis & Squash Racquets Club, Northfields, Lansdown to insert after "tennis club" the words "court lighting would increase by 30%". This was agreed and subject to this amendment it was;

RESOLVED that the minutes of the meeting held on Wednesday 24 August 2022 be confirmed as a correct record and signed by the Chair.

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

There were no site visit applications.

46 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 update report in relation to items 1 & 2 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: 22/00687/REG03

Site Location: Storage Yard Adjacent to Argyle Works, Lower Bristol Road, Westmoreland, Bath

The Case Officer introduced the report which was an application for the erection of 8 affordable dwellings and associated works, following the demolition of the existing building.

She confirmed the officer recommendation that officers be delegated to permit the application subject to the conditions set out in the committee report and update report.

The following public representations were received:

1. Chris Beaver, agent speaking in support of the application.

In response to Members questions, it was confirmed:

1. As the Council was the applicant, it was not possible to enter into a Section 106 Agreement to secure the affordable housing scheme and instead permission was subject to a condition to ensure that the affordable housing was retained on site in perpetuity unless purchased under Right to Buy or a similar legislative scheme. An amended version of condition 2 was included in the update report to refer this proviso. The recommendation was therefore delegate to permit subject to the version of condition 2 that appeared in the update report.
2. The alignment of the trees at the front of the site was asymmetric, but these trees were already in place some of which were protected by a Tree Preservation Order and there had been no objection raised by the Tree Officer.
3. In relation to the contaminated land, the Environment Agency had been consulted and there would be strict conditions attached to the permission.
4. There was a shortfall in cycle spaces due to the constraints of the site, but this was weighed against the benefits of the application, including the green landscaping.
5. There was an existing recommended condition (12) relating to materials, but this could be strengthened to include a sample panel of the boundary wall to include rubblestone coursing.

6. In relation to encouraging food growing, there was sufficient space on the site for vegetable boxes and there could be an additional condition to secure water butts for rainwater harvesting.
7. In terms of the Council's current parking standards, the application would result in a shortfall of 7 parking spaces. In relation to the Local Plan Partial Update (LPPU) and reduced parking standards, the application would be policy compliant, but not much weight could be given to the proposed new standards at this stage of the LPPU process. As the application was not compliant with current standards, it had been advertised as a departure from the development plan. Officers had balanced the shortfall of parking provision with the consideration that the site was in a sustainable location with easy access to local facilities and that there was evidence that car ownership was lower in affordable properties.
8. There were no proposed charging facilities for electric bikes, but officers could look into whether it was feasible and acceptable to include this as a condition.

Cllr Eleanor Jackson stated that in view of the number of benefits associated with the scheme, she did not think it was justified to refuse the application due to the shortfall of parking spaces and proposed that officers be delegated to permit the development subject to the conditions set out in the report/update report.

Councillor Paul Crossley seconded the proposal, stating that it was an ambitious scheme which addressed the needs of the local community. He asked officers to look into the feasibility of a condition to include electric bicycle charging facilities.

Councillor Sally Davies concurred that it was a good scheme, and she would support the proposal to delegate to permit.

Cllr Lucy Hodge stated that it was an exemplar application which retained trees and exceeded space standards. She supported the proposal but asked that additional conditions be included in relation to materials and rainwater harvesting.

Following clarification from Deputy Head of Planning Development Management, and agreement from the mover and seconder, it was agreed that the proposal was for officers to be delegated to permit the application subject to the conditions in the report/update report and:

1. The strengthening of condition 12 to include a sample panel of the boundary wall to include rubblestone coursing.
2. An additional condition to secure water butts for rainwater harvesting.
3. Officers to consider if it would be appropriate and meet the tests for conditions set out in national policy/guidance, to apply an additional condition for charging facilities for electric bicycles and apply this condition or not as was considered appropriate following further consideration.

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

RESOLVED that officers to be delegated to permit the application subject to the conditions in the report/update report and:

1. The strengthening of condition 12 to include a sample panel of the boundary wall to include rubblestone coursing.
2. An additional condition to secure water butts for rainwater harvesting.
3. Officers to consider if it would be appropriate and meet the tests for conditions

set out in national policy/guidance, to apply an additional condition for charging facilities for electric bicycles and apply this condition or not as was considered appropriate following further consideration.

Item No. 2 Application No: 22/01753/FUL 24

Site Location: The Tyning, Widcombe, Bath

The Case Officer introduced the report regarding the application for the erection of a single storey rear extension, a first-floor extension over garage, loft conversion and pitched rear dormer, replacement of windows and doors, widening of existing driveway.

The Case Officer confirmed his recommendation that the application be permitted subject to the conditions set out in the report.

The following public representations were received:

1. Dr David Sweetnam, local resident, objecting to the application.
2. Tim Elson, applicant, speaking in support of the application.

Cllr Alison Born and Cllr Winston Duguid, local ward members, were unable to attend but submitted a statement which was read out by the Democratic Services Officer:

1. The view of the ward members, Widcombe Association and of local residents in The Tyning was that this planning application should not be supported in its current form.
2. The Tyning was a residential street with east facing Edwardian properties on one side of the road and pairs of 1930's semi-detached properties on the opposite side.
3. The 1930's homes had a single-story garage attached to each house which sat adjacent to the garage attached to the next pair of houses. The paired single-story garages provided wide gaps between the pairs of houses which allowed light through to the houses behind in Tyning End.
4. All previous extensions in The Tyning had preserved the gaps between the pairs of houses but that would not be the case with this application.
5. The above garage extension would block light from the house next door and the houses behind. The loft extension included a dormer window that would look directly onto the houses and rear gardens neighbouring properties.
6. There was a practical concern that the upper floor of the proposed development would not be viable based on the submitted drawings as there were significant floor level differentials between the house and the garage.
7. The Tyning was situated in a Conservation Area. The Conservation Character Appraisal undertaken for Widcombe noted that the unsympathetic alteration of unlisted buildings was recognised as a threat to the character of the Conservation Area and was therefore seen as undesirable.
8. The current planning application was unsympathetic to its surroundings, it was an over-development of the site that would cause overlooking and overshadowing. It could set an unfortunate precedent, resulting in a significant alteration to the conservation area.

In response to Members questions, it was confirmed:

1. In relation to overshadowing of neighbouring properties, the daylight and

sunlight study provided with the application found that the impact was negligible.

2. The issue of how the upper floor would be supported was an issue for building control rather than a planning consideration.
3. This was the first dormer extension on the side of the street, but officers were not concerned given the proposed design.
4. The floor level was set at a lower level and so it was considered to be feasible to build at the height outlined in the plans.
5. Volume calculations for the proposed development was not required as it was not situated in a green belt location.
6. In relation to the issue of setting a precedent, the committee first needed to consider whether a precedent would be set and if so, if the precedent would be harmful. The officer explained that the site had different characteristics than others nearby and that his view was that the design was sensitive and not considered to be harmful.
7. The legal officer provided a further overview of the law on precedent. It was possible for precedent to be a material consideration in the planning balance in these circumstances. The committee would first need to make a planning judgment on whether or not a precedent would actually be created. Secondly it would need to consider whether such a precedent would be harmful. It would then be for the committee to weigh it in the planning balance in the normal way along with the factors for and against the proposal. When assessing whether a precedent would be created some evidence was required as mere fear or generalised concern was not enough. However, in some situations, the facts were said to speak for themselves such that no further evidence was required. For example, if an extension was granted out the back of one property it may lead to similar applications in relation to others.
8. The dwellings in Tynning End were at a higher level than those on The Tynning.

Cllr Shelley Bromley commented that the proposed development would impact on the uniformity of the dwellings in relation to the gap between the garages but noted the side extension would be subservient to the house.

Cllr Duncan Hounsell stated that the personal circumstances of the applicant were not a planning consideration and each application needed to be considered on its merits. He reported that he was minded to support the officer's recommendation as he considered that the dormer window was relatively small and that the distance to properties in Tynning End was sufficient to address concerns about overlooking.

Cllr Lucy Hodge stated that as this application was within a conservation area this was an important consideration and proposed that a decision be deferred for a site visit to allow the committee to consider the local character and distinctiveness of the area. This was seconded by Cllr Shaun Hughes.

On voting for the motion, it was CARRIED (6 in favour and 4 against)

RESOLVED that a decision on the application be deferred pending a site visit.

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

The Committee considered the appeals report.

Cllr Jackson acknowledged the success rate of the Council in recent appeals and thanked officers. In response to a question about whether enforcement action would be pursued in relation to the structures on the Resourceful Earth site, the Deputy Head of Planning Development Management undertook to report back through the Chair of the Committee.

RESOLVED that the report be noted.

The meeting ended at 12.10 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services

BATH AND NORTH EAST SOMERSET COUNCIL

**MEMBERS OF THE PUBLIC AND REPRESENTATIVES SPEAKING AT
THE MEETING OF THE PLANNING COMMITTEE ON WEDNESDAY 21
SEPTEMBER 2022**

MAIN PLANS LIST			
ITEM NO.	SITE NAME	NAME	FOR/AGAINST
1	22/00687/REG03 Storage Yard Adjacent to Argyle Works, Lower Bristol Road, Westmoreland, Bath	Chris Beaver	For
2	22/01753/FUL 24 The Tynning, Widcombe, Bath	Dr David Sweetnam	Against
		Tim Elson	For
		Cllr Alison Born and Cllr Winston Duguid (<i>unable to attend - statement to be read out by Democratic Services Officer</i>)	Ward members

This page is intentionally left blank

BATH AND NORTH EAST SOMERSET COUNCIL

PLANNING COMMITTEE

21st September 2022

DECISIONS

Item No:	01	
Application No:	22/00687/REG03	
Site Location:	Storage Yard Adjacent To Argyle Works, Lower Bristol Road, Westmoreland, Bath	
Ward: Westmoreland	Parish: N/A	LB Grade: N/A
Application Type:	Regulation 3 Application	
Proposal:	Erection of 8 no. affordable homes and associated works, following demolition of existing building.	
Constraints:	Article 4 HMO, Colerne Airfield Buffer, Agric Land Class 3b,4,5, Air Quality Management Area, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, British Waterways Major and EIA, Policy CP9 Affordable Housing Zones, Flood Zone 2, HMO Stage 1 Test Area (Stage 2 Test Req), LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones, Tree Preservation Order,	
Applicant:	B&NES Council	
Expiry Date:	30th September 2022	
Case Officer:	Isabel Daone	

DECISION Delegate to Permit subject to additional/amended conditions. Officers have also been asked to consider the feasibility and acceptability of EV cycle parking charging points and apply a condition if officers consider it is appropriate/if such a condition would meet the six tests for conditions in the NPPF.

Item No:	02
Application No:	22/01753/FUL
Site Location:	24 The Tynning, Widcombe, Bath, Bath And North East Somerset
Ward: Widcombe And Lyncombe	Parish: N/A LB Grade: N/A
Application Type:	Full Application
Proposal:	Erection of a single-storey rear extension, a first floor extension over garage, loft conversion with pitched rear dormer, replacement of windows and doors, widening of existing driveway.
Constraints:	Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Colerne Airfield Buffer, Agricultural Land Classification, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, Policy NE3 SNCl, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,
Applicant:	Tim And Keren Elson
Expiry Date:	19th July 2022
Case Officer:	Angus Harris

DECISION Defer for site visit