

PLANNING COMMITTEE

Minutes of the Meeting held

Wednesday, 8th February, 2023, 2.00 pm

Councillors: Sally Davis (Chair for the meeting), Shelley Bromley, Lucy Hodge, Duncan Hounsell, Shaun Hughes, Dr Eleanor Jackson, Hal MacFie, Brian Simmons, Ruth Malloy (for Sue Craig) and Rob Appleyard for (Paul Crossley)

76 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

77 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Cllr Ruth Malloy was substituting for Cllr Sue Craig and Cllr Rob Appleyard was substituting for Cllr Paul Crossley.

78 DECLARATIONS OF INTEREST

There were no declarations of interest.

79 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was no urgent business.

80 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.

81 MINUTES OF THE PREVIOUS MEETING

It was moved by Cllr Brian Simmons, seconded by Cllr Duncan Hounsell and:

RESOLVED that the minutes of the meeting held on Wednesday 14 December 2022 be confirmed as a correct record and signed by the Chair.

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

There were no site visit applications for consideration.

83 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 an update report in relation to items 1, 2 and 3 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: 22/01124/FUL

Site Location: Former Purnell Factory North View Development Site, Oxleaze Way, Paulton, Bristol, Bath and North East Somerset

The Case Officer introduced the report which assessed an application for a residential development of 72 dwellings; vehicular, pedestrian and cycle access; landscaping and other associated ancillary works.

He gave a verbal update on behalf of highways authority as summarised below:

1. The highways authority was aware of correspondence on behalf of the applicant which suggested the works to the roundabout would start on 20 February 2023 and would be completed by 28 July 2023, however the agreement had not yet been signed and no work could be carried out until the legal agreement was signed and sealed.
2. The highways authority did not support the removal of the Grampian conditions and considered the conditions to be essential to ensure the delivery of the roundabout before the construction of the proposed development. The highways authority could not guarantee that the roundabout would be delivered without the conditions.
3. The roundabout was part of the current scheme which had been assessed by highways officers. If the developer wished to remove the roundabout from the scheme this would necessitate the submission of a new planning application which would be considered on its merits.

He reported that outline planning permission had been granted for a mixed-use site in 2010 including a continuing care retirement community, but there was a lack of demand for this use over an extended period and the site had been reallocated for housing as part of the Local Plan Partial Update (LPPU).

In relation to affordable housing, the Case Officer confirmed that 2 scenarios would be covered in the heads of terms:

Scenario A - 100% provision: dependent on grant funding from Homes England.

Scenario B – 30% provision: fallback provision on the basis of a nil grant.

He confirmed the recommendation that officers be delegated to permit the application subject to:

1. No new issues arising from the application being advertised as a departure from planning policy.
2. The completion of Section 106 Agreement to cover the 8 heads of terms set

out in the report.

3. The conditions set out in the report.

The following public representations were received:

1. Cllr Liz Hardman speaking on behalf of Paulton Parish Council.
2. Dan Trundle, agent, speaking in support of the application.

Cllr Liz Hardman in attendance as local ward member raised concerns about the proposed development as follows:

1. She acknowledged that the LPPU had reallocated the site for housing but believed the original allocation for mixed use was more appropriate.
2. The number of additional homes was disproportionate for Paulton and would put additional pressure on overstretched infrastructure such as GPs and dentists. In contrary to NPPF, there were insufficient school places for early years and Year 7 places were predicted to be unavailable in 2026 while local primary schools were at capacity.
3. Parking proposals were not sufficient to meet demand. The Transport Plan did not address the problems which would arise from there only being one route in and out of Oxleaze Way.
4. There was no evidence that there was not a demand for a care home and there was a number of patients in the RUH waiting for care home places.
5. The roundabout should have been constructed as part of the Section 106 agreement associated with the 2010 planning permission.
3. The nursery was planned to be delivered in 2015 but had still not been built.
4. Almost 100 local residents had objected to the development.

In response to Members' questions, it was confirmed:

1. The application had been assessed against the LPPU which was adopted by Council in January 2023 and did not comply with requirements to submit details relating to embodied carbon and sustainable construction. As the site was vacant, it was likely to comply with the embodied carbon policy.
2. The application had been assessed on its merits and was considered to be acceptable. It was also a consideration that the application was submitted in April 2022 which was in advance of the LPPU being adopted.
3. There was no policy limiting the percentage of affordable housing on one site although integrated sites would be encouraged where appropriate. A policy requiring integration could exclude social housing on some sites.
4. If the lower percentage of affordable housing (30%) was to be delivered, this would not affect the design and size of the other housing. The Section 106 Agreement would cover both scenarios allowing the 100% affordable housing if grant funding was secured and 30% if not. 30% affordable housing complied with policy. There was a risk that 100% would not be delivered with the Grampian conditions but planning and transport officers believed the conditions were necessary to secure delivery of the roundabout and nursery.
5. Following the 2010 planning permission, only the residential part of the application had been delivered. There was planning permission for the nursery which had not yet been built.
6. The Section 106 Agreement would secure the delivery of both the roundabout and nursery. In relation to the roundabout, negotiations were ongoing between highways and landowner but had not progressed enough for the planning authority to have certainty without the Grampian condition as the legal agreements had not been signed or completed. It was difficult to predict

whether the agreement could be signed within a couple of weeks or if it would take longer to secure. In relation to the nursery, there was evidence that negotiations were taking place, but were not advanced enough for the application to be permitted without a condition.

7. The transport assessment had not taken into account what may happen if bus services were withdrawn in the future as a judgement could only be made on the current situation.
8. The site was brownfield as it was a former printing works and there was a condition relating to land contamination.
9. If a material consideration arose as a result of the application being advertised as a departure, the application may need to come back to committee for consideration.
10. The outline planning permission and current application were submitted in advance of the LPPU. If Members were minded to refuse the application as non-compliant with the new LPPU and, it was difficult to predict the outcome of an appeal.

Cllr Eleanor Jackson stated that she was minded to refuse the application in light of the current uncertainties around the percentage of affordable homes to be delivered and the delivery of the roundabout and nursery. She also disputed the marketing report relating to the care home and stated that there was a need for this type of development. The Team Manager (Development Management) responded that as the site was now allocated for residential development in the LPPU, the argument relating to the care home was not defensible at appeal and could result in costs being awarded against the Council.

Cllr Duncan Hounsell proposed that consideration of the application be deferred on the grounds that:

1. the application did not currently demonstrate compliance with LPPU in relation to embodied carbon and sustainable construction and a further report could address this in more detail.
2. To allow more time for the agreement in relation to the roundabout to be secured.

Cllr Shaun Hughes seconded the proposal to defer to allow the opportunity for greater clarity regarding the percentage of affordable homes and the agreement to secure the delivery of the roundabout and nursery.

Cllr Shelley Bromley spoke in support of the proposal to defer the application.

Cllr Sally Davis asked for clarity of the timescale for a deferral, and it was agreed that two months would be an appropriate timescale with the application coming back to the meeting scheduled for 26 April.

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

RESOLVED that consideration of the application be deferred until the 26 April meeting to allow more time for the agreements in relation to the nursery and roundabout to be secured and the percentage of affordable housing to be confirmed and also to consider whether the application was compliant in relation to LPPU policies.

Item No. 2 Application No: 22/02863/FUL

Site Location: Mill Barn, Millards Hill, Welton, Midsomer Norton, Bath and North East Somerset

The Case Officer introduced the report which assessed an application for the erection of a new external classroom consisting of natural rendered clay bricks to form a landscaping wall, pizza oven & rainwater collection with arrayed valleyed roof.

She gave a verbal update to address concerns raised about outdated information in the transport statement regarding the removal of the bus service and introduction of a 20 mph and stated that this information had been assessed and was not considered to have a material impact.

She confirmed the recommendation that the application be approved subject to the conditions set out in the report.

The following public representations were received:

1. Mr & Mrs Fisher, Mr & Mrs Weeks, Mr & Mrs Kozlowski, Mr & Mrs Wize, Mr & Mrs Grant local residents submitted a statement against the application which was read in their absence.
2. Charlotte Lucas, applicant, speaking in support of the application.

In response to Members questions, it was confirmed:

1. The distance between the application site and other schools with forest school provision were as follows: Longvernal Primary School: 1.5m Welton Primary School: 0.6m Midsomer Norton Primary School: 0.7m and St Johns Primary School: 1.1m.
2. There was parking provision on site which was considered to be acceptable to the scale of the development.
3. There was a lockable gate on the perimeter of the footpath.
4. The classroom would be a permanent structure which would allow the nursery to expand. There was no specific evidence provided to demonstrate that the development would serve 8 additional pupils and 2 extra members of staff.
5. The officer assessment was that the works would cause less than substantial harm to the character of the Conservation Area and the setting of the listed buildings. The historic farmstead had been harmed by the erection of the large modern barn.
6. There had been a retrospective planning application submitted relating to the variation of a condition on the same site, but this did not have a material impact on this application.

Cllr Shaun Hughes led the debate as local ward member. He stated that there was a need for balance between the community asset provided by the nursery and the impact on the surrounding neighbours and proposed that a decision be deferred pending a visit to the site to assist Members in assessing the application. This was seconded by Cllr Eleanor Jackson.

Cllr Lucy Hodge asked that officers provide further information on the following:

1. The curtilage of the listed buildings.

2. Whether the nursery school took a higher proportion of students with special education needs and disabilities (SEND).

On being put to the vote the motion was CARRIED (6 in favour, 2 against and 2 abstentions).

RESOLVED that a decision be deferred pending a visit to the site.

Item No. 3 Application No: 22/03945/FUL

Site Location: 9 Gainsborough Road, Keynsham, Bristol, Bath and North East Somerset

The Case Officer introduced the report which assessed an application for the erection of a front extension on a two-storey semi-detached dwelling.

She confirmed the recommendation that the application be approved subject to the conditions set out in the report.

In response to Members questions, it was confirmed:

1. There was a similar extension in an adjacent road but not in Gainsborough Road. The similar extension did not set a precedent in a legal sense as each application needed to be judged on its merits, but it was a consideration.
2. The impact on the neighbouring property had been considered but in view of the fact it was north facing and of modest depth, the impact would not warrant refusal.
3. As to whether the applicant could have erected a fence without planning permission which could impact on light to neighbouring properties, this could be the case unless there was a covenant in the area restricting the erection of boundary fences.
4. In response to Keynsham Town Council's objection about the impact on the street scene, there were 4 sets of semi-detached properties of a similar design on that side of Gainsborough Road, and one of the properties had erected a conservatory style extension to the front of the house.
5. The proposed finish would be brick.
6. Given the scale of the proposed works it was not considered reasonable or necessary to impose conditions about the construction process in this case.

Cllr Hal MacFie opened the debate as local ward member. He confirmed he had visited the site and had concluded that although there would be some light reduction to the neighbouring property, this would cause less than significant harm. He moved the officer recommendation that the application be permitted. Cllr Duncan Hounsell concurred with this view and seconded the motion.

Cllr Shaun Hughes expressed concern about the loss of view from the neighbouring property. Cllr Ruth Malloy raised the concern expressed by Keynsham Town Council about the impact on the street scene.

On being put to the vote the motion was CARRIED (6 in favour and 4 against).

RESOLVED that the application be permitted subject to the conditions set out in the report.

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

Cllr Duncan Hounsell asked for an update on costs in relation to the application for an anaerobic digester facility which had been refused by Committee and referred to appeal before being withdrawn by the appellant. The Team Manager (Development Management) advised that the Council's costs had been calculated and submitted to the appellant, but a response had not yet been received.

RESOLVED that the report be noted.

85 **PLANNING PERFORMANCE REPORT: OCTOBER - DECEMBER 2022**

In response to a question about an Ombudsman complaint, the Team Manager (Development Management) undertook to provide the details to Cllr Eleanor Jackson after the meeting.

Cllr Duncan Hounsell asked if future reports could contain a breakdown of enforcement investigations to detail whether cases had been closed due to successful enforcement action being taken or for another reason. He also expressed concern about the increasing number of open cases. The Team Manager (Development Management) responded that recent staff vacancies within the Enforcement Section had now been filled and this would have a positive impact on progressing enforcement investigations.

Cllr Eleanor Jackson thanked the Enforcement Team for their recent action in preventing a historic wall from being demolished.

In response to a question about why the number of Chair's referrals to Planning Committee had decreased, Cllr Sally Davis confirmed that there were an increasing number of applications that were policy compliant. She also reminded Members to ensure that they submitted their requests for an application to be referred to Committee in good time to enable the Chair and Vice-Chair to make a recommendation.

Members suggested that residents be given more notice of when applications were due to be considered by the Committee to allow them to make arrangements to attend meetings.

RESOLVED that the report be noted.

The meeting ended at 4.30 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 PLANNING COMMITTEE ON WEDNESDAY 8 FEBRUARY 2023**

MAIN APPLICATION LIST			
ITEM NO.	SITE NAME	NAME	FOR/AGAINST
1	22/01124/FUL - Former Purnell Factory North View Development Site, Oxleaze Way, Paulton, Bristol, Bath and North East Somerset	Cllr Liz Hardman	Parish Council
		Dan Trundle, agent	For
		Cllr Liz Hardman	Ward Member
2	22/02863/FUL - Mill Barn, Millards Hill, Welton, Midsomer Norton, Bath and North East Somerset	Mr & Mrs Fisher Mr & Mrs Weeks Mr & Mrs Kozlowski Mr & Mrs Wize Mr & Mrs Grant <i>Statement to be read in absence</i>	Against
		Charlotte Lucas, applicant	For
3	22/03945/FUL - 9 Gainsborough Road, Keynsham, Bristol, Bath and North East Somerset	No speakers	

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BATH AND NORTH EAST SOMERSET COUNCIL

PLANNING COMMITTEE

8th February 2023

DECISIONS

Item No:	01	
Application No:	22/01124/FUL	
Site Location:	Former Purnell Factory North View Development Site, Oxleaze Way, Paulton, Bristol	
Ward: Paulton	Parish: Paulton	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Residential development of 72 no. dwellings (Use Class C3); vehicular, pedestrian and cycle access from Oxleaze Way, pedestrian access from Caxton Close; landscaping and other associated ancillary works	
Constraints:	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Contaminated Land, Policy CP9 Affordable Housing Zones, Policy GDS1 Site Allocations, Housing Development Boundary, Policy M1 Minerals Safeguarding Area, SSSI - Impact Risk Zones,	
Applicant:	ENGIE Regeneration Ltd And LiveWest Homes Ltd	
Expiry Date:	10th February 2023	
Case Officer:	David MacFadyen	

DECISION Deferred. Reason: To further progress and secure delivery of offsite highway works and early years nursery in light of impact of recommended planning conditions to affordable housing grant funding. Issues also identified in relation to compliance with Local Plan Partial Update Policies SCR6 (Sustainable Construction Policy for New Build Residential Development) and SCR8 (Embodied Carbon) and need to advertise application not in accordance with the development plan. Application deferred to return to 26th April 2023 Planning Committee meeting

Item No:	02
Application No:	22/02863/FUL
Site Location:	Mill Barn, Millards Hill, Welton, Midsomer Norton
Ward: Midsomer Norton North	Parish: Midsomer Norton LB Grade: II
Application Type:	Full Application
Proposal:	Erection of a new external classroom; consisting of natural rendered clay bricks to form landscaping wall, pizza oven & rainwater collection with arrayed valleyed roof.
Constraints:	Agric Land Class 3b,4,5, Coal - Standing Advice Area, Conservation Area, Contaminated Land, Policy CP9 Affordable Housing Zones, Policy NE1 Green Infrastructure Network, Neighbourhood Plan, SSSI - Impact Risk Zones,
Applicant:	Free Rangers
Expiry Date:	10th February 2023
Case Officer:	Danielle Milsom

DECISION Defer for site visit.

Item No:	03		
Application No:	22/03945/FUL		
Site Location:	9 Gainsborough Road, Keynsham, Bristol, Bath And North East Somerset		
Ward:	Keynsham East	Parish:	N/A
		LB Grade:	N/A
Application Type:	Full Application		
Proposal:	Proposed Front Extension		
Constraints:	Saltford Airfield 3km buffer, Agricultural Land Classification, Neighbourhood Plan, SSSI - Impact Risk Zones,		
Applicant:	Mr Andrew Shaw		
Expiry Date:	9th February 2023		
Case Officer:	Paige Moseley		

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 Materials (Compliance)

All external walling and roofing materials to be used shall match those of the existing building in respect of type, size, colour, pointing, coursing, jointing, profile and texture..

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies D1, D2, D3 and D5 of the Bath and North East Somerset Placemaking Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

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:

GAI9/22/001 SITE LOCATION AND BLOCK PLANS

GAI9/22/101 PROPOSED ELEVATIONS

GAI9/22/51 PROPOSED GROUND FLOOR PLAN

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.

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.

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.