

## **DEVELOPMENT MANAGEMENT COMMITTEE**

### **Minutes of the Meeting held**

Wednesday, 1st August, 2018, 2.00 pm

**Councillors:** Sally Davis (Chair), Patrick Anketell-Jones (Reserve) (in place of Les Kew), Jasper Becker, Neil Butters (Reserve) (in place of Rob Appleyard), Paul Crossley, Matthew Davies, Eleanor Jackson, Bryan Organ, Will Sandry (Reserve) (in place of Caroline Roberts) and Brian Simmons (Reserve) (in place of David Veale)

#### **22 EMERGENCY EVACUATION PROCEDURE**

The Democratic Services Officer read out the emergency evacuation procedure.

#### **23 ELECTION OF VICE CHAIRMAN (IF DESIRED)**

A Vice Chairman was not required on this occasion.

#### **24 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were received from:

Cllr Rob Appleyard – substitute Cllr Neil Butters  
Cllr Les Kew – substitute Cllr Patrick Anketell-Jones  
Cllr Caroline Roberts – substitute Cllr Will Sandry  
Cllr David Veale – substitute Cllr Brian Simmons

#### **25 DECLARATIONS OF INTEREST**

There were no declarations of interest.

#### **26 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN**

There was no urgent business.

#### **27 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.

#### **28 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS**

There were no items from Councillors or Co-Opted Members.

## 29 **MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 4 July 2018 were confirmed and signed as a correct record subject to the following amendment:

Item No. 1 – Application No. 18/0185/FUL – paragraph 6

Amend the second sentence to read “He stated that although the Parish Council had voted to oppose the application, fewer than half had so voted”.

## 30 **SITE VISIT LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE**

The Committee considered:

- A report by the Group Manager (Development Management) on various planning applications.
- An update report by the Group Manager (Development Management) 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 Committee's 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. 18/00356/FUL**

**Site Location: Curbar Edge, 2 Rowlands Close, Bathford, Bath, BA1 7TZ – Roof change to create habitable space with 4 bedrooms incorporating rear dormer structure, front single storey extension and landscaping including engineering works to the rear garden**

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

A local resident spoke against the application.

The applicant spoke in favour of the application.

Cllr Martin Veal, local ward member, spoke against the application. He stated that all three local ward members opposed the proposal which was not in keeping with the area. He stated that the design was inappropriate and was overbearing; there were also concerns about the height of the building and the potential for overlooking of neighbouring properties. He pointed out that the removal of ponds and trees had caused ecological harm.

The Case Officer responded to questions as follows:

- The site was not in a Conservation Area.

- The increase in the height of the roof was 1.5m.
- The existing garage would remain in its current location.

Cllr Becker stated that although he could understand the concerns of local residents he did not feel that there were sufficient planning grounds to refuse the application. He moved the officer recommendation to permit. This was seconded by Cllr Crossley.

The motion was then put to the vote and it was RESOLVED by 7 votes in favour and 3 abstentions to PERMIT the application subject to the conditions set out in the report.

## 31 **MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE**

The Committee considered:

- A report by the Group Manager (Development Management) on various planning applications.
- An update report by the Group Manager (Development Management) on items 1, 3, 4 and 5 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 4* to these minutes.

### **Item No. 1**

**Application No: 18/00058/ERE03**

**Site Location: Bath Quays North Development Site, Avon Street, Bath – Outline planning application for comprehensive mixed use redevelopment, comprising B1, C1, C3, A1, A3, A4, A5, D1 and D2 uses, with total combined floorspace of up to 38,000sqm (GIA, above ground), infrastructure (including basement car park) and associated development, including demolition of existing multi storey car park and amenity building. Access, landscaping, layout and scale for approval (to extent described in separate Development Specification), all other matters reserved**

The Case Officer reported on the application and his recommendation for approval. He informed members that there had been no objection from Natural England subject to certain conditions being required. The existing number of parking spaces on the site was 639 not 693 as stated in the report. The application had been amended to omit any A5 (hot food takeaway) floorspace. There were also some minor amendments to the conditions and the recommendation was to delegate to permit the application.

A representative from South West Transport Network spoke against the application.

The applicant spoke in favour of the application.

The Case Officer then responded to questions from members as follows:

- Coach parking would be provided at the Odd Down park and ride site and this would be in place prior to the closure of the Avon Street coach park. Drop off facilities would still be available in the town centre.
- The land valuation was based on the capitalised income stream. The 20% premium was considered to be appropriate to act as an incentive to developers and was in line with government guidance.
- The cost of the car parking spaces included provision for subterranean structures which had increased the cost per space. There was a requirement to provide car parking within the development and ground level parking would increase building heights.
- The applicant had submitted a financial appraisal to substantiate their assertion that, based on the costs and values of the development, the scheme was not viable and would be unable to support any affordable homes. Affordable housing could still be delivered via a grant process but this was not a material consideration. Whilst the lack of affordable housing within the scheme was regrettable the Council's key aim was to provide office and employment space in the city centre.
- CIL (Community Infrastructure Levy) would apply to some parts of the development, although office space was not subject to a CIL contribution. The total amount of CIL provided would depend on the final mix in the scheme.
- The existing public toilets in Avon Street would be demolished but there may be new facilities within the redevelopment.
- The Environment Agency had raised no objections to the application subject to conditions being in place to include a flood evacuation plan. The plinth would also be raised up to avoid the flood zone.
- There would be up to 270 dwellings within the development and even if the maximum were provided the site would still not be viable. Full details of the residential part of the development would come forward as part of the reserved matters application. This was likely to comprise a range of building heights in line with the parameter plans and design codes.
- The development has the potential to create a significant number of full time equivalent job opportunities within the South West economy and the B&NES area. Full details were set out in the report.

Cllr Crossley moved that consideration of the application be deferred pending a site visit and workshop session with officers. He stated that this was a very important application and many questions remained unanswered. It would be helpful to view the various different areas of the site and visualise how the development might look. He also believed that further discussion was required around the viability assessment due to the non-provision of affordable housing.

Cllr Jackson seconded the motion. She was concerned at the number of concerns put forward by officers that the application was not acceptable in its current form, as set out on pages 50 and 51 of the report. She also stated that the design should be more dynamic and was concerned at the lack of social housing.

The Group Manager, Development Management, stated that he did not feel a site visit was necessary as members were familiar with the site and specific questions

were being, and could be answered, at the meeting. He confirmed that the viability appraisal had been scrutinised by independent experts and officers were satisfied with this review. The application was in line with design codes and the Placemaking Plan.

Cllr Matthew Davies felt that a site visit was unnecessary and pointed out that the application was only at the outline stage and that a more detailed application would come forward for consideration by the Committee in due course.

Cllr Becker stated that he could not support the proposal for a site visit. If the Council wanted to attract jobs to Bath then the right type of office space was required in the right location. It was necessary to cross subsidise the provision of office space by residential development and more high value jobs were required in the area. He felt that deferral would not shed any more light on the application and that the Committee should seize the opportunity to provide this much needed development.

Cllr Sandry supported the proposal for a site visit as it would help members to view the site in the context of the plans submitted. There were considerations such as the view from the surrounding area and the impact on adjacent Georgian buildings. It was important to pause and reflect on this type of application, particularly in light of the lack of affordable housing provision.

Cllr Anketell-Jones felt that the site would never be viable unless the height of the buildings was significantly increased. He felt that the officer report provided sufficient information on which to make an informed decision.

Cllr Butters supported the provision of more office accommodation in Bath but shared the concerns regarding the number of senior officers who had put forward concerns about the application such as the Urban Design and Landscape Officers.

The motion was put to the vote and there were 4 votes in favour and 6 votes against. The motion was therefore LOST.

Cllr Becker then moved that the Committee delegate to permit the application with amendments. He noted that there was flexibility in the proposals but that the general principle regarding the unviability of the site remained. It was important for the local economy to move away from its dependence on retail, food and tourism. The current site needed regeneration. The roof heights were acceptable. He understood the concerns regarding the lack of affordable housing but felt that this could be dealt with in an alternative way. However, he had concerns regarding the design codes and guidance and felt that more control should be taken in this area. He proposed that the Committee agree that the design principles should follow those in the Placemaking Plan and should recognise the homogeneity of the heritage of Georgian Bath.

The Group Manger, Development Management, explained that the Placemaking Plan required the scheme to respond positively to adjacent buildings and the wider context of Bath. The design code dealt with design principles but not architectural style. Design detail would be difficult to pin down at this stage and would be addressed through the reserved matters submissions. He advised that the existing level of control over the design was sufficient.

The Case Officer explained that the design codes had been prepared with the Georgian city in mind although they did not specify exactly what the development should look like. An informative requiring the developer to have regard to the Placemaking Plan allocation and the homogeneity of Georgian Bath could be added. Cllr Becker agreed to this suggestion.

Cllr Matthew Davies seconded the motion. He noted that if the development were to become viable in the future then affordable housing could still be provided.

Cllr Crossley spoke against the motion. He was supportive of new development but felt that more work was required on this proposal. There were wide parameters for the development and he was concerned at the lack of affordable housing on a Council owned site. He also had concerns regarding the viability assessment and felt that the provision of up to 270 dwellings with no affordable housing was unacceptable. Overall he felt that the scheme was premature and would not be advantageous for the long term future of Bath.

Cllr Sandry stated that the office space within the proposal could end up being squeezed out by the provision of luxury apartments. The location was perfect for office accommodation being so close to the bus and train stations.

Cllr Anketell-Jones noted that the site could become a vibrant business quarter for Bath providing high value jobs. It was important not to dilute the vision for the site. Office space in Bath had been lost in the past and this would also offer the opportunity for people to live sustainably in the city centre. City centres were changing due to developments in digital technology leading to less retail and more housing developments. This proposal provided the right mix of vision and flexibility.

The motion was then put to the vote and it was RESOLVED by 6 votes in favour and 4 against to DELEGATE TO PERMIT the application subject to conditions, a planning obligation to secure future viability reviews to secure affordable housing where possible, and the inclusion of an informative requiring the detailed design to respect and complement the architectural character of Georgian Bath and its surroundings.

## **Item No. 2**

### **Application No. 17/05597/FUL**

**Site Location: Ryman Engineering Services, Frome Road, Radstock, BA3 3PY – Demolition of existing building and redevelopment of the site for residential purposes involving the erection of 10 units and associated infrastructure including parking and private gardens**

The Case Officer reported on the application and his recommendation for refusal. He gave the following updates:

- An email of support had been received from the Norton Radstock Regeneration Company.
- The revised NPPF had been published on 24 July 2018. References in the Committee report to the NPPF should be amended as follows – page 90 reference to “Paragraph 135” should now read “Paragraph 197”. Page 94 reference to “Paragraphs 186 and 187” should now read “Paragraph 38”.

- The revised NPPF states that if the highways impact is unacceptable an application should be refused (previously this stated that an application should be refused if the highways impact was severe).

A member of Radstock Town Council spoke in favour of the application.

The applicant and agent spoke in favour of the application.

A statement was read out on behalf of Cllr Chris Dando, local ward member, in support of the application. He pointed out that the Ryman's Engineering Works was now located in an increasingly residential setting and was out of place. The current premises were no longer fit for purpose. The proposed scheme would provide affordable housing in the town and would be more in keeping with the location and Conservation Area. Concerns raised could be addressed through conditions.

The Case Officer then responded to questions as follows:

- The Coal Authority had provided some comments regarding one of the mine shafts which were read out at the meeting. Members were advised that the shaft had been filled in 1974 with pit muck and capped by British Coal to an unknown specification. An additional cap had since been added but this was also to an unknown specification. In 1999 the shaft was inspected and this showed that the fill had slumped by 60-70m; the private owners were responsible for its filling. There were no further records held by the Coal Authority in respect of further treatment. There were no records regarding the other mine shaft.
- The Case Officer advised that intrusive investigation of the two mine shafts was required in advance of the application being determined. It was advised that resolution of this matter could not be dealt with by condition as the findings of the investigation could have fundamental implications for the scheme – such as a change in layout or reduction in the number of units for example. It was unclear at this stage what mitigation may be necessary (if any).
- Similarly it was advised by the Case Officer that conditions could not effectively be used to resolve the light spill/ecological issue because it may be that a revised layout and/or orientation of the building(s) was necessary to reduce light spill to an acceptable level. He also advised that a resolution of this issue during the course of the application may well have been reached had there not been fundamental highway and ecological concerns.

The Group Manager, Development Management, made the following comments:

- The underground conditions of the site were a material consideration. The applicant should be requested to come back when the appropriate assessments have taken place.
- The ecology concerns were around the presence of both Lesser and Greater Horseshoe bats which were a protected species under European law. There could be a solution but without a survey this was unclear.

The Highways Officer explained that the original highways consultant had felt that action could be taken to make the application acceptable. However, this would involve having to advertise to change the speed limit. The point of access was currently unclear as it differed from plan to plan. There could be a solution to the highways concerns but no further plans to address these issues had been submitted. As the application stands there were safety concerns.

Cllr Jackson stated that the site was a strategic site in Radstock which was crying out for development. It was a brownfield site which should be prioritised despite its interesting ecology. The proposal would conserve and enhance the area and affordable housing was also desperately needed. The entrance to the site was substandard and there was no need for more offices and shops in the town centre at present. The location was sustainable being close to bus stops and shops. The Chair of Norton Radstock Regeneration Company, the Radstock Action Group and Radstock Town Council all supported this application. Many of the developments in Radstock were situated on top of mines or near mine shafts and this would be no different.

Cllr Jackson then moved that the Committee delegate to permit the application with strong conditions including:

- A satisfactory plan for re-engineering of the road access and perhaps a warning sign “concealed access”.
- Ecological mitigation (dealing with light spill issues)
- A thorough satisfactory “intrusive” mining report with mitigation measures/way forward to be agreed with the Local Planning Authority.

Cllr Sandry seconded the motion as he did not feel that the Coal Authority response warranted concern, he considered the slumping of the fill to be beneficial in terms of the stability of the shaft, although an intrusive survey would be helpful. Despite some concerns regarding transport and access this was already a site access.

Cllr Becker supported the building of houses on the site but felt that the current application should be rejected until the applicant has addressed the issues raised relating to the mines, bats and access.

Cllr Anketell-Jones asked whether the Council would be legally liable if there were to be a shaft collapse/future ground instability. He was advised by the Group Manager, Development Management, that the Council would not be liable and that any future subsidence or other issues relating to the mines would be the responsibility of the landowner but that it was correct for members to consider whether they were satisfied that the risk of development had been properly considered.

The Group Manager, Development Management, pointed out that full details were not yet known regarding the ecology and mining concerns. More work should be carried out to ascertain the best way to safeguard the rare bats in this area.

Following further advice from the Case Officer, the Highways Officer and Group Manager, Development Management, Cllr Jackson accepted and Cllr Sandry seconded that it be moved that the Committee delegate to permit the application with

strong conditions including:

- Securing the access as shown on the current plans
- Securing the delivery of any necessary ecological surveys and appropriate/necessary mitigation prior to any development taking place
- Securing intrusive ground investigations at the site prior to any development taking place together with any necessary mitigation identified.

The motion was put to the vote and it was RESOLVED by 6 votes in favour and 4 votes against to DELEGATE TO PERMIT the application subject to conditions.

### **Item No. 3**

#### **Application No. 18/00179/FUL**

#### **Site Location: The Copse, Bannerdown Road, Batheaston, Bath – Erection of 5 dwellings with access and associated works following demolition of existing dwelling**

The Case Officer reported on the application and his recommendation to permit. He informed the Committee that he had received one further objection from a local resident regarding overlooking and the effectiveness of the proposed management company.

A representative from the local Residents' Group spoke against the application.

The agent spoke in favour of the application.

Cllr Martin Veal, local ward member, spoke against the application. He congratulated the architect and agent for the way in which they had engaged with local residents. However, he expressed concern regarding the overlooking of properties in West View Road and the subsequent invasion of privacy. He also raised issues relating to the slope of the land on the site, non compliance with the NPPF, tree maintenance, the Management Company and insufficient car parking spaces.

The Case Officer responded to queries as follows:

- There was surface water drainage on the site.
- Condition 9 required that no occupation of the development site shall commence until details of a management company were submitted.
- The concerns re overlooking had been considered and the distances between the majority of the properties were over 21m. There was also a laurel hedge along the site boundary.
- The development comprised a mix of flat and pitched roofs.

Cllr Becker moved the officer recommendation to permit. He felt that this was a good scheme and that the conditions proposed would deal with the concerns raised by the objectors.

Cllr Crossley seconded the motion and stated that, on balance, he felt that the issues relating to overlooking and water flows had been addressed.

Cllr Jackson expressed concerns regarding environmental issues on the site including the maintenance of the trees.

The motion was put to the vote and it was RESOLVED by 9 votes in favour and 1 against to PERMIT the application subject to the conditions set out in the report.

**Item No. 4**

**Application No. 18/01510/LBA**

**Site Location: 31 Sion Hill, Lansdown, Bath, BA1 2UW – Internal and external alterations to insert pair of new windows to ground floor of rear elevation and new joinery details to existing rear doors**

The Case Officer reported on the application and her recommendation for refusal.

The applicant spoke in favour of the application.

Cllr Anthony Clarke, local ward member, spoke in favour of the application. Whilst he agreed with protecting heritage buildings he felt that it was important for houses to adapt, provided this was not detrimental to the building. He did not feel that this application would be harmful and noted the applicants' wish to gain more light in their main living area.

*(Note: At this point Cllr Organ left the meeting)*

The Case Officer responded to questions as follows:

- There were a large variety of designs in this area but none exactly like the proposal as far as she was aware.
- Changes to a listed building can still be considered harmful even if people were unable to see them.

Cllr Anketell-Jones, local ward member, stated that he supported the comments made by Cllr Clarke. He noted that the additional windows were required for practical purposes to illuminate the interior of the property.

*(Note: At this point Cllr Organ returned to the meeting. He was unable to vote on this application as he had not been present for the whole of the discussion on this item).*

Cllr Crossley stressed the need for period properties to meet the needs of the residents who currently live in them. A window had already been added to the rear façade and he did not feel that the proposal would damage the building. It reflected the changing requirements for modern living and would ultimately protect the building and its long term maintenance which amounted to a public benefit. He moved that the Committee delegate to permit the application. This was seconded by Cllr Matthew Davies.

Cllr Becker supported the motion stating that the new windows would not be visible from the street as they were at the rear of the property.

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

**Item No. 5**

**Application No. 18/02224/FUL**

**Site Location: 146 Wellsway, Bath, BA2 4SE – Provision of rear parking area for 1 vehicle**

The Case Officer reported on the application and the recommendation for refusal.

Cllr Michael Norton, local ward member, spoke in favour of the application. He stated that the benefit of this application to the resident outweighed any negative impact. The wall was already breached in some parts and removing a car from the public highway was of benefit to the area. There was no objection from local residents. The wall was a retaining structure rather than a historical feature.

The Case Officer responded to questions as follows:

- The proposed parking space would comprise a hardstanding area with a retaining wall to the rear. No gates were shown on the plans.
- A similar application had been refused in April 2013.
- The public parking layby area would be reduced in length if the application were approved. One smaller parking space would still be available.
- No concerns had been raised regarding the loss of trees or hedgerows.
- There would be harm to the Conservation Area.
- The stonework could be reused where possible but this would require negotiation with the applicant.

The Group Manager, Development Management, pointed out that the existing breaches in the wall were predominantly for garages and that part of the wall had been retained. This application would breach the full height of the wall which more typically took place only in small pedestrian accesses.

Cllr Jackson stated that the application was contrary to policy and would not preserve or enhance the Conservation Area. The wall was retaining and historic and should be preserved. The application would also result in the loss of a public parking space. She moved the officer recommendation for refusal.

Cllr Crossley seconded the motion noting that this was a long wall with a substantial visual presence which was a feature in this location.

Cllr Anketell-Jones felt that the wall was characteristic of the area and that the open space which would be created would result in a brutal appearance.

The motion was put to the vote and it was RESOLVED by 9 votes in favour and 1 abstention to REFUSE the application for the reasons set out in the report.

**32 QUARTERLY PERFORMANCE REPORT - APRIL TO JUNE 2018**

The Committee considered the quarterly performance report for the period April to June 2018. Cllr Crossley congratulated the Committee on its excellent service to the public and consistently high standards. He also praised the Chair for the excellent

way she dealt with the Committee and the fairness she showed to all members.

The Group Manager, Development Management, responded to questions as follows:

- There was no clear reason why B&NES had a 2% rise in planning application numbers when the national trend was for a 3% decrease.
- Future reports would show the costs awarded to the Council as well as those awarded against.
- Workloads for planning officers were relatively high and there were currently 2 vacancies within the team.
- He agreed that ward councillors should be informed of any judicial reviews of planning applications within their area.

RESOLVED to note the quarterly performance report.

33 **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 6.15 pm

Chair .....

Date Confirmed and Signed .....

Prepared by Democratic Services