

DEVELOPMENT MANAGEMENT COMMITTEE

Minutes of the Meeting held

Wednesday, 13th March, 2019, 2.00 pm

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

110 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

111 ELECTION OF VICE CHAIRMAN (IF DESIRED)

A Vice Chairman was not required on this occasion.

112 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from:

Cllr Caroline Roberts – substitute Cllr Will Sandry
Cllr David Veale – substitute Cllr Patrick Anketell-Jones

113 DECLARATIONS OF INTEREST

There were no declarations of interest.

114 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was no urgent business.

115 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.

116 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

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

117 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 13 February 2019 were confirmed and signed as a correct record.

118 **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 3 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.18/03797/FUL

Site Location: Chivers House, Windsor Bridge Road, Twerton, Bath, BA2 3DT – Demolition of existing building and redevelopment of the site to provide 95 dwellings across two separate buildings. External works including hard and soft landscaping and site clearance works with land set aside for the future facilitation of a Sustainable Transport Route. Proposed vehicular access to Windsor Bridge Road and provision of 24 vehicular parking spaces and cycle parking

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

- There are 24 car parking spaces rather than the 26 specified in the report.
- The permission for other uses which is referred to under the relevant planning history section of the report lapsed in January 2019.
- The site is not located in a Conservation Area but is adjacent to one. Therefore the duty to pay special attention to the preservation of enhancement of the character or appearance of the surrounding conservation area referred to on page 33 of the report does not apply in this case.

A representative from the Bath Preservation Trust spoke against the application.

The Agent, Architect and a representative from the Two Tunnels Group spoke in favour of the application.

The Case Officer then responded to questions as follows:

- Although the planning policies state that loss of employment space should be prevented policies also support the use of this type of space for housing. This required a balance to be struck and refusal on the grounds of loss of an industrial site would not be justified in this instance.
- The provision of 24 parking spaces was well below policy requirements as 63 spaces would be needed to meet the specified parking standard. There was no indication as to how the 24 spaces would be allocated.

- The policy specified that parking requirements were:
 - 1 bedroom properties - 1 parking space
 - 2-3 bedroom properties – 2 parking spaces
 - 4 bedroom or more properties - 3 spaces
 - 0.2 of a parking space for visitors.
- The parking space for electric vehicles was included within the overall number of 24.
- There were two cycle parking areas contained within the plans.
- The sustainable transport route would be for pedestrians and cyclists.
- The applicant had now offered to provide 17 affordable dwellings as shared ownership units, however, the policy required 30% of the properties to be affordable housing. The application offered no properties for social rent.
- The height of the development had been reduced by the applicant since the original application. However, officers still felt that the buildings were too high.
- It could be considered that the proposals will contribute towards cumulative incremental change over time which could be harmful to the World Heritage Site. The dominance of large and tall buildings in this part of Bath could be harmful and lead to blocking of views.
- In answer to a question from a member, the Legal Advisor informed members that they should base their decisions on the officer report and the documents relating to the planning application which were available on the Council's website, rather than on information sent to them directly by the developer.

Cllr Crossley noted that this development would provide 100% residential accommodation which was much needed in Bath. It also provided 18% affordable housing, although he would have preferred to see more than this. The site is highly sustainable being close to a bus route and railway station and an electric car charging point would be provided along with cycle storage. He felt that the height of the development was acceptable in the context of the local area which already contained a cluster of large buildings. This was a brownfield site and its development would reduce the need to build on Green Belt land. The scheme was a good one with a variety of accommodation and interesting design including a number of balconies. A Community Infrastructure Levy (CIL) contribution would offer an opportunity to provide a cycle path in the area. He felt that the design was sympathetic to the surroundings and noted that the nature of the location would reduce reliance on the car leading to improved air quality.

Cllr Crossley then moved that the Committee delegate to permit the application, subject to conditions and the completion of a S106 Agreement, for the following reasons:

- The design responds sympathetically to the emerging form and character that is developing around this location and by its improvement to the cycle infrastructure makes a positive contribution to the public realm.
- By turning a derelict part of Bath into a thriving location with good architecture and design it enhances the status of the World Heritage designation of the city. There would be no harm to the Conservation Area or World Heritage Site.
- By nature of its location and sustainability consideration it is reducing the dependence on the car and responds to the increasing numbers of

households that do not want to own a car. This will improve the air quality of the area by generating less vehicular traffic.

Cllr Matthew Davies seconded the motion. He pointed out that more electric car charging points may be required and also stressed the need to retain as many trees as possible and to provide landscaping.

Cllr Jackson stressed the contextual importance of being a World Heritage City on the boundary of a Conservation Area. This development can be seen for miles around and the proposal represented an overdevelopment of the site. The blocks of flats were too large and higher standards of design were required. There was a need for housing within Bath but the requirement was for family accommodation rather than flats.

Cllr Appleyard pointed out that the height of the buildings had already been reduced. He also felt that it was important not to always place such high priority on car use. He felt that the car parking requirements set out in the Council's planning policy should be reviewed. He felt that the loss of industrial space was acceptable in this case, as it would be balanced by the large amount of employment that would be provided through the Bath Quays development. The provision of 18% affordable housing units was acceptable and a positive contribution.

Cllr Sandry felt that the location of the disabled parking space far away from the buildings represented thoughtless design. The cycle parking was positioned in the corner of the site which was also sub-standard. He felt that the application was fundamentally flawed from a design perspective and that the buildings were too large. Employment space was being lost and the urban design was not acceptable.

Cllr Becker stated that this development simply offered another grey building and that the height was overbearing. Flats were being provided merely to maximise profits. The developers should come back with an improved and more attractive design. The high blocks of flats would undermine the character of Bath.

Cllr Anketell-Jones noted that the proposal provided much needed housing and was on a brownfield site. Whilst he recognised that intensification was required the quality must be improved. He had concerns about the lack of landscaping and green provision. The buildings were dominated by hard surfaces and there was no natural surveillance. The pedestrian routes had not been sufficiently thought through. He felt that the development would change the character of Bath and would cause cumulative harm.

Cllr Kew felt that this was a borderline application but was in line with policies B1 and B3 of the Core Strategy by providing residential accommodation. The site was within walking distance of the centre of Bath and was an interesting design. It was disappointing that the required 30% affordable housing was not being provided. However, there would be one bedroom properties which would be suitable for young people.

Cllr Matthew Davies noted that employment opportunities would be available nearby and that the younger generation was more inclined to car share. There were buses, trains and cycle routes on the doorstep.

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 appropriate conditions and the completion of a S106 Agreement.

Item No. 2

Application No. 18/05513/FUL

Site Location: 47 Edward Street, Lower Weston, Bath – Erection of one dwelling house

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

Two local residents spoke against the application.

The architect spoke in favour of the application.

Cllr Sue Craig, local ward member, spoke against the application. She raised concerns regarding the roof height, the gates opening onto the public highway and the design being out of keeping with the location and Conservation Area. She requested that a sunlight assessment be carried out. If the Committee were minded to approve the application she asked that a condition be included to prevent the use of the flat roof as a terrace area. She also asked that the construction management plan be shared with local residents prior to the commencement of work.

The Case Officer then responded to questions as follows:

- The main differences between the extant application on this site and the current application were materials, roof design, openings and less excavation. The building was longer but the footprint was similar to the previous application.
- Condition 10 (as set out in the officer report) would address the concerns raised about the flat roof being used as a terrace, balcony or veranda. If a breach of this condition were reported it would be dealt with by the Planning Enforcement Team.
- The Deputy Head of Planning, Development Management, explained that if the Committee was minded to refuse the application it would have to specify the harm that would be caused by the development and that would have to take into account the approval already granted. She also confirmed that although land stability is a material consideration and there is a policy to cover areas of higher risk, in cases such as this, land stability matters would be dealt with by building control officers rather than the planning team.

Cllr Jackson moved the officer recommendation to permit. This was seconded by Cllr Kew.

Cllr Crossley referred to the debate at the previous meeting which had been complex. The application had to be considered against the background of the previous permission. He noted that the flat roof was the main issue and pointed out that this was now closer to the neighbouring property.

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

report.

Item No. 3

Application No. 18/05706/FUL

Site Location: Rookehill Farmhouse, 34 Wellsway, Keynsham – Creation of new vehicular access and erection of a two storey building following demolition of existing garden room and store (Resubmission)

The Case Officer reported on the application and her recommendation for refusal. She drew the Committee's attention to a small amendment to the wording of the reason for refusal no. 3 to state that the development would "appear materially larger than the existing building" in line with the planning policy test.

The agent spoke in favour of the application.

Cllr Organ spoke as local ward member. He stated that this was a steeply sloping site and that Wellsway was a difficult road. This proposal could remove vehicles from the road. The vegetation on the site had fallen into a poor state and he did not feel that the application would cause harm to the Green Belt.

The Case officer then responded to questions as follows:

- The building was not listed.
- There was an objection from the Case Officer on conservation grounds.
- The building would have a flat roof.

Cllr Organ moved that consideration of this application be deferred pending a site visit. This was seconded by Cllr Kew.

The motion was put to the vote and it was RESOLVED by 8 votes in favour and 2 abstentions to DEFER consideration of the application pending a site visit.

Item No. 4

Application No. 19/00179/FUL

Site Location: 132 Old Fosse Road, Odd Down, Bath, BA2 2ST – Erection of a single storey rear extension

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

Cllr Kew moved the officer recommendation to permit. This was seconded by Cllr Jackson.

The motion was put to the vote and it was RESOLVED unanimously to PERMIT the application subject to the conditions set out in the report.

Item No. 5

Application No. 19/00495/FUL

Site Location: 5 Dene Close, Keynsham, BS31 1RL – Erection of single storey rear, first floor side and front porch extensions. Installation of pitched roof over existing garage

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

Cllr Organ, local ward member, stated that he had not received any comments from local residents regarding the application.

Cllr Kew moved the officer recommendation to permit. This was seconded by Councillor Organ.

The motion was put to the vote and it was RESOLVED unanimously to PERMIT the application subject to the conditions set out in the report.

119 **TREE PRESERVATION ORDER - UNIVERSITY OF BATH, CLAVERTON DOWN, BATH - NO. 317**

The Committee considered a report regarding a Tree Preservation Order (No.317) at the University of Bath, Claverton Down.

The Case Officer reported on the Order and explained that a request had been received to provide an up to date assessment of the current cohort of trees as the original order had been made in 1995. The aim was to rationalise the current area into specific individual trees, groups of trees and woodlands.

One comment had been received from the Bath Cats and Dogs Home seeking clarification as to which trees were on land owned by the Home and which were on land belonging to the University. Officers had now met with representatives from the Cats and Dogs Home and recommended that the plan be modified as detailed in the report.

In response to a question from Cllr Sandry the Case Officer confirmed that there was no reason to believe that the tree in the area to be removed from the Order was under threat.

Cllr Kew moved the officer recommendation set out in the report and this was seconded by Cllr Crossley.

The motion was put to the vote and it was RESOLVED unanimously to CONFIRM the Tree Preservation Order with one minor modification to the Tree Preservation Order relating to map No. 4 of 6 as set out in the report.

120 **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 4.25 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services