

PLANNING COMMITTEE

Minutes of the Meeting held

Wednesday, 28th August, 2019, 2.00 pm

Councillors: Matt McCabe (Chair), Vic Clarke, Sue Craig, Sally Davis, Lucy Hodge, Duncan Hounsell, Eleanor Jackson, Hal MacFie, Manda Rigby and Brian Simmons

34 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

35 ELECTION OF VICE CHAIR

Cllr Rigby moved that Cllr Sally Davis be elected Vice Chair for the ensuing Council year. This was seconded by Cllr Simmons.

RESOLVED: To elect Cllr Sally Davis as Vice Chair for the ensuing Council year.

36 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence.

37 DECLARATIONS OF INTEREST

Cllr Brian Simmons declared a non-pecuniary interest in the following planning applications:

19/02946/FUL, 19/02942/LBA and 19/02947/AR – Former NatWest Bank, 26 High Street, Keynsham.

Cllr Simmons is a member of Keynsham Town Council and was present at the meeting when the Town Council considered these applications. He stated that he would speak on the item as a local ward member and would then leave the meeting and would not take part in the debate or vote on the application.

38 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was no urgent business.

39 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.

40 **MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 31 July 2019 were confirmed and signed as a correct record.

41 **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, 3 and 4 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. 18/00201/FUL

Site Location: Food Machinery 2000 Ltd, Comfortable Place, Kingsmead, Bath, BA1 3AJ – Erection of 25 flats with cycle storage and car parking, refuse store, footpath linkage, revised access arrangements, landscaping and associated works, following demolition of 2 x 2 bed flats and 180m² of office space.

The Case Officer reported on the application and his recommendation to delegate to permit. He drew members' attention to the amendment to Condition 2 regarding the construction management plan as set out in the update report. He also informed the Committee that the sustainable construction checklist has now been received and found to be satisfactory.

The agent spoke in favour of the application.

The Case Officer then responded to questions as follows:

- Secure parking including spaces for bicycles will be provided in the undercroft area.
- There will also be a ramp giving access to the parking area.

Cllr Davis felt that the development would improve the area and moved the officer recommendation to delegate to permit. This was seconded by Cllr Jackson.

The motion was put to the vote and it was **RESOLVED** by 8 votes in favour and 2 abstentions to **DELEGATE TO PERMIT** the application subject to conditions and the completion of a Section 106 Agreement as set out in the report.

Item No. 2

Application No. 19/01427/RES

Site Location: Employment Building Unit 2, Bell Lane, Chew Stoke – Approval of reserved matters with regard to outline application 17/05325/OUT (Residential development of 5 dwellings and associated car parking and reorganisation of car parking for adjacent commercial premises).

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

The agent spoke in favour of the application.

Cllr Karen Warrington, local ward member, spoke in favour of the application. She stated that the proposal will link the residential area to the industrial building and GPs' surgery. She felt that the height of the buildings will not be an issue due to the sloping gradient of the road. The cladding will be appropriate in a rural setting. The proposal will be a good use of a brownfield site as there is no appetite for commercial use in the area. The proposal will provide much needed 3 bedroomed residential properties and will be of superior quality with environmentally friendly credentials. She also pointed out that the Parish Council support the development.

The Case Officer then responded to questions as follows:

- It would be difficult to ensure that the homes are provided only for local people.
- Officers are confident that if the Committee refused the application then the position would be defensible at appeal.
- The topography of the land is sloping. The GP surgery is 8.5m high and the new dwellings would be 9.4m high.

Cllr Jackson moved the officer recommendation to refuse for the reasons set out in the report. She felt that the two front dwellings are too high and would be overbearing in this rural location. This was seconded by Cllr Craig.

Cllr Hounsell stated that he felt that the proposed development would fit in well with the local street scene. The slope of the land mitigates any concerns regarding building heights and the plans represent a good use of the space. He also noted that there have been no objections from local residents.

Cllr Rigby stated that, on balance, she supported the application because she felt that the gain of five houses in this location outweighs any issues with the design.

Cllr Davis felt that due to the slope of the land the houses would not be too intrusive in this location.

Cllr Hodge stated that she felt an improved design could be achieved which would address concerns regarding building heights and dormer windows.

The motion was put to the vote and there were 3 votes in favour and 7 votes against. The motion was therefore LOST.

Cllr Rigby then moved that the Committee delegate to permit the application subject

to conditions for the following reasons:

- The proposal will provide a link between residential and commercial developments.
- The buildings are not considered to be overbearing due to the topography of the land.
- The proposal is not harmful or detrimental to the local area.

This was seconded by Cllr Hounsell.

The motion was put to the vote and it was RESOLVED by 7 votes in favour and 3 votes against to DELGATE TO PERMIT the application for the reasons set out above, subject to conditions.

Item No. 3

Application No. 19/01685/FUL

Site Location: Parcel 3512, Bristol Road, Paulton – Development of café and therapy rooms at mezzanine floor level with associated new access, external seating area and car parking.

The Case Officer reported on the application and her recommendation to refuse. She informed the Committee that a letter of support has been received from the Chair of Paulton Parish Council. She also informed the Committee that Policy CP12 should be included in the policy list set out in the report and also in the first reason for refusal. There were also two additional plans that should be added to the plans list.

The agent and Cllr Shelley Bromley spoke in favour of the application.

Cllr Liz Hardman, local ward member, spoke in favour of the application. She was supportive provided that the mezzanine floor in the barn is regularised. She felt that the proposal would enhance the area and pointed out that the footprint of the building would not be increased. Parking would be available and there would be a new and improved access. She pointed out that as there would be less than substantial harm to the area then this should be weighed against the potential public benefits. There is public support for the proposal locally and a new facility would be created which would provide employment. Cllr Hardman also read out a letter of support from Paulton Parish Council.

Officers then responded to questions as follows:

- The Team Manager, Planning and Enforcement, informed the Committee that they should treat this as a totally new application as the barn has not been constructed in accordance with the approved plans. It is not a change of use application.
- He also pointed out that there are existing empty units in the centre of Paulton that could be used as a café and that there is no evidence of demand for this type of facility in this location.
- The Case Officer confirmed that there is a right of way shown on the plan.
- The applicant could, in theory, apply in future to carry out further development if required.

- The applicant can apply for a certificate of lawful use if they wish to do so, although this has no bearing on the current application before the Committee.

Cllr Craig noted that the footpath to the building is not lit and that it is not a safe walking route meaning that people are likely to use their cars when visiting the facility.

Cllr Jackson pointed out that the Parish Council supports this application and that there have been 76 letters of support. The new access would be safer than the existing one and the location would be convenient for local cyclists who may wish to use the facility.

Cllr Jackson then moved that the Committee delegate to permit the application subject to conditions, for the following reasons:

- The Parish Council supports the application.
- The development will benefit the local economy and will create jobs.
- There is widespread local support for the application.
- The overall improvement to the highway access and the economic benefits outweigh any potential harm.

The motion was seconded by Cllr MacFie.

The Legal Advisor stated that the application site is within a Conservation Area and any development must therefore conserve or enhance the area. The level of harm has been assessed by the Case Officer as “less than substantial” but members must still take this into account.

Cllr Hounsell pointed out that decisions must be “plan-led” and noted that this application would contravene the plans and policies in place and would therefore be inappropriate.

Cllr Jackson pointed out that there are also policies in place to reduce commuting.

Cllr Rigby noted that this is not a small change and that it must be considered as a new proposal. Whilst she supported the provision of more jobs locally, development should be in the village settlement. She felt that the road which people would have to use to access the facility is not a safe walking route.

The motion was put to the vote and there were 2 votes in favour and 8 against. The motion was therefore LOST.

Cllr Rigby then moved the officer recommendation for refusal. This was seconded by Cllr Davis.

The motion was put to the vote and it was RESOLVED by 8 votes in favour and 2 against to REFUSE the application for the reasons set out in the report.

Item No. 4

Application No. 19/01961/FUL

Site Location: 47 Lymore Avenue, Twerton, Bath, BA2 1BB – Change of use from 4 bedroom house in multiple occupation (use class C4) to 7 bedroom house in multiple occupation (Sui Generis). Erection of a two storey rear extension and single storey side extension following demolition of existing extension.

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

A local resident spoke against the application.

The agent spoke in favour of the application.

Cllr Dine Romero, local ward member, spoke against the application. She highlighted the negative impact on infrastructure in the area. An increasing number of HMO properties results in fewer families living in the area which will negatively impact on local schools as they will have fewer pupils. In some areas streets are unoccupied at certain times of the year due to being mainly student accommodation. This is detrimental to the local amenity.

Cllr Paul Crossley, local ward member, spoke against the application. He stated that the increase in size of this HMO could set a precedent. The proposed extension is too large and car parking is also an issue in this area. It would create a loss of amenity for local families and could lead to an increase of HMO properties in the area making it more difficult for families to purchase property in the local area. The application represents overdevelopment and will also lead to the loss of a parking space in a street where parking is already difficult.

The Case Officer responded to questions as follows:

- Any condition relating to a planning application relates to the property and not the person.
- The Team Manager, Planning and Enforcement, explained that a planning condition can limit the number of unrelated occupants for an HMO property. If this application were approved then it would mean an increase of one resident i.e. up to 7 unrelated occupants. If the landlord exceeds this number then it would be a breach of planning permission which could be addressed by the Enforcement Team. The Licensing Team also has a role in enforcing penalties if there are breaches of the HMO Licence conditions. He confirmed that the Council has taken action in respect of 2 HMOs in the area that had breached their conditions.
- The Highways Officer confirmed that the applicant would be able to provide parking spaces at the property.
- The Team Manager, Planning and Enforcement, explained that previous noise complaints are not a material planning consideration but that the effect on residential amenity can be considered. The Committee should consider the effect of one additional resident at the HMO.
- The HMO thresholds relate to change of use applications from C3 dwellings to C4 HMOs and are not relevant in this case as the property concerned is already an HMO.

Cllr Hounsell felt that an additional resident would lead to increased noise which could negatively affect the health and wellbeing of neighbours. He noted that complaints have been received in the past and he felt that approval of the application would be detrimental to the amenity of local residents.

Cllr Rigby noted that the actual change resulting from the extension was likely to be an increase from 4 to 7 residents. She felt that the concerns expressed by neighbours are valid. She stated that the application represents overdevelopment of the site and will result in a loss of amenity to local residents. She pointed out that the new extension would be a brick construction which would result in a less open appearance than the existing conservatory.

Cllr Davis acknowledged the concerns raised by neighbours but felt that the application should be approved providing the number of residents was limited to 7 and that car parking is included. She moved the officer recommendation to permit.

Cllr Jackson seconded the motion and stated that any potential noise and nuisance should be dealt with by the necessary authorities as these issues are not planning considerations.

The motion was put to the vote and there were 2 votes in favour, 7 against and 1 abstention. The motion was therefore LOST.

Cllr Rigby then moved that the application be refused on the following grounds:

- Loss of residential amenity due to increased noise and traffic.
- Overdevelopment of the site.
- Loss of a parking space.

This was seconded by Cllr Craig.

The Team Manager, Planning and Enforcement, advised members to think carefully about making a decision to refuse this application in the light of previous appeal decisions. He explained that the application could be deferred until the next meeting if necessary.

Cllr Davis suggested that the application could be deferred to give time to clarify the parking situation and pointed out that the Committee must take into account the relevant planning policies.

Cllr MacFie stated that he had considered all the relevant facts and was of the opinion that the application should be refused.

Cllr Hounsell stated that the loss of amenity should be given weight.

Cllr Rigby felt that, on balance, there were sufficient planning grounds to refuse the application.

The motion was put to the vote and it was RESOLVED by 5 votes in favour, 4 votes against and 1 abstention to REFUSE the application on the following grounds:

- Loss of residential amenity due to increased noise and traffic.
- Overdevelopment of the site.
- Loss of a parking space.

Item No. 5

Application No. 19/02674/OUT

Site Location: 154 Charlton Road, Keynsham, BS31 2LG – Erection of 1 two storey, two-bed dwelling attached to existing house with two allocated parking spaces. (Outline application with all matters reserved).

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

The agent spoke in favour of the application.

Cllr Simmons, local ward member, stated that the application represents overdevelopment. It is also located too close to the edge of the footpath.

Cllr Clarke, local ward member, stated that he had no objections to this development.

Cllr Hounsell stated that there was space for a dwelling on this site and pointed out that the application is only at the outline stage so further details will be submitted in due course.

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

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

Item Nos. 6, 7 and 8

Application Nos. 19/02946/FUL, 19/02942/LBA, 19/02947/AR

Site Location: Former NatWest Bank, 26 High Street, Keynsham, BS31 1DW – Change of use from bank (Use Class A2) to a day nursery (Use Class D1) and associated works. Internal and external alterations for the change of use from bank to a day nursery and associated works and installation 1 fascia sign and 1 hanging sign on main (eastern) elevation. Erection of 1 non-illuminated fascia sign and 1 non-illuminated hanging sign on main (eastern) elevation.

The Case Officer reported on the applications and her recommendations to permit and consent.

The agent spoke in favour of the applications.

Cllr Simmons, local ward member, spoke against the applications. He did not feel that the location is suitable for a nursery as it is on a main road. He felt that people would be likely to park on double yellow lines in front of the building and also expressed concerns about increased levels of pollution in the town centre. He also questioned the viability of another nursery in the area.

(Note: Cllr Simmons then left the meeting having declared a non-pecuniary interest in these applications).

Cllr Clarke, local ward member, stated that he supported the application as it would improve this dilapidated site and bring the building back into use. He believed that any drop-off and parking issues can be overcome.

Officers then responded to questions as follows:

- The Highways Officer confirmed that Civil Enforcement Officers would be able to deal with any parking violations. There are adequate traffic regulation orders and town centre car parks in this location.
- The Case Officer confirmed that there will be a large reception area at the front of the nursery where children can be supervised until their parents collect them.
- The hours of use for the nursery will be 7am – 7pm Monday to Friday and the nursery will be closed on Saturday, Sunday and Bank Holidays.
- There are likely to be a mix of drop-off times as some parents will leave children at the nursery for a full day and others for a few hours.
- There will be a condition requiring the submission of a Travel Plan prior to occupation.
- If any changes subsequently need to be made following the required Ofsted inspection then this will be dealt with by a new application or by discharge of a condition.

Cllr Hounsell supported the applications and felt that it would be a positive step to bring the building back into use.

Cllr Davis moved that the Committee delegate to permit application number 19/02946/FUL and to delegate to consent to applications 19/02942/LBA and 19/02947/AR. This was seconded by Cllr Jackson.

The motion was put to the vote and it was RESOLVED unanimously to DELEGATE TO PERMIT application number 19/02946/FUL and to DELEGATE TO CONSENT to application numbers 19/02942/LBA and 19/02947/AR.

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

The Committee considered the appeals report. Cllr Jackson congratulated the officers on the excellent performance.

RESOLVED to NOTE the report.

The meeting ended at 5.03 pm

Chair

Date Confirmed and Signed
Prepared by Democratic Services