

PLANNING COMMITTEE

Minutes of the Meeting held

Wednesday, 18th December, 2019, 2.00 pm

Councillors: Matt McCabe (Chair), Sally Davis (Vice-Chair), Sue Craig, Lucy Hodge, Duncan Hounsell, Eleanor Jackson, Hal MacFie, Vic Pritchard (Reserve) (in place of Vic Clarke), Manda Rigby and Brian Simmons

68 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

69 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Cllr Vic Clarke – substitute Cllr Vic Pritchard.

70 DECLARATIONS OF INTEREST

There were no declarations of interest.

71 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was no urgent business.

72 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.

73 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 20 November 2019 were confirmed and signed as a correct record.

74 SITE VISIT 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 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. 19/03846/FUL

Site Location: Arlington House, Bath Street, City Centre, Bath – Change of use of Flat 4, Flat 5, Flat 15, Flat 16 and Flat 27 from dwelling houses (Use Class C3) to Houses in Multiple Occupation (Use Class C4)

The Case Officer reported on the application and her recommendation to permit. She clarified that section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 did not apply.

Cllr Craig suggested that the Council should have a policy regarding “stacking” in respect of HMO properties.

The Chair stated that he had found the site visit very helpful but noted that no demographic information for the properties was available.

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

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 conditions as set out in the report.

75 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 2, 4, 5 and 6 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. 19/01163/FUL

Site Location: Police Station, Bath Hill, Keynsham, BS31 1HJ – Erection of two buildings to provide 26 apartments, together with associated works, following demolition of existing buildings.

The Case Officer reported on the application and her recommendation to permit subject to a legal agreement to secure affordable housing and targeted training as set out in the main report. She clarified that delegated authority to enter into the s106 agreement should be delegated to the Director of Legal and Democratic Services. She pointed out amendments to Conditions 15 and 16 to include the implementation of the landscaping scheme.

A representative from the Dragons Hill Court Management Company spoke against the application.

The agent spoke in favour of the application.

Cllr Hal MacFie, local ward member, stated that he felt the three-storey block is too large and represents overdevelopment. He also raised concerns regarding overlooking of Dragons Hill Court and the lack of car parking.

The Case Officer then responded to questions as follows:

- The development can viably support 23% affordable housing. However, the Council will explore the possibility of increasing this to 30% if funding is available.
- A condition to require charging points for electric vehicles could be included if this was the wish of the Committee.
- There are no concerns regarding the amenity of the nearby Kingdom Hall.
- There is mature landscaping at the rear of the development and a boundary could be added to improve security if required.
- The arboricultural officers have not raised concerns about the trees on the site. Some mature trees will be retained.
- The large garden of Dragons Hill Court is communal and is already overlooked by several different properties. It is therefore considered that the development would not lead to a reduction in privacy for these residents.
- The parking provided takes account of the accessibility assessment submitted and the scheme is compliant with the findings and parking is considered to comply with the policy which allows a reduction.

Cllr Hodge felt that the privacy of the communal garden is important, and that the development would have a negative impact on residents.

Cllr MacFie moved that the application be refused due to over-development and lack of parking facilities. This was seconded by Cllr Rigby who stated that there would be a detrimental impact on the amenity of residents in Dragons Hill Court.

Cllr Jackson expressed ecological concerns about the trees on the site. She also felt that the proposed building was too high.

Cllr Hounsell pointed out the importance of good design and felt that the current design is “functional”. He pointed out that policy SD7 requires 53 parking spaces whereas only 43 spaces would be provided. This would create additional stress for on-street parking in the area. He was also concerned about overlooking, in particular, from the 3-storey block which would cause significant harm to residents.

Cllr Pritchard felt that the design enhanced the locality and welcomed the opportunity to provide 30% affordable housing in this area. He did not think that the communal garden would be adversely affected and did not believe that the building would be too dominant.

Cllr Davis stated that a great deal of work had taken place to address the concerns raised and she felt that the proposal offers an excellent opportunity to provide more affordable housing.

The motion was put to the vote and it was RESOLVED by 6 votes in favour and 4 votes against to REFUSE the application for the following reasons:

- Loss of residential amenity due to overlooking because of the height of the proposed building.
- Overdevelopment of the site.
- The development will not enhance or improve the setting of the Conservation Area.
- Lack of car parking due to the number of spaces not meeting the existing policy requirement.

Item No. 2

Application No. 19/00786/FUL

Site Location: Field between City Farm and Cotswold View, The Hollow, Southdown, Bath – Erection of 9 dwellings with associated access, parking, drainage and landscaping.

The Case Officer reported on the application and his recommendation to permit. He informed the Committee that there were two additional conditions to secure final details of the highways and drainage work. He also clarified that authority to enter into the s106 agreement was to be delegated to the Director of Legal and Democratic Services, and authority to issue the permission was to be delegated to the Head of Planning.

A local resident spoke against the application.

The agent spoke in favour of the application.

Cllr Sarah Moore, local ward member, spoke against the application. She expressed concerns regarding highway safety, in particular, at the Kelston View junction. She was also concerned about possible ecological damage stating that the site is close to areas containing great crested newts and a badger sett. It was important to retain the green space in this area especially as it is located next to the Bath City Farm.

Cllr Dine Romero, local ward member, spoke against the application. She expressed concerns regarding road safety and harm to the World Heritage Site. She

pointed out that this would result in poor visibility from Langdon Road. She also had concerns that this application would ultimately lead to the development of the whole site.

Cllr Paul Crossley, local ward member, spoke against the application. He pointed out that the area is listed as being an “important hillside” in the setting of Bath in the Core Strategy. Therefore, he concluded that any building on the site would cause harm. He also stated that the development was out of context as there are no other terraced properties in the area. It would also lead to the loss of on-street parking which was already highly in demand.

The Case Officer responded to questions as follows:

- The parking allocation represents a 10% reduction to the parking standards and no visitor spaces will be provided and this was justified by the accessibility assessment submitted. Any visitors would have to use on-street parking.
- There would be some loss of on street parking due to the changes to traffic calming measures. However, many properties on The Hollow have off street parking.
- Under the previous Local Plan the site was described as an “important hillside” and under the current Local Plan it is described as being “an important part of the landscape setting”.
- The majority of buildings in the area are semi-detached but there are some terraced properties in Cotswold View.
- Previous decisions by the Planning Inspector are a material consideration and should be given weight where relevant. Each case must be determined on its merits.
- The on-street parking spaces would not be specifically marked but parked cars can act as traffic calming causing vehicles to slow down.
- The Highways Officer explained that there had originally been a Highways objection to the scheme. However, an amended scheme was now considered to be acceptable.

Cllr Jackson noted that in the adopted local plan there is an emphasis on significant hillsides and green space. The loss of this area could have a negative impact on the World Heritage Site and also on Bath City Farm. She did not feel that the terraced housing was appropriate in this location. She also did not think that the mix of oak and cherry trees was appropriate.

Cllr Pritchard felt that it was difficult to identify clear reasons to refuse this application other than opposing any development per se. He moved the officer recommendation to permit subject to conditions as set out in the report. This was seconded by Cllr Davis.

Cllr Hounsell stated that he objected in principle to the proposal to develop this hillside. He felt that it is a valuable green asset which is highly visible in Bath and should be protected.

Cllr Rigby felt that the proposed development would harm the World Heritage Site Setting.

Cllr Hodge felt that the harm to the World Heritage Site setting would not be outweighed by the benefits of the development. The loss of the Site of Nature Conservation Interest is not acceptable. It is important to protect green space and this proposal would cause harm.

Cllr Pritchard stated that the site is not visible from many vantage points.

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 application be refused for the following reasons:

- It would cause harm to the World Heritage Site Setting due to the loss of a green hillside.
- The terrace design is out of keeping with the character of the area in this location.
- The detrimental ecological impact of the development on a Site of Nature Conservation Interest.

Cllr Jackson seconded the motion.

The motion was put to the vote and it was RESOLVED by 7 votes in favour and 3 votes against to REFUSE the application for the reasons set out above.

Item No.3

Application No. 19/04633/FUL

Site Location: 18 Rowacres, Southdown, Bath, BA2 2LH – Change of use from a 4-bedroom residential property (Use Class C3) to an 8-bedroom House of Multiple Occupation (HMO) (Use Class Sui Generis) including installation of ground floor front bay window

The Case Officer reported on the application and her recommendation to permit. She explained that the area was below the HMO policy threshold of 10% of HMO properties within a 100m radius of the application property.

A neighbour spoke against the application.

Cllr Dine Romero, local ward member, spoke against the application. She expressed concern at the loss of a family home in the area. She also had concerns about the loss of privacy for the family living next door to the property and highlighted the pressure that 8 residents would place on parking in the area. She asked that, if necessary, members consider a site visit to view this for themselves.

Cllr Paul Crossley, local ward member, spoke against the application. He also pointed out the additional pressure on car parking that this development would cause. Residents of an HMO property would be likely to spend more time in their bedrooms increasing the chances of overlooking. The development would cause substantial loss of amenity to local residents.

The Case Officer then responded to questions as follows:

- The current policy requires a minimum of 3 parking spaces for an 8- bedroom property. However, it is generally considered that people living in HMO properties are less likely to have cars.
- There is a proposed condition that requires storage space for at least 2 bicycles.
- No external alterations are proposed.

Cllr Rigby stated that an increase in the number of people living in a family property such as this is harmful to the area due to pressure on car parking and the detrimental impact on residential amenity. She then moved that the application be refused. This was seconded by Cllr Hounsell.

Cllr Pritchard pointed out that the application is policy compliant but acknowledged that the proposed use would be intense. The parking in this area appears to be at saturation point and the property only contains one off-street parking space. Additional vehicles would be a concern.

Cllr Jackson felt that the individual rooms are very small. The Case Officer stated that this would be considered as part of the HMO licence application.

The Deputy Head of Planning stated that the scheme was policy compliant and, of the matters that were discussed, these were difficult to evidence as previous unsuccessful appeals on these grounds have shown.

Cllr Hounsell stated that the potential for overlooking is an issue and that this is contrary to Policy D6 of the Placemaking Plan due to loss of residential amenity and overdevelopment.

The motion was put to the vote and it was RESOLVED by 7 votes in favour and 3 abstentions to REFUSE the application for the following reasons:

- Overdevelopment
- Adverse effect on residential amenity
- Detrimental impact on parking in the area

Item No. 4

Application No. 19/03733/FUL

Site Location: Combe Grove, Brassknocker Hill, Monkton Combe, Bath, BA2 7HS – Erection of 2 temporary portacabins for office use by apprentices.

The Case Officer reported on the application and her recommendation to refuse. She explained that the second reason for refusal should refer to Policy HE1 and the NPPF and that the reference to Policy HE3 should be removed.

The agent spoke in favour of the application.

Cllr Neil Butters, local ward member, spoke in favour of the application. He explained that the aims of the organisation are to enhance the setting of the listed building, create a thriving rural business which produces its own food, employs local staff and trains young people. He stated that this is a low risk, temporary application

which helps the applicant to begin making the positive changes required for this site to ensure that the final result is something to be proud of.

Councillor Hounsell felt that there are special circumstances which would enable the Committee to approve this application for a temporary period.

Cllr Davis noted that there are proposals for the site but was disappointed that no masterplan has been submitted. She felt that it would be helpful for the Committee to see the overall plan before making a decision.

Cllr Jackson queried whether this was a sustainable location. The Case Officer explained that there were some bus stops within walking distance.

Cllr Hounsell moved that the Committee permit the application for a temporary period of 3 years. This was seconded by Cllr Rigby.

The Deputy Head of Planning queried whether members wished to specify the arrangements for the removal of the temporary buildings at the end of the 3 -year period. This could be either by condition or the completion of a Section 106 Agreement. The Committee were minded to request a Section 106 Agreement in this case.

Cllr Jackson then queried whether it was possible to restrict the use of the portacabins to office use by apprentices. Cllrs Hounsell and Rigby accepted this amendment to the motion.

The motion was put to the vote and it was RESOLVED by 9 votes in favour and 1 abstention to DELEGATE TO PERMIT the application for a temporary period of three years subject to conditions to include a requirement that the portacabins must be for office use by apprentices. A Section 106 Agreement should also be completed requiring the removal of the portacabins by the applicant at the end of the three-year period.

Item No. 5

Application No. 19/00772/FUL

Site Location: Land at entrance to Manor Farm, Bath Hill, Wellow, Bath – Erection of two storey detached dwelling.

This application was withdrawn from the agenda.

Item No. 6

Application No. 19/04187/FUL

Site Location: Parcel 3573, Bath Hill, Wellow, Bath – Erection of a farmhouse (with agricultural tie).

The Case Officer reported on the application and her recommendation to refuse. She gave an update explaining that the Independent Rural Consultant had been appointed for a previous application on this site in 2017/18.

A representative from Wellow Parish Council spoke in favour of the application.

The agent spoke in favour of the application.

Cllr Neil Butters spoke in favour of the application. He pointed out that the applicants are multi-generation farmers who have farmed around Wellow since 1936. He informed the Committee that this application was for a much smaller dwelling than one that has previously been approved. The application was necessary due to both animal welfare and security purposes. He stated that the application was supported by the Parish Council and there have been no objections from local residents.

The Deputy Head of Planning responded to questions as follows:

- If members did not like the design of the building, they should give a clear steer to officers as to what they would expect any negotiations to achieve and defer consideration of the application pending further negotiations.
- It is quite common for new businesses to apply for temporary planning permission for a temporary dwelling in cases such as this which would then require the need for an agricultural dwelling to be reassessed at the end of the temporary period.

Cllr Jackson noted that security was an issue for the farm and felt that the location is so isolated that it would not be harmful to the Green Belt. She moved that the Committee delegate to permit the application due to the particular circumstances in this case relating to security. Cllr MacFie seconded the motion.

The Deputy Head of Planning advised that there were no identified very special circumstances relating to the security of the site put forward and similar security needs could be repeated on other sites. Noting the discussion that members considered there was a functional need for the dwelling in this case the Committee could, if minded to permit the application, do so due to the essential functional need for a farmhouse to support the business which would be more site specific. This was accepted by Cllrs Jackson and MacFie.

Cllr Hodge queried whether there were other dwellings which would give easy access to the herd. Officers confirmed that two dwellings were adjacent to areas that could be used as calving paddocks.

The motion was put to the vote and it was RESOLVED by 6 votes in favour, 3 votes against and 1 abstention to DELEGATE TO PERMIT the application subject to conditions including an agricultural tie.

76 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 5.10 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services