

PLANNING COMMITTEE

Minutes of the Meeting held

Wednesday, 11th March, 2020, 2.00 pm

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

95 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

96 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence.

97 DECLARATIONS OF INTEREST

Cllr Rigby declared an interest in planning application number 19/02276/FUL – Bath City Football Club, High Street, Twerton, Bath. Cllr Rigby is a former Chair of the football club and is also a shareholder. Cllr Rigby stated that she would sit in the public gallery, out of sight of the Committee, while this item was discussed and would not speak or vote.

Cllrs MacFie, McCabe and Rigby declared interests in planning application numbers 20/00098/FUL and 20/00099/LBA – 31 James Street West, Bath. The interests related to their work for the Liberal Democrat Party. The Councillors stated that they would leave the meeting when this item was discussed and would not speak or vote.

The Monitoring Officer had granted dispensations for Cllrs Sue Craig, Lucy Hodge and Duncan Hounsell to enable them to speak and vote on the Liberal Democrat HQ planning applications – 31 James Street West, Bath.

98 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was no urgent business.

99 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.

100 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 12 February 2020 were confirmed and signed as

a correct record.

101 **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, 2, 3, 8 and 9 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.

(Note: At this point Cllr Rigby moved to the public gallery, out of sight of the Committee, having declared an interest in the following planning application).

Item No. 1

Application No. 19/02276/FUL

Site Location: Bath City Football Club, High Street, Twerton, Bath, BA2 1DB – Mixed-use redevelopment of Twerton Park and adjoining land, comprising of; replacement spectator stand, new east terrace and playing pitch (levelling with 3G surface); 12 affordable dwellings (C3 use), 33 co-living apartments (Sui Generis); 356 beds of student accommodation (Sui Generis); community function space (D1 use); gymnasium (D2 use); commercial units (A1/A2/A3/A4/A5 and AA uses); modifications to the external appearance of the existing retail and residential units (providing 6 additional apartments) between 105 and 116 High Street; associated landscaping and public realm works.

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

Three people spoke against the application including local residents and a representative from the Bath Preservation Trust.

Five people spoke in favour of the application including the agent and the applicant.

Cllr Sarah Moore, local ward member, spoke against the application. She stated that she supported proposals to improve the local facilities, however, not in the current form. WECA funding is already in place to improve the High Street. The large block of purpose-built student accommodation would harm the residential amenity of the area, both for existing residents of Twerton and for students living in the block. The effect of this on local infrastructure also caused concern as parking is already difficult in this area and the streets are particularly busy on match days. She also had concerns about the sustainability of the shops and the installation of a 3G pitch which would have an adverse effect on local wildlife. The impact of floodlighting until late in the evening would also adversely affect residents. The

football club needs redevelopment but not in this form. Cllr Moore hoped that a new proposal could be put forward that works for both the football club and local residents.

The Case Officer then responded to questions as follows:

- The proposal includes plans for undercroft parking but not underground parking.
- Plant could be located on the lower ground floors.
- The non en-suite student rooms would be 9sqm and the en-suite student rooms would be 12sqm. The student accommodation would consist of cluster flats.
- Considerations for the World Heritage Site related to its outstanding universal values; however, this site is at the bottom of a slope and would not impact on the green setting or the Georgian city. The Bath City Farm is an important green hill site, but the development would not impact on these views.
- The retail floor space would remain the same as currently and there would be some alterations on Dominion Road which would lead to the loss of some on-street parking spaces.
- The application meets the previous standard regarding daylight and window provision but has not been assessed against the new standards.
- The Highways Officer stated that she had no evidence regarding the number of students who brought cars with them to the city.
- The policy required that 30% of the properties should be affordable housing. There is currently some dispute as to whether this applies to the co-living units. Officers believe that there should be 15 units of affordable housing whereas there are currently 12 units. If student units were let as Airbnb properties over the summer, then enforcement action could be taken if appropriate.
- Conditions can be put in place to restrict student parking and this can be enforced.

Cllr Jackson acknowledged the importance of the decision to be made. She then moved the officer recommendation for refusal for the reasons set out in the officer report. She felt that the development would have an adverse effect on the Conservation Area and would represent overdevelopment of the site. She did not feel that the mix of accommodation was appropriate in this location and the application was not policy compliant. It was important to consider local residents and also to support the football club.

Cllr Davis seconded the motion. She had concerns about the student accommodation and co-living proposals.

Cllr Craig stated that she greatly valued Bath City Football Club and was keen to secure the future of the club. However, she had concerns about the use of a 3G pitch which was not in line with the Council's wish to address the climate emergency declaration. Plastic waste and waste disposal is an issue. She urged the applicant to consider other options. She also noted the proposals in the business plan to use the pitch until 10pm which would cause light pollution in a residential area. She expressed concerns about the size of the rooms in the student accommodation and the lack of light.

Cllr Hounsell had concerns about the design of the student accommodation blocks and hoped that an improved scheme could be submitted. He was also concerned about the lack of a travel plan for match days.

Cllr Hodge acknowledged the importance of the football club to the city and thanked people for their support for the club and the interest they had shown. However, she did not support the proposals for the student block as submitted.

The motion was put to the vote and it was RESOLVED unanimously to REFUSE the application for the reasons set out in the report.

(Note: At this point Cllr Rigby returned to the Committee).

Item No. 2

Application No. 19/01854/OUT

Site Location: Hartwells of Bath, Newbridge Road, Newbridge, Bath, BA1 2PP – Outline application with all matters reserved except for access and layout comprising the demolition of the existing buildings on the site; construction of replacement buildings ranging in height from 3 to 5 storeys providing a mixed use development comprising up to 104 residential units (Class C3 use), up to 186 student bedrooms (Sui Generis Use), and a commercial retail unit (flexible A1/A3 use); formation of new vehicular access from Newbridge Road, construction of new access ramp, and provision of vehicle parking spaces; provision of new shared bicycle and pedestrian sustainable transport route through the site and formation of new access and linkages on the eastern and western boundary; provision of hard and soft landscaping scheme across entire site.

The Case Officer reported on the application and his recommendation to delegate to permit. He gave a number of verbal updates:

- Restrictions on car use for the occupants of the student accommodation would now be dealt with by condition instead of by s106 agreement. This will include a travel management plan.
- He confirmed that the Council owns the former railway line which would enable the delivery of the Strategic Transport Route. The s106 would provide that there will be no occupation until the route is delivered. The sum would include the Council's reasonable on-costs.
- An additional condition would be included to require a full management plan to be submitted and approved prior to the occupation of the student accommodation.
- An additional clause would be included in the Section 106 Agreement to restrict the ability of the landlord to charge for parking on the site.
- He clarified that this is an outline application which deals with layout and means of access.

A local resident, planning consultant and representative of the Bath Preservation Trust spoke against the application.

The Agent spoke in favour of the application.

Cllr Mark Roper, local ward member, spoke against the application. He stated that the preferred use of the site was for residential use rather than student accommodation. He noted that the agent claimed that the site was only viable for student accommodation but did not accept this. There were no affordable homes proposed for the site. He felt that the application was contrary to the Placemaking Plan. The aim is now for student accommodation to be provided on campus and he noted that Bath is becoming saturated with blocks of purpose-built student accommodation when homes were needed for local people. Residents were also fearful of the student accommodation being used for Airbnb over the summer period. He felt that the high concentration of accommodation was contrary to policy CP10.

Cllr Michelle O'Doherty, local ward member, spoke against the application. She pointed out that there had been no letters of support. The proposed units were cramped and would provide inadequate accommodation for students. There are already parking issues in the area and this would create more problems for local residents. Students could not be prevented from bringing cars with them. She had concerns about the safety of the entrance to the site. Bath needs more affordable housing and the viability of larger units has not been considered. Residents want to see good quality accommodation on the site rather than student accommodation.

Officers then responded to questions as follows:

- Officers have interpreted Policy SB15 to mean that the site is allocated for 80-100 dwellings to meet housing supply targets. However, this proposal does not prejudice the wider supply of housing. The site is outside the Policy B5 area.
- The Legal Advisor informed members that the correct approach to policy interpretation was set out by the Supreme Court in the case of Tesco Stores Ltd v Dundee City Council. In summary, members should consider policy statements objectively, in context and give the words their natural meaning.
- The site is not in a student accommodation cluster and this is the first in the Newbridge area. The nearest student block is on the Lower Bristol Road.
- Policy SB15 would allow 80-100 dwellings and, in officers' view, the policy did not rule out student accommodation in addition to that.
- The Deputy Head of Planning stated that the policy does not set a cap on development or, in the view of the Case Officer, exclude student accommodation that has been proposed in addition to meeting the policy requirements. However, the Committee could interpret the policy differently.

Cllr Craig expressed concerns regarding the lack of green infrastructure on the site. She felt that the climate emergency declaration is a material consideration and that the proposal could cause harm to the environment. Compensatory planting is not the same as the protection of mature trees. She felt that the application represented overdevelopment and was not conducive to the wellbeing of residents.

Cllr Rigby felt that when the policy had been written it had not been intended to apply to blocks of student accommodations.

Councillor Hounsell felt that the wording of policy SB15 was ambiguous and open

to different interpretations. In his view, having regard, in particular, to the supporting text to the policy, the site was allocated for 80-100 dwellings and could not include student accommodation. He also felt that the proposal was against Policy D1(b) as it did not enrich the character of the area and also against Policy D2 as it was not positive to the context of the site. He then moved that the application be refused.

Cllr Hodge seconded the motion. She stated that the layout and buildings were not policy compliant. She noted the comments put forward by the Landscape officer and the Ecologist. The site does not have capacity to accommodate this number of units. The development is contrary to Policy CP10 as it does not allow a mixture of development and is too dense. It is also contrary to Policy NE5 relating to the ecological network. Also, CP6, NE6, LCR6 and LCR9. Connections were not enhanced, and more green space was required.

Cllr Jackson pointed out that in the Placemaking Plan it stated that any development should be sympathetic to the Victorian terraced housing on the Upper Bristol Road. She also felt that student accommodation was precluded by planning policy in this location. The proposal was not in keeping with the overall urban design pattern of Newbridge. She also felt that policy required a positive contribution to the Conservation Area. The development would have a detrimental effect on the amenity of the area. If, in the future, there were not enough students to fill the accommodation then the site would be left with sub-standard accommodation.

Cllr Davis could see the need to redevelop the site, but she had concerns about the access and layout and the density. She felt that the proposal would be out of keeping with the area and would have an adverse impact on local amenity.

Cllr Rigby supported the motion and felt that more than 100 units would cause harm in this location. She was disappointed that there were no minimum standards adopted for the size of student accommodation and felt that this should be demanded for all residents. The effect of the development would be detrimental for existing residents and would not enhance the community. There were also likely to be parking problems. She was not convinced regarding the viability argument put forward by the developer and felt that there could be an oversupply of student accommodation in Bath if these blocks continued to be built.

The motion was put to the vote and it was RESOLVED unanimously to REFUSE the application as it was contrary to the following planning policies:

- D1
- D2
- CP10
- NE5
- NE6
- LCR6
- CP6
- CP7
- CP9

- SB15

The Committee agreed to delegate power to officers to draft the specific wording for the reasons for refusal based on the above policies.

Item No. 3

Application No. 19/03734/FUL

Site Location: Combe Grove, Brassknocker Hill, Monkton Combe, Bath, BA2 7HS – Erection of 1 polytunnel, reconfiguration of car park and associated landscaping works.

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

The Agent spoke in favour of the application.

Cllr Neil Butters, local ward member, spoke in favour of the application. He stated that if the application was not successful then it could undermine the aims of the Elmhurst Foundation. The application presents an opportunity and is in line with the Council's goals regarding the climate emergency.

The Case Officer then responded to questions as follows:

- There are 168 parking spaces on site and the proposed changes would increase this to 176. There is a bus stop near to the site which is served by one bus route.
- There is a master plan for the site and officers would encourage the sharing of this with Committee members. However, individual applications are currently being submitted.
- The Legal Advisor explained that the Committee could, if it wished, approve one element of the application and not the other.
- There are bats on the site and an ecological survey has been carried out.
- There is an existing poly tunnel and officers have discussed the historic walled garden on the site with the applicant.

Cllr Clarke stated that the application was inappropriate for a Green Belt location.

Cllr MacFie stated that poly tunnels are not an essential part of the garden.

Cllr Jackson stated that she would welcome the reinstatement of the Victorian walled garden. She did not accept that there are exceptional circumstances which would allow the Committee to grant permission. She then moved the officer recommendation to refuse. This was seconded by Cllr Davis who stated that she would like to see the masterplan for the site to provide some context.

Cllr Rigby supported the motion and recommended that the applicant bring forward the masterplan for consideration.

The Deputy Head of Planning advised that, if members had divided opinion in respect of some aspects of the development, they may decide to refuse the development as submitted but give clear comment as to the elements that they do not object to.

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.

Item No. 4

Application No. 19/05225/FUL

Site Location: 35 Hantone Hill, Bathampton, Bath, BA2 6XD – Demolition of existing dwelling and erection of replacement dwelling.

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

Cllr Colin Blackburn, the applicant, spoke in favour of the application.

The Case Officer confirmed that she had no concerns regarding the space around the property boundary. She also confirmed that the points raised by the Parish Council had been satisfactorily addressed.

Cllr Clarke moved the officer recommendation to permit and 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 the conditions set out in the report.

Item No. 5

Application No. 19/04764/OUT

Site Location: Former Builders' Yard, Temple Inn Lane, Temple Cloud – Outline planning permission for demolition of existing storage building and erection of single dwelling.

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

The Agent spoke in favour of the application.

The Deputy Head of Planning responded to a question stating that the Committee could permit the application with a condition restricting the building to a single storey, which is what had been applied for. However, the applicant, or a future applicant, could reapply for permission for a two-storey dwelling once the principal of development had been agreed. If a dwelling were permitted on the site, then any future planning application for infill development would have to be considered in the new context.

Cllr Clarke stated that, although he supported brownfield development generally, the business on the site was now defunct and only a hut remained. Any development could lead to future encroachment of buildings in the area.

Cllr Jackson moved the officer recommendation to refuse and this was seconded by Cllr Simmons.

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

(Note: At this point Cllrs MacFie, McCabe and Rigby left the meeting having

declared interests in the following planning application. The Vice-Chair, Cllr Davis, then took the Chair).

Item Nos. 6 & 7

Application Nos. 20/00098/FUL and 20/00099/LBA

Site Location: 31 James Street West, Bath, BA1 2BT – External works including an external lift to the front elevation, construction of a rear extension and internal ground floor renovation works to increase accessibility (Resubmission of 19/04523/FUL).

The Case Officer reported on the applications and her recommendations to permit and to grant consent. She confirmed that the applications were being considered by the Committee because the Bath and North East Somerset Liberal Democrats are the applicants.

Cllr Clarke moved the officer recommendations to permit and to grant consent and this was seconded by Cllr Jackson.

The motion was put to the vote and it was RESOLVED by 6 votes in favour and 1 abstention to PERMIT the planning application and by 5 votes in favour and 2 abstentions to GRANT listed building consent subject to the conditions set out in the report.

(Note: At this point Cllrs MacFie, McCabe and Rigby returned to the meeting and Cllr McCabe resumed the Chair).

Item Nos. 8 & 9

Application Nos. 19/05507/FUL and 19/05508/LBA

Site Location: Old House, Northend, Batheaston, Bath – Erection of a parking area gate mechanism, boundary pier and replacement walling (Retrospective). External alterations for the erection of a parking area gate mechanism, boundary pier and replacement walling (Regularisation).

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

The Agent spoke in favour of the application.

Officers then responded to questions as follows:

- The Case Officer did not have details of the other property which the public speaker referred to in his presentation.
- The Committee can give weight to the public benefits of this application.
- The Highways Officer explained that there is no traffic data for this particular street but that it is a quiet road with limited numbers of vehicles and pedestrians. Highways consider this application to be beneficial. The use of on-street parking as a traffic calming measure depends on the setting.
- The gates have not been authorised.
- If the application were refused, then the Planning Enforcement Team would investigate and consider what action to take.

Cllr Craig moved that consideration of the application be deferred pending a site visit

which would also enable officers to provide further details of the neighbouring property referred to by the public speaker including whether it is listed. This was seconded by Cllr Jackson.

The motion was put to the vote and it was RESOLVED by 6 votes in favour, 3 votes against and 1 abstention to DEFER consideration of the application pending a SITE VISIT.

102 **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 6.00 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services