

PLANNING COMMITTEE

Minutes of the Meeting held

Wednesday, 3rd June, 2020, 2.00 pm

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

1 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

The Democratic Services Officer explained that Councillor Simmons is no longer a member of the Committee. The vacancy will be filled by Councillor Shaun Hughes who will attend the next meeting in July.

The Chair thanked Cllr Simmons for his service on the Planning Committee.

2 DECLARATIONS OF INTEREST

Councillor Manda Rigby declared a non-pecuniary interest in planning application numbers 19/03838/FUL (Site of former Ministry of Defence offices, Warminster Road, Bath) and 19/04772/FUL (Additional Development Area, Holburne Park, Bathwick, Bath). Cllr Rigby stated that she had attended the exhibitions relating to these developments along with the planning Case Officer.

3 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

The Chair had agreed one item of urgent business, which was to elect a Vice-Chair of the Committee. The reason for urgency was that the term of office of the current Vice-Chair had expired and it was necessary to fill this position to enable decisions to be made regarding potential committee items.

Cllr Jackson moved that Cllr Sally Davis be appointed Vice-Chair for the ensuing Council year. This was seconded by Cllr Hounsell.

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

4 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.

5 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 6 May 2020 were confirmed and signed as a correct record.

6 **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 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. 19/04797/FUL

Site Location: 3 Scumbrum Lane, High Littleton, BS39 6JN – Erection of a single and two storey rear extension

The Case Officer reported on the application and her recommendation to permit. She explained that the agent had confirmed that the legal right of way in common is not mentioned or specified in the applicant's deeds.

A neighbour spoke against the application.

The applicant spoke in favour of the application.

Cllr Ryan Wills, local ward member, spoke against the application. He expressed concern about the proposed changes to the access path which would cause harm to the amenity of the neighbouring properties. Disabled access was also an issue. The proposed development would lead to a "boxed-in" effect for number 1 Scumbrum Lane which would cause significant harm.

Officers then responded to questions as follows:

- The Case Officer displayed the new line of the path that was proposed, along with the location of the gates and patio area.
- She also confirmed the location of the boundary between the two properties.
- The single storey element of the proposal could be built under permitted development rights.

Cllr Hodge thanked officers for organising the helpful virtual site visit and moved that the application be refused for the following reasons:

- The proposal would have a harmful effect on the amenity of the neighbouring property and was not compliant with Policy D6.
- It would create a tunnel effect adversely affecting the amenity of the neighbouring property and the use of their patio area.

- The neighbours would have to move their fence and change the access to their patio area as a result of the development.

Cllr Jackson seconded the motion stating that the development would be overbearing and cause harm to the outlook from the neighbouring property.

The Deputy Head of Planning stated that the proposed reason for refusal relating to loss of amenity was clear. However, she advised that any actions neighbours may or may not take as the result of the development was not covered under the planning remit. The private right of way is a civil matter outside the scope of planning and this issue could not be put forward as a reason for refusal.

Cllr Davis noted that the route of the path could be changed under permitted development rights in any case and the route is not defined in the deeds. A ground floor extension could be built under existing permitted development rights.

Cllr Jackson was surprised that an application which inflicted so many changes on a neighbouring property was not considered to lead to a lack of amenity. There could also be overlooking into No. 2 Scumbrum Lane caused by the raising of the floor area. She also noted that the feature windows were large.

Cllr Hounsell noted that there is an extension at No.1 Scumbrum Lane. Any development should have to ensure that there is adequate room to manoeuvre for people using the rear path and he felt that the development would lead to an oppressive tunnel view for No. 2.

Taking the officer advice into consideration Cllrs Hodge and Jackson accepted that the reason for refusal should solely be based on lack of amenity as the pathway is a civil matter.

The motion was put to the vote and it was RESOLVED by 6 votes in favour and 3 votes against to REFUSE the application due to the loss of amenity caused to No. 2 Scumbrum Lane. The proposed extension would be overbearing and would cause harm to the outlook due to the boxed in tunnel effect that would be created.

7 **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 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 4* to these minutes.

Item No. 1

Application No. 19/03838/FUL

Site Location: Site of Former Ministry of Defence Offices, Warminster Road, Bathwick, Bath – Proposed construction of 42 new dwellings and 2 new blocks of apartments to provide a total of 70 new homes on part of the former MOD site at Warminster Road (revision to consented development).

The Case Officer reported on the application and his recommendation to delegate to permit. He informed the Committee that the Community Infrastructure Levy (CIL) contribution had been recalculated and is now £1,147,193.

The agent spoke in favour of the application.

Cllr Manda Rigby, local ward member on the Committee, stated that she was happy with the proposal to remove the overbearing blocks of flats and recognised that this would help the cashflow of the developers. However, she was unhappy with the decrease in the provision of affordable housing. The overall allocation should be 40% under current policies and under this proposal would result in only 15% for the site overall. Building land is an issue in Bath and if the opportunity to build affordable housing on this site is lost then she queried where it would be built. She was keen to see a mixed development on this site. She also had concerns about the impact of the intrusive development on the world heritage site. She also pointed out that the proposed allocation for visitor parking is less than required under the current policy.

Officers then responded to questions as follows:

- This area of the site is closer to the city centre and the road becomes more rural as it leads out of the city. There was a great deal of debate about the style of the buildings when the original consent was granted. The development is now partly built in the proposed style.
- The parking ratio would be 1.87 parking spaces per dwelling with 0.1 visitor spaces per dwelling.
- The Legal Advisor confirmed that the Council's discretion cannot be fettered by a Section 106 Agreement.
- The Case Officer confirmed that the Council would prefer more affordable housing. However, a commuted sum could be spent elsewhere on a site which offered more value for money.
- An offer of 80% of open market value would not be an affordable product in Bath. Phase 1 of the development delivered 61 dwellings, 29 of which were affordable. This is higher than the 33% required and the developer has made contributions.

Councillor Rigby pointed out that if a number of high value properties were approved then this would bring down the percentage of affordable housing that was required.

Councillor Craig welcomed the change to remove the blocks of flats and noted that land availability is an issue in the area. She noted that an overall figure of 15% affordable housing is much less than is required under the current policy.

The Case Officer advised members to consider the proposal in front of them and

pointed out that cashflow is an issue for the developer.

Cllr Rigby then moved that permission be refused for the following reasons:

- The low percentage of affordable housing which is contrary to policy.
- The impact of the development on the world heritage site due to views from the valley and the urban nature of the design.
- The allocation of visitor parking spaces is not policy compliant.

Cllr Craig seconded the motion.

Cllr Davis stated that she supported the officer recommendation for the reasons set out in the report.

Cllr Jackson had concerns about accepting such a reduction in the provision of affordable housing and the fact that this breached planning policies. She also drew attention to the points raised by the Bath Preservation Trust in their submission. She felt that the circumstances were not really exceptional because all developers will be affected by the Covid-19 epidemic.

Cllr Clarke noted that the developers had put forward a number of proposals that improved the development. He pointed out that refusal could lead to an undeveloped site which would be detrimental to those people who had already purchased properties in the development.

The motion was then put to the vote and it was **RESOLVED** by 6 votes in favour and 3 votes against to **REFUSE** the application for the following reasons:

- The low percentage of affordable housing which is contrary to policy.
- The impact of the development on the world heritage site due to views from the other side of the valley and the urban nature of the design on the edge of a rural area neither of which enhance the site.
- The allocation of visitor parking spaces is not policy compliant.

Item No. 2

Application No. 19/04772/FUL

Site Location: Additional Development Area, Holburne Park, Bathwick, Bath – Proposed erection of 8 additional dwellings, landscaping, car parking and associated works on land adjacent to Holburne Park, Warminster Road, Bath.

The Case Officer reported on the application and his recommendation to delegate to permit. He informed the Committee that the Community Infrastructure Levy (CIL) contribution had been recalculated and is now £102,752. An additional objection had been received relating to impacts on the residential amenity.

An objector spoke against the application.

The agent spoke in favour of the application.

Cllr Manda Rigby, ward member on the Committee, spoke against the application stating that the proposal was overbearing and did not enhance the area. She also expressed regret that Bathwick St Mary's Primary School could not have been extended to provide additional school places for those children living in the new development.

Cllr Jackson stated that she would like to see more details regarding the gradients of the site and moved that consideration of the application be deferred pending a site visit. This was seconded by Cllr Craig.

The motion was put to the vote and it was RESOLVED by 7 votes in favour, 1 vote against and 1 abstention to DEFER consideration of the application pending a SITE VISIT.

Item No. 3

Application No. 20/00395/RES

Site Location: Land between Homelands and 10 Camerton Hill, Camerton, Bath – Approval of reserved matters with regard to outline application 17/00299/OUT (Erection of 1 single-storey dwelling (Resubmission)).

The Case Officer reported on the application and her recommendation to permit. She pointed out an amendment to the report – the raised plinth referred to would be 1.8m and not 18m.

The Chair read out a statement from the agent (who had registered to speak but been unable to join the virtual meeting) in favour of the application.

In response to a question the Case Officer explained that there is already a mix of different types and design of housing in this area.

Cllr Jackson stated that the proposed development would not be out of place and was suitable for this rural location. She moved the officer recommendation to permit. Cllr Clarke seconded the motion.

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. 4

Application No. 20/01024/FUL

Site Location: 84 Triangle North, Oldfield Park, Bath, BA2 3JB – Erection of a two-storey rear extension following removal of existing extension. Erection of a single-storey side extension to number 84 and single-storey rear extension to number 85.

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

A local resident spoke against the application.

Cllr June Player, local ward member, spoke against the application. She stated that in this street only 3 properties are not HMOs. This has led to an imbalanced community and the cumulative effect of these HMOs has a detrimental impact on the amenity of all residents. Allowing even more occupants in this area will also cause

problems when social distancing is required to avoid the spread of Covid-19. Parking is also a problem in this area, which it is a busy road and bus route. The proposal will not enhance the local environment.

Cllr Colin Blackburn, local ward member, supported both Councillor Player and the local resident's comments.

The Case Officer then responded to comments as follows:

- The properties are existing HMOs and are C4 use.
- The two-storey extension to No.84 would be rebuilt on the existing footprint following the demolition of the existing extension.

Cllr Davis stated that the application was policy compliant and moved the officer recommendation to permit.

Cllr Jackson seconded the motion and stated that the development would improve the appearance of the buildings. She did not feel that there were any policy grounds for refusal.

The Chair expressed his concern at the high level of HMOs in this area.

The Deputy Head of Planning explained that the properties are existing HMOs and that there were no policy grounds on which to refuse.

Cllr Hodge sympathised with the views of the local resident and ward members and hoped that new policies could be agreed to prevent such a high density of HMO properties in the future.

The motion was put to the vote and it was RESOLVED by 8 votes in favour and 1 abstention to PERMIT the application subject to the conditions set out in the report.

Item No. 5

Application No. 19/05519/FUL

Site Location: Avon Farm, Avon Lane, Saltford – Change of use of a former office building to a dwelling (Retrospective).

The Case Officer reported on the application and his recommendation to permit. He informed the Committee that a further objection had been received which referred to the enforcement history of the site, impact on the Green Belt, and impact on conservation.

The agent spoke in favour of the application.

Cllr Alastair Singleton, local ward member, spoke against the application. He stated that this was a Green Belt location and that holiday lets on the site were being advertised as available even though they had not been granted planning permission. This could potentially lead to over 40 people being on the site. He believed that the holiday lets would not be granted planning permission. He felt that the application represented over development and did not conform to planning policies. He stated that this was an unsustainable location and that the access was an issue. He asked the committee to refuse this application on the following planning grounds –the

possible contravention of policy RE6 point 7, overdevelopment of the site, and being contrary to policies ST1 and ST7.

The Officers then responded to questions as follows:

- The application had been assessed as though it was an office rather than a storage area. Policy RE6 does not categorise the former use of a building.
- The Committee is being asked to consider an application for this particular unit. The Deputy Head of Planning clarified that building elsewhere on the site provided some context but the fallback position is also relevant. The building could be used as an office and the highways impact could diminish rather than increase.
- The Deputy Head of Planning explained that planning history is a material consideration, however, in this case, it has no bearing on the proposal.
- Saltford currently has no Local Plan in place.

Cllr Davis understood the concerns of local residents but felt that the application should be approved. She moved the officer recommendation to permit.

Cllr Clarke seconded the motion noting that, if the building was used as an office this would lessen any highways concerns.

The motion was put to the vote and there were 4 votes in favour and 5 votes against. The motion was therefore LOST.

Councillor Rigby then moved that the application be refused for the reasons set out in the highway officer's objections. This was seconded by Cllr Hodge.

The motion was put to the vote and it was RESOLVED by 5 votes in favour, 2 votes against and 2 abstentions to REFUSE the application for the following reasons:

- The site is in an unsustainable location contrary to Placemaking Plan Policy ST1.
- The proposals do not demonstrate that safe and suitable access to the site can be achieved for all people contrary to Placemaking Plan Policy ST7.

8 ENFORCEMENT REPORT - LAND REAR OF 18-25 QUEENWOOD AVENUE, BATH

The Case Officer presented his report and his recommendation to take enforcement action. The matter which appeared to be a breach of planning control was, without planning permission, the change of use of land from garden land (Sui Generis) to open and covered storage (B8). He informed the Committee that two further comments in support of enforcement action had been received regarding the appearance of the site and the impact of the breach.

Councillor Richard Samuel, Local Ward member spoke in favour of enforcement action. He stated that the breach of planning control was causing damage to the environment and having a detrimental effect on the amenity of local residents. Chemicals have previously been left on the site and the dumping of building

materials has created an eyesore. The owner has consistently ignored the council's requests to clear the land and therefore the only option available is to undertake the clearance works and charge the owner for the costs of doing so.

The Case Officer responded to questions as follows:

- The cost of the enforcement action would be covered by a government grant provided for this purpose.
- The majority of the houses in this area are 2 storey terraces and there are also two modern detached houses to the north of the site.
- The person breaching planning control is the owner of the land.
- Planning applications have been submitted for this land and have been refused in the past.

Councillor Rigby moved the officer recommendation as set out in the report. This was seconded by Councillor Jackson.

The motion was put to the vote and it was RESOLVED unanimously that, in light of the officer report, having considered the relevant enforcement options available, to delegate authority to the Team Manager – Planning Enforcement to:

- (a) Exercise the powers of the authority under s178 of the Town and Country Planning Act 1990 to enter the land and take the steps required by the Notice; and
- (b) Exercise any powers of the authority to recover the expenses of doing so.

9 **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 5.30 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services