

## PLANNING COMMITTEE

### Minutes of the Meeting held

Wednesday, 29th July, 2020, 2.00 pm

**Councillors:** Matt McCabe (Chair), Sally Davis (Vice-Chair), Vic Clarke, Sue Craig, Duncan Hounsell, Shaun Hughes, Eleanor Jackson, Hal MacFie, Ruth Malloy (Reserve) (in place of Lucy Hodge) and Manda Rigby

#### 18 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Cllr Lucy Hodge (substitute Cllr Ruth Malloy).

#### 19 DECLARATIONS OF INTEREST

The following declarations were made:

- Cllr Vic Clarke stated that he is a member of the Royal Society for the Protection of Birds (RSPB).
- Cllr Manda Rigby made a declaration in relation to application no. 20/01061/FUL – 21 Henrietta Gardens, Bathwick, Bath. Cllr Rigby used to live at 18 Henrietta Gardens but had not discussed the application with any of the current residents.
- Cllr Eleanor Jackson stated that she knew the agent for application no. 20/01078/FUL – Land North of 9B Tennis Court Avenue, Paulton, as he lives near to her. However, Cllr Jackson clarified that she did not know the agent well and so this would not impede her ability to consider the application.

#### 20 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

The Chair announced that he had agreed to consider two urgent items of business at this meeting:

- Planning Application Number 18/01516/REG04 – Land to the Rear of 89 to 123 Englishcombe Lane, Bath. The item would be presented to this meeting following a change to the Scheme of Delegation which had been agreed at the full Council meeting the preceding week. The reason for the urgency was that there was a large grant for ecological mitigation work associated with the application and the mitigation work had to be carried out during September and October. To enable the Committee to be able to take the full range of decisions (including deferring for a site visit if necessary) the application had to be considered at this meeting in order to make a decision within the necessary timescale.
- Member Call-in Period – The Committee was asked to consider extending the time for members to be able to call in an application to be heard by the

Planning Committee to two days after the closure of the consultation period. This was being considered as an urgent item to enable any changes to the scheme to be implemented as soon as possible.

**21 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.

**22 MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 1 July 2020 were confirmed and signed as a correct record subject to the following amendments:

- Minute no. 11 – Declarations of interest – amend the declaration made by Cllr Duncan Hounsell to read “Walden Road” rather than “Torridge Road”.
- Minute no. 16 – Main Plans List – Item No. 8 – paragraph 12 – Amend “Waldron Road” to read “Walden Road”.

Cllr Rigby expressed concern that, despite a request at the last meeting for an update regarding recent enforcement action at Queenwood Avenue, Bath, this had not yet been received.

RESOLVED: To request that:

- An update on the enforcement action at 18-25 Queenwood Avenue, Bath be emailed to members of the committee as soon as possible.
- A progress report be submitted to the next meeting on the enforcement action taken at Parcel 2300 and Roberts Yard, Marsh Lane, Clutton.

**23 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 2 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. 20/01078/FUL****Site Location: Land North of 9B, Tennis Court Avenue, Paulton – Erection of detached dwelling**

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

The agent spoke in favour of the application.

Cllr Liz Hardman, local ward member, spoke against the application. She stated that, the principle of housing development has been established on Tennis Court Avenue, a street made up entirely of semi-detached properties. However, a detached dwelling would not be in keeping with the street scene as all other houses in the street are semi-detached. She pointed out that a precedent has been set where two very recent applications in Tennis Court Avenue, for detached houses were rejected and both appeals had been dismissed by the Planning Inspector. She also stated that Paulton Parish Council is strongly opposed to the application.

The Case Officer then responded to questions as follows:

- There would be a side access which both the new property and 21 Hope Terrace would be able to use.
- A number of the properties in this part of the street have sold off part of their long gardens for development and the character of the area has changed as a result of new properties being built.

Cllr Jackson noted the impact of the development on the street scene and felt that the application should be refused on the grounds of urban design. She felt that the existing garage is neat and tidy and has no adverse impact on the area. It would not be possible to erect semi-detached properties on this plot.

Cllr Clarke had visited the area and did not see evidence of any particular parking problems in this street.

Cllr Hounsell felt that the design would fit in with the location and moved the officer recommendation to permit. This was seconded by Cllr Craig who stated that the development would not make any difference to parking in the area and that it would be a shame to lose the opportunity for a much-needed dwelling.

Cllr Rigby supported the motion stating that the detached dwelling would be in proportion with other properties in the street.

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. 2****Application No. 20/01061/FUL****Site Location: 21 Henrietta Gardens, Bathwick, Bath, BA2 6NA – Erection of 4 dwellings and associated works following demolition of existing dwelling**

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

A representative of the Pulteney Estates Residents' Association (PERA) spoke against the application.

The agent spoke in favour of the application.

Cllr Dr Yuktेशwar Kumar, local ward member, spoke against the application. He stated that he had received a great deal of correspondence from local residents who were against this application. He stressed that any development in the heart of the city, which is a World Heritage Site, should be considered very carefully. He felt that the height of the buildings was not suitable for the site and that parking was a concern as it would cause inconvenience to the neighbours. Existing properties would also lose sunlight. The site may also be of archaeological importance and this should not be lost.

Officers then responded to questions as follows:

- The accommodation would be set across three floors at a height of 8m.
- There is no restriction on the number of storeys for a property in this area. The policy is driven by local character and there are a range of different dwelling heights in the area.
- The applicant does not own the access track leading to the site.
- There are 3-storey flats on one side of the site and 2-storey terraced houses on the other side.
- The level of overlooking is not considered enough to warrant refusal of the application. There would be some overlooking towards the built form of the neighbouring bungalow.
- The Highways Officer stated that the existing access would be retained and that this contains some private parking. There would be unobstructed access to the proposed dwellings and all eight parking spaces will be accessible.
- The two end dwellings would have a side access to their rear gardens and the two mid-terrace dwellings would have to access their rear gardens through the house itself.
- The cycle store would be located near the front door by the parking area and close to the bin stores.
- A loft extension could be added to the dwellings under permitted development rights; however, the addition of a dormer window would require planning permission.
- A Section 106 Agreement is in the process of being negotiated to secure a level of contribution for tree planting. It was noted that this should be included in the officer recommendation.
- The site is within an area of potential archaeological interest and conditions have been added to reflect this. Any archaeological findings will be recorded and preserved.

Cllr Rigby, local ward member on the Committee, noted that the existing bungalow adds no particular value to the area. However, she did not feel that the neighbouring flats should be used as a point of reference. There are three 2-storey houses next to the site which backs onto a private road containing garages for residents of Daniel Street. She felt that there is a level of harm to the Conservation Area and that the proposal would not preserve or enhance the area. She stated that the development is too large for the site and that there would be overlooking and loss of light to

neighbouring properties. She also felt that the development would be too high and that four houses was one too many. She then moved that the application be refused.

Cllr Jackson seconded the motion and felt that the application should be refused for the following reasons:

- Overdevelopment of the site.
- Inappropriate design for this location.
- Loss of amenity to neighbours.

Cllr Davis stated that the proposed 2.5 storey dwellings were appropriate for the area and pointed out that measures would be taken to protect the archaeology in the area.

Cllr Hounsell felt that the application represented intelligent use of the space available. He pointed out that residents could extend into the loft using permitted development rights in any case.

Cllr Clarke felt that the application is policy compliant and that the reasons put forward against the development are very subjective.

Cllr Malloy supported the motion stating that the application would result in overdevelopment of the site and properties that would not be in keeping with the area.

The Team Manager, Development Management, informed the Committee that house values are not a material consideration, although housing mix to meet housing need can be taken into account.

The motion was put to the votes and there were 5 votes in favour and 5 votes against. The Chair then used his casting vote against the motion. The motion was therefore LOST.

Cllr Davis then moved the officer recommendation to delegate to permit the application subject to conditions and the completion of a Section 106 Agreement. This was seconded by Cllr Clarke.

The motion was put to the vote and there were 5 votes in favour and 5 votes against. The Chair then used his casting vote in favour of the motion and it was therefore **RESOLVED to DELEGATE TO PERMIT** the application subject to the conditions set out in the report and the completion of a S106 Agreement to secure a contribution towards tree planting.

### **Item No. 3**

#### **Application No. 19/04024/FUL**

**Site Location: 8 South Parade, Chew Magna, BS40 8SJ – Conversion and change of use of former NatWest Bank Buildings into 3 apartments and retail unit**

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

The agent spoke in favour of the application.

Cllr Karen Warrington, local ward member, spoke against the application. She explained that the building is in a Conservation Area and that it is important to preserve the building. The Parish Council is keen to see the building brought back into use. She expressed concerns regarding non-compliance with the parking policy, inappropriate density in this location, the impact on the Conservation Area and Grade II\* listed building and the impact on the viability of retail outlets in Chew Magna High Street.

Officers then responded to questions as follows:

- Whilst the current Covid-19 situation has an impact, this is considered to be a temporary issue and so should be given little weight.
- There are no specific space standards in the B&NES policies, however it is considered that the size of the apartments is acceptable.
- The top floor was previously office space for the bank (A2 use).
- The Highways Officer explained that officers do not feel that the proposed retail unit requires parking provision. There is a shortfall of six parking spaces for the residential element of the proposal, however, free parking is available within walking distance of the property.
- The Case Officer explained that weight has been given to the fact that there is a parking shortfall. It was felt that the benefits of the proposal outweighed the lack of parking provision.

Cllr Clarke noted that this area has always experienced problems with parking. However, he felt that it has been worse in the past when there were more pubs and shops in the village. He supported the development and the use of this building.

Cllr Hounsell stated that parking in Chew Magna is very difficult and that this would be challenging with a shortfall of six parking spaces.

Cllr Jackson moved the officer recommendation to permit. She felt that the proposal would improve the external appearance of the building and would make good use of an empty building. Cllr Clarke seconded the motion.

The motion was put to the vote and it was RESOLVED by 7 votes in favour, 1 vote against and 2 abstentions to PERMIT the application subject to the conditions set out in the report.

#### **Item No. 4**

##### **Application No. 19/05110/FUL**

**Site Location: Three Ways, Station Road, Clutton – Erection of a single storey 2 bedroom dwelling adjacent to existing bungalow**

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

A representative from Clutton Parish Council spoke against the application.

Officers then responded to questions as follows:

- There is a warning sign near to the site asking drivers to be aware of the possibility of pedestrians walking in the road. The area marked for pedestrians is a flush surface used by both pedestrians and vehicles. There is not a formal crossing point.
- The Highways Officer stated that, according to the Highway Code, there should be no parking within 10m of a junction. The junction is 7.5m from the entrance to the property and 10m from the centre of the site. It was noted that the Highways Officer had not visited the site and had relied solely on written information to reach his conclusions.

Cllr MacFie felt that the junction was dangerous and noted that there is no solid pavement for pedestrians to use.

Cllr Craig noted that a vehicle would have to either reverse into or out of the site and also felt that it was a dangerous junction.

Cllr Davis, ward councillor on the committee, stated that highway safety was the main concern.

Cllr Rigby was concerned that the Highways Team had not visited the site and queried how vehicles would enter and exit the site.

Cllr Clarke welcomed the provision of new houses in the area, however, felt that this was a difficult location.

Cllr Jackson moved that the application be refused on highway safety grounds as the entrance is located so close to the junction. This was seconded by Cllr Hounsell.

The motion was put to the vote and it was RESOLVED unanimously to REFUSE the application on the grounds of highway safety which is contrary to Policy ST7.

#### **Item No. 5 – Urgent Item**

##### **Application No. 18/01516/REG04**

**Site Location: Land to the Rear of 89 to 123 Englishcombe Lane, Bath – Development of 37 residential dwellings (Use Class C3, including affordable housing), vehicular and pedestrian access, open space, landscaping, drainage, related infrastructure and engineering works.**

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

Two local residents spoke against the application.

The agent spoke in favour of the application.

Cllr Jess David, local ward member, spoke against the application. She raised concerns regarding the ecological value of the site, visual and landscape impact of the proposal and transport planning and the potential impact on the local highway. She felt that the application is contrary to policies NE3, NE2A, ST7 and ST1. She did not feel that the application adequately addresses the challenges and complexities of this site: its ecology, its landscape setting, and the need to minimise impacts on the local highway and promote more sustainable travel.

The Case Officer then responded to questions as follows:

- The habitat translocation site is on Pennyquick Hill and is a greenfield site in the Green Belt which has previously been a farm.
- The habitat creation and translocation work must be completed by October and therefore needs to take place during September and October this year.
- The Pennyquick site is privately owned and can currently be accessed by members of the public but there is no automatic entitlement to do so in the future.
- If the tufa flushes remained on the Englishcombe Lane site then there would need to be a significant reduction in the number of houses to be built. If the tufa flushes were left intact, then it was estimated that only around 10-20 properties could be built on the site rather than the proposed 37 properties. Officers felt that the need for the 37 houses outweighed the harm that would be caused.

Cllr Jackson moved that consideration of the application be deferred pending a site visit. This was seconded by Cllr Rigby.

The motion was put to the vote and it was **RESOLVED** by 9 votes in favour and 1 abstention to **DEFER** consideration of the application pending a **SITE VISIT** to both the Englishcombe Lane and Pennyquick Hill sites. If possible, this should be a physical rather than a virtual site visit.

## **24 MEMBER CALL-IN PERIOD**

The Committee considered a report which asked them to consider a proposal to extend the time for members to be able to call in an application to be heard by the Planning Committee from 5 weeks from the publication of the Weekly List to 2 days after the closure of the public consultation/publicity period. It was noted that, as a change to the Scheme of Delegation, the final decision must be made by the full Council and the Planning Committee's views will inform the Council report.

It was noted that the proposal would reduce the transparency of deadline dates on applications as these may vary per application. There has been no consultation on the proposal yet, and officers recommended that consultation with the Agents' Forum should take place prior to any final decision.

**RESOLVED:** To defer consideration of this report until the next meeting to enable further work and consultation to take place.

## **25 POLICY DEVELOPMENT - AGENDA ITEM**

The Chair asked the Committee whether they would agree to an additional standing item entitled "Policy Development" to be added to future agendas. A number of policy developments are under discussion and will need to be considered at future meetings.

**RESOLVED:** To add a standing item entitled "Policy Development" to future Planning Committee agendas.

26     **QUARTERLY PERFORMANCE REPORT - APRIL TO JUNE 2020**

The Committee considered the quarterly performance report from April to June 2020.

Councillor Hounsell asked for more detailed information to be provided regarding enforcement investigations. He asked for the enforcement report (of resolved cases) to be split into those resolved due to compliance and those resolved due to it not being expedient to take action.

RESOLVED: To note the report.

27     **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 6.03 pm

Chair .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**