

PLANNING COMMITTEE

Minutes of the Meeting held

Wednesday, 26th August, 2020, 2.00 pm

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

28 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence.

29 DECLARATIONS OF INTEREST

The following declarations were made:

- (a) Cllr Vic Clarke stated that he is a member of the Royal Society for the Protection of Birds.
- (b) Cllr Sally Davis stated that she has been involved in one of the cases listed in the appeals report and that she would leave the meeting if this was discussed.
- (c) Cllrs Hal MacFie, Matt McCabe and Manda Rigby declared interests in planning application nos. 20/02389/FUL and 20/02390/LBA – Liberal Democrats, 31 James Street West, Bath. This was due to their work for the Liberal Democrat Party. They stated that they would leave the meeting when this item was discussed and would not speak or vote.
- (d) Cllr Manda Rigby declared an interest in planning application no. 20/01893/LBA – Cleveland Bridge, Bathwick, Bath. Cllr Rigby stated that she would speak on this item as ward councillor and would then take no part in the debate and would not vote.

30 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was no urgent business.

31 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.

32 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 29 July 2020 were confirmed and signed as a correct record.

33 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.
- Update reports by the Head of Planning on items 1, 2, 5, 7 and 8 attached as *Appendices 1, 2 and 3* to these minutes.
- Oral statements by members of the public and representatives. A copy of the speakers' list is attached as *Appendix 4* 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 5* to these minutes.

Item No. 1

Application No. 18/01516/REG04

Site Location: Land to the rear of 89 – 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. She provided clarification that the biodiversity net gain figure in the report should read 64.9% rather than 130%. This was due to an error in the net gain metric spreadsheet.

Four local residents spoke against the application.

The Agent and the Head of Housing for B&NES Council spoke in favour of the application.

Cllr Jess David, local ward member, spoke against the application. She pointed out that this is a designated site of nature conservation interest. She did not feel that the application adequately addressed the issues and challenges of the site. Fundamentally it had not met requirements to mitigate harm to onsite ecology, and, in an effort to deal with its ecological features, has resulted in a proposed development that makes too many compromises for existing and future residents. The net gain forecast only refers to grassland and not wetland habitat. The design is not appropriate for the area. There could be a risk of flooding in the future. Pedestrian access was also a concern along with additional traffic and parking in the area.

Officers then responded to questions as follows:

- The Case Officer confirmed that the tufa flush was not included in the net gain figure for biodiversity.
- The net gain figure is a different consideration from the compensation strategy and covers all biodiversity. A strategy is in place to replace the tufa flushes. DEFRA sets the net gain calculation. The ecologist is comfortable

with the net gain figure quoted.

- There would be a single pedestrian access to the site due to the need to provide more landscaping.
- The Highways Officer confirmed that the revised access is now more suitable and contains a vehicle crossover, which is the highway authority's preferred option. This gives priority to pedestrians and is considered to be safe. Large vehicles and cars can also pass each other and the 1.5m distance is sufficient for wheelchair users.
- A geological specialist at Bath University is satisfied that the tufa flush can be established on the Pennyquick site. However, it is not possible to be 100% certain that this can be completely replicated as there is no precedent. A clear strategy is in place for this work.
- Even if some work has started on site this does not affect the decision on whether to grant planning permission. The Team Manager explained that there have been no reports of construction or development work on site, only some preparation for the potential ecological translocation work.
- The Case Officer confirmed that this site has been allocated for development.
- There are currently 5 tufa flushes and 50% of the main flush would be retained on site, although the quality may be uncertain.
- Drainage on the Northern boundary would be dealt with by catch fill tanks and pipes would then remove water from the site. Most surface water flows through the centre of the site. The site slopes from South to North. On the Southern boundary there would be stability drains which would act as pits to control the flow of water. Water would be captured and released in a controlled manner and this has worked well on other sites. The drainage objectives have been satisfied. There would be an ongoing contribution as part of the site management arrangement secured through a S106 Agreement which would include drainage works.
- The Case Officer confirmed that a report from the hydrologist had not yet been received but explained that this could be secured by condition.
- Of the 30% affordable housing to be secured through a S106 Agreement, 75% would be for social rent and 25% would be intermediate (e.g. shared ownership).

Cllr Hounsell noted that the principle of development on this site has been established. Officers were satisfied that the drainage situation would be improved and that there would, overall, be an ecological gain. The Pennyquick site is considered to be a suitable mitigation site to address the ecological issues and is four times larger than the present site. The application will also provide additional affordable and social housing. He moved the officer recommendation to permit. This was seconded by Cllr Davis.

Cllr Craig stated that the site had been allocated for housing 20 years ago and was originally grazed pastureland. There was now more awareness of the ecological importance of the site and she would prefer it to be removed from the local plan and to become a protected site. She did not believe that the provision of 17 additional houses justified the risk of tufa site loss.

Cllr Rigby also expressed concerns about the ecological mitigation strategy. She noted that just because the new site is larger does not mean that it will be successful. She also had concerns about drainage on the site and the fact that

future residents would have the upkeep passed onto them. She accepted that the principle of housing on this site had been agreed but stated that the current design does not have to be approved. She felt that the benefits of providing additional housing on this site would not outweigh the harm caused.

The Team Manager, Development Management, explained that a management company dealing with payment for services is not unusual and that companies are often formed for new developments. Charges would be capped, especially for those residents living in affordable housing.

Cllr Jackson stated that management companies are not always set up and this cannot necessarily be conditioned. She felt that the application should be refused due to poor design and she also had concerns about the mitigation site.

Cllr Davis acknowledged that this was a very difficult decision which involved a fine balance between ecology mitigation and housing provision.

Cllr Hodge did not support the proposal. She noted that the Conservation and Landscape Officers did not feel that the application was acceptable. The site has been designated as a Site of Nature Conservation Interest (SNCI) which gives it some legal protection and she felt that the development would be contrary to Policy NE3. The ecologist had stated that there would be harm to the SNCI and there was a lack of certainty regarding the effectiveness of the mitigation scheme.

Cllr MacFie stated that this was a very difficult decision but acknowledged that the site was designated as an area for development. If the tufa flush proposals are effective then a larger nature reserve would be created at the Pennyquick site. He stated that he would like a condition that the custodians of the Pennyquick site are required to recreate a satisfactory tufa.

Cllr Craig noted that the site is high risk and that something could go wrong. The land also contains other wildlife as well as the tufa flushes. She was concerned that this would set a precedent that it was acceptable to develop on an SNCI site.

Cllr Rigby pointed out that it was not just the Council Ecologist that had concerns about the development. The Conservation Officer and Urban Design Officer had also raised objections. The development would damage the ecology in the area and there was no guarantee that the ecology mitigation scheme would work. The design was also poor.

Cllr McCabe stated that all development on greenfield sites would cause harm. He was hopeful that the mitigation plans would be successful. The net gain for biodiversity was 64.9%. The new site would be four times as large as the existing site. Not all development could be prevented, and it was important to ensure that the necessary mitigation measures were taken. The principle of building on this site has been established.

The motion was put to the vote and it was **RESOLVED** by 5 votes in favour and 4 against to **PERMIT** the application subject to the conditions and completion of a S106 Agreement as set out in the report.

(Note: Cllr Eleanor Jackson lost connection to the meeting for part of this item and

was therefore unable to vote).

Item Nos. 2 and 3

Application Nos.: 19/04933/FUL and 19/04934/LBA

Site Location: Royal National Hospital for Rheumatic Diseases, Upper Borough Walls, Bath – Change of use from hospital (Use Class D1) to 164 bedroom hotel (Use Class C1) and 66sq m of restaurant/café (Use Class A3); to include publicly accessible restaurant, health spa, bar, lounge/meeting spaces at ground and first floor; external alterations to East Wing roof including removal of lift room and flu, demolition and replacement of roof top plant area and extension to existing pitched roof; demolition and replacement of modern infill development to south elevation and new infill development to north elevation of the East Wing internal courtyard and new glazed roof to spa area; removal of modern external staircase to rear of West Wing and replacement infill development and glazed link to new extension; demolition and replacement of 3rd storey extension to West Wing; alterations to the roof of West Wing; including new lift shaft and plant screen; erection of 3.5 storey extension to rear of West Wing with glazed link/conservatory space; removal of two trees and replacement tree planting; landscaping and associated works.

Listed Building Consent: Internal and external alterations associated with proposed conversion to hotel (Use Class C1); demolition and replacement of modern infill extension, new glazed roof and new infill development of northern elevation to internal courtyard of East Wing; alterations to the roof of East and West Wings; removal of external staircase to West Wing and replacement with glazed link to new extension and replacement infill development; abutment of new glazed structure with West Wing chapel south wall; demolition and replacement of 3rd floor extension and replacement infill development; abutment of new glazed structure with west wing chapel south wall; demolition and replacement of 3rd floor extension to West Wing and additional plant screen and lift overrun to West Wing roof; partial demolition of the boundary wall on Parsonage Lane; construction of replacement glass screen to main internal ground floor lobby of West Wing; changes to internal layout and consequential changes to internal partitions and other fabric.

The Case Officer reported on the applications and her recommendation to permit and to grant listed building consent.

Three objectors spoke against the application.

The agent and a representative from Bath Preservation Trust spoke in favour of the application.

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

The motion was put to the vote and it was RESOLVED unanimously to DEFER consideration of the application pending a SITE VISIT.

Item No. 4

Application No. 19/05165/ERES

Site Location: Western Riverside Development Area, Midland Road, Westmoreland, Bath – Approval of reserved matters (scale, appearance and landscaping), pursuant to outline application 06/01733/EOUT for the erection of 2 five storey buildings comprising 290 student bedrooms (Sui Generis); retail floorspace (Class A1); bin and cycle stores, plant rooms and associated landscaping works.

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

A representative from Bath Preservation Trust spoke against the application.

The agent spoke in favour of the application.

Cllr June Player, Local Ward Member, spoke against the application. She expressed concern regarding the impact of additional student accommodation in this area. She pointed out that this was one of the main gateways into Bath and that it was important to prevent the Lower Bristol Road being filled with monotonous developments. She stated that the proposed buildings were too tall and that the materials were not appropriate for the area. She felt that a tunnelling effect would be created.

The Case Officer responded to questions as follows:

- The application was for the approval of reserved matters and there was no scope to reconsider the issue of viability.
- The applicant has already made some amendments to the original plans in order to move the building line. The building would be 7-8m back from the pavement edge which would enable sufficient space for social distancing.
- There are five issues that can be considered under a reserved matters application. Access, layout, scale, appearance and landscaping. The location of the proposed buildings has already been approved.
- The student accommodation buildings at Twerton Mills are 4 storey with a pitched roof form, the Unite student accommodation is 4 storey with a variety of roof forms and the Spring Wharf student accommodation is 4, 5 and 6 storey.
- The proposed development at Pinesgate would have consisted of 2 two buildings of 6 and 7 storeys but the permission has now expired.

Cllr Hodge expressed concern that the principle of this development had been agreed 10 years ago and the situation has now changed. She moved that permission be refused for the following reasons:

- Scale and massing.
- Inappropriate design and materials.
- Failure to respond to the local context.
- Detrimental impact on the World Heritage Site.
- The application is contrary to policies B4, D1, D2, D3 and D5.

Cllr Hodge stated that the proposed buildings exceeded appropriate height limits for

this area. She also noted that the development would be constructed of red brick and would be large and dominant in this location which would result in a negative impact.

Cllr Jackson stated that the building would be very dominant and that the design would not be appropriate in this location. She was not opposed to development on the site; however, this particular design would be too bulky.

Cllr Hughes expressed concerns about the impact of the building on the local landscape and felt that the design would be out of place on the Lower Bristol Road.

Cllr MacFie stated that the red bricks were not appropriate in this area and that the building was too large.

The motion was put to the vote and it was RESOLVED by 9 votes in favour and 1 abstention to DELEGATE TO REFUSE the application for the reasons set out above.

Item No. 5

Application No. 20/01893/LBA

Site Location: Cleveland Bridge, Bathwick, Bath – The refurbishment, repair and strengthening of a Grade II* listed structure.

The Case Officer reported on the application and her recommendation to consent. She pointed out an amendment to one of the conditions which would require the developer to come back with phasing for the proposals as well as details of materials.

A representative of Pulteney Estates Residents' Association, Cleveland Bridge Residents and the Federation of Bath Residents' Associations spoke against the application.

Cllr Yuktेशwar Kumar, local ward member, spoke against the application. He requested that the Committee visit the site. He noted that the bridge is one of the finest buildings in Bath and stated that not enough information had been provided to enable the Committee to make a decision. Consideration should be given to the preservation of heritage assets and the bridge should not be repaired without giving some consideration to the environment.

Cllr Tom Davies, local ward member, spoke against the application. He asked the Committee to defer a decision on this application as there was insufficient information available to justify the scale of works that are proposed. It was vital to preserve this asset and to consider whether to focus on long-term conservation or to gear the repairs towards allowing large HGVs to cross the bridge. S16 of the NPPF states that an asset such as this is an irreplaceable resource. Long term use of the bridge must be considered. Damage by HGVs and future use must be taken into account. The current weight limit should be retained in order to protect this valuable asset.

Cllr Manda Rigby, local ward member, spoke against the application. She felt that there was not enough information provided in the report to ascertain whether the criteria required under the 1990 Listed Buildings Act have been fulfilled. The water

ingress causing damage is partly due to vehicles using the bridge and the life of the bridge is dependent on what use it is put to. The proposed repair is not like for like. Historic England should be reconsulted. A site visit would be helpful to avoid errors and omissions. The work was not scheduled to start until next Spring and so a site visit would not cause a problematic delay.

(Note: Having spoken as local ward member, Cllr Rigby then switched off her audio and video functions, took no part in the debate and did not vote on this application).

Cllr Craig stated that she would prefer to make a decision based on all relevant information. She moved that consideration of the application be deferred pending a site visit. This was seconded by Cllr Hodge.

The Committee asked for further information on the following matters:

- 2012 Departure from Standards document.
- 2014 and 2017 Engineering Assessments.
- Details of whether a planning application is required as well as a listed building consent application.
- Clarification of highways issues including the scope and remit of this Committee.
- Clarification of whether damage is being caused to the bridge by lorries or by water ingress/rusting and whether lorries using the bridge would cause damage in the future.
- Impact of air pollution on the bridge.
- Ecology issues.

The motion was put to the vote and it was RESOLVED by 8 votes in favour and 1 abstention to DEFER consideration of the application pending a SITE VISIT.

Item No. 6

Application No. 20/01965/FUL

Site Location: 2 Uplands Drive, Saltford, BS31 3JH – Erection of outbuilding/garden room to rear garden.

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

The Case Officer and Team Manager then responded to questions as follows:

- The wildlife corridor referred to in the officer report relates to the rear of the garden at 17A – 17D Rodney Road.
- The land registry documents have been obtained by the Case Officer but any dispute regarding land ownership is a civil matter rather than a planning consideration.
- The outbuilding would only be approximately 10cms higher than the height that would be allowed under permitted development rights.
- The proposed building would still be subservient to the main dwelling.
- The orientation of the outbuilding would be towards the host dwelling and so internal lighting should not affect the neighbouring property. However, if required the Committee could agree to include a condition to control any external lighting.

- There were no plans to remove the existing laurel hedging. The Team Manager advised that any condition relating to the retention of the hedge would be outside the scope of this application.

Cllr Jackson had some concerns regarding damage to the wildlife corridor and the effect of light spill on any bats in the area. She queried whether a condition could be included to prevent the use of security lights.

Cllr MacFie noted that the proposal was very close to the height that would be allowed under permitted development rights. He then moved that the Committee delegate to permit the application subject to the conditions set out in the officer report and an additional condition to control any external lighting. Cllr Rigby seconded the proposal.

The motion was put to the vote and it was RESOLVED, by 9 votes in favour, to DELEGATE TO PERMIT the application subject to the conditions set out in the officer report and the inclusion of an additional condition to control any external lighting.

(Note: Cllr Vic Clarke lost connection to the meeting for part of this item and was therefore unable to vote).

(Note: Cllrs Matt McCabe, Hal MacFie and Manda Rigby left the meeting at this point having declared interests in the following application. The Vice-Chair, Cllr Sally Davis, then took the Chair).

Item Nos. 7 and 8

Application Nos. 20/02389/FUL and 20/02390/LBA

Site Location: Liberal Democrats, 31 James Street West, Bath – Remodelling of the front garden to include the installation of a new lifting platform. External alterations for the remodelling of the front garden to include the installation of a new lifting platform.

The Case Officer reported on the applications and her recommendation to permit and to grant listed building consent.

Cllr Craig moved the officer recommendations to permit the planning application and to grant listed building consent. This was seconded by Cllr Jackson.

The motion was put to the vote and it was RESOLVED unanimously to PERMIT the planning application and to GRANT LISTED BUILDING CONSENT subject to the conditions set out in the report.

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

Item No. 9

Application No. 20/02331/AR

Site Location: 20 Wellsway, Bath, BA2 2AA – Display of one non-illuminated company logo on existing retractable canopy above private forecourt.

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

Cllr Jackson stated that the proposal improved and enhanced the Conservation Area and moved the officer recommendation to consent. This was seconded by Cllr Hounsell.

The motion was put to the vote and it was RESOLVED unanimously to CONSENT to the application.

34 **ENFORCEMENT ACTION - UPDATE REPORT**

The Committee considered an update regarding enforcement action at Parcel 2300/Roberts Yard, Marsh Lane, Clutton. The Team Manager, Development Management, explained that the necessary court procedures are being followed.

The Team Manager also provided an update regarding the enforcement action at Queenwood Avenue, Bath. He explained that once a decision has been made by the Planning Committee to take enforcement action officers then have to contact the landowner giving them a final opportunity to comply with the enforcement notice. A timescale has been set with the landowner to comply by 30 September. If he has not complied by this date then the Council's contractors will go ahead and clear the site. It was noted that if a landowner simply clears the site by moving the rubble to a different location then it may be necessary to serve a further enforcement notice for the new land. Members will be kept informed of progress relating to this enforcement action.

It was noted that an enforcement notice was tied to the land it would remain in force even if the ownership of the land changed. If residents had concerns, then they should contact the Planning Enforcement Team who will then log their complaints and take any necessary action.

Cllr Clarke felt that landowners should be charged for officer time when enforcement action was required. The Team Manager explained that time spent on injunction proceedings is recorded but that this is not the case for day to day functions. He agreed to investigate which costs can be recovered from landowners.

RESOLVED:

- (1) To note the written update.
- (2) To request that an update report be brought to the next meeting regarding the enforcement action at 8 Wells Square, Westfield.

35 **POLICY DEVELOPMENT**

There were no policy development items for consideration at this meeting.

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

The Committee considered the appeals report. It was agreed that a copy of the Planning Inspector's report relating to the Police Station, Bath Hill, Keynsham be

sent to all members of the Committee to gain a better understanding of why the appeal was upheld. It was also noted that a virtual training session for members would be held on 22 September 2020.

RESOLVED to NOTE the report.

The meeting ended at 7.10 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services