

PLANNING COMMITTEE

Minutes of the Meeting held

Wednesday, 23rd September, 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

37 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence.

38 DECLARATIONS OF INTEREST

There were no declarations of interest.

39 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was no urgent business.

40 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.

41 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 26 August 2020 were confirmed as a correct record.

42 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 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 Nos. 1 and 2

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 Chair explained that it had not been possible to physically visit the site due to the current situation with Covid-19 and the need to maintain the safety of members, officers and members of the public. The Committee had, instead, undertaken a virtual site visit in which they viewed films of the site prepared by officers along with photographs and drawings. Members also have local knowledge of the area. He reassured members of the public that a lot of time and effort had gone into ensuring that the Committee had viewed the sites as thoroughly as possible and were fully prepared to consider the applications.

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

Three members of the public spoke against the application.

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

Officers responded to questions as follows:

- The vertical sky component has been used to provide the sunlight assessment for the neighbouring properties in Parsonage Lane. This considers vertical light and daylight distribution. This assessment does not consider reflected light or the particular materials that light is reflected from. The amount of reflected light would vary depending on the location within the property.
- Great weight must be given to the harm to a heritage asset. This could include harm to the historic fabric of the building, harm to the setting and loss of open space. This would then have to be weighed against the public benefits such as the continued long-term use of the building, replacement roof, open ground floor windows and the opportunity for the public to view the mosaics contained within the building. The proposed spa has links to the historic use of the building. There would also be public realm improvements in Parsonage Lane.
- Members were reminded about the importance of considering the public sector equality duty, particularly with regard to the impact on the outlook of some neighbours with the protected characteristics of age or disability.
- Access to the building would normally only be for users of the spa or restaurant. The Section 106 Agreement would include a clause to secure heritage open days to enable groups to view the building and mosaic.
- There has been no independent test of viability for the use of the building. If the building was converted into private apartments there would be no public use of the building. There is no requirement for a viability assessment for this type of development as it is for the developer to decide whether a project is viable.
- The Local Plan does not specify a cap for the number of hotel rooms to be provided in Bath. The principle of development in this case is acceptable as a town centre use and is not contrary to the Local Plan.
- If the extension is not built, then the business may not be viable.
- Four trees would be lost but five replacements are proposed. The ecologist is satisfied that, subject to enhancements, for example, the provision of bird and bat boxes, that there would not be loss of biodiversity. This is in accordance with the Development Plan.
- The Agent submission relating to the ecological enhancements is robust and a wildlife friendly space can be secured by condition along with the retention of some trees.
- There is some parking directly outside of the site. At the eastern end of the Lower Borough Walls there is a loading bay and blue badge parking. Adjacent to the site there is further blue badge parking. The ambulance bay will become redundant and can be used for loading.
- There is no allocated parking space for users of the hotel, however, two to three spaces would be available outside.
- There would be less vehicle movement with this development than with the previous use as a hospital.

Cllr Craig stated that the Mineral Hospital is a much-loved building in the centre of Bath and must not fall into disrepair. She welcomed the plans to allow some public access to the building and noted that compromises have been made by the agent. However, she had concerns around the size and mass of the proposed extension.

She stated that trees are very important in urban areas and noted that some large trees would be lost. She also had concerns about the reduction in open space and loss of wildlife habitat. She did not feel that the proposal would enhance the listed building as the extension would be overbearing and contrary to Policy D6. She also raised concerns about harm to the amenity of local residents due to loss of light and the height of the extension; plus the impact upon the Scheduled Ancient Monument.

Cllr Craig then moved that the planning application be refused as it was contrary to policies D6, NE5, D7 and D4 (relating to backland development, unacceptable scale and mass, impact on biodiversity and ecological networks, adverse effect on amenity and impact on the surrounding townscape).

Cllr Rigby seconded the motion. She stated that the Council owed a duty of care to local residents in Parsonage Lane and Bridewell Lane as their residential amenity would be adversely affected to a great extent.

Cllr MacFie stated that the main issue was the height of the extension and that if the six bedrooms on the top floor of the extension were removed then this would cause less harm to local residents. He would also like to see a positive gain on green space.

Cllr Hounsell, on balance, supported the officer recommendation and stressed the need for the Committee to consider the proposal that was being put forward.

Cllr Hodge stated that she had concerns regarding the bulk of the extension, loss of amenity for residents in Parsonage Lane and the loss of green space.

Cllr Davis stated that she felt, overall, that the benefits do outweigh the potential harm.

Cllr McCabe stated that the footprint of the new building was an issue and he had concerns about the impact on local residents.

Cllr Jackson stated that it was a considerable gain to preserve the building. However, the extension was a concern.

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

- The proposal is contrary to policies NE5, D4, D6 and D7 (relating to backland development, impact on biodiversity and ecological networks, adverse effect on amenity and impact on the surrounding townscape).
- The size, bulk and massing of the proposed extension.

The Committee then went on to discuss the Listed Building application. The legal advisor advised members that they should apply s16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and focus upon the impact upon the listed building. Cllr Craig moved that the application be refused due to the harm to the setting and special character of the listed building. This was seconded by Cllr Rigby.

Cllr Jackson stated that the impact of the extension would cause visual harm to the listed building.

Cllr Hodge stated that the scale and bulk of the extension was her main concern.

The motion was put to the vote and it was RESOLVED by 6 votes in favour, 2 votes against and 2 abstentions to REFUSE listed building consent for the following reason:

- The proposal would cause harm to the setting and special character of the listed building, which is not outweighed by the public benefits, contrary to Policies HE1, D4 and D7.

Item No. 3

Application No. 20/01893/LBA

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

This item was withdrawn.

Item No. 4

Application No. 19/05204/FUL

Site Location: Parish's House, Hook, Timsbury, Bath – Change of use and extension of gardener's store/workshop into a conference/function centre and retrospective permission for the erection of a gazebo

This item was withdrawn.

Item No. 5

Application No. 20/02333/FUL

Site Location: 231 Wellsway, Bath, BA2 4RZ – Hip-to-gable loft conversion with dormer windows to front and back, replace windows and a new roof to the front bay windows

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

The applicant spoke in favour of the application.

Cllr Alison Born, local ward member, spoke against the application. She stated that local residents were concerned at the lack of consultation by the applicant. They also had concerns about additional pressure on parking in the area, lack of privacy and increased noise. She stated that the application represented overdevelopment of the site and that the occupancy should be restricted to four. There were also concerns about the effect on the visual character of the area due to the dormer windows.

The Case Officer responded to questions as follows:

- The new roof would be visible from Wellsway.
- The veranda would no longer be attached to a bedroom but would form part of the main living area which would open onto the terrace.

- This is not an application for change of use and the existing use class C4 allows for 4 to 6 unrelated occupants. There are no planning policy guidelines that refer to the Covid-19 “rule of six” and so this would not be a material consideration.
- The property is large enough to contain three upstairs bedrooms. There is no policy on room sizes for HMO properties. The proposed room sizes exceed the requirements for an HMO licence.
- There is no parking with the curtilage of the property.
- Due to the layout of the site the property has two storeys at the rear.
- There are various roof types in the locality.
- There is a condition requiring the provision of a bike store for two bikes.

Cllr Craig had concerns about the views of the property from the other side of the valley and did not like the design of the roof.

Cllr Hodge had concerns regarding the balcony and rooms in the roof. She felt that the impact on the residential amenity would be adversely affected by the change in the orientation of the living space. She then moved that the application be refused due to the adverse effect on residential amenity. This was seconded by Cllr Craig.

Cllrs Jackson and Davis did not feel that there were policy grounds for refusal.

Cllr Rigby suggested that a further reason for refusal should be added relating to the design, including the long flat roof which would be visible from the other side of the valley. This was agreed by the mover and seconder of the motion.

Cllr McCabe felt that the proposal would mean that the property would no longer be subservient to the original and was concerned that the number of occupants could increase.

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

- The adverse effect on residential amenity.
- Poor design which would impact on views from the other side of the valley.

Item No. 6

Application No. 20/01688/FUL

Site Location: Inglescombe Cottage, Church Lane, Englishcombe, Bath – Garage conversion for additional living accommodation as an annex to the existing house

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

A representative from Englishcombe Parish Council spoke regarding the application.

The Case Officer then responded to questions as follows:

- There would not be a window in the wall of the bedroom and the only natural light would be from the windows in the roof.
- The annex is intended to be used for additional living accommodation and not

- a holiday let.
- A condition could be included that the roof lights should be heritage lights, but members were advised that it was not possible to impose a condition reducing the number of roofs lights to two.
 - There was a possibility that the annex could be used for AirBNB. However, there is case law regarding the use of ancillary accommodation and appeal decisions concerning residential holiday lets; it depends on how the accommodation is used as a matter of fact and degree and the frequency of use.
 - A separate dwelling in its own right would require further consent. However, no further planning application would be required to make internal changes such as the addition of a kitchenette.
 - The parking requirement for this property is 3 parking spaces and it is proposed that the existing 4 spaces be retained. There were no highway concerns regarding the proposal.

Cllr McCabe then moved that the Committee delegate to permit the application and that a condition be included to require the use of heritage roof lights. This was seconded by Cllr Davis.

The motion was put to the vote and it was RESOLVED unanimously to DELEGATE TO PERMIT the application subject to the conditions set out in the report and the inclusion of an additional condition to require the use of heritage roof lights.

Item No. 7

Application No. 20/01999/FUL

Site Location: 88 The Oval, Southdown, Bath, BA2 2HE – Change of use from dwelling (Use Class C3) to 6-bed house in multiple occupation (HMO) (Use Class C4)

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

A local resident spoke against the application.

The applicant spoke in favour of the application.

Cllr Jess David, local ward member, spoke against the application. She expressed concern about the loss of family housing due to conversions to HMO properties. She felt that the application represented the over-extension of the property in this 1930s housing estate. She also raised concerns regarding car parking, traffic congestion and harm to the residential amenity.

The Case Officer responded to questions as follows:

- The property already has permission to be used as an HMO and this application is for the removal of the occupancy limit of no more than 5.
- The car parking spaces do not overlap and can be accommodated in the space available.
- A change from C3 to C4 use would usually allow up to 6 occupants.

Cllr Jackson stated that she did not feel that there were policy reasons to refuse the

application. She noted that there is a good bus service in this area and that car use cannot be conditioned.

Cllr Craig felt that the parking arrangements were unrealistic and that there was only space for 3 cars rather than 4 to park on the driveway.

Cllr Hodge expressed concern at the loss of a family residence and the detrimental effect on residential amenity. She noted that the original restriction of the HMO to 5 residents was made on the grounds of residential amenity and queried the rationale for overturning this.

Members noted that the Supplementary Planning Document relating to HMO properties is currently under review. Officers agreed to feed back to the policy team the concerns of members about their inability to control the increase in HMO properties in the Bath area and the subsequent loss of family homes.

Cllr Davis stated that there were no grounds on which to refuse the application and moved the officer recommendation to permit. This was seconded by Cllr Jackson.

The motion was put to the vote and it was RESOLVED by 7 votes in favour and 3 abstentions to PERMIT the application subject to the conditions set out in the report.

Item No. 8

Application No. 20/02340/FUL

Site Location: 94 The Oval, Southdown, Bath, BA2 2HF – Change of use from dwellinghouse (Use Class C3) to house in multiple occupation (Use Class C4)

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

A local resident spoke against the application.

Cllr Jess David, local ward member, spoke against the application. She expressed concern at the increasing loss of family homes as they become HMO properties. She stated that the area is ideal for families being within walking distance of two primary schools and that the proposal is incompatible with the character and amenity of the area.

Officers then responded to questions as follows:

- The Team Manager, Planning and Enforcement, stated that the Policy H2 consideration is to have regard to the Supplementary Planning Document and whether the area is saturated with HMOs. However, when one area becomes saturated this can lead to HMO applications being submitted in peripheral areas such as this.
- Although a case could be made regarding the unacceptable loss of family accommodation, the Local Authority has lost all appeals regarding HMO properties outside of the saturation areas.
- The Council's declaration of a climate emergency cannot be used as a reason for refusal in its own right as it is not adopted planning policy. Developments affecting climate can be a material planning consideration, but the application needs to be considered in line with adopted policy.

- 6.73% of properties within a 100-metre radius are HMO properties and so this is below the 10% threshold referred to in the HMO Supplementary Planning Document.

Cllr McCabe expressed concern that, having declared a climate emergency, families are now being pushed out of the area. This would lead to children needing to travel further to school rather than being able to walk to local schools. These issues would be covered in the policy review.

Cllr Rigby moved that the application be refused for the following reasons:

- The application is contrary to Policy H2 – Point 5 – unacceptable loss of property-mix in the light of the declared climate emergency and the proximity of local schools.

This was seconded by Cllr Craig.

Cllr Davis stated that the application was policy compliant.

Cllr Jackson stated that there was no evidence that people would send their children to their local school. She felt that a refusal would be unreasonable.

Cllr Clarke stated that, although he had sympathy with local residents concerned at the increasing loss of family homes, he felt that it would be irresponsible to vote in favour of refusal knowing that it was likely to be lost at appeal and could potentially incur costs to the Council.

The motion was put to the vote and there were 4 votes in favour, 5 votes against and 1 abstention. The motion was therefore LOST.

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

The motion was put to the vote and it was RESOLVED by 6 votes in favour and 4 votes against to PERMIT the application subject to the conditions set out in the report.

43 **TREE PRESERVATION ORDER 2020 - LAND TO THE NORTH OF THE ORCHARD, HIGH STREET, PENSFORD NO. 3**

The Committee considered a report regarding the making of a Tree Preservation Order (TPO) because an objection had been received from the landowner following the making of the Order. The Order had been supported by Publow and Pensford Parish Council and representations from three residents.

A local resident spoke in favour of the TPO.

The Chair read out a statement from Cllr Paul May, local ward member, in favour of the TPO. This stated that the prominent site was a valued natural area unsuitable for development. If the trees were removed without any care for the environment this would seriously harm the visual amenity of the site in the greenbelt.

The Case Officer confirmed that there were no obvious problems with the health of the trees and that a recent arboricultural report stated that no work was required at this time.

Cllr Rigby noted the prominent position of the trees.

Cllr Jackson moved the officer recommendation stating that the trees should be preserved for both ecological and aesthetical reasons.

Cllr Clarke seconded the motion and stated that a sign should be erected on the site stating that the trees are protected.

The motion was put to the vote and it was RESOLVED unanimously to confirm the Tree Preservation Order without modification.

44 **PROPOSAL TO EXTEND THE MEMBER CALL-IN PERIOD**

The Committee considered a report regarding the consultation period for members to call a planning application to committee.

Members discussed the advantages and disadvantages of making a change to the scheme of delegation. Disadvantages included transparency, and the risk of a reduction in performance levels relating to timescales. Advantages included the ability to engage with Parish Councils before calling in a decision and less chance of missing an important application.

It was pointed out that the Council had recently changed the scheme of delegation to extend the consultation period for members to call an application to committee to five weeks. Some members felt the Council should wait to see the impact of this change before making another. It was pointed out that members can call-in an application and then withdraw this if necessary.

It was noted that the majority of agents were in favour of a change and it was felt that it would be an easy process with only a small number of applications falling into this category.

RESOLVED: To recommend to Council to change the planning scheme of delegation, for a trial period of one year, to allow members to call applications to the Planning Committee up to two days after the closure of the public consultation period.

(Moved by Cllr McCabe and seconded by Cllr Hodge – 8 for and 2 abstentions).

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

The Committee considered the appeals report.

RESOLVED to NOTE the report.

46 **EXCLUSION OF PRESS AND PUBLIC**

RESOLVED: That, having been satisfied that the public interest would be better served by not disclosing relevant information, in accordance with the provisions of Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item and that the reporting of that part of the meeting shall be prevented under Section 100A(5A), because of the likely disclosure of exempt information as defined in paragraph 7 of Part 1 of Schedule 12A of the Act, as amended.

47 **COMMITTEE ENFORCEMENT UPDATE**

The Committee received an update regarding an ongoing enforcement case.

RESOLVED: To note the update report.

The meeting ended at 7.13 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services