

## **PLANNING COMMITTEE**

### **Minutes of the Meeting held**

Wednesday, 18th November, 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

#### **58 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were no apologies for absence.

#### **59 DECLARATIONS OF INTEREST**

The following declarations were made:

- Cllr Manda Rigby declared an interest in planning application no. 20/02926/FUL – Additional Development Area, Holburne Park, Bathwick, Bath. Cllr Rigby stated that she had attended the exhibitions relating to this development along with the Planning Case Officer.
- Cllr Matt McCabe declared an interest in planning application no. 19/05534/FUL – Telecommunications Mast 54146, Woolley Lane, Charlcombe, Bath. Cllr McCabe was co-founder of a company which was a potential competitor to the applicant and also held shares in that company. Cllr McCabe stated that he would not speak or vote on this application and that Cllr Sally Davis, Vice-Chair, would take the chair for this item.
- With regard to planning application no. 20/02932/FUL – The Coach House, College Road, Lansdown, Bath, after the officer presentation, and in response to a question from the Chair, Cllr Hodge clarified that she would speak as local ward member and would not take part in the debate.

#### **60 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN**

There was no urgent business.

#### **61 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.

## 62 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 21 October 2020 were confirmed and signed as a correct record.

## 63 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 the Committee's 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. 20/01408/VAR

**Site Location: Building between The House and Old Orchard, The Street, Ubley – Variation of condition 2 of application 17/00295/FUL (Erection of detached dwelling house and detached garage).**

The Case Officer reported on the application and her recommendation to permit. She informed members that a further objection had been received regarding the fenestration and the proposed dressing room area. She explained that this application was a variation under S73 of the Town and Country Planning Act 1990 and was subject to the same process and scrutiny as a full planning application. She also pointed out that the floor plans had been amended following concerns raised at the previous meeting.

A representative from Ubley Parish Council spoke against the application.

A neighbour spoke against the application.

The agent spoke in favour of the application.

Cllr Vic Pritchard, local ward member, spoke against the application. He stated that the gap between the neighbouring property and this property was being eroded. He also expressed concerns at the loss of light to the neighbouring property and outlined how the residents would be adversely affected by the development.

The Case Officer then responded to questions giving details of the proposed elevations and the key differences between this and the previous application.

Cllr Rigby pointed out that individual circumstances cannot be taken into

consideration when making planning decisions.

Cllr Hughes pointed out that, if the development were permitted, the property would be closer to the neighbouring dwelling.

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

Cllr Jackson stated that she was not convinced that the application would conserve and enhance the adjacent conservation area.

Cllr Davis pointed out that permitted development rights would be removed.

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

## 64 **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 3 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. 20/02787/VAR**

**Site Location: Bath Quays North Development Site, Avon Street, Bath – Variation of condition 42 (Approved drawings, development specification and design codes) of application 18/00058/ERE03 (Outline planning application for comprehensive mixed use redevelopment, comprising B1, C1, C3, A1, A3, A4, D1 and D2 uses, with total combined floorspace of up to 38,000sqm (GIA, above ground), infrastructure (including basement car park) and associated development, including demolition of existing multi storey car park and amenity building. Access, landscaping, layout and scale for approval (to extent described in separate Development Specification), all other matters reserved.**

The Case Officer reported on the application and explained that his recommendation, as set out in the update report, was to delegate to permit. He reminded members that when balancing the identified harm to heritage assets against the public benefits, great weight should be given to the conservation of the heritage assets.

Officers then responded to questions as follows:

- The developer is required to provide a specified minimum amount of office space. The additional height gained could be used for residential accommodation if desired.
- There were no changes to the sub-structure of the development.
- The key gain from this variation was an increase in the reduction of carbon emissions from 19% to a minimum of 30% (with the potential for 37%).
- The principle of flat roofs in this development has been accepted and it would be the responsibility of the occupiers and owners of the site to take any necessary measures to deter gulls. There would be no general public access to the flat roof areas.
- There was no requirement to provide pitched roofs in this development along the riverside area.
- There was no additional economic benefit to the proposed variation.

Cllr Craig stressed the importance of design and welcomed the increased carbon reduction targets. She then moved the officer recommendation to delegate to permit. This was seconded by Cllr Clarke.

Cllr Hodge spoke against the proposal, pointing out the negative impact on the heritage setting which she felt outweighed the potential benefits. The attractiveness of the city should be preserved, and she did not wish to lose the pitched roof design.

The motion was then put to the vote and it was RESOLVED by 7 votes in favour and 3 votes against to DELEGATE TO PERMIT the application subject to conditions including a S106 agreement as set out in the report.

## **Item No. 2**

### **Application No. 20/02008/FUL**

**Site Location: Unregistered Unit 1-4, Old Station Yard, Avon Mill Lane, Keynsham – Erection of 2 acoustic barriers; permission to allow the filling of concrete mixing vehicles between 6.30am and 5.30pm (Monday-Friday) 8am – 1pm Saturday and 7.30am – 5.30pm (Bank Holidays); permission to allow other specified operations at the site between 7.30am and 6.30pm (Monday-Friday) and 8am-1pm (Saturday) and 7.30am – 5.30pm (Bank Holidays); and permission to store materials in external yard area.**

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

A representative from Keynsham Town Council spoke against the application.

A local resident spoke against the application.

The agent spoke in favour of the application.

Cllr Andy Wait, local ward member, spoke against the application. He raised concerns regarding noise, vibration and dust from the premises. He also expressed concern about the way that the site had been classed as B2 use. He pointed out that a large number of HGVs visited the site each week. The use of this site was

creating a very negative impact on local residents.

Officers then responded to questions as follows:

- The Deputy Head of Planning informed the Committee that they were not being asked to consider the use class for this site and should focus on the planning application before them relating to an extension to hours of operation and the erection of acoustic barriers.
- The Case Officer stated that, although concerns had been raised by the applicant regarding Condition 3 which refers to a temporary permission, officers consider this to be reasonable.
- The impact on the amenity of residents of neighbouring properties is a material consideration. The officer's assessment is that the construction of the acoustic barriers would improve the situation for residents. Noise would be reduced from 17 decibels above the background level to 3 decibels above. Condition 2 requires that the extended operating hours should not commence until the acoustic fences have been fully erected and installed.
- Two noise assessments have taken place at the site in April and August 2020. The average noise level was 62 decibels which would be reduced to 48 decibels with the barriers.
- Not all use classes are listed in the local plan and this is not an allocated site. Officers have agreed that the site constitutes a lawful B2 use.
- Conditions require that the car park is only used for parking or storage of vehicles. Any other use would be subject to enforcement action.
- The Committee could decide not to extend the hours of use on bank holidays.
- The gates which allow access to the site will not form part of the acoustic barrier.
- There are a number of open complaints relating to this site and some planning enforcement matters are ongoing. If required, a report regarding the enforcement action could be brought to a future meeting for consideration. However, enforcement matters are not relevant to this particular application.
- Any future breach of noise restrictions could be subject to enforcement action.
- There is a 7.5 tonne weight limit on the site, but loading is exempt from this restriction. Cllr MacFie questioned whether vehicles exceeding the weight limit should be parked at the premises overnight, as this was not within the spirit of the restriction. The Highways Officer confirmed that loading was the only exemption.
- The acoustic fence would be positioned inside retaining walls. Some pruning may be required to existing trees. No objections had been raised by the arboricultural officer.

Cllr Jackson moved that the application be refused due to the negative impact on residential amenity. This was seconded by Cllr Hodge who expressed concern about the proposed hours and bank holiday working.

Cllr Craig felt that the fence would actually improve residential amenity and noted that the situation would be reviewed after a year. However, she did not think that the bank holiday operating hours should be extended.

Cllr Rigby noted the benefits of the acoustic fence and felt that the monitoring of

noise levels would provide further information. It was important to be very clear on the operating schedule and the permitted use of the car park. She pointed out that if the stated decrease in noise levels was not achieved then the extended hours would not be implemented.

Cllr Hughes noted that there would be additional disruption to local residents and expressed concern about noise levels.

Cllr Clarke was not convinced that the fence would be effective in reducing noise levels.

Cllr MacFie was concerned at the noise levels and the negative effects of this on local residents.

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 against the motion which was therefore LOST.

Cllr Rigby then moved that the Committee delegate to permit the application subject to close and careful monitoring to ensure that the conditions are adhered to, and that no change be made to the operating hours for bank holidays. This was seconded by Cllr Hounsell.

Cllr Sue Craig asked officers if the application could only consider the extension to existing hours and not remove rights that already exist, which was confirmed.

Cllr Rigby noted the clarification on hours, and, for further clarity, Cllr McCabe confirmed that the motion was to delegate to permit subject to no extension to operating hours on bank holidays.

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 RESOLVED to DELEGATE TO PERMIT the application subject to close monitoring and to no extension to the current permitted hours of operation for bank holidays.

### **Item No. 3**

#### **Application No. 20/02926/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 (Resubmission of 19/04772/FUL)**

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

The agent spoke in favour of the application.

The Case Officer then responded to questions as follows:

- There would be increased connectivity for walkers and cyclists between the east and west of the site.
- There would be an increase of two visitor parking spaces compared to the previously refused scheme, however, the position across the whole site remains below the current parking requirements.

- This application should be considered on its own merits; however, the surrounding area is still a material consideration. The eight dwellings contribute to the whole development in this area and are part of the wider project and so should be linked to the S106 agreement.

Cllr Rigby, local ward member, pointed out that this site was originally intended to be part of a school expansion scheme but that this did not go ahead. She was disappointed that there were now no community elements included in this development. She was concerned that there was not adequate visitor parking or affordable housing. She also felt that the design of the development was detrimental to the world heritage site.

Cllr Jackson noted that this application was congruous with the existing properties that have already been built on the site. The design and land usage cannot be changed. The area is well served by public transport. She then moved the officer recommendation to delegate to permit. This was seconded by Cllr Davis who felt that this was the best solution that could be negotiated.

Cllr Hughes stated that he was disappointed at the lack of social housing on the site.

The motion was put to the vote and it was RESOLVED by 6 votes in favour, 3 against and 1 abstention to DELEGATE TO PERMIT the application subject to conditions and the completion of a S106 agreement as set out in the report.

*(Note: At this point Cllr Sally Davis (Vice Chair) took the chair as Cllr Matt McCabe had declared an interest in the following application).*

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

##### **Application No. 19/05534/FUL**

**Site Location: Telecommunication Mast 54146, Woolley Lane, Charlcombe, Bath – Erection of 20-metre-high telecommunications monopole accommodating 6 antenna apertures, 4 transmission dishes and 8 ground-based equipment cabinets.**

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

One local resident and a representative from the Bath Preservation Trust spoke against the application.

The agent spoke in favour of the application.

Cllr Joanna Wright, local ward member, spoke against the application. She objected to the height and bulk of the proposed mast. She was also concerned at the unknown effects of the mast given that there are schools, a nursery, allotments and a football ground in the area. She also expressed concern about the effects on wildlife, the AONB and skyline of a world heritage city. She queried whether fibre optics could be a viable alternative.

Cllr Sarah Warren, local ward member, spoke against the application. She objected to the appearance of the mast and asked the Committee to defer its decision and consider this application along with another similar application which was due to be submitted shortly.

Officers then responded to questions as follows:

- No lights would be erected on the site and this could be secured by condition if necessary. A tree survey has been undertaken.
- Any decision should be made in accordance with the development plan and the National Planning and Policy Framework (NPPF).
- A number of different viewpoints have been provided in the officer report. However, not every potential viewpoint has been included. Some tree pruning would be required, and a condition would be included to request the submission of an ecological landscaping scheme.
- The mast would be used by two providers and is the standard size for this type of technology.

Cllr Hodge stated that the new mast would be highly visible in this beautiful location.

Cllr Rigby stated that there was not enough information about the location and that more viewpoints were required to enable the Committee to reach an informed decision. She then moved that consideration of the application be deferred pending a site visit to enable officers to provide more examples of viewpoints around the city. This was seconded by Cllr Craig.

Cllr Hughes noted that 340 objections had been received and stressed the importance of engaging with the public. The mast cannot easily be camouflaged and would look ugly in this location.

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

*(Note: having declared an interest in the above application Cllr Matt McCabe did not speak or vote on this item).*

*(Note: At this point Cllr Matt McCabe resumed the Chair).*

## **Item No. 5**

### **Application No. 20/01636/FUL**

**Site Location: Friary Dene, Warminster Road, Hinton Charterhouse, Bath –  
Alterations to roof and installation of dormer windows.**

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

The Chair read out a statement against the application from Hinton Charterhouse Parish Council.

A statement was read out by an agent on behalf of a third-party objector.

The applicant spoke in favour of the application.

The Case Officer then responded to questions as follows:

- The main house and the single storey building are considered to be part of



the original building and the volume increase has been calculated on that basis. This is in line with current greenbelt policy.

- The single storey building was originally used as stables and then became a garage. The buildings are linked and, even if they were separate, they could each expand by one-third, which is the same volume increase as the proposal under consideration.
- There is no requirement to consult Highways England on this type of minor development as they are not a statutory consultee.
- Any subsequent sub-division of the properties would require planning consent.

Cllr McCabe, local ward member, stated that local residents feel that there is a discrepancy with the proposed volume increase. He noted that there were historical issues with this application, which is not an insignificant development. There were also concerns locally regarding highway safety. He moved that consideration of the application be deferred pending a site visit to enable members to better understand the context of the proposal. This was seconded by Cllr Jackson who stated that she would like to view the dimensions of the entrance to the site.

A number of members did not think that a site visit would be of value in this instance. Cllr Craig felt that the application was policy compliant. Cllr Hounsell pointed out that the application did not create a second dwelling.

Cllr MacFie felt that the exit could be made safer and that there could be a condition regarding access and egress.

After listening to the debate Cllr McCabe withdrew his motion with the consent of Cllr Jackson.

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

The motion was put to the vote and it was RESOLVED by 8 votes in favour and 2 abstentions to PERMIT the application subject to the conditions set out in the report.

#### **Item No. 6**

#### **Application No. 20/02932/FUL**

**Site Location: The Coach House, College Road, Lansdown, Bath – Erection of rear and side extension.**

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

A local resident and her agent spoke against the application.

The agent spoke in favour of the application.

Cllr Lucy Hodge, local ward member, spoke against the application. She stated that 17 objections had been received and pointed out that the site was in a Conservation Area. The new application had the same ground floor wrap-around extension. She felt that this was an overdevelopment of the site. She also felt that the footprint was too large in relation to the original house. This would lead to the loss of the special

character of the area.

Cllr Mark Elliot, local ward member, stated that there have been too many additions to this property and that the Coach House should remain subservient to the main building. He also expressed concern about the driveway and parking spaces.

The Case Officer then responded to queries as follows:

- There were no changes to the vehicular access.
- A condition to protect the existing trees could be added if required.
- The application relates to a separate dwelling and there is no requirement for the Coach House to remain subservient.
- The Deputy Head of Planning explained that the percentage increase in volume was relevant in that it helped to inform the scale of the building, but the statutory test was not one of volume. She advised members to focus on whether the proposal conserves or enhances the Conservation Area.

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

- The proposal does not conserve or enhance the Conservation Area.
- The application represents overdevelopment of the site.
- Highway safety concerns relating to the access and egress.

The motion was put to the vote and it was RESOLVED by 6 votes in favour, 2 votes against and 1 abstention to REFUSE the application for the reasons set out above.

*(Note: Having declared an interest in the above application, Cllr Lucy Hodge spoke as local ward member but took no part in the debate or vote).*

#### **Item No. 7**

##### **Application No. 20/0259/FUL**

**Site Location: Cromwell Farm, Combe Hay Lane, Combe Hay, Bath – Extension of time for the existing temporary rural worker's dwelling and dairy building for an additional 3 years.**

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

A representative from the Parish Council spoke against the application.

A local resident spoke against the application.

The applicant spoke in favour of the application.

The Case Officer then responded to questions as follows:

- The independent rural appraisal supports the view that a 24-hour presence is required to support the business and that the business is viable.
- The application is for a 3-year temporary permission and if the Committee felt that this was too long a time period, then they should refuse the application.
- Any concerns regarding floodlighting on this site would be an enforcement issue. A condition is proposed to control the installation of any external

- lighting.
- The Deputy Head of Planning explained that it was rarely appropriate to link an application to a specific family as the planning permission is linked to the development.

Cllr Hodge felt that the 3-year time period was too long.

Cllr Rigby noted that the three-year permission would only remain in place while this particular business was operating.

Cllr MacFie had concerns that there were no accounts or figures relating to the business and would like to see the accounts each year.

Cllr Hughes felt that the activity of the business should be monitored.

Cllr Davis understood the concerns raised, as the business appears to have taken a considerable time to develop. She stated that, if a further application comes to Committee then more detailed figures would be required. She then moved the officer recommendation to permit. This was seconded by Cllr Hounsell.

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

#### **Item No. 8**

##### **Application No. 20/02480/FUL**

**Site Location: Knoll Farm, White Ox Mead Lane, Peasedown St John, Bath – Erection of 3 agricultural buildings including cattle barn, workshop/feed store, farmyard manure/straw and hay shed along with associated yard areas and access track from Knoll Farmhouse, and other associated works.**

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

The applicant spoke in favour of the application.

Cllr McCabe, local ward member, supported the application and moved the officer recommendation to permit. This was seconded by Cllr Rigby.

The motion was put to the vote and it was RESOLVED unanimously to PERMIT the application subject to conditions as set out in the report.

#### **Item No. 9**

##### **Application No. 20/03595/FUL**

**Site Location: 37 Woodland Grove, Claverton Down, Bath, BA2 7AT – Erection of a single storey side lean to extension.**

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

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

The motion was put to the vote and it was RESOLVED unanimously to PERMIT the application subject to conditions as set out in the report.

65 **POLICY DEVELOPMENT**

There were no policy development items.

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

The Committee considered the appeals report. Officers agreed to include details of the officer recommendations when applications listed in the report had been considered by the Planning Committee.

RESOLVED: To note the report.

The meeting ended at 8.55 pm

Chair .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**