

PLANNING COMMITTEE

Minutes of the Meeting held

Wednesday, 16th December, 2020, 11.00 am

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

67 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence.

68 STATEMENT BY THE CHAIR

In the interests of transparency, the Chair explained that members occasionally attend technical briefings from developers. These briefings are for complex applications, where additional factual information may be helpful. In order to protect members from pre-determining themselves in advance of a committee meeting, a number of important measures are taken:

- (i) A senior officer must be present at these meetings. This is to ensure that members have clear guidance on what is relevant to their considerations, and what might be described as (for want of a better expression) a sales pitch. The senior officer can also ensure that information that may be considered is also in the public domain.
- (ii) Members are required to only ask questions and not express opinions.
- (iii) Some members choose not to attend or cannot attend.
- (iv) These briefings should take place either during the public consultation period or before

Political group spokespersons receive a briefing from officers the day before committee. Amongst other things, this allows officers to respond to late issues raised by both developers and members of the public.

All members of the committee arrive at the meeting with an open mind, having familiarised themselves with each application. The decisions are taken in full view of the public and based on information that is in the public domain. The public have an opportunity to put their views to the committee members before a decision is made.

In terms of today's agenda, a technical briefing was held for the Homebase application.

69 DECLARATIONS OF INTEREST

The following members made declarations:

- 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.
- Cllr Manda Rigby stated that she had been unable to attend the briefing regarding the Homebase item. She was subsequently contacted by the developer but confirmed that she had not communicated with the developer regarding this application.

70 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was no urgent business.

71 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.

72 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 18 November 2020 were confirmed and signed as a correct record.

Members requested an update report regarding the enforcement matters relating to the site at Old Station Yard, Avon Mill Lane, Keynsham.

73 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.
- Update reports by the Head of Planning attached as *Appendices 1 and 2* to these minutes.
- Oral statements by members of the public and representatives. A copy of the speakers' list is attached as *Appendix 3* 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 4* to these minutes.

(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. 1

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. He informed the Committee that additional representations had been received regarding health and safety concerns but that no new issues had been raised.

Two local residents and a representative from the Bath Preservation Trust spoke against the application.

The agent spoke in favour of the application.

Cllr Sarah Warren, local ward member, spoke against the application. She highlighted the duty of the Committee to prevent harm. She stated that some research showed that 5G can have an adverse effect on health. Electromagnetic pollution could also cause environmental harm. There was real concern from local residents regarding the effect of the 5G mast and she felt that the Committee should be cautious about approving the application.

Cllr Kevin Guy, local ward member, spoke against the application. He noted that an exclusion zone was required for areas with high levels of radiation. He pointed out that the mast would be close to a nursery school and community hall and that it would be irresponsible to approve the application.

The Case Officer then responded to questions as follows:

- Health concerns are a material consideration, however, the NPPF guidance is clear on this issue. To go against these guidelines would be going against national planning policy. The applicant has submitted a certificate of compliance with the ICNIRP public exposure guidelines. The key issues for the Committee to consider are visual impact, greenbelt policies, trees and ecology issues. Any refusal on health grounds would be in clear contravention of planning policy.
- The Legal Advisor explained that the NPPF is a material consideration for the Committee, but the weight given to material considerations is a matter for the Committee, as decision maker, to determine.
- The ecologist has not objected to the application and there is no consensus about the effect of 5G on bat populations. The site is currently in use for 4G with no evidence of any adverse effects.
- There is no requirement for an exclusion zone to form part of the application. This is covered by different legislation and is not a planning consideration.
- Alternatives have not been considered at this stage because the site is already in use and meets coverage requirements. The mast would be less intrusive than a completely new mast in the greenbelt and so no other sites have been identified. If the mast were to be used by a combination of operators, then it would have to be larger which would result in a bigger impact. It is considered that there are very special circumstances to permit

this development in the greenbelt.

- Councillors should consider the proposal in front of them as predictions regarding future applications cannot be made.
- The trees on the site are not protected, however, a condition could be included to retain them for a period of time if the Committee felt this was necessary.
- The proposed mast would be taller than the existing mast and would be 6.5m high and 3.5m wide. The additional height is in the mast head.

Cllr Jackson moved the officer recommendation to permit the application. She felt that the NPPF was very clear and that, despite some harm to the natural landscape, the public benefits of 5G are obvious.

Cllr Hounsell seconded the motion stating that he was satisfied regarding the safety of 5G from a health perspective. The mast would provide benefits to the rural business sector. It was also sensible to use the existing site instead of identifying a new one.

Cllr Hodge stated that local people also objected on the grounds of visual impact and inappropriate development in the greenbelt. She felt that the benefits of the proposal did not outweigh the negative aspects.

Cllr MacFie stated that he would like to see more evidence regarding precautionary work and would prefer the mast to be located further away from populated areas.

The Deputy Head of Planning advised that, although the Committee could give weight to the health aspects of the application, given that the applicant has supplied the required certification, if it were refused on health grounds, at appeal the applicant would be able to demonstrate compliance with guidelines and the Council would need its own evidence to weigh against that, and there is none that it could provide.

The motion was then put to the vote and there were 3 votes in favour and 6 votes against. The motion was therefore lost.

Cllr Craig then moved that the application be refused as it represented inappropriate development in the greenbelt as it was too large. It also had an adverse visual impact on the AONB and landscape. This was seconded by Cllr Rigby.

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

- Inappropriate development in the greenbelt.
- Visual impact on the AONB and landscape.

(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. 2**Application No. 20/00259/FUL****Site Location: Homebase Ltd, Pines Way, Westmoreland, Bath –****Redevelopment of the site to provide a new care community (Use Class C2) comprising care residences and care suites and ancillary communal, care and well-being facilities, offices in Use Class E(g)(i) together with associated back of house and service areas, pedestrian and vehicular access, car and cycle parking, landscaping, private amenity space and public open space.**

The Case Officer reported on the application and his recommendation to delegate to permit. He informed the Committee that Sainsbury's had now withdrawn their objections. He also explained that a noise limit condition was now recommended and that any references in the report to Albert "Terrace" should read Albert "Crescent".

Two local residents and a representative from Bath Preservation Trust spoke against the application.

The applicant's representative spoke in favour of the application.

Cllr Shaun Stevenson-McGall, local ward member, spoke in favour of the application. He noted that the proposal was based on scientific research and aimed to address loneliness experienced by older people and to improve the quality of life for residents. The developer has engaged with the local community and the proposal conforms to policy SP7. There would be a net increase of trees on the site and enhancement to wildlife protection. He felt that the development would bring wider public benefit along with social and economic benefits for the local area.

Cllr June Player spoke against the application. She pointed out the lack of affordable housing provision and the loss of 82 affordable homes on the site if the application were approved. She felt that the design was too tall and too dense and that it would have a negative effect on residents in Albert Crescent and Norfolk Crescent. She also drew attention to the comments from the statutory consultees, including the Conservation Officer, who had expressed concerns.

Officers then responded to questions as follows:

- The Bath Building Height Strategy allows for six-storey buildings on gateway sites and mixed-use sites subject to consideration of the impact.
- If this were a C3 development, then 30% affordable housing would be required, subject to viability, but as this is a C2 development the requirement does not apply. The site is allocated for certain uses and this application does not compromise other parts of the development.
- The minimum age of residents would be 65 years (excluding spouses).
- The site is an allocated site and there is an element of flood risk. However, the proposed mitigation measures are considered to be acceptable.
- It is acknowledged that there would be some impact on the residents of Albert Crescent.
- There are no buildings close by that are built of brick.
- The majority of plant would be moved to the basement to lower the height of the development. Flood risk measures would be secured by condition.

- The majority of plant in buildings A and B would be in the basement with some on the outside of the buildings. An additional condition is recommended regarding noise limits. There would be no control over when equipment can be used as this is a 24-hour facility.
- There is no viability aspect that is material to this application.
- There would be 136 parking spaces in the car park with 16 at street level. This would represent 0.47 spaces per dwelling and evidence shows that for this type of resident, car ownership tends to be lower than average. Visitor parking would be available and is controlled within time limits. An impact study has found this to be acceptable.
- It was acknowledged that there will be an adverse impact on the southernmost dwelling in Albert Crescent.
- Whilst it is recognised that there will be some harm to residential amenity this has to be balanced against the public benefit of the development.
- Whether there is a market for this type of development is not a planning consideration.
- Most of the trees on the site would be felled but these were mainly low-quality trees. Quite significant replacement planting would then take place to compensate for this loss. This would not constitute a reason for refusal.
- A qualifying care assessment would be required as part of the s106 agreement along with the necessary age requirement to become a resident. A minimum level of 2.5 hours of care would be provided.

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

- Unacceptable design in this location.
- Impact on the World Heritage Site and Conservation Area.
- Inappropriate materials.
- Inadequate parking arrangements.

She felt that the quality of design was not acceptable in this location and also had concerns relating to the landscaping and tree planting.

Cllr Rigby seconded the motion. Whilst she supported the idea of a guild she had concerns regarding the scale, size and massing of this development. She also felt that the car parking provision was insufficient. She stressed the need for affordable housing and had concerns that this could be lost for this part of the site.

Cllr Davis stated that the application had been through a long negotiation process and that she supported the views of the case officer and local ward member. The application was in line with planning policies.

Cllr Hounsell was concerned regarding the six-storey element of the proposal and also felt that the application was contrary to Policy D6 relating to loss of amenity to residents in Albert Crescent.

Cllr Hodge felt that the main issues related to the scale, height and mass of the proposal. She also felt that more green space should be provided.

Cllr Craig supported the principle of C2 development but had concerns regarding the loss of affordable housing on this site. She felt that the design for this part of Bath

should be considered in a more holistic manner. She also expressed concerns regarding residential amenity relating to height, privacy and shade.

Cllr MacFie drew attention to the comments from a number of the consultees and felt that the application was along the right lines but not acceptable in its current form. Height was an issue.

Cllr Rigby requested that an additional reason for refusal should be added relating to lack of affordable housing, as the overall allocation would be lost. This proposal was not accepted and therefore Cllr Rigby withdrew her seconding of the motion.

Cllr Hounsell then seconded the motion to refuse as proposed by Cllr Jackson.

The Deputy Head of Planning explained that the role of consultees is to give advice. There was nothing in the policies to prevent C2 use from coming forward for consideration. There was no policy which could be used to refuse the application on the grounds of lack of affordable housing.

The case officer agreed to provide a further explanation to the Committee regarding Policy SP7 and the issues raised as a general matter in the future.

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

- Inappropriate design due to scale, height, bulk and massing.
- Inappropriate materials in this location.
- Inadequate parking.
- Lack of green infrastructure, loss of trees and lack of landscaping leading to loss of ecology.
- Adverse effect on the amenity of local residents including overlooking and loss of privacy.
- Adverse impact on the World Heritage Site.

74 **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 4 and 6 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 3* to these minutes.

RESOLVED that in accordance with the delegated powers, the applications be determined as set out in the decisions list attached as *Appendix 4* to these minutes.

Item Nos. 1 and 2

Application Nos. 20/01474/FUL and 20/01475/LBA

Site Location: 20 Avon Road, Keynsham, BS31 1LJ – Erection of 2 storey side extension, removal of existing door and replacement and enlargement of existing dormer window and new conservation roof light to rear roof slope.

The Case Officer reported on the applications and her recommendation to refuse.

The applicant spoke in favour of the applications.

The Case Officer then responded to questions as follows:

- The dwelling has a conservation roof light which is flush with the building.
- The planning permission granted in 2005 has now expired and the NPPF changed in 2012. The application must be considered under current policies.
- There will be a new opening to create access and changes will only be made to external walls.
- The applicant was aiming to create as much internal space as possible and this is why the window rim is so large.
- The submitted design means that the dormer window is wider than the windows directly below. The view of the Case Officer is that the dormer should not exceed the width of the window below and should represent the hierarchy of the building.
- The modest enhancement to the building is not considered to outweigh the harm caused by the dormer window.
- There would be no changes to the internal stairs.

Cllr MacFie felt that the proposal would improve the property and moved that the Committee delegate to permit the application. This was seconded by Cllr Rigby.

Cllr Hounsell noted that personal circumstances have no bearing on the application. He felt that, although the proposal would improve the property overall, the size of the dormer window which would cause harm to the listed building.

Cllr Hodge felt that the officer recommendation should be supported as the property is a listed building.

After hearing the debate, Cllr MacFie changed his motion, with the agreement of the seconder, to delegate to permit the application subject to the Case Officer securing the required width of the dormer window and surround as set out in the report.

If it was not possible to resolve the issue to the satisfaction of the Case Officer, then the application should be brought back to the Committee.

The motion was put to the vote and it was RESOLVED unanimously to DELEGATE TO PERMIT the application subject to the size and design of the dormer window being resolved to the satisfaction of the Case Officer.

Item No. 3

Application No. 20/03006/FUL

Site Location: 81 Hillcrest Drive, Southdown, Bath, BA2 1HE – Creation of loft conversion and installation of rear dormer.

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

The applicant spoke in favour of the application.

Cllr Paul Crossley, local ward member, spoke in favour of the application. He stated that the occupants need more space and that the proposal does not constitute a loss of local amenity. There is already a diversity of roofscape in this area. The proposal would improve and enhance the property. The applicant has adjusted the design following discussions with planning officers and he felt that this was a good design.

The Case Officer then responded to questions as follows:

- The proportions of the dormer window have been reduced by 1m but are still considered to be overly dominant.
- The Deputy Head of Planning stated that the acceptable dimensions of the dormer window was a matter of planning judgement. Considerations would be whether it is subservient, set into the roof, set down from the ridge line, not too heavy and relatively proportionate.
- In this application the dormer window would be at the ridge line.

Cllr Jackson pointed out that the size of the dormer window was larger than the other windows in the house. She also noted that personal circumstances cannot be taken into account when considering planning applications.

Cllr Craig felt that the dormer window was too large, and she moved that the Committee delegate to permit the application subject to finding an acceptable solution in line with policy. This was seconded by Cllr MacFie.

Cllr Hounsell felt that the proposal was unacceptable due to its location on the ridge line, lack of subservience and incongruous appearance.

The Deputy Head of Planning advised the Committee that they should consider that application for determination as submitted rather than delegating to permit.

Cllr Craig then withdrew her motion with the agreement of the seconder.

Cllr Hounsell then moved the officer recommendation to refuse. This was seconded by Cllr Rigby.

The motion was put to the vote and it was RESOLVED by 7 votes in favour and 3 abstentions to REFUSE the application for the reasons set out in the report.

Item No. 4

Application No. 20/01794/FUL

Site Location: Jubilee Centre, Lower Bristol Road, Twerton, Bath – Mixed-use redevelopment of site for storage and distribution (Class B8) and erection of 121 units of purpose-built student accommodation (sui generis) following demolition of existing building and associated access and landscaping works.

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

A local resident spoke against the application.

The agent and prospective tenant spoke in favour of the application.

Cllr Sarah Moore, local ward member, spoke against the application. She stated that there was too much student accommodation in this area. She also expressed concern about parking in the locality which was already difficult. The building was too high, and this would represent overdevelopment of the site. Good quality homes for local residents were required.

The Case Officer then responded to questions as follows:

- If the development were for C3 use, then this would require parking spaces.
- There would be a 1m balustrade along the boundary with the river and this had been designed with safety in mind. It would be for the landowner to ensure that the site was safe for tenants and residents.
- No viability assessment has been submitted regarding the demand for student accommodation. There is demand for student accommodation in Bath, however, this location in a flood zone is considered to be unsuitable.
- The drainage and flooding team are asked to comment on the infrastructure relating to the proposed development. However, they do not comment on planning policy and the sequential tests which are required. The application had failed these tests.
- The key concern relating to this proposal is the student accommodation which would be located within a flood zone. The position of the most vulnerable users of the building is the over-riding consideration including the provision of safe egress.
- The enterprise zone for the Twerton/Newbridge area allows for more flexibility of use.
- A marketing report was submitted with the application and B8 use is highly marketable. It was confirmed that all the required viability information has been received.
- Policy B5 of the Placemaking Plan relates to the location of student accommodation in the city. In this case it is considered that, on balance, the provision of student accommodation in this area would not harm the vision of the spatial strategy and so this has not been included as a reason for refusal.
- The proposal has been reduced to 4 storeys on the advice of the Conservation Team and it was now considered that there would be less than substantial harm to the nearby listed buildings in Rackfield Place.

Cllr Jackson stated that she felt there would be harm to the local character of the area, including listed buildings and that a tunnel effect would be created. She

moved the officer recommendation to refuse. This was seconded by Cllr Clarke.

Cllr Craig supported the work of Mercy in Action but felt that the officer recommendation was correct noting the risk of flooding within this building.

The motion was put to the vote and it was RESOLVED unanimously to REFUSE the application for the reasons set out in the report.

Item No. 5

Application No. 19/05471/ERES

Site Location: Western Riverside Development Area, Midland Road, Westmoreland, Bath – Approval of reserved matters pursuant to outline planning permission 06/01733/EOUT for the erection of 176 dwellings; retail/community space (Use Class A1/D1); access; parking; landscaping and associated infrastructure works following demolition of existing buildings and structures.

The Case Officer reported on the application and his recommendation to permit. He gave a verbal update on views which have been submitted by Historic England stating that they consider the revised scheme to be an improvement.

The agent spoke in favour of the application.

The Case Officer then responded to questions as follows:

- The materials to be used are rubble stone with metal cladding. The only wooden part of the structure is limited to the internal courtyard and this must meet the necessary safety requirements.
- There is no particular character of buildings in this area and the industrial design is felt to be appropriate. No objections have been received from local residents.
- There would be no student accommodation in this part of the Western Riverside development. The affordable housing aspect of the development was dealt with at the outline stage.
- The schedule for building is not a planning consideration. Work is likely to begin by 2024 but this is for the developer to determine.

Cllr Craig stated that she liked the design but would prefer the red brick to be a lighter shade.

Cllr Hodge stated that this development will obscure the views of open countryside from Victoria Park. She then moved that consideration of the application be deferred pending a site visit to consider local distinctiveness and the impact of the development. This was not seconded.

Cllr Davis then moved the officer recommendation to permit. She noted that there was still some work to be carried out regarding materials but felt that the development would improve the area and reflected the industrial history of the site. This was seconded by Cllr Jackson.

Cllr Hughes did not support the use of metal cladding.

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 the conditions set out in the report.

Item No. 6

Application No. 20/01765/FUL

Site Location: Wansdyke Business Centre, Oldfield Lane, Oldfield Park, Bath – Erection of a 68-bed care home (Use Class C2) following demolition of the existing buildings and structures, with associated access, parking and landscaping.

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

A local resident spoke against the application.

The agent and a planning consultant spoke in favour of the application.

Cllr Shaun Stevenson-McGall spoke in favour of the application. He stated that the development would provide employment opportunities. He noted that there had been no objections from the statutory consultees. Whilst he understood concerns regarding loss of industrial space, he stressed the need to value the care sector and the jobs it would create. He felt that the location was suitable for this type of development.

The Case Officer then responded to questions as follows:

- There are strong economic reasons for refusal. Although the pandemic has changed the way people work there is still a need for this type of floor space. This was supported by comments from the Economic Development Team.
- This particular use was accepted in this location. As the units are compact only smaller delivery vehicles would be parking in the area.

Cllr McCabe noted that the building had been run down for some time.

Cllr Jackson moved the officer recommendation to refuse. She stated that the industrial site should be protected, and these types of premises were needed. A nursing home would create parking problems in the area. Cllr Hughes seconded the motion and supported the protection of the light industrial use.

Cllr Rigby stated that she was not aware of any pent-up demand for industrial use in this area. She did not wish the building to remain in a run-down state.

Cllr Craig noted that traffic and parking was an issue in this area.

Cllr Davis highlighted the importance of providing jobs in this location and noted that there was not sufficient evidence to justify the loss of the current use.

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

75 **POLICY DEVELOPMENT**

There were no policy development matters.

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

The Committee considered the appeals report. Members requested further information regarding the recent successful appeal for Avon Farm, Avon Lane, Saltford and the reasons for the Inspector's decision.

RESOLVED to NOTE the report.

The meeting ended at 6.56 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services