

PLANNING COMMITTEE

Minutes of the Meeting held

Wednesday, 7th April, 2021, 11.00 am

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

94 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Cllr Matt McCabe – Cllr Rob Appleyard attended the meeting as a substitute.

The Committee noted that Cllr McCabe was currently unwell and wished him a speedy recovery.

95 DECLARATIONS OF INTEREST

Cllr Rob Appleyard declared a non-pecuniary interest in planning application nos. 20/02817/FUL and 20/02818/LBA – Cedar Park Care Centre, 27-28 Oldfield Road, Bath. Cllr Appleyard is the Cabinet Member for Adult Services which commissions care beds from the planning applicant. He stated that he would withdraw from the meeting when the applications were discussed and would not speak or vote.

96 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was no urgent business.

97 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.

98 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 10 March 2021 were confirmed as a correct record.

99 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.

- Oral statements by members of the public and representatives. A copy of the speakers' list is attached as *Appendix 1* 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 2* to these minutes.

Item Nos. 1 & 2

Application Nos. 20/02817/FUL and 20/02818/LBA

Site Location: Cedar Park Care Centre, 27-28 Oldfield Road, Oldfield Park, Bath – Erection of a single and two storey extension to the south following demolition of the existing extension and link staircase, minor internal and external alterations to retained building, landscaping and minor amendments to existing access and parking (revised scheme). Internal and external alterations for the erection of a single and two storey extension to the south following demolition of the existing extension and link staircase, minor internal and external alterations to retained building, landscaping and minor amendments to existing access and parking (revised scheme).

The Case Officer reported on the applications and her recommendation to grant planning permission and listed building consent. She informed the committee that 24 additional objections had been received since the publication of the report. These expressed concerns regarding issues such as scale and massing, overdevelopment, overlooking, harm to residential amenity, highway safety and biodiversity loss.

A representative of the local objectors and a representative from the Bath Preservation Trust spoke against the application.

The agent and a representative of the applicant spoke in favour of the application.

Cllr Shaun Stephenson-McGall, local ward member, spoke against the application. He pointed out the large number of objections that had been received. He expressed concern about the potential harm to residential amenity, the scale, height and character of the proposal, ecological harm, the overbearing nature of the proposal and overdevelopment. He felt that there was a lack of consideration for the heritage of the building and that the considerable harm that would be caused to the local amenity had not been given full consideration. He stated that the public benefits would be marginal.

Officers then responded to questions as follows:

- The Highways Officer confirmed that he considered the parking to be adequate, bearing in mind that not all staff would be on site at the same time.
- The entrance porch and reception area would remain unchanged, and the western access would be slightly widened.
- There are currently 50 rooms in the care home containing 52 bed spaces. The Orchard Wing contains 18 bed spaces which are currently used for staff and storage meaning that 34 spaces are operational. The proposal is for 49 rooms with 49 bed spaces.
- Fern Cottage is the nearest dwelling to the Cedar Care Centre. There are

- three windows on the front elevation of the Care Centre with one which overlooks the Cottage. The overlooking window will be removed.
- The proposal is legally compliant and none of the technical consultees have raised any objections. The Conservation Officer stated in their comments that any harm needs to be weighed against the public benefits.
 - The Orchard Wing is no longer fit for purpose because the rooms are not large enough to accommodate the specialist equipment that is required. En-suite bathrooms are also needed.
 - The applicants have submitted a contemporary design rather than a pastiche of the existing building. The new building will be constructed of Bath stone ashlar and will contain windows with aluminium frames. There will be privacy screens on the rear of the building and flat roofs.
 - If the Orchard Wing were simply refurbished, then this would result in the loss of bed spaces.
 - Building Control Officers have confirmed that suitable building techniques and foundations would prevent any subsidence. This is a civil matter rather than a planning issue.
 - The arboricultural officer has raised no objection to the application.

Cllr Jackson stated that the building is already substantial, and she felt that the proposal would tidy up the site and would be an improvement giving some symmetry. She noted the need to update and modernise the current facilities. On balance she felt that the public benefit outweighed the harm to the heritage building. She then moved the officer recommendation to permit and to grant listed building consent with an additional condition requesting that the proposals for the planting of the green roof be submitted to officers for prior approval before implementation.

Cllr Hounsell seconded the motion noting the public benefit of the scheme. He also felt that the design was an improvement on the existing building.

Cllr MacFie supported the motion and acknowledged that the needs of care home residents has changed and that the building requires alteration to accommodate this. He noted that the applicant has reduced the height of the building.

Cllr Hughes felt that the building was very dominant and that the design should be more sympathetic to the heritage building.

Cllr Craig was pleased to see that no internal changes would now be made to the old building.

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 and an additional condition requesting that the proposals for the planting of the green roof be submitted to officers for prior approval before implementation.

Item No. 3**Application No. 20/04939/FUL**

Site Location: 30A Lyncombe Hill, Lyncombe, Bath – Erection of mansard roof with living accommodation following demolition of side extension to the house.

The Team Manager, Development Management, informed the committee that an appeal decision had just been received regarding 30A Lyncombe Hill. As this would form a material consideration, he recommended that consideration of the application should be deferred to enable the Case Officer to fully review the implications of the appeal decision.

Cllr Rigby then moved deferral which was seconded by Cllr Jackson.

The motion was put to the vote and it was RESOLVED unanimously to DEFER consideration of the application pending further information on the implications of the recent appeal decision.

Item No. 4**Application No. 20/04902/FUL**

Site Location: 138 Wells Road, Lyncombe, Bath – Erection of 7 residential apartments, internal reconfiguration of existing flat and ancillary works.

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

The agent spoke in favour of the application.

Cllr Winston Duguid spoke in favour of the application. He noted the issues and concerns that had been raised by some neighbours but also noted that more homes were needed in the city. This proposal was preferable to student accommodation. It would be important to be clear to potential buyers that they would not qualify for a parking space. There is a car share club nearby and bus stops very close to the property. He had some concerns regarding the size of the second-floor apartments and the storage arrangements for refuse. He felt that, on balance, he could support the proposal providing the necessary conditions were put in place.

Officers then responded to question as follows:

- The nearest parking spaces are located on Wellsway or Bear Flat.
- Residents living in these apartments would not be entitled to a residents' parking permit.
- It would not be acceptable to specify that future residents could not own a car as this would not meet the relevant tests and would be unenforceable.
- There are currently some flats in the building, but no information is available on car ownership for current residents.
- The closest parking bays allow limited waiting time of between 1 and 3 hours. However, availability may be limited.
- The Committee should give only limited weight to the emerging local plan.

Cllr Jackson stated that, considering the green policy agenda and the declaration of a climate emergency this application should be permitted. She pointed out that the

location is very sustainable with a number of different buses stopping in the area. The city centre is within walking distance and she did not feel that the lack of parking is a strong enough reason to refuse the application given that affordable property is much needed in Bath. She then moved that the Committee delegate to permit the application subject to conditions. This was seconded by Cllr Hodge.

The Team Manager, Development Management, explained that role of the Committee was to apply the Development Plan which includes the parking policy. The Committee can come to a different view, recognising that this would be a departure from the Development Plan and parking standards, if material considerations indicate otherwise.

Cllr Hodge felt that there were exceptional circumstances in this case as it is a very sustainable location and there is a high demand for properties in the area. She also pointed out that, if necessary, changes could be made to the length of time permitted for on street parking in the area.

Cllr Rigby supported the application and did not wish the building to fall into disrepair. She also felt that affordable housing would be preferable to student accommodation in this instance.

Cllr Appleyard stated that the Council is keen for people to walk and cycle in the city. He highlighted the need for appropriate conditions to be put in place, in particular regarding the provision of refuse storage facilities to prevent littering.

Cllr Hughes had concerns regarding the lack of parking in an already congested location. He felt that some residents were likely to have cars and that this could create a problem in the local area.

Cllr Hounsell pointed out that many people who live in city centres do not own cars.

The Team Manager, Development Management, explained that student accommodation was not necessarily the fallback position. If members were to permit the application, then he advised that the key reason for this would be the high sustainability of the area.

Cllr Clarke stated that he could not support the proposal because of the potential parking problems. Even if residents did not own cars, they may still require parking facilities for visitors or tradespeople.

The motion was 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 condition regarding refuse storage.

Item No. 5

Application No. 20/04390/FUL

Site Location: Crewcroft Barn, Hinton Hill, Hinton Charterhouse, Bath – Conversion of stone barn and replacement of existing timber clad extension at Crewcroft Barn to provide a (straw bale) Passivhaus standard dwelling (Resubmission).

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

A representative from Wellow Parish Council spoke in favour of the application.

The applicant spoke in favour of the application.

Cllr Neil Butters, local ward member, spoke in favour of the application. He pointed out that the design and volume meant that the barn would remain subservient to the main dwelling. It would be built into the hillside and would not be visible from public viewpoints. The timber cladding would not be visible, and the construction would be low-carbon and sustainable. The proposal is supported by both local Parish Councils and local people. Car parking would be screened, and the ecologist had identified a biodiversity net-gain. The Highways Team had raised no objection. This would also safeguard the long-term use of the building and enable the family to live on site.

Officers then responded to questions as follows:

- There is no evidence available regarding the original building.
- The gable end of the building would be the prominent view. Officers have concerns regarding the timber element of the design.
- Policy RE6 allows for the conversion of a building in the greenbelt but this should not be a substantial alteration. Officers feel that this proposal is disproportionate and would lean towards being a development rather than a conversion.
- No special circumstances have been specified in the application.
- There was no mention of the building being for an agricultural worker and, if this were the case, then certain tests would have to be met.

Cllr Rigby could not identify any exceptional circumstances which would support the application. However, she noted the strong local support for the proposal and noted that the building would not be visible. The development would also protect the heritage building.

Cllr Craig noted that the conversion would enable the family to remain living locally.

Cllr MacFie stated that it would be very difficult to see the building and noted the support of the Parish Councils and neighbours. There was an ecological net gain and many positive aspects to the application.

Cllr Hounsell felt that the Committee should be led by its policies and that it was important not to undermine these. This application represented development in the greenbelt and considerations were not purely about views. Any development in the greenbelt is considered to be harmful and no exceptional circumstances had been referred to in the application. Cllr Clarke supported this view and felt that the policy should be adhered to.

Cllr Jackson felt that the application could be considered to be a conversion rather than a new development and felt that it did not impact on the greenbelt.

Cllr Hodge stated that, on balance, she felt that the volume increase of approximately 91% was an issue and that the application was contrary to policy.

Cllr Hughes felt that it would be advantageous to repurpose the building to become a family home.

The Team Manager, Development Management, explained that there is no objection to a conversion of the building in principle. However, officers object to this particular scheme and that policy RE6 does not support new dwellings in open countryside. Barn conversions can be permitted, but this would be a large extension to the barn resulting in an impact on the greenbelt causing harm to a non-designated heritage asset. The benefits of the proposal are not considered to outweigh the harm.

Cllr Appleyard stated that he had concerns regarding the design and effect on the greenbelt. He then moved the officer recommendation to refuse. This was seconded by Cllr Hounsell.

The motion was put to the vote and it was RESOLVED by 5 votes in favour, 4 votes against and 1 abstention to REFUSE the application for the reasons set out in the report.

100 **POLICY DEVELOPMENT**

The Chair informed the Committee that there have recently been a number of changes to permitted development rules, with further new measures on the way. Officers will provide a more comprehensive summary of these changes at a future meeting.

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

The Committee considered the appeals report.

Officers agreed to send an update by email to committee members regarding enforcement action at Marsh Lane, Clutton and Wells Square, Westfield.

RESOLVED to NOTE the report.

The meeting ended at 3.30 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services