

## PLANNING COMMITTEE

### Minutes of the Meeting held

Wednesday, 25th August, 2021, 11.00 am

**Councillors:** Sally Davis (Vice-Chair, in the Chair), Rob Appleyard (Reserve) (in place of Sue Craig), Shelley Bromley, Vic Clarke, Paul Crossley, Lucy Hodge, Duncan Hounsell, Shaun Hughes, Dr Eleanor Jackson and Hal MacFie

#### 40 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

#### 41 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Cllr Sue Craig. Cllr Rob Appleyard attended as substitute.

#### 42 DECLARATIONS OF INTEREST

There were no declarations of interest.

#### 43 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was no urgent business.

#### 44 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.

#### 45 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 28 July 2021 were confirmed and signed as a correct record.

#### 46 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 2, 5, 6 and 8 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. 20/03071/EFUL**

**Site Location: Dick Lovett (Bath) Ltd, Wellsway Garage, Lower Bristol Road, Westmoreland, Bath – Demolition of existing buildings and mixed-use redevelopment of the site comprising the erection of residential units (Class C3); erection of purpose-built managed student accommodation (Sui Generis); flexible commercial floorspace (Class E); associated parking; landscaping; improvements to the public realm; and new vehicular access from Lower Bristol Road.**

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

A representative from the Bath Preservation Trust spoke against the application.

The agent and applicant spoke in favour of the application.

Cllr June Player spoke against the application. She expressed concern about the lack of parking, the bulky and dominant nature of the proposed building and overdevelopment of the site. She was also concerned that the development could lead to the loss of Bath's World Heritage status. She highlighted the cumulative impact of the development which would lead to further noise and pollution in the area along with the tunnelling effect of so many tall buildings.

The Case Officer then responded to questions as follows:

- Parking facilities would be available to residents of the buildings if they paid an additional charge.
- There would be a single access point to the site and two loading bays for deliveries.
- Residents in this development could be excluded from any future residents' parking scheme in the area.
- The package of measures proposed to mitigate the low levels of parking provision are considered to be insufficient.
- The site is located within the Western Riverside allocation which means that a 6-storey building would be acceptable.
- Blocks 3 and 4 have outline planning consent. The committee refused a previous application for the site which is currently subject to appeal. If this application is approved, then it is likely that the appeal will be withdrawn. However, members should consider this application on its own merits.
- Officers feel that the number of units quoted within the report are feasible. There will be an acceptable housing mix across the whole area.
- Some existing trees will be retained, and some additional street trees will be provided.
- An air quality study has been undertaken and officers feel that the concerns

- regarding a tunnelling effect have now been addressed.
- The development should be completed within five years.

Cllr Jackson stated that, although ideally people would walk or cycle, in reality, some of them will have cars. She moved the officer recommendation to refuse. This was seconded by Cllr Hughes.

Cllr Crossley spoke against the motion stating that this scheme addresses the concerns raised previously by the committee. He noted that affordable housing would be provided. He felt that the development would enable more young people to be able to afford to live in Bath and recognised the new pattern of working post-pandemic.

Cllr Appleyard felt that with the Council's commitment to environmental issues, the committee should be bold and work towards changing behaviours to encourage walking and cycling rather than car use.

Cllr Hughes stated that developers should submit a viable plan that adheres to planning policies.

Cllr Hodge felt that the development appeared too high and too bulky. She felt that it would have a negative impact on the city and World Heritage Site. She stated that residents in this area should be able to live in a pleasant environment.

Cllr Bromley expressed concerns regarding massing and lack of car parking facilities. She also felt that there should be a greater housing mix with some properties available to buy rather than rent.

Cllr Clarke highlighted the need for housing in the area.

Cllr Hounsell stated that the committee must apply the policies currently in place. The scheme overall is good but is not policy compliant.

Cllr MacFie stated that he would prefer to have more affordable housing than parking spaces.

The motion was then put to the vote and there were 5 votes in favour and 5 votes against. The Chair then used her casting vote against the motion which was therefore LOST.

Cllr Crossley then moved that the committee delegate to permit the application for the following reasons:

- It will enhance the World Heritage Site.
- It provides a good mix of accommodation.
- It has good design.
- The shift to electric charging points and bicycles meets the Council's long-term climate change agenda.

He felt that this was a very exciting scheme which offers high-density accommodation to enable people to live in Bath who may not otherwise be able to

afford to do so.

This was seconded by Cllr Appleyard.

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 the completion of a Section 106 Agreement and conditions.

## **Item No. 2**

### **Application No. 20/03166/FUL**

**Site Location: Regency Laundry Service, Lower Bristol Road, Westmoreland, Bath – Erection of two buildings of up to four storeys comprising co-living accommodation with co-working space to the ground floor, alongside landscaping works, cycle parking and disabled car parking bays following demolition of existing buildings.**

The Case Officer reported on the application and his recommendation to refuse. He informed the committee that a letter had been received from the applicant regarding the viability appraisal and potential for industrial use for the site and that this information has now been loaded to the website. There would also be a financial contribution of around £40k towards off site affordable housing.

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

The applicant spoke in favour of the application.

Cllr June Player, local ward member, spoke against the application. She stated that the bulky nature of the buildings would cause harm to the area in general and to the residential amenity of the occupants of the co-living accommodation. She also raised concerns regarding loss of light, overlooking, parking pressures, the additional height, and flat roofs. The proposal would not enrich the character of the area, was of poor design and has no views.

A written statement in favour of the application from Cllr Colin Blackburn, local ward member, was read out. Cllr Blackburn felt that the proposal would make a positive contribution to the city as it would enable graduates and other professionals to afford to remain in the area, which would also benefit local employers. He felt that the site is unsuited to commercial activity as it is surrounded by residential properties. The scheme is of high quality and has excellent green credentials which would have a positive impact on the climate emergency.

The Case Officer then responded to questions as follows:

- If required, an additional condition could be included regarding the provision of land to grow vegetables. A condition regarding the provision of a seagull management plan could also be included if necessary.
- 20% of the properties would be affordable housing units.
- The applicant has agreed to restrict the occupancy of the 20% of affordable housing units to ensure that these are not occupied by students. The applicant has also offered to put some measures in place for the remaining

units, such as length of tenancies and not directly marketing to students, to ensure that this is a co-living scheme rather than a student scheme.

- About 80 people are currently employed by the laundry. The co-working scheme would provide 30-40 workspaces. 50% of these would be open access and 50% would be available to occupiers of the building.
- A co-living space is a more institutional use than an HMO property. It would be run and managed as a shared living and working arrangement on a larger scale than an HMO.
- The current laundry facility is a light industrial use. This must be compatible with its residential context. There have been limited complaints against the current use.
- The units would comprise of studio accommodation with limited cooking facilities. There would be access to a larger kitchen area, gym and co-worker facilities. The building would be designed to provide flexibility.
- The applicant has provided some evidence regarding the lack of demand for industrial use. However, the site has not been marketed for this use over the last 12 months and officers believe that this is an untested assertion.

Cllr MacFie moved that consideration of the application be deferred pending a site visit to ascertain the impact of the proposal on local residents. This was seconded by Cllr Hodge.

The motion was put to the vote and it was RESOLVED by 6 votes in favour and 4 votes against to DEFER consideration of the application pending a SITE VISIT.

### **Item No. 3**

#### **Application No. 20/02399/FUL**

**Site Location: 110 West Avenue, Oldfield Park, Bath, BA2 3QB – Development of two self-contained flats on land adjacent to existing building.**

The Case Officer reported on the application and her recommendation to permit. She informed the committee of one amendment to the report as the site is not in a Conservation Area.

A local resident spoke against the application.

Cllr June Player, local ward member, spoke against the application. She expressed concern about the effect of the development on neighbours, including loss of light, and stated that it would adversely affect residential amenity. There would also be a loss of on street parking which is already scarce. The site is small, and the development would look out of place. She also raised concerns about highway safety.

The Officers then responded to questions as follows:

- The Highways Officer explained that vehicles would be able to join the road in a forward gear. He confirmed that no personal injury collisions had been reported on this road in the last five years.
- The area is within a 20mph zone.

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

- Highway safety due to the unsafe access and egress.
- Loss of amenity to the adjoining residents due to loss of light.
- The proposal would be out of character with the area and would have an overbearing impact.
- Loss of green space.

Councillor Hodge seconded the motion.

Cllr Bromley stated that the whole area is already very congested, and that this proposal represents overdevelopment of the site. The area already has a large number of HMO properties.

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

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

##### **Application No. 21/01200/OUT**

**Site Location: 2 Ellsbridge Close, Keynsham, BS31 1TB – Outline application (with all matters reserved) for the erection of one detached house with a private driveway and two parking spaces on land to rear of 2 Ellsbridge Close.**

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

The applicant and agent spoke in favour of the application.

The Case Officer then responded to questions as follows:

- Consideration has been given to the amenity of the area and this site is within the urban area of Keynsham and would not impact on the green belt.
- The access and egress arrangements would be reserved matters and not part of this outline application.
- There is room for three parking spaces on the plot.

Cllr MacFie noted that Keynsham Town Council have raised no objections to the application.

Councillor Hounsell supported the officer recommendation stating that this is backland development and not in keeping with the area. He felt that it was contrary to policy and was concerned at the loss of green space. He then moved the officer recommendation to refuse. This was seconded by Councillor Bromley.

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. 20/04949/FUL**

**Site Location: 97-101 Walcot Street, Bath, BA1 5BW – Conversion of existing warehouse to Use Class E, including installation of mezzanine floor and alterations to roof. Erection of attached building to create Use Class E on ground floor and Residential Use Class C3 on 1<sup>st</sup> and 2<sup>nd</sup> floors.**

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

A representative from The Bell Inn spoke against the application.

The agent spoke in favour of the application.

Cllr Tom Davies spoke against the application. He stated that this is a very contentious application with over 400 objections being received. He expressed concern regarding the design of the buildings and the resulting risk of harm to the local area due to their overbearing nature which is against policy HE1. He felt that residential accommodation is not appropriate so close to The Bell Inn as this could result in conflict.

Officers then responded to questions as follows:

- The revised plans were submitted after the comments received from Bath Preservation Trust.
- The Bell has been identified as a source of concern regarding noise and a pre-occupational noise assessment will be carried out when an event is taking place.
- The acoustic report submitted with the application was carried out using comparable data as no events were taking place due to the Covid pandemic. Mitigations can be put in place to alleviate any noise nuisance within the residential properties.
- The Environmental Health representative confirmed that there is currently one ongoing noise complaint regarding The Bell Inn.
- The office building would provide an acoustic buffer between The Bell and the residential properties.

Cllr Appleyard noted that there are existing residential properties in this vicinity and that noise levels are already a challenge. He felt that the proposal is a good fit for the space and would be an improvement on the existing building. Anyone moving into the accommodation would be aware that it is near to a pub. He then moved the officer recommendation to permit. This was seconded by Cllr Bromley.

Cllr Crossley stressed the importance of live music and noted that this is under threat across the country. He felt that the area can be developed but that residential accommodation should not be approved as this could lead to further complaints. This would present a risk to The Bell which is an important cultural asset.

Cllr Hughes stated that Walcot Street is a unique location, and that the proposal will not enhance or preserve the area.

Cllr Hodge noted that the design has been improved.

The motion was then put to the vote and it was RESOLVED by 7 votes in favour, 2 votes against and 1 abstention to PERMIT the application subject to the conditions set out in the report and an additional condition requiring that the conversion of the office accommodation be completed prior to the occupation of the residential units.

**Item No. 6****Application No. 21/02476/VAR**

**Site Location: The Nest, 7 Bladud Buildings, Bath - Variation of condition 5 of application 18/04797/FUL (Conversion of existing nightclub to a public house to include ventilation and extract equipment, detached bar kiosk, covered seating area and terrace seating area to rear).**

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

The agent spoke in favour of the application.

Cllr Tom Davies, local ward member, spoke against the application. He stated that residents are concerned at the proposed removal of condition 5 as it would remove key safeguarding elements. He queried why it is no longer considered to be appropriate and felt that the outside space presents a risk to residential amenity.

The Case Officer then responded to questions as follows:

- The Nest was a nightclub at the time of the application but is now a public house.
- This is a standard condition which is often used to enable the Council to review any complaints over the temporary 12-month period. In this case there have been no complaints through the planning process and no objections to the licence. The temporary condition is usually removed after 12 months.
- Protection to residents remains in place through the existing conditions and the licensing conditions (e.g., hours of operation).

Cllr Appleyard stated that it would be disproportionate to insist that the condition remains in place. He moved the officer recommendation to approve. This was seconded by Cllr Crossley.

Cllr Hodge stated that the condition was put in place for good reason and should not be removed.

Cllr Bromley felt that all the necessary safeguards are already in place to protect local residents.

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

**Item No. 7****Application No. 21/02584/FUL**

**Site Location: St Andrews, Old Lane, Farmborough – Erection of ground floor extension, addition of new first floor and associated garage, including storage for refuse, recycling and bicycles.**

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

A representative from Farmborough Parish Council spoke against the application.

The agent spoke in favour of the application.

Cllr Sally Davis, local ward member on the committee, spoke regarding the application pointing out that the Parish Council feels that the proposal would detrimentally affect the street scene.

Cllr Appleyard moved that consideration of the application be deferred pending a site visit. This was not seconded.

The Case Officer explained that the current building is 4.8m high and the proposed building would be 5.5m high at its highest point.

Cllr Hounsell stated that there are a large number of different types of building in the village of Farmborough and so there is no single style of street scene.

Cllr Davis explained that the view from Old Lane looking downwards does not take in the new development at Brook View. The Parish Council has expressed concern that the proposal will alter this view and is not in keeping with the character of Old Lane.

Cllr MacFie noted that the site is within 100m of the new development and felt that the proposal would be an improvement to the existing building.

Cllr Hodge stated that this is a very contemporary development and felt that the character of Old Lane should be protected.

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

- The proposal is not in keeping with the character of Old Lane.
- The adverse impact on the character of the street scene.
- The design will have a negative impact on the local area.
- The proposal does not reflect the materials and design of existing properties in Old Lane.
- The design would be too dominant on the street scene.

Cllr Jackson seconded the motion. She felt that the design should fit the local context and that the proposed building would be too dominant.

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 reasons set out above.

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

##### **Application No. 21/02181/FUL**

**Site Location: Archway Cottage, Bath Road, Tunley – Erection of two storey side extension and demolition of existing converted garage (Resubmission).**

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

The applicant spoke in favour of the application.

Cllr Matt McCabe, local ward member, spoke in favour of the application. He

pointed out that both Parish Councils supported the proposal. It is important to ensure a balanced population in the local area to enable young families to remain in villages. The design echoes the original design of the cottage and an unattractive building will be demolished. The 52% volume increase includes the parking space, so 20% of this involves no change of use. The proposal will sensitively develop the miner's cottage and retain the heritage of the building.

The Case Officer then responded to questions as follows:

- The extension will come up to the boundary wall and there will be a window on the side of the extension.
- If the committee were minded to permit, a condition could be included to ensure that the garage would be removed first.

Cllr Jackson moved that the committee delegate to permit the application for the following reasons:

- The extension will enhance the symmetry of the building and will be more in-keeping with the terrace.
- It will restore the historic character of the building.
- It does not obscure the openness of the green belt.
- It will provide family accommodation in a rural area.
- The demolition of the existing garage is a planning gain.

This was seconded by Cllr Hounsell.

Cllr Crossley felt that the 30% limit for an increase in volume is sufficient for large houses but not for smaller properties such as this. A larger volume increase is often required to enable smaller cottages to meet modern living standards.

Cllr Hounsell felt that the retention of the archway is very important, and this would maintain the identity and character of the cottage.

Cllr Jackson stated that the alternative would be lose the archway completely whereas this proposal retains the character of the existing building.

Cllr Clarke stated that he could not support the motion because it is not policy compliant.

The motion was put to the vote and it was **RESOLVED** by 6 votes in favour and 4 votes against to **DELEGATE TO PERMIT** the application subject to conditions including the retention of the archway and a requirement to demolish the rear garage prior to the construction of the side extension.

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

The Committee considered the appeals report.

**RESOLVED** to note the report.

The meeting ended at 5.45 pm

Chair .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**