

PLANNING COMMITTEE

Minutes of the Meeting held

Wednesday, 22nd September, 2021, 11.00 am

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

48 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

49 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Cllr Shelley Bromley – substitute Cllr Ruth Malloy.

50 DECLARATIONS OF INTEREST

The Chair, Cllr Sue Craig, declared an interest in application no. 20/03166/FUL, Regency Laundry Service, Lower Bristol Road, Bath, as the site is located opposite her property. Cllr Craig stated that she would leave the meeting when this application was discussed and would take no part in the debate or vote.

51 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was no urgent business. The Chair thanked Cllr Sally Davis for chairing the last meeting and Cllr Appleyard for acting as substitute member.

52 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.

53 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 25 August 2021 were confirmed and signed as a correct record.

54 **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.

Note: At this point Cllr Sue Craig left the meeting having declared an interest in the following application. Cllr Sally Davis took the Chair.

Item No. 1

Application No. 20/03166/FUL

Site Location: Regency Laundry Service, Lower Bristol Road, Westmoreland, Bath – Erection of two buildings of up to 4 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 explained that the arrangements for the payment of Council Tax by future residents of the accommodation are not a planning matter or a material consideration.

A local resident spoke against the application.

The agent spoke in favour of the application.

Cllr June Player spoke against the application. She expressed concern regarding the adverse effect of the large bulky buildings on residential amenity, in particular, for the residents of St Peter's Place. She also expressed concern about the adverse impact on the character of the area. She stated that the arrangements for parking and cycling is not acceptable and the height of the proposed buildings would lead to loss of light and overlooking. The quality and design of the buildings are not appropriate and there are parking and highway safety concerns.

Cllr Colin Blackburn spoke in favour of the application. He felt that the provision of accommodation for professionals wanting to house share is needed in Bath. He felt that the scheme is positive and of high quality. The site is no longer suitable for commercial use and he stated that the focus should be on residential accommodation in this location.

The Case Officer then responded to questions as follows:

- There would be a lift in the building.
- There would be some larger accessible studios which would be suitable for disabled people.
- There would be a drop-off area in front of the building.
- The employment space available in Bath is largely office space rather than industrial. There is only about a 1% vacancy rate for industrial premises. No evidence has been provided by the applicant that they have advertised the site for industrial use within the last 12 months.
- It was confirmed that the rental would be approximately £220 per week for the studio accommodation with shared facilities.
- There would be two parking bays, one for disabled parking and one for a car share vehicle. There would be no visitor parking. There is on street parking to the west of the site. The site is very close to the city centre and is aimed at young professionals.
- The level of parking provision is a planning consideration. The current parking policy has no specified parking standard for co-living accommodation.
- If the accommodation comprised self-contained flats, then about 75-80 parking spaces would be required.
- The affordable housing element of the scheme would be secured by a section 106 agreement which would be in perpetuity. The applicant could appeal this after five years but would have to provide strong reasons why this was no longer appropriate. The Council would be able to nominate tenants through its housing team.
- Lighting levels are considered to be reasonable in this high-density area.
- There would be six charging points for electric bicycles and cycle parking within the scheme.

Cllr Crossley stated that digital employment space is now required, and that the development is in line with future employment practice. He noted that property in Bath is very expensive and that this would provide 100% residential accommodation rather than student accommodation. He felt that the developer has listened to both residents and councillors. The accommodation would be suitable for young people and is in a sustainable location. It would encourage graduate retention and help local employers. Council tax will be payable and there is also 20% affordable housing. The green credentials of the building are good, and it will meet both housing and carbon reduction goals.

Cllr Crossley then moved that the Committee delegate to permit the application. This was seconded by Cllr Clarke.

Cllr Jackson stated that people need jobs and felt that this proposal does not meet the need for cheaper accommodation. She did not feel that the committee should go against the policy regarding employment zones. The premises have not been marketed for a year. She also felt that the design should complement the surroundings and that there would be a loss of amenity for local residents.

Cllr MacFie felt that the applicants have not proved that there is no requirement for industrial use in the area as required by the policy.

Cllr Hounsell felt that the application is premature because the necessary marketing

has not yet taken place.

Cllr Hughes felt that more diverse industry is required in the area and he had concerns regarding this type of development which could generate a high turnover of tenants.

Cllr Hodge noted that the site is ring-fenced for industrial use and should be used to provide jobs and employment for the future.

The motion was then put to the vote and there were 3 votes in favour of the motion and 7 votes against. The motion was therefore LOST.

Cllr Jackson then moved the officer recommendation to refuse. This was seconded by Cllr Hodge.

The motion was put to the vote and it was RESOLVED by 5 votes in favour, 3 votes against and 1 abstention to REFUSE the application for the reasons set out in the report.

Note: At this point Cllr Sue Craig returned to the meeting and resumed the Chair.

55 **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 and 2 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. 20/04760/EFUL

Site Location: Former Bath Press Premises, Lower Bristol Road, Westmoreland, Bath – Development of the site to provide a residential-led mixed-use development comprising 286 residential units (Use Class C3) and provision of commercial floor space at ground floor level (Use Class E), demolition of existing chimney, provision of 3 substations, together with associated infrastructure, landscaping, plant equipment, car and cycle parking, and access.

The Case Officer reported on the application and his recommendation to refuse. He informed members that further information regarding the affordable housing element has been received. The developer will now offer 4 of the town houses as affordable housing, which makes a total of 1.4% affordable housing across the whole site. This

offer would be contingent on permission being granted and would be rescinded if the applicant went to appeal.

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

The agent spoke in favour of the application.

Cllr Colin Blackburn, local ward member, spoke against the application. He felt that the developer was ignoring key policies including those relating to affordable housing.

Cllr June Player, local ward member, spoke against the application. She stated that the application is not policy compliant in relation to affordable housing requirements (this should be 30%) and parking. She also expressed concern regarding the loss of the historic chimney, highway safety, noise, pollution, loss of office floor space, bedrooms facing onto the main road, overdevelopment of the site, poor design, and the creation of a tunnelling effect along the Lower Bristol Road.

The Case Officer then responded to questions as follows:

- The location has some characteristics of a gateway site.
- As there is no allotment or vegetable growing area on site there would be a requirement for an offsite contribution.
- The chimney has local historical significance.
- The rental costs would be £1,050pcm for a one-bedroom property, £1,550 for a two-bedroom property and £2,000 for a 3-bedroom property.
- The weight given to the viability report is for the decision-maker to decide. There are no objections to the lack of affordable housing within the scheme.
- The applicant has confirmed that they would accept a condition requiring the retention of office space.
- The 5-storey block has a mansard roof and is set back from the road.
- The height strategy does not form part of the development plan and is a guidance document rather than a supplementary planning document. However, it is a material consideration and officers feel that the development is compliant with the strategy.
- There is a proposal to open up the East and Western routes on the site but there would be no connection between the North and South routes.

Cllr Jackson moved the officer recommendation to refuse the application. She noted that this is a key site within Bath, and she was concerned at the loss of employment space, lack of parking and loss of the historic chimney.

Cllr Hodge seconded the motion stating that she has concerns regarding the housing mix, loss of office space and lack of a North/South route.

Cllr Hounsell expressed concerns regarding inadequate parking provision and lack of affordable housing.

The Case Officer explained that the viability report has been accepted and so advised against refusing on the grounds of lack of affordable housing.

The motion was put to the vote and it was RESOLVED by 9 votes in favour and 1 vote against to REFUSE the application for the reasons set out in the report.

Item No. 2

Application No. 21/01588/FUL

Site Location: Field between City Farm and Cotswold View, The Hollow, Southdown, Bath – Erection of 9 dwellings with associated access, parking, drainage, landscaping, and ecological mitigation.

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

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

Cllr Sarah Moore, local ward member, spoke against the application. She expressed concern regarding the design of the properties as there are no other terraced properties in this area. The site is on the edge of the AONB and can be viewed from a number of viewpoints around the city which would have an adverse effect on the World Heritage site. Trees would also be removed, the proposal would detract from the City Farm area, and a green field site would be lost which would be harmful to local wildlife including bats.

Cllr Dine Romero, local ward member, spoke against the application. She was concerned at the loss of a green setting in an area which needs pockets of green space. She also had concerns regarding road safety and poor visibility.

Officers then responded to questions as follows:

- No trees will be removed from the site.
- The nearest area of terraced housing would be Cotswold View. The Hollow itself contains semi-detached dwellings. The Planning Inspector who considered the appeal found the houses to be acceptable and not out of keeping with the context.
- The materials include timber cladding and were considered to be acceptable by the Planning Inspector who found that they would soften the built form.
- The comments of the Planning Inspector are highly significant and should be taken into account by the Committee.
- The Highways Officer felt that the changes to the traffic calming measures on The Hollow would be a more effective way of enforcing the 20mph speed limit.
- It would be highly unlikely that nine additional dwellings would generate a significant amount of extra traffic. Not much data is currently available regarding the effect of the Clean Air Zone on traffic using The Hollow as the last 18 months are not considered to be representative because of the Covid-19 pandemic.
- The Police have not raised any objections to the traffic calming proposals. However, they have raised concerns regarding the potential for anti-social behaviour in the rear parking area. Subject to conditions, officers are satisfied that the impact of anti-social behaviour can be mitigated.
- The Council Ecologist has not raised any objections to the proposal and any issues raised regarding ecological matters will be covered by condition.

- The lighting would be low-level bollard lighting controlled by condition.
- This scheme provides ecological improvements which addresses the concerns expressed by the Planning Inspector. The Police and the Highways Team have also confirmed that the proposed traffic calming measures would be an improvement.

Cllr Crossley, local ward member on the committee, stated that this application would have a major impact on the Southdown Ward. There has been no traffic count since the introduction of the Clean Air Zone which has caused people to re-route through the area. This application would introduce an additional junction to The Hollow. It would have an adverse visual impact on the important hillside and on Bath City Farm. He then moved refusal of the application for the following reasons:

- The adverse impact on biodiversity in the area.
- Lack of a traffic survey update since the introduction of the Clean Air Zone.
- Adverse impact on the narrow road leading to increased traffic obstruction.

Cllr Hodge noted the value of the green field site for local residents and felt that the design would be incongruous to the area.

Cllr Davis stated that if the committee refused the application this could result in another appeal which the Council was likely to lose because the issues raised by the Inspector have now been addressed.

Cllr Hounsell felt that this is an improved application as there would be no significant impact on the highway and there would be a biodiversity gain.

The Deputy Head of Planning pointed out that there had been no objection from the Ecologist or Highways Officer. It would therefore be difficult to defend a refusal on these grounds at appeal.

The motion was put to the vote and there were 4 votes in favour and 6 votes against. The motion was therefore LOST.

Cllr Davis then moved the officer recommendation to permit. This was seconded by Cllr Clarke. The motion was put to the vote and it was RESOLVED by 6 votes in favour and 4 votes against to PERMIT the application subject to the conditions set out in the report and a s106 agreement.

Item No. 3

Application No. 21/03281/FUL

Site Location: Land South of Unit 18, Midsomer Enterprise Park, Midsomer Norton, Bath – Erection of storage containers, support infrastructure and security fence for Battery Energy Storage facility.

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

The Case Officer then responded to questions as follows:

- The Council's noise team have raised no objections or concerns regarding this application.

- Midsomer Norton Town Council responded to the application stating that they had no comments.

Cllr Hughes, local ward member on the committee, congratulated the Cabinet members, officers and the applicant for reaching an acceptable solution through negotiation. He then moved the officer recommendation to permit. This was seconded by Cllr MacFie.

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

Item Nos. 4 and 5

Application Nos. 21/02980/LBA and 21/02981/AR

Site Location: Friends Meeting House, York Street, Bath – External alterations for the installation of 4 hand painted timber signs fixed onto side and front elevations (Resubmission).

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

The applicant and a member of the public spoke in favour of the applications.

The Case Officer responded to questions as follows:

- There are other possible solutions to the signage such as combining it with the railing, the use of A-Boards or free-standing signposts which could be removed when the business is closed.
- The proposed signs would be positioned at either side of the steps and the portico and would be permanently affixed to the building.
- The main differences between this and the previous application are that the signs are smaller, and the Friends Meeting House sign would not be painted over.
- The Case Officer felt that there is scope for a more bespoke package of signage and that the size and positioning of the signs harms the character of the listed building.

Cllr Craig, local ward member on the committee, stated that she supported the applications and felt that the location of the Toppings bookshop in this area will be of great benefit. She noted that the change of use of the building to retail has been agreed and felt that this application meets the commercial needs of the applicant and enables the building to be conserved.

Cllr Hounsell felt that the proposed signs are modest and attractive and will enable the business to thrive as potential customers need to know where the shop is located. He then moved that the committee delegate to permit the applications for the following reasons:

- No damage would be caused to the fabric of the listed building.
- The proposal will enhance the long-term success of the business and enable the use of the building.
- The benefits of the proposal outweigh any potential harm.

This was seconded by Cllr Crossley who felt that the signage would cause no harm to the building.

Cllr Hodge stated that the colours are acceptable, and the signage offers a discrete and elegant solution. She felt the proposal would also avoid cluttering the street with movable signage.

The motion was put to the vote and it was RESOLVED by 9 votes in favour and 1 vote against to DELEGATE TO PERMIT the applications subject to conditions.

Item No. 6

Application No. 21/02883/FUL

Site Location: Hunters Quest, Iford Close, Salford – Demolition of existing bungalow and erection of 2 semi-detached houses/garages and 1 flat with associated parking, landscaping, and widened access.

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

The applicant spoke in favour of the application.

The Case Officer then responded to questions as follows:

- She explained the layout of the plot and parking areas.
- Unit 3 would be an individual unit.
- The proposal would be about 1m taller than the existing building.
- The proposal would result in the loss of one cedar tree which is considered acceptable by the Arboricultural Officer. If required, a condition could be included to request mitigation measures for the loss of the tree.

Cllr Hounsell, local ward member on the committee, stated that the application was supported by Salford Parish Council and by Cllr Singleton the other ward councillor. Salford has a very eclectic mix of properties. He outlined the road layout in the area and stated that the proposal would not be detrimental to the local street scene. It would add to the housing stock in Salford and would provide more modest accommodation which was needed in the area. He then moved that the committee delegate to permit the application. This was seconded by Cllr MacFie.

The motion was put to the vote and it was RESOLVED by 5 votes in favour, 4 votes against and 1 abstention to DELEGATE TO PERMIT the application subject to conditions.

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

The Committee considered the appeals report. The Committee noted that the appeal for the Homebase site had been successful and the Deputy Head of Planning outlined the reasons cited by the Planning Inspector for this decision.

RESOLVED to NOTE the report.

The meeting ended at 4.10 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services