

PLANNING COMMITTEE

Minutes of the Meeting held

Wednesday, 20th October, 2021, 11.00 am

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

57 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

58 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence.

59 DECLARATIONS OF INTEREST

- Councillor Hounsell stated that his wife used to work at Oldfield School several years ago but that this had no influence on his decision making at this meeting.
- Councillor Hodge declared a non-registerable interest in planning application no. 21/01609/FUL – Parkfield Coach House, Park Gardens, Lower Weston, Bath - as she owns a neighbouring property. She stated that she would not speak or vote on this application and that she would leave the meeting while the item was discussed.
- Councillor Bromley declared a conflict-of-interest in planning application no. 21/01609/FUL – Parkfield Coach House, Park Gardens, Lower Weston, Bath - as she had registered an objection to this application. She stated that she would leave the meeting while the item was discussed.

60 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was no urgent business.

61 ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS

The Democratic Services Officer informed the meeting that there were a number of people wishing to make statements on planning applications and that they would be able to do so when these items were discussed.

62 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 22 September 2021 were confirmed and signed as a correct record.

63 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 item 3 attached as *Appendix 1* to these minutes.
- Oral statements by members of the public and representatives. A copy of the speakers' list is attached as *Appendix 2* to these minutes.

RESOLVED that in accordance with the delegated powers, the applications be determined as set out in the decisions list attached as *Appendix 3* to these minutes.

Item No. 1

Application No. 20/03152/FUL

Site Location: Development site next to Somerdale Pavilion, Trajectus Way, Keynsham – Erection of 44 Extra Care units (Use Class C2) and ancillary works including landscaping

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

A representative of the applicant spoke in favour of the application.

The Case Officer then responded to questions as follows:

- Recent changes to environment assessment requirements are not considered to be significant enough to require a new assessment to be submitted. The application has been assessed under the current environmental and climate change policies.
- Some changes to the design have been made by the applicant, such as a reduction in car parking spaces to accommodate additional landscaping. There will be conditions relating to landscaping and the Case Officer will look to secure improvements.
- The height of the building is considered to be appropriate given the precedent of the 4-storey Cadbury's building which used to be on this site.
- Car parking spaces will be allocated to residents and there is a public car park adjacent to the site. This is a sustainable site and parking proposals are considered to be policy compliant.
- No evidence has been submitted regarding interest in the retail unit. However, there are retail facilities in other blocks including cafes, bars and hairdressers. This site is located close to Keynsham town centre.
- There will be a drop-off area for deliveries.

- There are no specified parking standards for C2 use outside of Bath. It is felt that 29 spaces for the 44 dwellings is acceptable in this location.
- Whilst existing residents may have expected a retail unit on site, this was not a specific condition and no operator has been identified.
- A mini-bus service operates on site.
- Blocks A, B and C contain facilities where residents can interact and socialise. It would not be possible to add a condition requiring a retail unit to be located on the site.

Cllr Jackson stated that she has some concerns regarding the design and lack of outside space. However, she did not feel that this constituted grounds for refusal and hoped that the case officer could negotiate some improvements. She moved the recommendation to delegate to permit.

This was seconded by Cllr Crossley. He felt that this is a good development, in context with the local area and which respects the industrial heritage of the site. There are buses to the town centre and, given the concerns around climate change, it is important to encourage the use of public transport. He was not concerned at the lack of retail space given the changes to shopping habits with a move to increasing online ordering.

Cllr MacFie no longer had concerns regarding the parking arrangements but felt that the volunteer-run retail unit is not a satisfactory solution. He stated that existing residents expected there to be a retail facility and that this should be secured by condition.

Cllr Hounsell also had concerns regarding the lack of retail space to meet the needs of this community. He felt that the retail unit is important for the health and wellbeing of residents.

Cllr Hughes expressed concern regarding the amount of parking spaces as this demographic is likely to need more parking.

Cllr Clarke hoped that some overflow parking could be provided.

Cllr Davis felt that this is a good scheme with a generous amount of affordable housing. She pointed out that some care staff are already onsite.

Cllr Hodge had concerns regarding lack of retail space, unattractive design, scale, and height.

The Team Manager, Development Management, stated that officers feel that the requirement for retail provision has been met as there are already retail units in the other blocks.

The motion was put to the vote and it was RESOLVED by 6 votes in favour, 3 votes against and 1 abstention to DELEGATE TO PERMIT the application subject to conditions and the completion of a s106 agreement.

Item No. 2

Application No. 21/00282/FUL

Site Location: Oldfield School, Kelston Road, Newbridge, Bath – Re-level existing school playing field to include excavation and filling works

The Case Officer reported on the application and her recommendation to permit. She reminded members of paragraph 199 of the NPPF which states:

“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”

A representative of the applicant spoke in favour of the application.

The Chair read out a statement from Cllr Ruth Malloy, adjoining ward member. Cllr Malloy expressed concerns regarding the potential damage to the Green Belt/Cotswolds Area of Outstanding Natural Beauty and the City of Bath World Heritage Site. She also had concerns regarding the proximity and height of the lower part of the proposed playing field in relation to the garden of Halfway House, leading to a loss of residential amenity for its occupants.

The Case Officer then responded to questions as follows:

- The slope on the existing playing field is significant.
- The proposed orientation is felt to be the best solution due to the amount of infill required and the impact on neighbouring properties.
- The Cotswold AONB has not been consulted on the application as it is not a statutory consultee.
- There is no external lighting on the playing field.

Cllr Hounsell made the point that the Planning Department is completely independent of political influence and that councillors, when making planning decisions, work within existing policies in an unbiased way which has nothing to do with politics.

He stated that he felt the public benefit of the improvement to the school facilities outweigh any harm to the listed building. He moved the officer recommendation to permit.

Cllr Crossley seconded the motion. He supported the improvements to the playing field and welcomed the re-use of material on site to provide the infill. Although the level of the field will be raised, it will remain a grassed area.

Cllr Jackson also supported the proposed and felt that it will provide a good facility for pupils and will be beneficial to their health. The benefits of the proposal outweigh any harm.

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.

(Note: At this point Cllrs Bromley and Hodge left the meeting, having declared interests in the following planning application. Cllr Bromley returned to the meeting to make her statement as ward councillor and then left immediately afterwards).

Item No. 3

Application No. 21/01609/FUL

**Site Location: Parkfield Coach House, Park Gardens, Lower Weston, Bath –
Erection of orangery following removal of rear conservatory. Alterations to
windows and installation of rooflights**

The Case Officer reported on the application and her recommendation to permit. She informed the Committee that amended plans have now been received as the roof lights had previously not been shown correctly. An additional condition was also proposed as follows:

“No installation of the proposed doors and windows, including the roof lights, should commence until full details have been submitted to, and approved in writing by the Local Planning Authority. Thereafter, the works shall be carried out in accordance with the approved details.”

A local resident spoke against the application.

Cllr Shelley Bromley, local ward member, spoke against the application. She pointed out that the site is located between two listed buildings and is in a Conservation Area. She felt that the proposal would be out of keeping with the location, would increase light pollution and would be of no public benefit.

The Chair read out a statement from Cllr Ruth Malloy, local ward member. Councillor Malloy expressed concern regarding the loss of amenity (privacy) and the light pollution as a result of the proposed four large Velux roof lights.

The Case Officer then responded to questions as follows:

- The Velux roof lights/windows will allow light into the space.
- The size of the windows is correct on the plans and the windows will be vertical.
- The existing conservatory has been in situ for some time and is therefore likely to be exempt from enforcement action, although it does not have planning permission. As a structure, it provides a guide as to where the new extension will be, but the new building should be considered on its own merits.

Councillor Davis noted that several changes have been made to the original plans and felt that the application is now acceptable with the proposed conditions. She then moved the officer recommendation to permit. This was seconded by Cllr Clarke.

Cllr Jackson noted that the design is asymmetrical. She had concerns about the amount of light which would be generated. She felt that the proposal did not conserve or enhance the Conservation Area and would detract from the listed

building.

Cllr Hounsell stated that the existing conservatory is unattractive and that the new building would be a planning gain. There would be no loss of amenity to neighbouring properties, but light pollution could be an issue.

The motion was put to the vote and there were 3 votes in favour, 3 votes against and 2 abstentions. The Chair then used her casting vote in favour of the motion and it was therefore RESOLVED to PERMIT the application subject to the conditions set out in the report and the additional condition set out in the Case Officer's presentation.

(Note: At this point Cllrs Bromley and Hodge returned to the meeting).

Item No. 4

Application No. 21/03666/FUL

Site Location: 16 Oakhill Road, Combe Down, Bath, BA2 5PH – Erection of new one-bedroomed flat for renting to students or as a holiday-let, ancillary to the existing house and extension of porch and installation of 11 solar panels to the front roof slope of the existing house

The Case Officer reported on the application and her recommendation to refuse. She explained that the scheme could be described as back land development as it will be in the rear garden of the existing dwelling. The application does not meet the criteria set out in policy D7, as the development is not in keeping with the character and appearance of the local context, and this should therefore be added to the reasons for refusal.

The agent spoke in favour of the application.

The officers then responded to questions as follows:

- Access to the site would be from the road via a dropped kerb. The proposal is to reinstate a previous tarmacked driveway which is currently overgrown. The verge is on land owned by Curo.
- The new property would be separate from the main dwelling with its own access. If the accommodation were to be occupied by part of the same household then it would be considered ancillary to the main dwelling. In this case consent is being sought for a separate dwelling.
- If the committee felt that it was acceptable, it could agree to include a condition to ensure that the dwelling is not used as a permanent residence.

Cllr Crossley felt that this application meets a housing need. There is suitable access. He noted that neighbours support the application. He then moved that the committee delegate to permit the application for the following reasons:

- The proposal is a good design.
- It is in-keeping with the local area.
- It will provide extra accommodation.
- There will be no harm to the setting or world heritage site.

Cllr MacFie seconded the motion.

Cllr Jackson stated that the proposal was cramped and not in keeping with the local area.

Cllr Hughes noted that, although there is a need for more accommodation, there is not currently a need for additional holiday-lets or student accommodation.

Cllr Hodge felt that this is back land development and stated that the application is contrary to policy D7 as it is contrary to the character of the area.

Cllr Bromley stated that the proposal is cramped and does not fit in with this location.

The motion was put to the vote and there were 2 votes in favour and 8 votes against. The motion was therefore LOST.

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

The motion was put to the vote and it was RESOLVED by 8 votes in favour and 2 votes against to REFUSE the application for the reasons set out in the report and the additional reason referred to in the Case Officer's presentation (policy D7).

Item Nos. 5 and 6

Application Nos. 21/02733/FUL and 21/02734/LBA

Site Location: Mendip View, The Street, Ubley – Erection of a rear extension and internal alterations (re-submission). External works for the erection of a rear extension and internal alterations to the ground floor only to remove an existing pantry and bathroom and accommodate a new wet room within the former WC (now used as a store) (re-submission)

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

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

The agent spoke in favour of the application.

Cllr Vic Pritchard, local ward member, spoke in favour of the application. He stated that the village has a range of property styles. The applicants have restored their cottage to a high standard and the existing extension has been poorly built. The applicants wish to extend it slightly to make a usable space and the site is very restricted leaving very few options. The new structure will not compromise the integrity of the listed building or Conservation Area.

The Case Officer then responded to questions as follows:

- The windows will be glazed and in an aluminium frame. The extension will have some brickwork with a side-elevation of timber cladding and glazing. The roof will be zinc.
- This is a challenging site and a higher pitch on the roof would cover the window line.

- The materials could be conditioned if necessary.
- The roof lights have to be positioned outside of the roof rather than set in to ensure they are waterproof.
- The current lean-to extension is possibly 19th century and has historic interest.
- The back door will be visible through the glass part of the extension and the original window will be retained.

Cllr Davis stated that the front and rear of the property are very different. The site is very constrained and there are not many options for the extension. Overall, the application is a good one.

Cllr Hughes acknowledged that any alternative designs would be difficult.

Cllr MacFie noted that the rear of the cottage cannot be seen easily and pointed out that the Parish Council support the application.

Cllr Hounsell felt that the modern design would enhance the listed building.

Cllr Crossley noted the desire to modernise the dwelling and felt that the proposal would improve the building while also making it fit for purpose. He moved that the Committee delegate to permit the applications for the following reasons:

- The proposals enhance the historic area.
- The visual appearance of the rear of the property will be improved.
- An old building will be made fit for purpose.
- The proposal represents good quality design.

Cllr Davis seconded the motion.

Cllr Hodge supported the proposal and suggested that a condition be included regarding the materials. She also queried whether the roof lights could be set-in rather than standing out.

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.

64 **QUARTERLY PERFORMANCE REPORT - JULY TO SEPTEMBER 2021**

The Committee considered the quarterly performance report from 1 July to 30 September 2021.

Officers agreed to investigate whether additional information could be provided within future reports, setting out how well B&NES Council is performing compared to other planning authorities. They also agreed to investigate providing comparative information regarding the enforcement statistics.

It was confirmed that the Pixash Lane application recently considered by the committee is subject to judicial review. Officers agreed to send further information to committee members about this process.

The Team Manager, Development Management explained that enforcement cases may be closed for a variety of reasons. Whether it is considered expedient, (in the public interest), to pursue an enforcement case can depend on a variety of reasons.

RESOLVED: To note the report.

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

The Committee considered the appeals report.

Officers agreed to look into whether further information can be provided regarding performance outcomes regarding committee decisions that have been subject to appeal.

RESOLVED: To note the report.

The meeting ended at 3.55 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services