

## **PLANNING COMMITTEE**

### **Minutes of the Meeting held**

Wednesday, 15th December, 2021, 11.00 am

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

#### **74 EMERGENCY EVACUATION PROCEDURE**

The Democratic Services Officer read out the emergency evacuation procedure.

#### **75 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were received from:

Cllr Shelley Bromley – substitute Cllr Matt McCabe  
Cllr Vic Clarke – substitute Cllr Vic Pritchard  
Cllr Paul Crossley – substitute Cllr Rob Appleyard

#### **76 DECLARATIONS OF INTEREST**

The Chair, Cllr Sue Craig, declared an interest in planning application nos. 18/02499/FUL and 18/02500/LBA – 32-33 Victoria Buildings, Bath, as she lives near the application site. She stated that Cllr Sally Davis, Vice Chair, would take the chair when these applications were considered.

#### **77 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN**

There was no urgent business.

#### **78 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.

#### **79 MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 17 November 2021 were confirmed and signed as a correct record.

#### **80 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.

**Item No. 1**

**Application No. 20/02479/OUT**

**Site Location: Parcel 1991, Bath Road, Keynsham – Outline application for up to 5,700sqm (GEA) of flexible use commercial development falling within Use Classes B1(b), B1(c), B2 and B8 with primary access onto Bath Road. All matters reserved except access.**

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

Two local residents spoke against the application.

The agent spoke in favour of the application.

Cllr Andy Wait, local ward member, spoke against the application. He raised concerns regarding the arrangements for vehicles to enter and exit the site via the A4. This is already a very busy road and is the Bristol/Bath commercial corridor. It made no sense for HGVs to be turning right onto this road. He stated that an access via World's End Lane would be far more sensible. He raised concerns regarding the detrimental effect on the amenity of local residents. He stated that the use of the site for a B2 use so close to residential properties is not appropriate.

The Case Officer then responded to questions as follows:

- The masterplan for the site was referred to in the previous officer report which was considered in July.
- Following analysis, officers do not think that the access via the A4 is contrary to the allocation policy. Although this access is not referred to in the original plan it is not specifically excluded.
- A separate application on this site (in particular the MOD site in Pixash Lane agreed by the committee in July) would be a material consideration.
- The committee should act consistently in its approach to this application and where the masterplan has been found to be acceptable, this is a material consideration.
- Whilst there could be alternative access to the site via World's End Lane, members should focus on the application in front of them.
- Proposed improvements to World's End Lane would include widening the carriageway and the inclusion of a dedicated pedestrian and cycle path.
- Alternative accesses were discussed with the applicant but there is an issue

with a pinch point and the need to cross land belonging to a third party. Highways consider the proposed access to be acceptable.

- The transport addendum provides a model based on trip data which includes exit times for larger vehicles. The average figures include the morning and afternoon peak periods.
- The travel to school route would be via the shared pedestrian and cycle path on the A4.
- There would be some buffering and landscaping to reduce noise to residential properties. However, there is already a level of noise from the A4 and so the development would not greatly impact residential amenity.
- Use of the site would be subject to environmental protection legislation and be limited to certain hours to mitigate any noise nuisance.
- A concrete works would fall under use class B2.
- World's End Lane is a single-track road and currently two vehicles cannot pass each other. There are proposals to widen the lane to make it a two-carriageway road (although this would not extend to the A4).
- The site is allocated for employment use and is in a sustainable location. This would provide more jobs in Keynsham with less need for out-commuting.
- The masterplan for the site was subject to public consultation as part of the planning application for the Pixash Lane site.
- Highways Officers are satisfied that the appendices contain all the required information and that the figures provide a reasonable prediction of exit times.
- When the reserved matters are considered the layout of the site plan could be changed.

Members of the Planning Committee discussed the site visit that was carried out during peak hours (3-4pm) and noted the high volumes of traffic and noted that they had observed vehicles having difficulty crossing the A4 due to the flow of traffic.

Cllr MacFie, Ward Councillor on the committee, stated that this proposal will generate additional traffic and pollution on the A4. This would cause harm to the amenity of local residents which could be mitigated by the use of World's End Lane as an access route. This access route was specified in the original plan, and this harm is therefore avoidable.

Cllr Hounsell stated that he did not believe there has been adequate consultation on the masterplan as required by policy KE3A. The Town Council did not refer to the masterplan and the Parish Charter states that Parish and Town Councils should be consulted regarding plans with a significant impact in their local areas. He pointed out that the masterplan document was only on screen for a very short period of time during the July Planning Committee meeting and was the 197<sup>th</sup> document on the planning website. The original plan did not reference an access onto the A4. The A4 is a busy congested road and members have acknowledged this on the recent site visit. 83 seconds is a long time for vehicles to wait and this would have an adverse impact on highway safety. He stated that the committee does not have adequate highways information regarding traffic numbers, exit timings and changes to World's End Lane. The Council's traffic count survey figures show the large amount of vehicles using the A4 in both directions on a daily basis.

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

- The proposal is contrary to policy KE3A. The masterplan was not adequately consulted on as required by the policy. The policy requires the access to be via World's End Lane.
- The proposal is contrary to policy ST7 and would have a significant adverse effect on highway safety due to the long wait time to make a right turn which is likely to lead to unsafe manoeuvres.

The motion was seconded by Cllr MacFie.

Cllr Appleyard noted that the Core Strategy Inspector supported the use of this site for industrial use. He acknowledged the difficulty of turning right onto the A4 but did not feel that World's End Lane would be any more suitable. A bottleneck could be created. Not all vehicles entering and leaving the site would be HGVs. He also supported the creation of employment in this area. On balance he supported the officer recommendation.

Cllr Jackson did not support the proposed widening of World's End Lane due to the removal of the hedgerows. She was concerned at the increase in noise levels to local residents in the proposed care home but noted that environmental protection legislation could address this if necessary. She did not believe that World's End Lane is the correct access route.

Cllr Davis noted that the masterplan was approved in July and stated that consistency of decision-making is important. There are restrictions due to third party ownership.

Cllr Hughes expressed concerns regarding the highway access point. He felt that the cheapest and easiest option was being chosen and that alternative options have not been fully explored.

Cllr Pritchard noted the cost implications of improving World's End Lane. He stated that when on the site visit, he noticed that the school children travelled mainly on the opposite side of the road to the site. The A4 is a busy road but not necessarily a dangerous road.

Cllr Hodge did not feel there has been adequate consultation on the masterplan. The obvious access is onto the A4, but this is dangerous. Most of the objections received raise concerns regarding highway safety. Members viewed the busy A4 on the recent site visit, including children walking home from school and vehicles turning onto the Bath Road.

Cllr McCabe felt that not enough is known about the plans to upgrade World's End Lane and third-party ownership issues. He felt that the consultation on the masterplan has not been sufficient and had concerns regarding the safety of the access onto the A4. He noted that the original plan was for the access to be via World's End Lane. He needed to have more information before agreeing to create a new access onto the A4.

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.

## 81 **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 5 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.

*Note: At this point Cllr Sue Craig left the meeting having declared an interest in the following application. The Vice-Chair, Cllr Sally Davis, then took the chair.*

### **Item Nos. 1 and 2**

**Application Nos. 18/02499/FUL and 18/02500/LBA**

**Site Location: 32-33 Victoria Buildings, Westmoreland, Bath – Provision of new skittle alley, a new community room, provision of new accessible toilets, refurbishment of the public house and the provision of 9 apartments at the Belvoir Castle, Bath**

The Case Officer reported on the applications and her recommendation to refuse. She explained that the committee's previous decision on these applications had been subject to judicial review and had subsequently been quashed.

A representative of an objector and a representative from Bath Preservation Trust spoke against the application.

Cllr June Player, local ward member, read out a statement on behalf of Cllr Colin Blackburn, the other local ward member. Cllr Blackburn no longer supported the application and noted the findings of the judicial review. Cllr Player then made a statement against the application. She raised concerns regarding the loss of outdoor space which is beneficial for wellbeing and biodiversity. She stated that the proposal would cause harm to the heritage assets of Park View. She pointed out that the provision of the nine apartments is not linked to the retention and viability of the public house.

The Case Officer then responded to questions as follows:

- The apartments could potentially be sold and there is no guarantee that they would remain in the same ownership as the public house. There is no obvious link between the apartments and the long-term survival of the public house.
- Part of the pub extension would be at basement level.

Cllr McCabe moved the officer recommendations to refuse. This was seconded by

Cllr Hodge.

The motion was put to the vote and it was RESOLVED unanimously to REFUSE both applications for the reasons set out in the reports.

*Note: At this point Cllr Sue Craig resumed the chair.*

### **Item No. 3**

#### **Application No. 21/04276/REG13**

**Site Location: 23 Grosvenor Place, Lambridge, Bath, BA1 6BA – Internal and external alterations for the installation of secondary glazing to windows to flats, installation of PV panels on hidden roof slope, installation of security camera on south elevation, additions and alterations to staircase balustrades, alterations to lower ground floor to provide building management offices, laundry room, stores and bin store including installation of secondary glazing.**

The Case Officer reported on the application and her recommendation to grant consent. She informed the committee that comments from the Ecology Officer have now been received and that two additional conditions are proposed to ensure bat and wildlife protection, mitigation and enhancement. One condition was to request the provision of a wildlife protection and enhancement scheme and the other was the submission of an ecology follow-up statement.

The Case Officer confirmed that the Ecology report has been assessed and found to be acceptable. She also informed members that there would be a thermal efficiency gain.

Cllr Pritchard moved the officer recommendation to delegate to permit. The motion was seconded by Cllr Jackson who welcomed the improvement in energy conservation.

The motion was put to the vote and it was RESOLVED unanimously to DELEGATE TO PERMIT the application subject to the conditions set out in the report and the inclusion of the two additional conditions as outlined by the Case Officer.

### **Item No. 4**

#### **Application No. 21/00889/FUL**

**Site Location: The Wharf, Greensbrook, Clutton – Development of 18 dwelling houses with associated access improvements, hard/soft landscaping, drainage works and parking.**

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

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

The Case Officer then responded to questions as follows:

- The access to the site is acceptable and no objections have been received from the Highways Officer. A refuse collection strategy will be put in place. Part of the development will be a private road.
- The viability assessment has been independently assessed and is considered to be acceptable. The nature of the site and the comparatively lower property

values in this area are the main reasons why it is considered to be unviable to provide affordable housing as part of the development.

- No grant funding for affordable housing has been sought by the applicant.
- The village is in a sustainable location and the site is within the housing development boundary.

Cllr Davis, local ward member, stated that the Parish Council is very supportive of the application. The development will provide much needed smaller dwellings and will also provide a safer walking route to the village school. She then moved the officer recommendation to permit. This was seconded by Cllr Appleyard.

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

#### **Item No. 5**

##### **Application No. 21/03981/FUL**

**Site Location: 18 St Catherine's Close, Bathwick, Bath, BA2 6BS – Erection of two storey side and rear extension and single storey rear extension following demolition of existing structures.**

The Case Officer reported on the application and her recommendation to permit. She informed the committee that an additional objection has been received regarding the size and volume of the development.

A local resident spoke against the application.

The agent spoke in favour of the application.

Cllr Manda Rigby spoke against the application. She stated that the proposal was not in keeping with the streetscape. The double height rear extension is unusual in this area and the size and scale of the roof is a concern. The proposal represents overdevelopment, will create overlooking and will result in a loss of residential amenity. The proposal does not conserve or enhance the Conservation Area.

The Case Officer then responded to questions as follows:

- The distance between the proposed extension and no. 17 St Catherine's Close is over 20m as the properties have long rear gardens.
- The committee should consider character and design rather than the volume of the proposed extension. The proposal is not considered to be detrimental to the area or the dwelling itself. There is a variety of housing types in the area.
- Design is a subjective matter but there are design policies to be taken into consideration in a Conservation Area. The setting includes a mix of dwelling types with various use forms.
- The rear extension is not necessarily harmful, and the rear areas of dwellings are often where most differences are found. This is considered to be an acceptable addition.
- There is no statutory obligation to reconsult when additional information is received. This is down to the judgement of the case officer.
- The site is located on a slope and nos. 16 and 17 are located above the site

with no. 19 below the site.

- The volume increase calculations depend on the baseline used. The proposal is not considered to be overdevelopment and the setting is residential with a variety of built form.
- There would be one window in the master bedroom but as the extension will be at least 20m away from the neighbouring property there would be no significant harm caused by overlooking.
- The side extensions will be partially visible from the street.

Cllr Hodge moved that consideration of the application be deferred pending a site visit to enable the committee to view the context of the proposal within the Conservation Area. This was seconded by Cllr MacFie.

The motion was put to the vote and it was RESOLVED by 6 votes in favour, 2 votes against and 2 abstentions to DEFER consideration of the application pending a SITE VISIT.

#### **Item No. 6**

##### **Application No. 21/04002/FUL**

**Site Location: 97 Mount Road, Southdown, Bath, BA2 1LL – Change of use from a 3-bedroom House in Multiple Occupation (HMO) (Use Class Sui Generis). Erection of 3m two storey side extension and loft conversion.**

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

Cllr Dine Romero, local ward member, spoke against the application. She stated that the proposal would be out of character in this location, would result in increased car use and the loss of a family home. She noted that there are already eight HMO properties in the vicinity and felt that the proposed standards are too low. She also expressed concern about the lack of communal space and detrimental impact on neighbours in relation to noise and parking.

In response to a question the Case Officer explained that Policy H2 sets out the assessment to be made when considering applications for HMO properties. This application passes all the necessary tests for an HMO.

Cllr Davis stated that the application is policy compliant and noted that it would not necessarily provide student accommodation. She moved the officer recommendation to permit. This was seconded by Cllr Jackson who stated that there were no policy grounds for refusal.

Cllr MacFie was concerned at the detrimental effect on amenity, especially with regard to increased vehicle use and parking.

Cllr Appleyard felt that this was overdevelopment of a 3-bed property. He stressed the importance of retaining family homes in this area which is a more affordable part of Bath.

Cllr McCabe stated that the application did amount to overdevelopment but that in terms of the existing policies it is compliant.



The Deputy Head of Planning drew members' attention to the very prescriptive policy relating to HMOs. The Committee must assess the application against existing policies and should not delay any decision pending any possible changes.

Cllr Hughes expressed concern about the impact of such a large HMO in this area which would have a detrimental effect on the area.

The Legal Advisor informed the committee that they must apply the policy and law which is in force on the day they make their decision.

The motion was then put to the vote and it was RESOLVED by 7 votes in favour and 3 votes against to PERMIT the application subject to the conditions set out in the report.

#### **Item No. 7**

##### **Application No. 21/02654/FUL**

**Site Location: 10 Grange Road, Saltford, BS31 3AH – Erection of a 2-bed detached 1.5 storey dwelling with a home office and store outbuilding at the rear.**

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

Cllr Duncan Hounsell stated that he knows one of the neighbours who lives at no. 12 Grange Road, as he had purchased cars from their car dealership, however this would not affect his judgement when making a decision on the application.

The Case Officer then responded to questions as follows:

- The street form consists of a mix of different types of property ranging from Edwardian to later 20<sup>th</sup> century. Development has been incremental. The properties on the side of the application site are more spaced out.
- The proposed dwelling would be smaller than the majority of the houses in the street and would have the narrowest plot.
- The new property would be an independent dwelling with separate parking, access and garden.
- The Parish Council has raised concerns regarding the width and size of the plot.
- The office/store that has already been built was constructed under permitted development rights and is not a material consideration.

Cllr Hounsell, local ward member on the committee, stated that he had no concerns regarding highway matters. The type of housing in the street is an eclectic mix with most properties being quite large with some infilling. He stated that this property would be at the narrowest point in the road and would be wedged into the plot. He agreed with the concerns expressed by the Parish Council and felt that the property would be out of keeping with the street scene and would be contrary to policy D2.

Cllr McCabe felt that the property would be small, cramped and not in keeping with the existing surroundings.

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

- It is contrary to policy D2 in relation to context, layout and spacing. The space is very small, and the contemporary building would not reflect the existing street scene.
- It is contrary to policy D7 relating to infill development as it does not have regard to the character of the surrounding townscape and character.

The motion was seconded by Cllr Hughes. He stated that any new infill development should have regard to the existing context and symmetry of the area.

Cllr Pritchard stated that he felt that the development would enhance the street scene. The proposal is a good modern design and quality 2-bedroom properties are needed in this area.

The motion was put to the vote and it was RESOLVED by 7 votes in favour, 2 votes against and 1 abstention to REFUSE the application for the reasons set out above.

## 82 **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 4.10 pm

Chair .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**