

PLANNING COMMITTEE

Minutes of the Meeting held

Wednesday, 28th August, 2024, 11.00 am

Councillors: Ian Halsall (Chair), Lucy Hodge (Vice-Chair), Deborah Collins, Paul Crossley, Fiona Gourley, Hal MacFie, Toby Simon, Shaun Hughes and Dr Eleanor Jackson

30 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

31 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Cllr Tim Warren.

32 DECLARATIONS OF INTEREST

Cllr Deborah Collins declared that she had already stated her objection to item 8 (1) 23/02012/FUL - Units 1-4 Wells Road, Lyncombe, Bath and would not participate in the debate or vote but would address the Committee as ward member.

Cllr Paul Crossley declared an interest in item 8 (9) 24/02742/TCA - Orchard Rise, Sham Castle Lane, Bathwick, Bath and withdrew from the meeting during consideration of the item.

Cllr Lucy Hodge confirmed that she had asked for item 8 (5) 24/01160/FUL - 11 Richmond Road, Bath to be referred to the Planning Committee as ward member, but had no interest in the item.

33 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was no urgent business.

34 ITEMS FROM THE PUBLIC

The Democratic Services Officer advised on the process for public speakers.

35 MINUTES OF THE PREVIOUS MEETING

It was moved by Cllr Eleanor Jackson, seconded by Cllr Deborah Collins and:

RESOLVED that the minutes of the meeting held on Wednesday 31 July 2024 be confirmed as a correct record for signing by the Chair.

36 SITE VISIT LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE

There were no site visit applications for consideration.

37 **MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE**

The Committee considered:

1. A report and update report by the Head of Planning on the applications under the main applications list.
2. 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 main applications decisions list attached as Appendix 2 to these minutes.

1. 23/02012/FUL - Units 1-4 Wells Road, Lyncombe, Bath

Cllr Deborah Collins declared an interest and stood down from the Committee during the consideration of this item.

The Case Officer introduced the report which considered an application for the demolition of an existing commercial industrial building and development of a new 4-storey mixed-use building, comprising 2 commercial units and residential co-living use including 77 studios with ancillary co-working areas, communal residential accommodation of kitchens, living rooms, gym, rooftop outdoor amenity area, plant, laundry, bin storage and cycle parking, car parking and landscaping.

He confirmed the officers' recommendation that officers be delegated authority to permit the application subject to:

A. The completion of a Legal Agreement to secure:

1. Financial contribution of £1,121,486.00 towards affordable housing delivery in Bath and North East Somerset.
2. Financial contribution of £114,414.00 towards Bath Riverline Project local greenspace enhancement and maintenance.
3. Financial contribution of £7552.80 towards replacement tree planting on Council owned land in the local area.
4. Planning obligation of 10 work placements, 2 apprenticeship, 2 new job roles advertised through Department of Work and Pensions and financial contribution of £6,380.00 towards Targeted Recruitment and Training.
5. Financial contribution to carbon offset fund to be calculated in accordance with Policy SCR6 and Planning Obligations SPD formula including mechanism for adjusting contribution if energy strategy changes.
6. Monitoring fee for each obligation of £400.00 per obligation.

B. The conditions set out in the report, or such conditions as may be appropriate.

The following public representations were received:

1. Jan Shepley, Widcombe Residents Association/Alex Sherman, Bath Preservation Trust objecting to the application.
2. Paul Brundell/Paul Van Reyk, applicants supporting the application.

Cllr Deborah Collins raised the following points on behalf of herself and Cllr Alison Born as the ward members:

1. The ward members had objected to the application on the basis that it was considered inappropriate. They supported affordable housing and accepted the principle of co-living but did not consider the development to be affordable and also believed it was in the wrong location.
2. In planning terms, the application site was not in the city centre; it was separated from the centre by the railway viaduct.
3. This site was green in nature. There was a concern about the loss of trees and the further loss of green space as a result of the nearby Somer Valley link.
4. Housing was predominately terraced in the area.
5. There were concerns about the internal design and the size of the studios/kitchen space.
6. The development would result in a loss of industrial space which was in short supply in Bath.

After making her statement Cllr Deborah Collins withdrew from the meeting.

In response to Members' questions, it was confirmed:

1. The subway footpath going under the viaduct was adopted but any amendments would need to be agreed by Network Rail.
2. Swift bricks/bat boxes were included in the design.
3. In terms of the monitoring of work places, officers had not previously had an issue with this but if a problem arose this would be addressed by employment and skills team.
4. There was no adopted policy in relation to co-living and the standard size for this type of accommodation and officers had applied national standards in assessing the application.
5. There was an opportunity for residents to apply for a parking permit to park in the nearby area.
6. There was one disabled parking bay and 3 adaptable studios.
7. The development complied with policy CP9 as a contribution towards affordable housing would be secured by a legal agreement.
8. There were 4 floors including the roof space. There was no communal space on the third floor, but occupiers could access the space on other floors including the roof area.
9. The minimum length of a tenancy agreement was 12 months.
10. The energy calculations had been based on the installation on the central part of the roof.
11. The height of the building had been considered as part of the overall design and efforts had been made to try and relieve the massing by including a pitched roof.
12. There had been confirmation that the development could offset carbon emissions and so condition 16 was no longer required. This had been included in the update report.
13. There were no trees on the application site, but mitigations were in place in case any of the nearby trees might be lost at a later date as

a result of the development.

14. In addition to the 2 parking spaces per business, there was room for loading and additional short stay parking was available nearby.
15. The public sector equalities duty had been considered and the application was considered to be compliant.

Cllr Shaun Hughes stated that he supported the concept of the application but was concerned about the bulk and size of the proposed development and that there were not enough facilities for disabled tenants.

Councillor Fiona Gourley also raised concern about the internal design and questioned whether there was enough space for residents in the proposed studios.

Cllr Paul Crossley spoke in support of the application and the acknowledged the improvements made to the design. He moved the recommendation to delegate authority to officers to grant permission subject to the legal agreement and conditions as set out in the report. This was seconded by Cllr Toby Simon.

Cllr Hal MacFie also spoke in support of the application and the package of benefits that would be secured by a legal agreement.

Cllr Lucy Hodge expressed concern that a number of consultees had retained objections and also the lack of affordable housing within the development. She stated that she did not support the motion.

Cllr Eleanor Jackson expressed reservations about the location of the development and loss of industrial units.

On voting for the motion, it was CARRIED (5 in favour and 4 against – Chair using casting vote).

RESOLVED that that officers be delegated authority to permit the application subject to:

A. The completion of a Legal Agreement to secure:

1. Financial contribution of £1,121,486.00 towards affordable housing delivery in Bath and North East Somerset.
2. Financial contribution of £114,414.00 towards Bath Riverline Project local greenspace enhancement and maintenance.
3. Financial contribution of £7552.80 towards replacement tree planting on Council owned land in the local area.
4. Planning obligation of 10 work placements, 2 apprenticeship, 2 new job roles advertised through Department of Work and Pensions and financial contribution of £6,380.00 towards Targeted Recruitment and Training.
5. Financial contribution to carbon offset fund to be calculated in accordance with Policy SCR6 and Planning Obligations SPD formula including mechanism for adjusting contribution if energy strategy changes.
6. Monitoring fee for each obligation of £400.00 per obligation.

B. The conditions set out in the report, or such conditions as may be appropriate.

2. 23/04136/RES - 37 Coomb End, Radstock

The Planning Officer introduced the report which considered an application for the approval of reserved matters with regard to outline application 20/03800/OUT (proposed demolition of existing buildings, change of use of land to residential and erection of 5 dwellings).

She confirmed the officers' recommendation that the application be permitted subject to the conditions set out in the report.

Cllr Lesley Mansell was unable to attend as ward member and a statement was read on her behalf summarised as below:

1. She supported Radstock Town Council's objection to the application.
2. The original application was for 7 x 2 bed dwellings and the latest application was for 1 x 4 bed dwellings and 5 x 3 bed dwellings and it was not clear how these dwellings would be affordable to local people.
3. In the past there had been a collapse of the land due to water drainage from Bath New Road and this needed to be taken into account.
4. The provision of allotments was not included in the latest application.
5. There was a need for an improved pedestrian access and a concern about an increase in parking on the highway.
6. She asked the Committee to undertake a site visit before determining the application.

In response to Members' questions, it was confirmed:

1. There were no overriding concerns about flooding, a drainage strategy had been submitted and approved.
2. Highways officers were satisfied that the means of access and parking arrangements were acceptable.
3. Coombend had a varied pattern of dwellings and the design of the development was considered appropriate in the local context.
4. A sustainable construction checklist had been submitted and standards had been met.

Cllr Eleanor Jackson moved that a decision be deferred pending a site visit. This was seconded by Cllr Lucy Hodge and on being put to the vote it was CARRIED (7 in favour and 2 against).

RESOLVED that a decision be deferred pending a site visit.

3. 23/03465/FUL – Nuholme, Stanton Wick

The Planning Officer introduced the report which considered an application for the change of use and extension of an existing workshop and land to form a dwelling.

He confirmed the officers' recommendation that the application be permitted subject to the conditions set out in the report.

The following public representations were received:

1. Mrs L Richardson objecting on behalf of Stanton Drew Parish Council.
2. Isabelle Reynolds, agent and Olivia Finn, applicant supporting the application.

Cllr Dave Harding was in attendance as ward member and raised the following issues:

1. The application was compatible with planning policies.
2. There was limited housing available in the village, especially smaller properties for younger people.
3. The design was similar to other nearby developments.
4. In terms of highways comments about the development not being in a sustainable location, there was a Westlink service which picked up and dropped off passengers at the nearby public house.

In response to Members' questions, it was confirmed:

1. The connection to services would be included as part of the application and covered by building regulations.
2. Highways officers recognised that there was a current Westlink service, but an assessment could only be made on regular bus services.
3. Occupiers would need to take bins/recycling containers 100m to the nearby lane.
4. The development was not in the housing development boundary, but this was not a relevant consideration as it had been assessed against RE6 which outlined the criteria for the conversion and re-use of rural buildings in the countryside. The development was considered to be a permanent structure.
5. In terms of proximity to the sewage plant, the proposed development was the same distance as existing properties. Any subsequent complaints about the sewage plant by future occupants would not be a planning matter.
6. The removal of the hedge was necessary to build the proposed extension.

Cllr Shaun Hughes expressed concern about the application in terms of its proximity to the sewage plant and gas container storage.

Cllr Deborah Collins stated that affordable homes in villages were important to enable young people to remain in the local area and spoke in support of the application. She moved the officers' recommendation that permission be granted. This was seconded by Councillor Fiona Gourley.

On voting for the motion it was CARRIED (5 in favour and 4 against)

RESOLVED that permission be granted subject to the conditions set out in the report.

4. 24/02125/VAR - Parcel 2727, Kingshill Lane, Chew Stoke, Bristol

The Planning Officer introduced the report which considered an application for the variation of condition 16 in relation to application 22/04892/FUL (erection of a rural workers dwelling) to enlarge the size of the dwelling.

She confirmed the officers' recommendation that the application be permitted subject to the conditions set out in the report.

The following public representations were received:

1. Nick Baker, objecting on behalf of Chew Stoke Parish Council (read in his absence)
2. John White, supporting the application.

In response to Members' questions, it was confirmed:

1. There was a recommended condition relating to agricultural occupancy.
2. The area calculation in the report included the area of terrace.
3. If the original application had included the variation, officers would have recommended approval.
4. The ground floor level was slightly higher in the revised plans and height of ridge increased by half a metre.
5. Permitted development rights could be removed by condition but there needed to be a reason to justify the removal.
6. In relation to the impact of lighting on wildlife, there was a condition to require blinds that would automatically close at sunset.

Cllr Ian Halsall expressed the view that permitted development rights should be removed if the Committee was minded to approve the application in view of the fact that the development was for an agricultural dwelling in the green belt and Mendip Area of Outstanding Natural Beauty and any future extensions to the property should be the subject of a planning application.

Cllr Eleanor Jackson expressed reservations about the removal of permitted development rights and moved the officers' recommendation to permit the application. This was seconded by Councillor Paul Crossley and on being put to the vote the motion was NOT CARRIED (3 in favour and 6 against).

Cllr Toby Simon moved that officers be delegated authority to permit the development, subject to the conditions set out in the report and an additional condition to remove permitted development rights. This was seconded by Cllr Hal MacFie and on being put to the vote it was CARRIED (8 in favour, 0 against, 1 abstention).

RESOLVED that officers be delegated authority to grant permission subject to the conditions set out in the report and an additional condition to remove permitted development rights for the reason that the application was for an agricultural dwelling in the green belt and Mendip Area of Outstanding Natural Beauty and any future extensions to the property should be the subject of a planning application.

5. 24/01160/FUL - 11 Richmond Road, Bath

The Planning Officer introduced the report which considered an application for the erection of a 3-bed dwelling.

He confirmed the officers' recommendation that the application be permitted subject to the conditions set out in the report.

The following public representations were received:

1. Dr Millicent Stone local resident, objecting to the application.
2. Chris Melbourne, applicant supporting the application.

In response to Members' questions, it was confirmed:

1. There was a blanket tree preservation for the trees surrounding the site and a landscaping condition to secure replacement trees.
2. The development was not considered to pose a flood risk to other properties, it was located in a low-risk flood area.
3. The impact on neighbouring properties had been assessed from the application site.

Cllr Fiona Gourley proposed a site visit to see how the development would fit in the context of neighbouring properties. This was seconded by Cllr Eleanor Jackson and on being put to the vote it was CARRIED (8 in favour and 1 against).

RESOLVED that a decision be deferred pending a visit to the site.

6. 24/01819/VAR - 6 Squire Lane, Ubley, Bristol

The Planning Officer introduced the report which considered an application for the variation of condition 2 of application 23/01552/FUL (erection of two storey rear and side extension) to vary the plans list.

He confirmed the officers' recommendation that the application be permitted subject to the conditions set out in the report.

The following public representations were received:

1. Mrs Thorneywork, applicant supporting the application.

In response to Members' questions, it was confirmed:

1. The proposed extension had been measured in the vertical and horizontal planes and did not cross the 45-degree threshold for both measurements and the extension was not found to result in an unacceptable loss of light for the neighbouring windows.
2. The main change would be the width of the development, the front porch would be the same as the original plan.

Cllr Toby Simon moved the officers' recommendation to permit the application. This was seconded by Cllr Paul Crossley and on being put to the vote it was CARRIED (9 in favour and 0 against - unanimous).

RESOLVED that the application be permitted subject to the conditions set out in the report.

7. 24/02110/FUL - 10 Berkeley Place, Walcot, Bath

The Planning Officer introduced the report which considered an application for the installation of 9 solar PV panels on an existing garden studio roof and the erection of a timber pergola in a garden which had been referred to the Committee as the applicant was an employee within the Planning Department.

He confirmed the officers' recommendation that permission be granted subject to the conditions set out in the report.

Cllr Paul Crossley moved the officer's recommendation. This was seconded by Cllr Fiona Gourley and on being put to the vote the motion was CARRIED (9 in favour and 0 against - unanimous).

RESOLVED that permission be granted subject to the conditions set out in the report.

8. 24/02257/FUL - 23 Ringswell Gardens, Lambridge

The Planning Officer introduced the report which considered an application for the installation of an air source heat pump to the side elevation which had been referred to the Committee as the applicant was a member of Council.

He confirmed the officers' recommendation that the application be permitted subject to the conditions set out in the report.

In response to Members' questions, it was confirmed air source heat pumps may be allowed under permitted development rights in some circumstances, but a full application had been submitted in this case and assessed accordingly.

It was moved by Cllr Paul Crossley, seconded by Cllr Deborah Collins and on being put to the vote it was CARRIED (9 in favour and 0 against - unanimous).

RESOLVED that the application be permitted subject to the conditions set out in the report.

9. 24/02742/TCA - Orchard Rise, Sham Castle Lane, Bathwick, Bath

Cllr Paul Crossley declared an interest and withdrew from the meeting during the consideration of this item.

The Planning Officer introduced the report which considered a notification for tree works in a conservation area which had been referred to Committee as the applicant was a member of Council.

She confirmed the officers' recommendation that no objection be raised to the

works.

It was proposed by Cllr Toby Simon and seconded by Cllr Hal MacFie and on being put to the vote the motion was CARRIED (8 in favour and 0 against - unanimous).

RESOLVED that no objection be raised to the proposed tree works.

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

The Committee considered the appeals report.

RESOLVED that the report be noted.

The meeting ended at 4.08 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services