

PLANNING COMMITTEE

Minutes of the Meeting held

Wednesday, 8th May, 2024, 11.00 am

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

112 ELECTION OF CHAIR

It was noted that the Chair would be elected at the June meeting and that Cllr Ian Halsall, Vice-Chair would chair the meeting.

113 ELECTION OF VICE-CHAIR

It was noted that the Vice-Chair for the municipal year 2024-25 would be elected at the June meeting.

114 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

115 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence or substitutions.

116 DECLARATIONS OF INTEREST

There were no declarations of interest.

117 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

1. Cllr Duncan Hounsell

On behalf of the Committee, Cllr Ian Halsall asked that thanks be recorded to Cllr Duncan Hounsell for chairing the Planning Committee for the 2023-24 municipal year. He paid tribute to his fairness and discipline in chairing meetings.

118 ITEMS FROM THE PUBLIC

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.

119 MINUTES OF THE PREVIOUS MEETING

It was moved by Cllr Eleanor Jackson seconded by Cllr Tim Warren and:

RESOLVED that the minutes of the meeting held on Wednesday 10 April 2024 be confirmed as a correct record for signing by the Chair.

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

There were no site visit applications for consideration.

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

The Committee considered:

A report and update report by the Head of Planning on the applications under the main applications list.

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) 20/04965/ERES - Bath Quays North Development Site, Avon Street, Bath

The Planning Case Officer introduced the report which considered the approval of reserved matters (details of access, layout, scale, appearance and landscaping) for Phase 1 of the Bath Quays North site.

He gave an update on the report as follows:

1. Additional conditions were recommended:
 - a. In relation to cycle parking and request for details of the CCTV strategy for the site and car park in response to the recommendation from Avon & Somerset Police.
 - b. In accordance with LPPU Policy NE3a biodiversity net gain implementation, management and monitoring plan to be submitted for approval pre-commencement.
2. There would be an appropriate assessment and consultation with Natural England on the Habitat Regulations Assessment.

He confirmed the officers' recommendation that the reserved matters be permitted subject to the carrying out of an appropriate assessment and consultation with Natural England on the Habitat Regulations Assessment and the conditions set out in the report and update report.

In response to Members' questions, it was confirmed:

1. Historic England had reservations about the application in relation to the design of the flat roof but had not submitted an objection. The flat roof design was considered appropriate by officers as it would achieve biodiversity net gain across the site and reduce CO2.
2. The roof would include soft landscaping and there would be access for office workers and residents. There was the potential for wider public access via the hotel, but this was not a specification of the application.
3. There were 13 projections above the height of the roof, including lift shafts

which were more than 2m higher than the overall height parameters. Some of the other projections were lateral rather than vertical.

4. A condition could be included to prevent further development of roofscape if this was a requirement of the Committee.
5. There were constraints to floor plates which dictated the design approach.
6. In terms of ground level landscaping there were detailed plans including the type of planting. There would be a Section 278 Agreement to secure tree planting and the overall landscaping would be above the required level of biodiversity net gain.
7. UNESCO had not commented on the application.
8. The application did not need to be referred to the Secretary of State as it was a reserved matters application.

Cllr Shaun Hughes opened the debate and stated that while he considered the design of the roof to be appropriate, he felt the overall design was blocky and did not reference the city of Bath. Cllrs Fiona Gourley and Eleanor Jackson also expressed reservations about the quality of the design.

Cllr Tim Warren spoke in support of the application and moved the officer's recommendation to permit. This was seconded by Cllr Paul Crossley who stated that it was a good mix of uses and design.

Cllr Lucy Hodge expressed concern about the design which she did not consider met the high standards required by NPPF and stated that she would be minded to overturn the officer's recommendation.

The Deputy Head of Planning advised members that, in terms of design, this needed to fit in with the approved parameter plans and the uses agreed in the outline consent and the constraints of the site. She further advised that if the Committee was minded to refuse the application that reasons be specified to include identifying the character of the area and why the design was not in keeping with the character.

Cllr Hal MacFie acknowledged that officers had worked with the applicant to secure improvements to the design and stated that he would support the motion to permit the application.

Cllr Ian Halsall expressed the view that the design was appropriate and reflected the Bath Quays South development.

Cllr Toby Simon spoke in support of the application but questioned whether an additional condition was required in relation to landscaping. Cllr Tim Warren confirmed he did not support an additional condition as part of his motion to permit the application and therefore the Committee voted on the original motion to permit the application as per the officer recommendation.

On being put to the vote the motion was CARRIED (7 in favour, 2 against).

RESOLVED that the reserved matters application be permitted subject to:

1. the conditions set out in the report/update report;
2. an appropriate assessment and consultation with Natural England on the

Habitat Regulations Assessment.

Items 2 and 3 were considered together.

(2) 23/04499/FUL - Lower Shockerwick Farm, Shockerwick Farm Lane, Bathford

(3) 23/04748/LBA Lower Shockerwick Farm, Shockerwick Farm Lane, Bathford

Items 2 and 3 were withdrawn from the Agenda. The Vice-Chair reported that as the update report circulated in advance of the meeting had contained information that all parties may not have had the opportunity to consider, the Legal Officer and Deputy Head of Planning had advised that the application be deferred until the June meeting.

Following requests by Members, it was considered that a site visit should take place in advance of the June meeting.

(4) 23/04190/REG03 Land To Rear Of Danes Court, Dane's Lane, Keynsham

The Planning Case Officer introduced the report which considered an application for the erection of 10 affordable apartments (Class C3) and associated access, drainage and landscaping works.

She clarified that a written update had been circulated to include the following paragraph which had been missed from the CHARACTER, APPEARANCE AND HERITAGE section of the report:

“There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant planning permission for development which affects a listed building or its setting, that the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Here it is considered that the proposals are consistent with the aims and requirements of the primary legislation and planning policy and guidance. The proposals would not have an unacceptable impact on the setting of nearby listed buildings and would preserve the significance of the designated Heritage assets. The proposal accords with policy HE1 of the Placemaking Plan and part 16 of the NPPF”.

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

The following public representations were received:

1. Chris Beaver, agent speaking in support of the application.

In response to Members' questions, it was confirmed:

1. In terms of tree replacement, a tree had to be a certain size and maturity for the trigger for replacement and in this case, there was only one tree that complied. It would be an option to include an additional condition in relation to replacement tree planting if the Committee was minded to do so.
2. The area behind the development was hardstanding and a pub garden.
3. Some of flats above ground level had balconies.

4. There had been a second noise assessment report in response to objections raised about noise and the Environment Protection Team was reassured about mitigations. If residents had concerns about the level of noise in the future, they could raise this with the Environment protection Team.

Cllr Lucy Hodge moved the officer's recommendation to permit the application with the additional condition in relation to replacement tree planting.

Cllr Hal MacFie spoke in support of the benefits of the development in meeting housing need in Bath and North East Somerset and stated that he was reassured the noise mitigation measures would address the concerns of objectors. He seconded the motion to permit the application.

On being put to the vote the motion was CARRIED (9 in favour, 0 against).

RESOLVED that the application be granted subject to the conditions set out in the report and an additional condition in relation to replacement tree planting.

(5) 23/04380/FUL1 Bath Road, Peasedown St John, Bath

The Planning Case Officer introduced the report which considered a change of use of land to residential curtilage and erection of a 3 bed dwelling and associated garaging, bike and bin store.

She gave a verbal update to confirm the submission from a third party including a petition and photographs with evidence of land ownership. She confirmed that land ownership was not a planning consideration but a separate civil matter.

She confirmed the officer's recommendation that consent be granted subject to the conditions set out in the report.

The following public representations were received:

1. Cllr Howard Hartley, Peasedown St John Parish Council, raising objections to the application.
2. Delyth Morris, objecting to the application.

In response to Members' questions, it was confirmed:

1. There were two issues relating to land ownership. The first was the private lane where contradicting evidence had been submitted about access rights. Any dispute over land ownership was a separate process from planning permission. It was the view of officers that even if the parking spaces could not be brought forward as part of the development due to access rights, this would not warrant a reason for refusal. The site was located in the Town Centre and was a sustainable location, served by public transport. The second issue related to the front of the site which was in highway ownership. The applicant would need to apply for a stopping up order which was separate to this application. The Case Officer confirmed that although there was a benefit to the highway improvements, if it did not happen it would not change the planning recommendation. It was the view of Highways Officers that an increased pavement width of 2.5m as shown in the site plan would provide a safe suitable footpath width and it was likely that a stopping order

- would be granted.
2. Highways officers considered there was enough width for a car to turn on the private lane to access the garage area.
 3. There was on street parking in the surrounding area.
 4. A badger sett was present at the bottom of the garden and the removal of rubbish may create a disturbance. A licence from Natural England would be required to protect the badger sett.

Cllr Paul Crossley proposed that a decision be deferred pending a site visit. This was seconded by Cllr Shaun Hughes.

On being put to the vote the motion was NOT CARRIED (2 in favour, 7 against).

Cllr Toby Simon spoke in support of the application, he stated that he considered the design to be appropriate and noted that officers considered the application to be acceptable even if the parking could not be delivered. He moved the officer's recommendation that permission be granted. This was seconded by Cllr Eleanor Jackson who stated the development was appropriate in the area and would provide an additional house and secure highway improvements.

Cllr Paul Crossley spoke against the motion stating that he considered the application to be an overdevelopment of the site.

Cllr Shaun Hughes also spoke against the application and expressed concerns about the access and the impact on the badger sett.

Cllr Hal MacFie spoke in support of the application and the provision of an additional house and acknowledged that the concerns expressed by objectors in relation to landownership was a civil matter which was separate from the planning process.

On being put to the vote the motion was CARRIED (6 in favour, 3 against).

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

(6) 24/00163/FUL19 Alexandra Road, Lyncombe, Bath

The Planning Case Officer introduced the report which considered an application for the erection of a rear side return infill extension and loft conversion, including the addition of external insulated render to the rear elevation.

She confirmed the officer's recommendation that the application be refused for the reasons set out in the report.

The following public representations were received:

1. Fergus McCormick, objecting to the application.
2. James Cusick, Agent, supporting the application.

Cllr Deborah Collins was in attendance as local Member and raised the following comments on behalf of herself and the other ward Member, Cllr Alison Born:

1. There was a balance between the benefits of the development versus the harm and the local members had come to a different conclusion to the officer and were of the opinion that the benefits outweighed the harm.
2. Significant weight should be given to the energy efficiency improvements which was in line with recent Local Plan Partial Update priorities and less weight to visual amenity as there was considerable variation between houses in the area.
3. The proposed extension was attractive and well designed. She asked the Committee to permit the application.

In response to Members' questions, it was confirmed:

1. It was not advisable to defer for further information to be provided on whether the passive house design principles had been followed as the Committee would need to be clear on what a deferral would achieve, and if it was deferred it was important not to pre-empt a subsequent decision.
2. The view of the officers was that the dormer was not necessary to secure the energy efficiency improvements as the external render, solar panels, new windows and roof insulation would all be secured without the dormer.
3. There were other dormers in the street, but these sat within the roof, and this was larger in comparison creating a third storey with a flat roof. It was the scale of the proposed dormer that had caused officers concern.

Cllr Eleanor Jackson agreed with the officer conclusion that the scale of the dormer was too large and moved the recommendation that the application be refused. This was seconded by Cllr Lucy Hodge.

On being put to the vote the motion was NOT CARRIED (3 in favour, 5 against and 1 abstention).

Cllr Toby Simon proposed that officers be delegated to permit the application subject to suitable conditions for the reasons that the development would not be visible from the public realm, there was no adverse impact on the conservation area and the development would contribute to energy efficiency. This was seconded by Cllr Hal MacFie.

On being put to the vote the motion was CARRIED (5 in favour, 4 against).

RESOLVED that officers be delegated to permit the application subject to suitable conditions for the reasons that the development would not be visible from the public realm, there was no adverse impact on the conservation area and the development would contribute to energy efficiency.

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

RESOLVED that the report be noted.

123 **QUARTERLY PERFORMANCE REPORT 1 JAN - 31 MAR 2024**

In response to a question about feedback on enforcement cases, the Deputy Head of Planning undertook to ask the Enforcement Manager to contact Cllr Eleanor

Jackson with an update.

RESOLVED that the report be noted.

The meeting ended at 3.33 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services