

PLANNING COMMITTEE

Minutes of the Meeting held

Wednesday, 26th July, 2023, 11.00 am

Councillors: Duncan Hounsell (Chair), Ian Halsall (Vice-Chair), Paul Crossley, Hal MacFie, Shaun Hughes, Dr Eleanor Jackson, Tim Warren CBE, Ruth Malloy and Fiona Gourley

21 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

22 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence had been received from Cllrs Lucy Hodge and Toby Simon.

Cllr Fiona Gourley was substituting for Cllr Lucy Hodge and Cllr Ruth Malloy was substituting for Cllr Toby Simon.

23 DECLARATIONS OF INTEREST

There were no declarations of interest.

24 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

The Chair reported that the Council's Planning Service had won two awards at the RTPI (Royal Town Planning Institute) South West Awards for Planning Excellence and the service would go forward to the national awards in October.

The Committee congratulated the Planning Service for this achievement.

25 ITEMS FROM THE PUBLIC - TO RECEIVE 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.

26 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 28 June 2023 be confirmed as a correct record for signing by the Chair.

27 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 under the main applications list.

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 decisions list attached as Appendix 2 to these minutes.

(1) 23/00895/FUL – Waterworks Cottage, Charlcombe Way, Fairfield Park, Bath

The Case Officer introduced the report which considered the erection of two detached dwellings with associated means of access, car parking and associated infrastructure following the demolition of existing dwelling and outbuilding. She confirmed that the application had been deferred at the previous meeting to allow members to visit the site and also that the principle of the loss of the cottage had been established as there was prior approval to demolish the cottage under permitted development rights.

She gave a verbal update to report a typographical error in the second to last paragraph under 'design, character and appearance' in the report where the words "whilst the overall design is not" should be deleted and confirmed that officers considered the design to be acceptable. She also confirmed that a further objection had been received since the site visit in relation to loss of views, visual impact of design and urban to rural transition and that these concerns had already been addressed in the report.

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

The following public representations were received:

1. Chris Parkin, local resident, objecting to the application.
2. Tom Roche, agent, supporting the application.

Cllr Joanna Wright was in attendance as local ward member. She thanked the Committee for visiting the site and raised the following issues:

1. The application for 2 dwellings was an intensive development that would harm the character and appearance of the area of outstanding natural beauty.
2. There were amenity concerns, the raised balcony was overbearing and the height of plot one would result in neighbouring properties being overlooked.
3. The design was contrary to policies D1 – D6
4. A large number of local residents had objected along with Bath Preservation Trust, Charlcombe Parish Council and the Campaign for the Protection of Rural England.
5. Charlcombe Toad Rescue Group was concerned about the impact on the local amphibian population.

6. There were poor transport links to the site.
She asked the Committee to refuse the application.

In response to Members' questions, it was confirmed:

1. The volume of plot 1 was bigger than the existing cottage and plot 2 was additional and so there would be an increased footprint on the site as a result of the development. The increase in volume was not a consideration as the site was on the edge rather than within the greenbelt.
2. There was a condition relating to a waste management plan for the site.
3. Officers concluded that the impact on residential amenity was considered acceptable.
4. The proposed development would be built to Passivhaus standards.
5. External lighting levels were not considered to be unacceptable.
6. The access and parking arrangements were similar to other properties, and it would be difficult to sustain an objection on these grounds.
7. In relation to ecology concerns, the Council Ecologist had not objected to the scheme, subject to suitable conditions including a mitigation plan.

Cllr Ian Halsall stated that he considered the design to be acceptable and noted the ecological enhancements and mitigations. He considered that both plots had generous curtilages and there was enough distance from neighbouring properties to not harm residential amenity.

Cllr Shaun Hughes stated that he thought the proposed scheme was an overdevelopment of the plot, the block design was intrusive, and it was not sympathetic to the area.

Cllr Eleanor Jackson stated that, after visiting the site and considering the context, she believed there would be a negative impact on the surrounding area and felt that the block design was not appropriate on the narrow site.

Cllr Tim Warren stated that he considered the application to be policy compliant and was minded to support the application.

Cllr Fiona Gourley stated that while she understood the concerns of local residents, the proposal would be set further back than the existing cottage; the Passivhaus standard was good, and the contemporary design was not unreasonable in the area.

Cllr Ruth Malloy expressed concern about the overdevelopment of the site and the contemporary design which was not in keeping with the area.

In response to comments about whether a historic design would be more appropriate, the Legal Officer reminded the Committee that it could only consider the application in front of it.

Cllr Eleanor Jackson proposed that the application be refused on grounds of inappropriate design, loss of residential amenity and overdevelopment of the site. This was seconded by Cllr Ruth Malloy.

Cllr Paul Crossley spoke in support of the application which he considered to be acceptable and not overbearing and intrusive.

On voting for the motion to refuse the application it was NOT CARRIED (3 in favour 6 against).

Cllr Hal MacFie moved the officer recommendation that permission be granted subject to the conditions set out in the report. This was seconded by Cllr Ian Halsall.

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

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

(2) 22/04431/FUL - Lower Bristol Road, Westmoreland, Bath

The Case Officer introduced the report which considered an application for the redevelopment of the site to provide a three-storey building plus inset mansard roof comprising self-storage units with ancillary Business Centre Facility, signage and associated works. She confirmed that the Committee had agreed to delegate to permit at the previous meeting but during Section 106 negotiations, officers were advised that there would be a low number of full-time employees at the site and therefore a full Travel Plan and bond would be excessive, and a Travel Plan Statement would be more appropriate. She recommended that the Section 106 only seek a contribution towards targeted training and recruitment.

She confirmed her recommendation that officers be delegated to permit the application subject to:

1. the completion of a Section 106 Agreement to secure a financial contribution of £6,545 towards Targeted Training and Recruitment
2. the conditions set out in the report.

In response to Members' questions, it was confirmed:

1. In the event of the self-storage warehouse moving off the site, any future planning application would be assessed on its merits and a travel plan and bond may be considered appropriate.
2. In relation to whether loss of employment on the site was a concern, the proposal could be beneficial to local businesses as well as the public. The Economic Development team were supportive of the proposal and so any objection on loss of employment would not have been sustainable.
3. The targeting recruitment contribution was standard for the size of development.
4. The travel plan would have only been for employees, there was no mechanism to restrict how public travelled to the site. It would be difficult to justify a car share scheme in relation to a commercial site.

Cllr Paul Crossley stated that it was important to bring the site back into operation and he supported the application.

Cllr Duncan Hounsell moved the officer recommendation. This was seconded by Cllr Tim Warren.

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

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

1. the completion of a Section 106 Agreement to secure a financial contribution of £6,545 towards Targeted Training and Recruitment.
2. the conditions set out in the report.

Cllr Ruth Malloy left meeting at this point.

(3) 22/03580/FUL Former Welton Bibby And Baron Factory, Station Road, Welton, Midsomer Norton

The Case Officer introduced the report which considered the application for 'enabling works' in preparation for the Policy SSV4 site redevelopment including demolition, groundworks, flood mitigation and formation of 2m footpath.

He confirmed that although the proposal represented a departure from part of the allocation policy as it did not seek the retention of the former brewery building, this was outweighed by the public benefits of the scheme and therefore it was recommended that permission be granted.

The following public representations were received:

1. Cllr Michael Moxham, Midsomer Norton Town Council speaking in support of the application.
2. Jane Lewis, local resident, objecting to the application.
3. Nigel Whitehead and Tom Schumacher speaking in support of the application.

In response to Members' questions, it was confirmed:

1. The application was a full application for the enabling works.
2. There would be conditions in place to ensure that the brewery façade was rebuilt, and officers were satisfied that this was a sufficient safeguard. If conditions were breached, enforcement action could be taken.
3. The brewery building was partly within the Midsomer Norton Conservation Area and was identified as a non-designated heritage asset.
4. The façade would not be rebuilt at the full height of the brewery building as this was considered to be too excessive.
5. The two existing accesses would be retained in the same position but enhanced in terms of visibility.
6. There was no extant planning permission on the site.
7. The previous outline consent was for a footpath through the site rather than along the road.
8. There was no viability study about retaining the brewery building and changing the use and the benefits of the application could only be achieved by the demolition of the building.
9. Whether the site was on a bus route was not relevant to the application as there was no residential/commercial use.

Cllr Shaun Hughes opened the debate as local ward member. He reported that the brewery was a part of the history of Midsomer Norton, and local opinion was divided in relation to this application between those wishing to retain the building as part of a new development and those wishing to see the brownfield site developed at the earliest opportunity. He stated that it would be valuable for the committee to see the

site and proposed that a decision be deferred for a site visit. This was seconded by Cllr Eleanor Jackson.

Cllr Ian Halsall spoke in support of the site visit to see the context of the application.

On being put to the vote the motion was CARRIED (8 in favour, 0 against unanimous).

RESOLVED that the decision be deferred for a site visit.

Items 4 and 5 were considered together.

(4) 22/01861/FUL The Old Farmhouse, Withyditch, Dunkerton, Bath

(5) 22/01862/LBA The Old Farmhouse, Withyditch, Dunkerton, Bath

The Planning Officer introduced the reports which considered applications for planning permission and listed building consent for the replacement of an existing single-storey rear extension, adjustments to an existing two-storey rear extension and removal of a single storey lean-to structure.

She confirmed the officer recommendation that the applications be refused for the reasons set out in the report.

The following public representations were received:

1. Louisa Morrison, applicant, speaking in support of the application.

In response to Members' questions, it was confirmed:

1. A scoping survey for bats and birds did not fall into validation criteria but it did fall within the Council's guidance.
2. The officer view was that although the application was an improvement on the existing extension, there would still be less than substantial harm caused to the listed building.
3. Weight could be given to the public benefit in that the proposed scheme was less harmful than the current extension.
4. Consideration could be given to the proposed scheme making the building more viable as a family residence.
5. Biodiversity net gain was not a consideration in relation to householder applications.

Cllr Fiona Gourley opened the debate as local ward member. She said that she considered there to be public and private benefits of the application and that the proposed materials were sympathetic to the listed building. She confirmed she was minded to support the Parish Council's view that the application should be permitted.

Cllr Paul Crossley expressed the view that he did not consider the fact that the existing extension was more harmful to be a reason to grant permission and he was minded to support the officer recommendation to refuse the application. Cllr Hal MacFie concurred with this view.

Cllr Shaun Hughes expressed reservations about the design which he did not consider would complement the listed building.

Cllr Tim Warren proposed that officers be delegated to permit the application subject to suitable conditions. This was seconded by Cllr Eleanor Jackson.

Cllr Ian Halsall stated that he was minded to support the motion on the grounds that the harm was less than substantial and would reduce the level of existing harm and there was public benefit in securing the optimum viable use of the building for the future as a liveable family home. As mover of the motion, Cllr Tim Warren agreed with these reasons.

Following a discussion about whether a scoping survey for bats and birds was necessary, it was agreed that it was not as the gable ends would not be affected by the proposed extension.

Vote on item No. 4
Application No. 22/01861/FUL

On being put to the vote the motion was CARRIED (5 in favour, 3 against).

RESOLVED that authority be delegated to officers to grant planning permission subject to suitable conditions.

Vote on item No. 5
Application No. 22/01862/LBA

On being put to the vote the motion was CARRIED (5 in favour, 3 against).

RESOLVED that authority be delegated to officers to grant planning permission subject to suitable conditions.

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

Cllr Eleanor Jackson requested an update on the inspector decision in relation to The Magpies, Radstock and enforcement action in relation to the hole in the wall on Frome Road.

In response to a question as to whether there was any learning from the Inspector's decision in relation to 22/02743/PIP Land To South Of 2 The Orchard Stanton Drew in relation to Passivhaus applications, the lead officer confirmed it was an in principle application which followed a different process. He confirmed that it was possible for the application to come back to committee if in accordance with the scheme of delegation.

RESOLVED that the report be noted.

29 **QUARTERLY PERFORMANCE REPORT COVERING PERIOD 1 APRIL - 30 JUNE 2023**

In response to a question about whether targets should be reviewed, the lead planning officer confirmed that there was a recent government consultation on planning policy and that targets may be reviewed as a result of that process.

RESOLVED that the report be noted.

The meeting ended at 3.37 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services