

PLANNING COMMITTEE

Minutes of the Meeting held

Wednesday, 5th May, 2021, 11.00 am

Councillors: Matt McCabe (Chair), Sally Davis (Vice-Chair), Vic Clarke, Sue Craig, Lucy Hodge, Duncan Hounsell, Shaun Hughes, Eleanor Jackson, Hal MacFie and Manda Rigby

1 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence.

2 DECLARATIONS OF INTEREST

- Cllr Sue Craig declared a disclosable pecuniary interest in planning application nos. 21/00738/FUL and 21/00739/LBA – 21 Victoria Buildings, Westmoreland, Bath, BA2 3EH as she was the applicant. Cllr Craig stated that she would not speak or vote on this application.
- Cllr Eleanor Jackson stated that she was a member and shareholder of the Radstock Co-Operative Society. However, the federation of stores of which she is a member has no connection with the Scala site.

3 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

The Chair explained that there was one item of urgent business. The term of office of the current Vice-Chair had expired and it was necessary to fill this position to enable decisions to be made regarding potential committee items.

It was RESOLVED unanimously to appoint Cllr Sally Davis as Vice-Chair of the Planning Committee on an interim basis.

4 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.

5 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 7 April 2021 were confirmed as a correct record.

6 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 1 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. 20/00552/FUL

Site Location: The Scala, Shaftesbury Road, Oldfield Park, Bath, BA2 3LH – Mixed use redevelopment of The Scala site including the demolition of existing extensions and new extensions to improve retail store at ground floor level, provide a new dance centre space (Use Class E) and residential accommodation at first floor (including affordable apartments). Erection of student accommodation including 92 student bedrooms and associated ancillary space. Erection of residential accommodation (16 total residential units). Parking for cars and cycles and associated landscaping.

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

A local resident and a representative from the Bath Preservation Trust spoke against the application.

The applicant spoke in favour of the application.

Cllr Shaun Stephenson-McGall, local ward member, spoke against the application. Although he welcomed the retention of the Co-Op store, housing for long-term residents and community use within the scheme, he had a number of concerns. These included the proposal to provide purpose-built student accommodation, design, massing, height of the courtyard building and materials. He drew attention to the already overloaded infrastructure in this area.

Cllr June Player, local ward member, spoke against the application. She pointed out the large number of students already living in this area which led to an imbalance in the community. She stated that the area needs residential accommodation. She expressed concern at the lack of parking provision proposed and highlighted the existing parking problems in the area. She stated that the residential amenity would be harmed by the proposal. She also provided statistics to highlight the impact of HMO properties and number of students living in this location.

Officers then responded to questions as follows:

- Under current planning policies, the proposal to provide purpose-built student accommodation in this location is acceptable in principle. Recent appeal decisions for the Hartwells and Plumb Centre sites support this assessment. Policy H10 relates to housing mix within the site which is also considered to be acceptable.
- The Case Officer felt that there was scope for a contemporary design in this location. There would be boundary treatment on the ground floor and the windows would be angled to avoid overlooking of neighbouring gardens.
- A condition would be included to control hours of operation and deliveries.
- The Highways Officer explained that it would be preferable for deliveries to take place within the site boundary. Any manoeuvring requiring the vehicle to enter the footway would be undertaken under the supervision of a banksman to ensure safety.
- Buff brick would be the dominant material on the external elevations, combined with areas of Bath stone.
- The height of the building is considered to be acceptable, but this is a matter of judgement. The building height strategy provides guidance but is not a directive.
- Additional trees have been included, following discussions with the applicant, but there is a balance to be struck between additional trees and loss of parking spaces.
- There is a shortfall of one parking space which officers feel is acceptable.
- Students would be requested not to bring cars to the site, and this would be primarily for the operators to enforce.
- There would be some loss of light to neighbouring properties, but this would not cause significant harm.
- In previous appeal decisions the Planning Inspector has stated that there is a demand for purpose-built student accommodation.
- The Deputy Head of Planning explained that the application complies with the adopted planning policies for student accommodation and, whilst there is a very minor parking shortfall, to refuse on highway safety or parking grounds, the Committee would have to provide evidence that this would have a severe impact which would be difficult to argue as the Highway Officer had raised no objections.
- There would be no impact on the non-designated heritage asset.

Cllr Hodge felt that the proposal represented overdevelopment of the site, would cause overlooking and would be detrimental to residential amenity. She also had concerns about the design and massing, which she felt did not reflect the character of the area and did not enhance the Scala building. She drew the committee's attention to policies D2, D5, D6 and CP7 stressing the importance of design.

Cllr Clark was sympathetic to the concerns of the local residents but felt, on balance, that there were no policy reasons for refusal.

Cllr Hughes noted the density of the surrounding area and felt that a 4-storey building would be dominant in this location. He expressed concerns at the loss of open space, the scale of the development and the inclusion of student accommodation.

Cllr Hounsell noted that the current policies must be applied and felt that the

application was largely policy compliant, although he had some reservations.

Cllr Rigby felt that the proposal was overbearing but noted that this would be a very finely balanced decision.

Cllr Craig noted that there is already a high concentration of student housing in this area and that a further increase would have an impact on residents and on the housing mix in this locality.

Cllr MacFie felt that the key concerns were the massing and over-development in the central courtyard part of the development.

Cllr Jackson stated that the development would dominate the Victorian terraced houses in this neighbourhood and would result in loss of amenity for local residents.

Cllr Davis stated that the committee must consider this application in line with its current policies. She then moved the officer recommendation to permit. This was seconded by Cllr Clark.

The motion was put to the vote and there were 3 votes in favour, 6 votes against and 1 abstention. The motion was therefore LOST.

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

- Scale, mass and overdevelopment of the site.
- Design of the courtyard block, which does not complement or enhance the Victorian vernacular architecture.
- The detrimental effect on local amenity, including overlooking.

Cllr Jackson seconded the motion.

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.

Note: At this point Cllr Sue Craig switched off her audio and video functions, having declared an interest in the following applications, and took no part in the debate or vote.

Item Nos. 2 and 3

Application Nos. 21/00738/FUL and 21/00739/LBA

**Site Location: 21 Victoria Buildings, Westmoreland, Bath, BA2 3EH –
Reinstatement of metal boundary fences. External alterations to reinstate
metal boundary fences.**

The Case Officer reported on the applications and her recommendation to permit the planning application and to grant listed building consent. She confirmed that the design of the fences reflected the character of the building and the wider terrace.

Cllr Rigby moved the officer recommendation to permit and to grant listed building consent. The motion to permit the planning application was seconded by Cllr Jackson and the motion to grant listed building consent was seconded by Cllr

MacFie.

The motion was put to the vote and it was RESOLVED unanimously to PERMIT the planning application and to GRANT listed building consent.

Note: At this point Cllr Sue Craig returned to the meeting.

7 POLICY DEVELOPMENT

There were no policy development items.

8 QUARTERLY PERFORMANCE REPORT - JANUARY TO MARCH 2021

The Committee considered the quarterly performance report for January to March 2021.

RESOLVED: To note the report.

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

The Committee considered the appeals report.

RESOLVED: To note the report.

10 PLANNING COMMITTEE CHAIR

The Chair, Cllr Matt McCabe, stated that this would be his last meeting as Chair of the Planning Committee. He thanked members, officers and the Vice Chair, Cllr Sally Davis, for their support and hard work over the last two years.

Cllr Manda Rigby thanked Cllr McCabe, on behalf of the Committee, for all his work over the last two years in his role as Chair, which he had performed with skill and good humour.

The meeting ended at 12.48 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services