

PLANNING COMMITTEE

Minutes of the Meeting held

Wednesday, 28th July, 2021, 11.00 am

Councillors: Sue Craig (Chair), Sally Davis (Vice-Chair), Shelley Bromley, Vic Clarke, Paul Crossley, Lucy Hodge, Duncan Hounsell, Shaun Hughes, Dr Eleanor Jackson and Hal MacFie

31 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

32 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence.

33 DECLARATIONS OF INTEREST

Cllr Paul Crossley declared a disclosable pecuniary interest in planning application no. 21/02198/FUL – Orchard Rise, Sham Castle Lane, Bath – as he is the applicant and owner of the property. Cllr Crossley stated that he would leave the meeting when this application was discussed.

Cllr Paul Crossley declared a non-pecuniary interest in planning application nos. 21/02198/FUL and 21/02199/LBA – Liberal Democrats, 31 James Street West, Bath - as he is a member of the Liberal Democrat Party.

Cllr Hal MacFie declared an interest in planning application nos. 21/02198/FUL and 21/02199/LBA – Liberal Democrats, 31 James Street West, Bath – as he is on the Executive Committee of the Liberal Democrats. Cllr MacFie stated that he would leave the meeting when this application was discussed.

34 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

The Chair read out a statement explaining that she was aware that councillors and officers have recently been negatively targeted on social media. This behaviour is unacceptable and will not be tolerated. If members of the public wish to make a complaint then they can do this via the corporate complaints procedure, details of which can be found on the B&NES Council website.

35 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.

36 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 30 June 2021 were confirmed and signed as a correct record.

37 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 no. 3 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. 20/03071/EFUL

Site Location: Dick Lovett (Bath) Ltd, Wellsway Garage, Lower Bristol Road, Westmoreland, Bath – Demolition of existing buildings and mixed-use development of the site comprising the erection of residential units (Class C3), erection of purpose-built managed student accommodation (Sui Generis); flexible commercial floorspace (Class E); associated parking; landscaping; improvements to the public realm; and new vehicular access from Lower Bristol Road.

This application was withdrawn from the agenda due to the submission of new information which needs to be considered by the Case Officer. The application will be considered at a future meeting.

Item No. 2

Application No. 21/01646/FUL

Site Location: 3 Barrow View, Timsbury Road, Farmborough, Bath – Erection of first floor side extension.

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

Cllr Davis, local ward member on the committee, noted that additional information has now been submitted and considered by the Case Officer. She felt that the proposal will provide symmetry with the neighbouring property and moved the officer recommendation to permit. This was seconded by Cllr Hounsell.

The motion was put to the vote and it was **RESOLVED** unanimously to **PERMIT** the application subject to the conditions set out in the report.

Item No. 3

Application No. 21/02166/FUL

Site Location: Upper Flat, 135 Wells Road, Lyncombe, Bath – Change of Use of an upper 4-bedroom flat (Use Class C3) to 5-bedroom House in Multiple Occupation (HMO) (Use Class C4).

The Case Officer reported on the application and his recommendation to permit. He briefly outlined the reasons why this application had been called to committee by Cllr Born, which included concern about the density of HMO properties in the area. He also informed the committee that the applicant wished to retract the statement submitted by the agent which was set out in the report. He then read out a replacement statement by the applicant.

Cllr Alison Born, local ward member, spoke against the application. She expressed concern about the high number of HMO properties already in this area. She felt that an additional HMO would have a detrimental effect on local amenity including additional noise. She also noted the lack of communal space in the property and the loss of a family home.

The Case Officer then responded to questions as follows:

- The property is semi-detached and currently divided into two flats.
- The parking is considered to be adequate (3 spaces) and no further residents' parking permits will be issued for this area.
- When a property is converted into flats, building regulation standards apply and so no condition requiring soundproofing of ceilings would be required.

Cllr Jackson moved the officer recommendation to permit as she felt that this type of accommodation is needed in Bath and there is no policy reason for refusal.

Cllr Davis seconded the motion stating that the number of HMO properties in the area remains under the 10% threshold as set out in the policy.

Cllr Hughes felt that the proposal represented overdevelopment.

The motion was put to the vote and it was RESOLVED by 8 votes in favour and 2 votes against to PERMIT the application subject to the conditions set out in the report.

Item Nos. 4 and 5

Application Nos. 21/01752/FUL and 21/01753/LBA

Site Location: Royal National Hospital for Rheumatic Diseases, Upper Borough Walls, Bath – Change of use from hospital (Use Class C2) to 160 bedroom hotel (Use Class C1) and ancillary functions; external alterations to East Wing roof including removal of lift room and flue, demolition and replacement of roof top plant area and extension to existing pitched roof, demolition and replacement of modern infill development to south elevation and new infill development to north elevation of the East Wing internal courtyard and new glazed roof to spa area, removal of modern external staircase to rear of West Wing, demolition and replacement of third storey extension to West Wing, alterations to the roof of West Wing, including new lift shaft and plant screen, bridge link to new three storey rear extension to West Wing, and associated

landscaping and public realm works.

Internal and external alterations associated with proposed conversion to hotel (Use Class C1), external alterations to East Wing roof including removal of lift room and flue, demolition and replacement of roof top plant area and extension to existing pitched roof, demolition and replacement of modern infill development to south elevation and new infill development to north elevation of the East Wing internal courtyard and new glazed roof to spa area, removal of modern external staircase to rear of West Wing and replacement infill development, demolition and replacement of third storey extension to West Wing, alterations to the roof of West Wing including new lift shaft and plant screen, and bridge link to new three storey rear extension to West Wing.

The Case Officer reported on the applications and her recommendation to permit and to grant listed building consent.

Four people spoke in objection to the applications.

A representative for the applicant spoke in favour of the application.

In response to some comments made by public speakers, Cllr Hounsell stated that no pressure had applied to committee members in relation to this application.

Officers then responded to questions as follows:

- The existing turret would be removed to facilitate the new extension to the building. The turret was constructed in the 1990s and its removal is considered to cause less than substantial harm to the heritage asset.
- Public access to the building would be permitted on certain days throughout the year. Interpretation boards would also be provided, and the mosaics would be available for the public to view, one in its original basement location and the other in an enhanced location.
- The staircase to the chapel would need to be moved, as an internal staircase is required under the revised design. This would cause some harm to the listed building, but tiles will be re-used to repair the chapel.
- There would be a maintenance schedule for the green roofs.
- The 39% reduction in CO2 emissions referred to by the applicant would be equivalent to 30 acres of broadleaf woodland planting but no offsite planting will take place.
- Historic England has accepted the proposals for the scheduled monument whilst accepting that there would be some harm.
- It is not possible to impose a condition that the applicant does not appeal the decision on the previous application. If any appeal went ahead then this would be a written representation appeal rather than a householder appeal.
- There is currently one disabled parking space outside of the building. The nearest accessible drop-off point would be either at the bottom of Milsom Street or in Terrace Walk (about 400m away). Car parking arrangements in this city centre location are controlled by the city centre security measures agreed by Cabinet.
- Deliveries will have to take place during the permitted hours (before 10am or after 6pm).

The Chair stated that she appreciated that the proposals would have some effect on local residents, however, she felt that the applicant has tried to address the concerns raised by the Committee.

Cllr Hughes supported the principle of a hotel and felt that this would be a viable use of the heritage asset. However, he still had some reservations about the extension and the lack of open space as the building could appear overbearing to Parsonage Lane.

Cllr Crossley spoke in support of the Case Officer's approach to this application. He said that there will always be differences of opinion when making planning decisions, but he was upset at some of the implications mentioned by objectors. He felt that this is an interesting application and the previous issues raised by the committee have now been addressed. Buildings must develop and he felt that the use of the building as a hotel is an acceptable outcome.

Cllr Hounsell stated that the officer report was very thorough. He pointed out that the role of the planning committee is to ensure that the application is policy compliant. He felt that the new application is an improvement on the previous one.

Cllr Clarke stated that he felt there are no grounds on which to object to this application, although he had some sympathy with the concerns of residents. He stressed the importance of looking after the heritage asset.

Cllr Hodge expressed concerns about the future maintenance of the green wall and roof and felt that a specific time-period should be added to the condition relating to this.

Cllr Davis moved that the committee delegate to permit the planning application and to grant listed building consent subject to the conditions set out in the report and the inclusion of a specific time-period as suggested by Cllr Hodge. This was seconded by Cllr Crossley.

The motion was put to the vote and it was RESOLVED by 9 votes in favour and 1 abstention to DELEGATE TO PERMIT the planning application and to GRANT listed building consent subject to the conditions set out in the reports and the inclusion of a specific time-period relating to the maintenance of the green wall and roof.

Item No. 6

Application No. 21/00435/EREG03

Site Location: Ministry of Defence Storage and Distribution Centre, Pixash Lane, Keynsham – Redevelopment and consolidation of existing depot site and adjacent land with associated staff parking and access and landscaping works to include the provision of the following: (i) a public re-use and recycling centre (RRC); (ii) material recovery facility (MRF); (iii) waste transfer station (WTS); (iv) Trader (bulky waste); Trad Waste Transfer Station (TWTS); (v) vehicle fleet storage and maintenance; (vi) MOT centre (public); (vii) BANES Parks and Grounds maintenance storage; (viii) BANES Highways winter service and salt store; and ancillary offices.

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

One person, representing the neighbouring care home, spoke against the application.

A representative of the applicant spoke in favour of the application.

The Case Officer and Highways Officer then responded to questions as follows:

- Officers are working closely with the applicants to encourage walking and cycling by staff. On the day of the site visit there was a higher-than-average number of HGV movements.
- The Council has made a commitment to investigate the possibility of a new waste and recycling centre at Odd Down, but nothing has yet been decided.
- The site will be subject to an Environmental Permit from the Environment Agency which will include the assessment of noise surveys. Any conditions imposed relating to noise and odours from the site will be enforced by the Environment Agency going forward.
- If there is an improved recycling facility, then this is likely to result in a decrease in the amount of fly-tipping.

Cllr MacFie, local ward member on the committee, commended the Council for keeping the ward councillors informed about the proposals for this site. He noted that Cabinet has given a commitment to find a new site and he supported the proposal.

Cllr Hounsell welcomed the provision of an improved waste and recycling facility. He noted that the recycling lorries would be able to re-fuel on site which will mean that fewer lorries will have to travel through Saltford to do this. There would also be no break in the available facilities for Bath residents.

Cllr Bromley supported the proposal and felt that the education centre would be a good addition. She also welcomed the proposal for a booking system which would help to mitigate any traffic problems.

Cllr Hughes had some concerns about mitigation but supported the proposal. He asked officers to consider the issues raised by the neighbouring nursing home relating to planting and landscaping. He also mentioned that seagulls could cause problems at the site and suggested a gull management plan.

Cllr Davis moved that the committee delegate to permit the application to enable officers to consider the issues raised by Cllr Hughes.

This was seconded by Cllr Hounsell.

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 to further investigations as to whether the landscaping and planting could take place pre-commencement of the works and the inclusion of a gull management plan.

Item No. 7

Application No. 20/04067/FUL

Site Location: Waterworks Cottage, Charlcombe Way, Fairfield Park, Bath -

Extension and alteration to existing cottage and creation of two detached dwellings.

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

A local resident spoke against the application.

The agent spoke in favour of the application.

The Chair read out a statement from Cllr Rob Appleyard, local ward member, who felt that the changes to the application have addressed many of the original concerns. However, the issue of overdevelopment is still a concern. He also asked that particular attention is given to the impact on the highways during the construction period to lessen the impact on residents.

Officers then responded to questions as follows:

- It is difficult to reliably survey for amphibians, and the ecologist would prefer to proceed on a precautionary basis and assume that they are present on the site. A condition would be included which would require the developer and applicant to monitor the effect of the development on amphibians. This could be carried out in a number of ways, for example by employing a consultant ecologist or by means of the local community.
- If the proposed measures to mitigate harm to amphibians were not working, then action could be taken to assist them to move more easily through the site. The proposed condition requiring an Ecological Management Plan will help to protect wildlife and there are different ways in which this can be achieved.
- Charlcombe Lane is already closed for six weeks during February/March to enable toad migration.
- The Highways Officer explained that a construction management plan will be required.
- The net gain figure for biodiversity has been calculated using the Defra calculator which is an accepted method.
- There are no other flat roof developments in Charlcombe Way. The distance between Plot 2 and the existing cottage is between 1.2m and 2.4m.
- There has been a significant decline in the number of toads over recent years, however, numbers are now stabilising.

Cllr Crossley felt that the adverse effect of the development on biodiversity has been underestimated. The number of amphibians is on the decline in this country and a great deal have already been lost.

Cllr Hodge expressed concerns about the density of the site and the negative consequences for the surrounding area. She felt that the proposal would have a detrimental impact on the setting of the existing cottage. It would not enhance the local landscape.

Cllr Clarke noted that this area is already quite well developed although he had some concerns regarding the impact on wildlife.

Cllr Jackson was concerned about further development in the area and stressed the importance of retaining the historic workers' cottage. She felt that the proposal represented overdevelopment and inappropriate design.

Cllr MacFie felt that the applicant had worked hard to address the concerns raised and did not think that the development would be very intrusive.

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

- Overdevelopment
- The proposal does not contribute positively to the local character of the area and does not conserve or enhance the local landscape.
- Inappropriate design which has an adverse impact on the setting of the existing cottage.
- Loss of biodiversity.

This was seconded by Cllr Crossley.

Cllr Hounsell stated that it would be preferable to build in this location than in the green belt. He felt that there is space to build on the plot and that the application is policy compliant.

The motion was put to the vote and it was RESOLVED by 6 votes in favour, 3 votes against and 1 abstention to REFUSE the application for the reasons set out above.

Item No. 8

Application No. 21/01412/FUL

Site Location: Unregistered Unit 1-4, Old Station Yard, Avon Mill Lane, Keynsham – erection of 3 acoustic barriers; permission to allow the filling of concrete mixing vehicles between 6.30am and 5.30pm (Monday- Friday) 8am to 1pm Saturday and 7.30am to 5.30pm (Bank Holidays); permission to allow other specified operations at the site between 7.30am and 6.30pm (Monday- Friday) and 8am and 1pm (Saturday) and 7.30am-5.30pm (Bank Holidays); and permission to store materials in external yard area (re-submission of planning application 20/02008/FUL).

The Case Officer reported on the application and his recommendation to permit. He reported that an email has been received from the agent acting for the objectors, but this did not raise any new issues. He confirmed that officers have considered both acoustic reports that have been submitted and explained that the operator statement and the site management plan are the same document.

A local resident spoke on behalf of the objectors 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 air pollution, noise and dirt which would be disruptive and detrimental to the amenity of residents. He also stated that this would lead to an increase of 2,000 additional HGV visits per year. He pointed out that the Council owes a duty of care to local residents. He stated that an error was made in 2019

and that there is no evidence that B2 use has been granted by B&NES Council. He pointed out that Keynsham Town Council has objected to the application. He also stated that 4Concrete have erected inferior acoustic barriers on the site.

Officers then responded to questions as follows:

- The company already has permission to operate on this site. The application would ensure that an acoustic fence is put in place and that operator statements are in place to control operations.
- The Committee can take into account the detrimental effect of the proposal on residents and weigh this against the benefits of the work being carried out on site.
- The acoustic fence that has been erected is unauthorised. If planning permission were granted, then action would be taken to ensure that the fence is fit for purpose, as a condition would specify the noise limits that have to be met. The Case Officer has discussed remedial measures with the applicants relating to the fence.
- There will always be some impact on amenity but the policy states that this must be at an acceptable level.
- Large articulated lorries would not be reversing during the extended hours. Therefore, the situation would be no worse than it is currently.
- The only increase in noise levels would be during the extra hours of operation which would be less than or equivalent to 5 decibels. The barrier will not be fully effective until it is complete.
- Both acoustic reports conclude that the levels of noise are currently too high. However, there is disagreement about the solution.
- Zero levels of noise increase are not achievable. There will be restrictions on the timing of deliveries to the site.
- As this is an existing site the conditions to be applied aim to mitigate the level of noise. Officers believe that this is reasonable.
- The site can already operate on bank holidays and there will be no changes to the hours of operation on these days.
- The Committee has to consider both the fence and extension of hours together as this is the application before it. The extension to operating hours is dependent on the erection of the fence. There should be no operation outside of the currently approved hours until the barrier has been erected and tested.
- It is not unusual for professional reports to be paid for by the applicant. These reports are carried out in accordance with professional codes of conduct and standards.
- The onus will be on the applicant to meet the conditions required and, if necessary, the Environmental Protection Team would monitor the noise levels and take enforcement action where required.
- The maximum level of noise permitted in a house is 57 decibels, which relates to a single burst of noise rather than a constant level. This is in line with WHO (World Health Organisation) guidance.
- The lawful use of the site is a B2 use.
- The additional vehicles, resulting from the application would be the 4Concrete mixers leaving the site between 6.30am and 7.30am Monday to Friday, along with staff cars.
- There is currently an open enforcement case on this site, but this should not

be given great weight.

Cllr MacFie, local ward member on the committee, stated that he would like to add the following conditions if the application were to be permitted:

- The assessment of daytime noise levels should be carried out by an independent company specified by B&NES Council.
- The required sound levels should use the WHO norms which are 53 decibels in a bedroom and 5 decibels above the ambient level from 7.30 to 18.30.
- The acoustic barrier should be completed within 2 months from the date of this meeting.
- Noise levels should be reviewed every 12 months with no end date.
- If noise levels remain excessive then there should be a 12-month moratorium on the company submitting future planning applications until the enforcement issues have been dealt with.

The Team Manager, Development Management, stated that anyone has the right to submit a planning application and that any condition denying this would be unlawful. It would not be appropriate to specify, as a condition, who should produce an independent report. He advised the Committee not to deviate from the noise conditions set out in the officer report.

Cllr MacFie then moved that the following additional conditions be included if the Committee agreed to permit the application:

- The assessment of daytime noise levels should be carried out by an independent company specified by B&NES Council.
- The required sound levels should use the WHO norms which are 53 decibels in a bedroom and 5 decibels above the ambient level from 7.30 to 18.30.
- Noise levels should be reviewed every 12 months with no end date.

The motion was not seconded.

Cllr Jackson stated that she was opposed to the extension of the operating hours, although could have supported the proposal for an acoustic barrier and storage. She then moved that the Committee refuse the application due to unacceptable loss of amenity for residents relating to noise and traffic disturbance.

This was seconded by Cllr Crossley who stated that it is important to firstly ascertain whether the acoustic barriers work before considering an extension to the hours of operation.

Cllr Hughes supported the motion and felt that the increase in noise levels would be detrimental to the health and wellbeing of residents.

Cllr Clarke spoke in favour of the motion noting the objections from local residents, Keynsham Town Council and the local ward councillor.

The Case Officer confirmed that there is an extant planning permission for extended hours of operation and for the same noise levels as is suggested in this report.

The Team Manager, Development Management, pointed out that in order to refuse the application on the grounds stated the committee must be satisfied that there will be significant impact on amenity.

Cllr Davis stated that, in light of the extant permission, she would find it difficult to support the motion to refuse.

The motion was put to the vote and it was RESOLVED by 6 votes in favour, 3 votes against and 1 abstention to REFUSE the application due to significant loss of amenity for local residents in terms of noise, traffic and disturbance.

Item No. 9

Application No. 20/03392/FUL

Site Location: Barn North of Village Hall, Langridge Lane, Langridge, Bath – Convert a redundant farm building into an agriculturally tied dwelling to house a farm worker.

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

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

The applicant spoke in favour of the application.

Cllr Kevin Guy, local ward member, spoke in favour of the application. He stated that the need for an agricultural workers' dwelling has been accepted. The barn is in a convertible condition and the proposal will not impact on the openness of the green belt. He stated that this would create a sustainable, low impact workers' dwelling which would meet the needs of the farming business.

The Case Officer then responded to questions as follows:

- There are very few trees in the surrounding landscape and the planting of trees in the area would look incongruous.
- If the committee was minded to approve the application then a condition could be included to retain the use of the dwelling for an agricultural worker.
- No alternative sites have been put forward by the applicant.
- Low level hedging rather than trees would be more appropriate for landscaping.

Cllr Jackson noted that this is a working farm which requires a full-time worker. She moved that the committee delegate to permit the application as the proposal would benefit the rural economy, make the business viable and would be compliant with policies RE1, RE2 and RE4. Officers could then hold further discussions with the applicant to agree appropriate landscaping for this location. This was seconded by Cllr Davis.

Cllr Hodge felt that there should be a site visit as the barn is in a very prominent position on a main road. She did not support the proposed design in this location.

The Team Manager, Development Management, explained that officers could accept the possibility of a dwelling on the farm but not the proposed position of the dwelling,

as this would have a significant impact.

The motion was put to the vote and it was RESOLVED by 6 votes in favour, 3 votes against and 1 abstention to DELEGATE TO PERMIT the application subject to conditions.

(Note: At this point Cllr Crossley left the meeting, having declared an interest in the following application).

Item No. 10

Application No. 21/02424/FUL

Site Location: Orchard Rise, Sham Castle Lane, Bathwick, Bath – Erection of single storey extension following demolition of garage.

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

Cllr Jackson moved the officer recommendation to permit. This was seconded by Cllr Davis.

The motion was put to the vote and it was RESOLVED, unanimously to PERMIT the application subject to the conditions set out in the report.

(Note: At this point Cllr Hal MacFie left the meeting having declared an interest in the following item. Cllr Lucy Hodge also left the meeting due to a prior engagement. Cllr Crossley returned to the meeting).

Item Nos. 11 and 12

Application Nos. 21/02198/FUL and 21/2199/LBA

Site Location: Liberal Democrats, 31 James Street West, Bath – External alterations for the remodelling of the front garden to include the installation of a new lifting platform (Resubmission).

The Case Officer reported on the applications and her recommendation to permit and to grant listed building consent.

Cllr Jackson moved the officer recommendation to permit in respect of both applications. This was seconded by Cllr Davis.

The motion was put to the vote and it was RESOLVED unanimously to PERMIT the planning application and to GRANT listed building consent subject to the conditions set out in the report.

38 QUARTERLY PERFORMANCE REPORT - APRIL TO JUNE 2021

The Committee considered the quarterly performance report from April to June 2021.

RESOLVED to note the report.

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

The Committee considered the appeals report. Cllr Jackson congratulated officers on their high success rate.

RESOLVED to note the report.

The meeting ended at 6.05 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services