

PLANNING COMMITTEE

Minutes of the Meeting held

Wednesday, 24th August, 2022, 11.00 am

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

30 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

31 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence or substitutions.

32 DECLARATIONS OF INTEREST

Cllr Shaun Hughes declared that he had already stated his objection to the application 21/02973/OUT Parcel 3589, Silver Street, Midsomer Norton (item 1 under the main applications list) and would not participate in the debate or vote, but he would address the Committee as adjacent ward member.

Cllr Eleanor Jackson confirmed that she had declared an interest previously in relation to application 21/02973/OUT Parcel 3589, Silver Street, Midsomer Norton (item 1 under the main applications list) as she had objected to an associated application for a housing development which had now been approved by Mendip District Council. She confirmed that as this application had been determined, she did not have an interest in relation to 21/02973/OUT which was only concerned with the access road, footpath and cycle links, open space, landscaping and associated works access.

Cllr Lucy Hodge declared that she had already stated her objection to the planning application 20/02964/FUL Lansdown Lawn Tennis & Squash Racquets Club, Northfields, Lansdown (item 2 under the main applications list) and therefore would not participate in the debate or vote, but she would address the Committee as local ward member.

33 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was no urgent business.

34 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.

35 **MINUTES OF THE PREVIOUS MEETING**

Cllr Eleanor Jackson moved that the minute be confirmed as a correct record, this was seconded by Cllr Shelley Bromley and:

RESOLVED that the minutes of the meeting held on Wednesday 27 July 2022 be confirmed as a correct record and signed 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:

A report by the Head of Planning on various planning applications and update report in relation to items 1, 2, 3 and 4 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.

Item No. 1

Application No: 21/02973/OUT

Site Location: Parcel 3589, Silver Street, Midsomer Norton

The Case Officer introduced the report which was an application for an access road, footpath and cycle links, open space, landscaping and associated works relating to a housing development site in the adjacent Mendip District area and had been deferred from the meeting of 29 June to allow officers to investigate the feasibility of securing a pedestrian crossing as part of the development. She reported that Mendip District Council had since approved the associated application.

She confirmed that officers considered that securing a pedestrian crossing was feasible in view of the increased use of the junction that would occur as a result of the development, and the officer recommendation was that officers be delegated to permit the application subject to the conditions in the report and the completion of a Section 106 Agreement to secure the following financial contributions:

1. £10,000 towards improving local bus infrastructure.
2. £392,300.77 towards the Somer Valley Enterprise Zone Cycleway.
3. £21, 285 towards Targeted Training and Recruitment.
4. £488,255 towards Green Space and Parks Infrastructure.

5. £180,419.53 towards a controlled pedestrian/cycle crossing on Silver Street.

The following public representations were received:

1. Gordon MacKay, Midsomer Norton Parish Council, requested that developer contributions provide safe walking/cycling access to nearby key locations in Midsomer Norton.
2. Rosie Dinnen, agent, speaking in support of the application.

Cllr Shaun Hughes declared an interest and withdrew from the Committee and made the following points as the adjacent local member:

1. He was opposed to the application for the housing development in the Mendip area and the associated access application as he did not consider there to be any benefits for the community in Midsomer Norton.
2. This application would add many vehicle journeys to Silver Street and was a backward step in tackling the climate emergency.
3. Silver Street was already at capacity and the road and junctions were gridlocked. The condition of the road deteriorated within the Mendip boundary.
4. Mendip District Council had not made an effort to improve infrastructure. If the Committee was minded to permit the application, the £1m contribution should be allocated to solve the problems of infrastructure.

In response to Members questions, it was confirmed:

1. The main housing development had been approved along with the previously agreed access into the site, and this application only related to access road, footpath and cycle links, open space, landscaping and associated works. If the Committee was minded to refuse the application there would be no permeability between the 2 developments.
2. The money secured for contributions was for specific projects and had met the tests for being reasonable and justifiable and could not be diverted to spend on other projects. The contribution towards bus infrastructure improvements would be spent on areas identified by Highways Officers as set out in the report. It was the view of officers that the limit of negotiations had been reached and it would not be justified or defensible to ask for further contributions.
3. Highways Officers had assessed 5 junctions in detail and the proposed impact of the development was not enough to justify a contribution.
4. The Council had made representations at the Mendip Local Plan examination in public about the cumulative impact of developments adjacent to B&NES but this was not taken on board by the Inspector.

Councillor Duncan Hounsell stated that he believed officers had achieved as much as possible in terms of contributions and moved the officer recommendation to permit the development subject to the Section 106 Agreement to secure the contributions outlined in the report. This was seconded by Councillor Paul Crossley.

Cllr Eleanor Jackson expressed concern that the contribution to local bus infrastructure was not adequate and that the contribution towards parks and green spaces may not benefit the parks nearest to the development.

Cllr Hal MacFie stated that he felt that there should be a higher contribution to address highways issues.

Cllr Shelley Bromley stated that she would support the motion, but was concerned that the Council had no control over the provision of bus services and there could be an increase in traffic if bus services were at risk in the future.

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

RESOLVED that officers be delegated to permit the application subject to the conditions set out in the report and the completion of a Section 106 Agreement to secure the following financial contributions:

1. £10,000 towards improving local bus infrastructure.
2. £392,300.77 towards the Somer Valley Enterprise Zone Cycleway.
3. £21, 285 towards Targeted Training and Recruitment.
4. £488,255 towards Green Space and Parks Infrastructure.
5. £180,419.53 towards a controlled pedestrian/cycle crossing on Silver Street.

Item No. 2 Application No: 20/02964/FUL

Site Location: Lansdown Lawn Tennis & Squash Racquets Club, Northfields, Lansdown

The Case Officer introduced the report regarding the application for the installation of 12 floodlights on tennis courts 8, 9 and 10 at Lansdown Lawn Tennis and Squash Racquets Club. She gave a verbal update to confirm that in relation to Public Sector Equality Duty, no equalities impact had been identified as a result of the assessment.

The Case Officer confirmed her recommendation that the application be permitted subject to the conditions set out in the report.

The following public representations were received:

1. Julian Lewis, local resident, objecting to the application (read out in his absence).
2. John Morgan, for the applicant, speaking in support of the application.

Cllr Lucy Hodge, withdrew from the committee as she had previously submitted an objection in relation to the application but raised the following points speaking as local ward member:

1. The tennis club was located in a residential and conservation area.
2. Objections had been raised by all neighbours relating to the detrimental impact on visual and residential amenity, the value of dark skies and the lack of evidence demonstrating need.
3. Policy D8 of the Core Strategy & Placemaking Plan stated that proposals for artificial lighting should 'have no detrimental impact on visual and residential amenity'.
4. The Council's Ecologist had commented that the light spill would be high.
5. 8 out of the 11 courts were already floodlit and there was evidence that the lighting was left on beyond the agreed hours of use.
6. The late revision to the plans included a 3m hedge and taller posts which had raised further objections.

She asked the Committee to refuse the application.

Cllr Mark Elliot, local ward member, was unable to attend the meeting but submitted

a statement which was read out by the Democratic Services Officer:

1. Floodlighting the courts would allow the club more flexibility in the winter months, but this had to be weighed against the reduction in residential amenity of the people living in the neighbouring properties.
2. All the other courts with floodlighting had significant space between the courts and neighbouring residential properties. This was not the case with this application with properties closely bordering the courts.
3. On balance the advantage to the club members should not outweigh the damage to the residential amenity of the surrounding residents.

He requested that the committee reject the application.

In response to Members questions, it was confirmed:

1. The Case Officer did not disagree with the comments of the ecological assessment that further improvements could be made, but there was no outright objection from the Council's Ecologist and the scheme was not considered to be refusable on ecological grounds.
2. The maximum values of illuminance on nearby properties were outlined in the report, the guidance was below 5.0 lux and the highest was the Coach House at 3.1 lux.
3. The time of use had been limited to 9pm due to the location near residential properties. There had been variations on the previous applications, but any variation to the timings in relation to this application would need to be the subject of a further application.
4. The original application was submitted in 2020 and there had been several revised plans since that time including the latest design statement in March 2022.

Cllr Eleanor Jackson raised the issue of impact on neighbouring residents and proposed that a decision be deferred pending a site visit to give the opportunity for the Committee to see the proximity of the club to the neighbouring properties. This was seconded by Cllr Shelley Bromley.

Cllr Shaun Hughes concurred that a site visit would be useful to understand the layout and topography.

Cllr Duncan Hounsell stated that he did not consider a site visit to be necessary as the key information was contained within the officer's report and details about lighting and in relation to Policy D8, consideration needed to be given to whether loss of amenity was significant. He stated that the capacity of the tennis club would increase by 30% and there was a public health benefit in providing additional facilities.

On voting to the motion it was NOT CARRIED (4 in favour and 5 against).

Cllr Shaun Hughes stated that he believed the detrimental impact on residential amenity outweighed the public benefits. Cllr Shelley Bromley agreed that as a private members club, there were no widespread community benefits associated with the application.

Cllr Paul Crossley moved the officer's recommendation that permission be granted. He asked the club to work to improve access to all communities. This was seconded by Cllr Sally Davis.

Cllr Eleanor Jackson stated that she did not support the motion as she considered the application would result in an unacceptable loss of amenity to residents.

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

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

Items 3 and 4 were considered together.

Item No. 3&4

Application No: 22/02560/FUL & 22/01578/LBA

Site Location: 31 St Mark's Road, Widcombe, Bath

The Case Officer introduced the report relating to the application to widen the existing opening in a stone wall at a grade II listed property and the installation of a charging point for an electric car. She confirmed that the applicants had submitted a revised plan which moved the left-hand stone pier by 150mm and the right-hand pier by 300mm in an attempt to overcome the highway objection, however Highways Officers confirmed that this would not achieve the required 1.5m either side of the last dropped kerb stone. She reminded the Committee that any public benefits must be balanced against the harm to the listed building and that officers' view was that the installation of an electric charging point could be achieved without altering the wall and that the increase in parking pressures caused by the loss on 1 on-street parking space would outweigh public benefits. She confirmed the officer recommendation was to refuse the application.

The following public representations were received:

1. Adam Elmes, applicant, speaking in support of the application.

Cllr Winston Duguid, in attendance as local member, raised the following points on behalf of himself and the other local member, Cllr Alison Born:

1. The applicants were seeking to reduce their carbon footprint by the use of an electric charging vehicle, and this was in line with the Council's declaration of a climate emergency.
2. St Mark's Road had changed over the years and there had been alterations to the stone wall and piers on other properties.
3. The applicants were not looking to demolish the wall and piers but to restore them.
4. The applicants did not qualify for an on-street residents' parking permit as they had a parking space on their property which was difficult to access due to the narrow entrance.

He urged the Committee to support the application.

In response to Members' questions, it was confirmed:

1. The rod iron gate displayed on earlier photographs was no longer present and the gate posts were designed to align to the wall of the villa.
2. The stone wall was in need of renovation, but this could be achieved in situ.
3. If the Committee were minded to permit the application, further details would

- be required on the location of the electric charging point.
4. The applicants did not qualify for a parking permit as their property had an off-street parking space. The concern of Highways Officers was that widening the driveway would result in a conflict between the off-street and on-street parking.
 5. The 1.5m minimum clearance was Council policy rather than a statutory requirement.
 6. The other driveways on the road were not as narrow, but they may have been widened before the residents' parking zone was in operation.
 7. If the application was refused, the applicant could resurface the drive and install an electric charging point without altering the entrance but planning permission would still be required due to the listed building status of the property.
 8. It was a matter for the committee to determine how much weight could be given to the Council's declaration of a climate emergency in relation to the application.
 9. The original submission would result in the loss of 1 residents' parking space and the current submission to move both piers would impact on 2 of the spaces. Although the parking spaces were not marked out, the residents' parking scheme was designed to allow for 6m per car which was the standard size for a parking bay. Changing the residents' parking scheme would require a Traffic Regulation Order and it would not be possible to have a trial period to monitor the impact.
 10. The Traffic Regulation Order process was separate to the planning process and if the Committee were minded to approve the application, officers asked members to consider whether a Section 106 Agreement should be pursued to allow the Council to recover the costs from the applicant.

Cllr Lucy Hodge expressed the view that, due to the climate emergency, the weight of public benefit of facilitating the use of an electric car to be parked and charged on the property outweighed the harm to the listed building and proposed that officers be delegated to permit the application subject to suitable conditions. This was seconded by Cllr Paul Crossley. In response to a question of clarification from the lead Planning Officer, Cllrs Hodge and Crossley confirmed that they did not think it was necessary to pursue a Section 106 agreement to ensure that the applicant would pay any costs associated with a related Traffic Regulation Order.

Cllr Hal MacFie stated that the case for the public benefits of the application had been made and he spoke support in the application.

Cllr Eleanor Jackson stated that she would not be supporting the motion as permitting the application would damage the urban design of the area and there could be no guarantee of the continued use of an electric vehicle and charging point by future residents of the property.

Cllr Shelley Bromley stated that she was minded to support the officer recommendation to refuse the application due to the impact on the community of losing an on-street parking space.

Vote on item No. 3

Application No. 322/02560/FUL

On voting for the motion, it was CARRIED (5 in favour, 4 against and 1 abstention) **RESOLVED** that, in view of the climate emergency and the public benefits of the application outweighing the harm to the listed building, officers be delegated to permit the application subject to appropriate conditions including the submission of details relating to the installation of an electric vehicle charging point and the restoration of the piers.

Vote on item No. 4

Application No. 22/01578/LBA

On voting for the motion, it was CARRIED (5 in favour, 4 against and 1 abstention)

RESOLVED that, in view of the climate emergency and the public benefits of the application outweighing the harm to the listed building, officers be delegated to permit the application subject to appropriate conditions including the submission of details relating to the installation of an electric vehicle charging point and the restoration of the piers.

Item No. 5

Application No: 22/01966/FUL

Site Location: 22 Lambourn Road, Keynsham, Bristol

The Case Officer introduced the report which related to the application for a hip to gable and dormer loft conversion, single storey rear extension and two storey side extension and confirmed her recommendation that the application be permitted subject to the conditions set out in the report and an additional condition (4) to ensure that the bricks and tiles would match the host dwelling.

The following public representations were received:

1. Sam Fitzgerald, agent, speaking in support of the application.

In response to Members questions, it was confirmed that although there were not many dormer extensions in the road, these could be built under permitted development rights.

Cllr Hal MacFie led the debate as local ward member and expressed the view that the proposed development was not out of keeping as there were a lot of different types of extensions in the area. He moved the officers' recommendation that permission be granted subject to conditions. This was seconded by Cllr Eleanor Jackson.

Cllr Paul Crossley spoke in support of the application and thanked officers for their work in negotiating with the applicant to secure an acceptable development.

On voting for the motion, it was CARRIED (10 in Favour 0 Against)

RESOLVED that the application be permitted subject to the conditions set out in the report and an additional condition (4) to ensure that the bricks and tiles would match the host dwelling.

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

The Committee considered the appeals report.

In response to Members' questions, officers responded:

1. Withies Green site: the application was on hold after being referred to the Secretary of State for Levelling Up, Housing & Communities and the Council had not been given a timetable for this being resolved.
2. Resourceful Earth had withdrawn its appeal, but the officers had not been advised of the reasons for this decision.

In relation to the 3 Ruskin Road appeal, Cllr Eleanor Jackson passed on the thanks of Westfield Parish Council to officers supporting the appeal and asked for clarification of the dates of the appeal being lodged and determined.

RESOLVED that the report be noted.

The meeting ended at 2.02 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services