

PLANNING COMMITTEE

Minutes of the Meeting held

Wednesday, 19th October, 2022, 2.00 pm

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

48 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

49 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence or substitutions.

50 DECLARATIONS OF INTEREST

There were no declarations of interest.

51 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was no urgent business.

52 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.

53 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on Wednesday 21 September 2022 were confirmed as a correct record and signed by the Chair.

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

The Committee considered:

1. A report by the Head of Planning on site visit applications.
2. Oral statements by members of the public and representatives on items. (A copy of the speakers' list is attached as Appendix 1 to these minutes).

RESOLVED that in accordance with the Committee's delegated powers, the

application be determined as set out in the site visit decision list attached as Appendix 2 to these minutes.

Item No. 1 Application No: 22/01753/FUL 24

Site Location: 24 The Tynning, Widcombe, Bath

The Case Officer introduced the report regarding the application for the erection of a single storey rear extension, a first-floor extension over garage, loft conversion and pitched rear dormer, replacement of windows and doors and widening of existing driveway.

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

The following public representations were received:

1. Tim Elson, applicant, speaking in support of the application (read out in his absence).
2. Dr David Sweetnam, local resident, objecting to the application.

Cllr Alison Born and Cllr Winston Duguid, local ward members, were unable to attend but submitted a statement which was read out by the Democratic Services Officer as summarised below:

1. The house was in a conservation area where the frontage of the 1930s houses in the road presented as matched pairs and the development would disrupt the homogeneity of the road and harm the character of the conservation area.
2. The over-garage extension would impact on the light of properties in The Tynning and Tynning End.
3. There were no other rear dormers on that side of The Tynning or in Tynning End.
4. The side extension and rear dormer would overshadow the neighbouring property and affect some other neighbouring properties.
5. The change in levels from the garage to the front door and the quality of the construction would not allow the application to be built as drawn.
6. The application would result in the house being 5 bedroomed and necessitate a third parking space.
7. Committee was requested to refuse the application.

In response to Members questions, it was confirmed:

1. Officers did not consider the dormer window to be oversized.
2. There would be 2 additional rooms as part of the proposal and even though one of the rooms was not practical to use as a bedroom due to its size, the property would need to be considered as a 5-bedroom house as the rooms could be realigned in the future without planning permission. In terms of whether this would require an additional parking space, the parking standards were not the same as when considering new build, the test would be whether there would be any highway safety concerns as a result of additional on-street parking, and this was not considered to be an issue in this case as the property was in a parking permit area.
3. It would be possible to add a condition to ensure the surface of the parking area was constructed of a porous material.

4. The daylight assessment showed the comparable light in winter solstice at 3pm and officers considered the impact to be negligible.

Cllr Duncan Hounsell confirmed that although he was unable to attend the organised site visit, he had visited the site on a separate occasion and considered the application to be similar to other extensions in the Bath and North East Somerset area. He referred to comments made about an amended application being more suitable and confirmed that the Committee could only determine the application as submitted and whether it was policy compliant. He stated that he was minded to support the officer's recommendation to permit the application.

Cllr Eleanor Jackson stated that it was a difficult case as the property was in need of improvement, but she was concerned about the dormer window. Cllr Shelley Bromley supported this view and stated that she did not consider that the development would enhance the conservation area. Cllr Shaun Hughes raised concerns about the negative impact of the proposed side extension.

Cllr Hal MacFie expressed concern about the proposal for a dormer and second storey extension setting a precedent in the area. Cllr Lucy Hodge concurred with this view and stated that the application could not be compared with other extensions in the wider area as Widcombe was a conservation area.

Cllr Paul Crossley proposed that the application be refused for the following reasons:

1. The application would be harmful to the nature of the conservation area and would have a detrimental impact on the amenity of the street scene.
2. The application constituted an over development of the site.

This was seconded by Cllr Shelley Bromley and on being put to the vote the motion was CARRIED (7 in favour and 3 against)

RESOLVED that the application be refused for the following reasons:

1. The application would be harmful to the nature of the conservation area and would have a detrimental impact on the amenity of the street scene.
2. The application constituted an over development of the site.

55 **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 item 1 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: 21/05471/OUT

Site Location: Parcel 5159, Minsmere Road, Keynsham

The Case Officer introduced the report which was an application for 70 homes; new vehicular and pedestrian access on to Minsmere Road, public open space; tree planting and habitat creation; site drainage and associated infrastructure with all matters reserved apart from the access. He gave an update to confirm that there was an omission on the plans list in the report which should have referred to an additional plan "site access SK01 revision D" and also that 6 further objections had been received and reviewed but these did not raise any issues that had not already been addressed in the report.

He advised the committee:

1. The site had been removed from the green belt in 2014 as part of the core strategy and safeguarded for future development.
2. The current development plan stated that the site should not be developed until the review of the Local Plan and so the application was technically contrary to policy. However, as set out in the report, there were material considerations which outweighed this conflict:
 - a. The site was proposed to be allocated for 70 homes in the emerging Local Plan Partial Update (LPPU) which had now been through examination and the initial letter from the Inspector stated that he was likely to find the plan sound subject to some modifications.
 - b. The requirement for the Council to have a five-year supply of land for housing.
 - c. The site was in a broadly sustainable location.
 - d. There was an absence Green Belt protection compared to nearly all other undeveloped land in this locality.
 - e. There would be a provision of sustainable transport measures (2 out of 6 measures which would be delivered as part of this development and the other 4 as part of the Withies Green development).
 - f. A significant package of Section 106 obligations and contributions which would benefit the wider community
 - g. An off-site Biodiversity Net Gain (BGN) at Somerdale.
3. In relation to the proposed pedestrian access between Witham Road and the western boundary of the application site, this was third party land not owned by the applicant or the Council and so was afforded limited weight as a benefit as it could not be secured in perpetuity.
4. A green space had been secured as a minimum buffer around the site and further landscape details would be part of the reserved matters application.

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

- a. no comments raising new material considerations from the advertisement of the application as a departure.
- b. the completion of a Section 106 Agreement to cover the 11 heads of terms as set out in the report.
- c. the conditions as set out in the report.

The following public representations were received:

1. Chris Dolling, applicant, speaking in support of the application.

Cllr Andy Wait, in attendance as local ward member raised the following points:

1. There had been approximately 270 objections from local residents as well as objections from Keynsham Town Council, Saltford Town Council, CPRE and the Council's parks department.
2. The application at Withies Green had been referred to the Secretary of State by Keynsham and Saltford Town Councils and it was likely that this application would also be referred.
3. Bus services in the area were irregular and difficult to maintain once developer contributions had been used up.
4. There was one exit from the site onto a suburban road which would lead to congestion on an already congested network.
5. The proposed development was overcrowded, 70 homes were too many for the site and it did not meet the Council's climate emergency commitments.
6. The siting of the housing next to Manor Road woodland would have a detrimental impact on existing wildlife.
7. A better use of the land would be a wildlife meadow and the parcel of land opposite Hygge Park which was currently earmarked for industrial use would be a better fit for housing.

In response to Members questions, it was confirmed:

1. In relation to the Inspector's letter suggesting the LPPU was sound, this was not equivalent to a judgement on this particular application, but rather on the allocation policy.
2. In accordance with policy, it was acceptable for the developer to offer an offsite BNG. There would be further opportunities to improve the quality of the landscaping of the application site at the reserved matters stage.
3. Following the Committee's decision to delegate to permit the application at Withies Green, Keynsham and Saltford Town Councils had asked the Secretary of State to call in the application. A holding direction had been issued pending a decision by the Secretary of State on whether or not to call the application in and the Committee decision could not be issued while this was being resolved.
4. Due to the scale of the 6 sustainable transport measures, it was not feasible to deliver them all pre-occupation, but instead they would be delivered at the earliest stage. Both sets of developers had accepted the measures which would be secured through a Section 106 Agreement, and it was officers' view that the package would be delivered.
5. There would be a range of bus stop improvements as included in the transport measures.
6. Sustainable construction would be considered at the reserved matters stage and net zero policies would be applied at that stage.
7. There was no policy to require a sequential test to consider if brown field sites were available before developing green field sites.
8. When the site was removed from the Green Belt in 2014, the Inspector stated that the future allocation of the site for housing would not lessen the gap between Keynsham and Saltford to the extent that it would impact their separate identities.
9. The figures used by the developer that forecast the transport package would increase cycling by 75% and public transport use by 30% came from the PGA report which informed the LPPU update.
10. The predicted vehicle movements of 37 trips in the morning peak and 31 in the afternoon peak did not take into account sustainable transport measures or traffic plan measures which could reduce the number of trips. These

figures related to peak times and not the number of vehicle movements throughout a day.

11. There was no information about the impact on local GP surgeries and no representations had been made by local GPs about capacity issues.
12. In relation to whether housing supply in Keynsham had been met, the Council needed to look at the housing market area rather than an individual town.
13. In terms of access points, the application was policy compliant and did not allow for a through route between A4 and the Chandag estates.
14. The sustainable transport measures would broadly offset approximately 200 trips in the morning and afternoon peak times from this site and the Withies Green site.

Cllr Hal MacFie opened the debate as local member and expressed concern about the cumulative effect on traffic as a result of this development alongside the Withies Green Development and the new recycling centre. He expressed the view that 50 would be a more appropriate number of homes on the site and would allow for onsite BNG to be achieved.

Cllr Duncan Hounsell expressed concern about the impact on highways in the Keynsham area, such as the Bath Hill/Wellsway roundabout being over capacity before the mitigations were in effect and also the access to the site via an established housing estate. He confirmed that he did not support the application due to these highways concerns as well as the proposed offsite BGN.

Cllr Shelley Bromley raised concerns about the pressure on local services such as GPs and the uncertainty about the future of bus services which was beyond the control of the local authority.

Cllr Shaun Hughes expressed concern that the application was premature and not compliant with current policies. He also stated that the number of homes should be reduced to make space for onsite BGN.

Cllr Paul Crossley spoke in support of the officer recommendation and the package of obligations secured during negotiations. He stressed the importance of securing social housing which was an important element of this application.

Cllr Sally Davis concurred with this view and stated that attempts to reduce the number of homes would result in a reduction of social housing. She moved the officers' recommendation to delegate to permit. This was seconded by Cllr Eleanor Jackson and on being put to the vote it was NOT CARRIED (4 in favour, 5 against, 1 abstention)

Cllr Duncan Hounsell proposed that the application be refused on highways grounds including the significant impact on congestion at key roundabouts and on the existing housing estate, as well as the offsite BGN. This was seconded by Cllr Shelley Bromley.

Cllr Lucy Hodge raised concerns about the transport mitigation measures being inadequate and questioned whether they would be delivered.

Cllr Shaun Hughes supported the proposal to refuse the application for the additional reasons of the over development of the site especially in view of its location next to a

protected woodland area.

The Case Officer advised that it would be difficult to defend a refusal on highway grounds as there was a package of mitigations and also that the offsite BGN was policy compliant. He further advised that in the event of an appeal, the developer may not be required to deliver the package of measures and the Council may be liable for costs.

In view of the concerns raised, the Case Officer suggested that a decision be deferred to enable officers to negotiate with the applicant about securing on onsite BGN and to allow for further discussions in relation to precise triggers for planning obligations.

Cllr Duncan Hounsell withdrew his motion and Cllr Sally Davis moved that the application be deferred to allow for further negotiations. This was seconded by Cllr Hal MacFie.

On being put to the vote the motion was CARRIED (10 in favour and 0 against)

RESOLVED that a decision be deferred pending further negotiations between officers and the applicant with a view to securing onsite Biodiversity Net Gain and clarify the triggers for planning obligations.

[Cllr Paul Crossley left the meeting at this point.]

Item No. 2 Application No: 22/02171/FUL

Site Location: Rose Lawn, The Street, Compton Martin

The Case Officer introduced the report which assessed an application for the erection of a two-storey side extension to a semi-detached cottage. He gave an update that a revised block plan had been received and confirmed that the application had been referred to committee under the scheme of delegation as there had been objections raised to the initial plans which had since been revised to address concerns.

He confirmed the officer recommendation that the application be granted subject to the conditions set out in the report.

The following public representations were received:

1. Annelie Smith, applicant, speaking in support of the application.

Cllr Duncan Hounsell proposed the officer's recommendation that permission be granted subject to the conditions set out in the report. This was seconded by Cllr Eleanor Jackson who thanked all parties for working to achieve an acceptable application.

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

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

Item No. 3 Application No: 22/03020/FUL

Site Location: Hillside Farm, Timsbury Road, Farmborough

The Case Officer introduced the report which assessed a retrospective application for the erection of a detached double garage. She confirmed the officer recommendation that the application be refused as no very special circumstances existed to outweigh the harm caused by the development in the green belt.

The following public representations were received:

1. David Gunter, applicant, speaking in support of the application.

In response to Members questions, it was confirmed:

1. The only consideration was whether the building was for agricultural use which could constitute special circumstances in the Green Belt. There were no concerns about the building materials used in the construction of the garage.
2. The view of officers was that the garage was more closely linked to domestic use due to its siting, appearance and storage of a mixture of agricultural and domestic equipment. The agricultural field was not easily accessible from the garage.
3. In response to the applicant's claim that the garage had been sited in a secure location in accordance with NFU guidance to protect against the theft of agricultural equipment, officers had taken this into account but considered that there were other secure options available.
4. Any delays associated with an appeal and enforcement process would not be long enough to result in the garage becoming permitted development.

Cllr Eleanor Jackson proposed the officers' recommendation that the application be refused for the reasons set out in the report. This was seconded by Cllr Duncan Hounsell.

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

RESOLVED that the application be refused for the reasons set out in the report.

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

The Committee considered the appeals report.

RESOLVED that the report be noted.

57 QUARTERLY PERFORMANCE REPORT 1 JULY - 30 SEPTEMBER 2022

RESOLVED that the report be noted.

The meeting ended at 5.50 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services