

PLANNING COMMITTEE

Minutes of the Meeting held

Wednesday, 1st June, 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

1 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

2 ELECTION OF VICE CHAIR FOR 2022-2023

Cllr Brian Simmons proposed that Cllr Sally Davies be elected as Vice-Chair for the 2022-2023 municipal year.

This was seconded by Cllr Paul Crossley and on being put to the vote it was;

RESOLVED that Cllr Sally Davis be elected Vice-Chair for the 2022-2023 municipal year.

3 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence or substitutions.

4 DECLARATIONS OF INTEREST

Cllr Paul Crossley confirmed that he had already stated his objection to the planning application 21/00677/FUL, Lansdown View, Twerton, Bath (item 2 under the main applications list) and therefore would not participate in the debate or vote, but he would address the Committee as local ward member.

5 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was no urgent business.

6 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.

7 MINUTES OF THE PREVIOUS MEETING

Cllr Jackson proposed that the minutes be confirmed as a correct record subject to a

correction to the spelling of Cllr Shelley Bromley's name.
This was seconded by Cllr Bromley and;

RESOLVED that the minutes of the meeting held on Wednesday 4 May 2022 be confirmed as a correct record and signed by the Chair, subject to a correction to the spelling of Cllr Shelley Bromley's name.

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

There were no site visit applications for the committee to determine.

9 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 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 Main decisions list attached as Appendix 3 to these minutes.

Item No. 1

Application No: 21/04590/FUL

Site Location: Homewood Park Hotel, Homewood, Hinton Charterhouse, Bath.

The Case Officer introduced the report and gave a verbal update of amendments since the publication of the report and update report following a review by legal officers:

1. The greenbelt section of report had incorrectly included building K store 2 within the volume and area of the buildings to be demolished and replaced under exception D of paragraph 149 of NPPF.
2. This building was in existence in previous pre application plans but since the writing of the report, it had been clarified that it was not in existence and had not been included in the submitted application and therefore should not have been included in the assessment of the volume and footprint of the current development.
3. As a result, the greenbelt calculations had changed in terms of floor area and volume, but this did not alter the officer conclusion. The existing footprint was 412m² rather than 422m² and existing volume was 1295m³.
4. In terms of assessing whether the proposal was materially larger under exception D, the existing was 367m² and proposed was 382m² which was an

increase of 15m² (4%) which was still not considered by officers to be materially larger.

5. In terms of volume, there was an increase from 1295m³ to 1504m³ which could be considered to be materially larger, however officers did not consider this to be the case taking into account spatial and visual aspects.
6. In relation to the volume of spa and extensions, the increase would be 34.5% which was approximately 1/3 and therefore acceptable in terms of greenbelt policy.
7. With regard to the openness test, if the proposal fell under exceptions C and D, then the development was considered appropriate, and a separate assessment was not required. The committee was therefore requested not to take the separate assessment into account.
8. In relation to the assessment of car park, the committee was requested to disregard the paragraph "Additional Car Parking" and replace as follows:
"The proposal sees the addition of further car parking spaces within the site which will be constructed of Grasscrete and located along the existing entrance track. It is considered that these car parking spaces fall in exception B of paragraph 150 of the NPPF which provides engineering operations are appropriate development provided they preserve the openness of the greenbelt and do not conflict with the purposes of including land within it. The Grasscrete itself is not considered to have an impact on openness, however the inclusion of cars parked in these areas are physical form which do have the potential to impact upon the openness of the green belt. Whether something does in fact impact up openness such that it fails to preserve the openness of the greenbelt or conflicts with the purposes of including the land within it is a matter of planning judgement. Officers considered that given the placement of the spaces within the existing boundaries of the hotel and within the context of the site of the whole, they would not in fact have such an impact upon the openness of the greenbelt or conflict with the purposes of including land within it and this part of the scheme is therefore appropriate development in the greenbelt."
9. In relation to the public sector equality duty, the Council had considered the impact on site users and neighbours of site and the proposal was considered appropriate from an equalities perspective.

The Case Officer confirmed the officer recommendation to permit the application subject to the conditions set out in the report.

The following public representations were received:

1. Gary Parker, local resident, speaking against the application.
2. Kevin Murphy, applicant's agent, speaking in support of the application.

Cllr Matt McCabe, in attendance as local ward member, drew attention to the following points:

1. There had been improvements since the original submission, but there was still an outstanding concern in relation to the height of the proposed units and the potential of overlooking neighbouring properties. It was noted that, as a commercial operation, the view from the hotel would be a selling point and residents' amenity needed to be considered.
2. The illumination of the site was also a consideration as the development was located in a prominent position.
3. Planning permission had previously been granted for the building of the spa

- subject to a condition to screen the spa by a boundary hedge. The hedge had not been maintained in a good condition.
4. Due to the greenbelt location, development should be encouraged within the site boundary before extending into the field.
 5. The site had been extended since the original development in 1948 and it was important to ascertain if the figures related to the original or current footprint.

In response to members' questions, officers responded as follows:

1. In view of concerns raised about the volume of detailed information contained in the verbal update, it was within the committee's gift to defer the application if it was minded to do so. The application could be deferred for longer than one month, but it was recommended that this should not extend beyond a two-month period.
2. The field which was included as part of the development was in the ownership of the hotel and officers did not have any concerns about it being included in the application.
3. 1948 was confirmed as the base year to which the proposed increase of development on the site had been measured.
4. All buildings were ancillary to the hotel use and were used by the hotel for the purposes of the hotel and so officers were satisfied there was no change of use as a result of the proposal. There was no evidence of animals on the site and the former stable and kennel buildings were being used for storage associated with the hotel.
5. The volume assessment was complex as development in the greenbelt needed to fit into exceptions and the buildings being demolished would be taken into account as part of the assessment. In addition to the increase in volume and footprint, the visual appearance was also a consideration in deciding if an application was materially larger.
6. In terms of overlooking and illumination, there was already light spill from the existing hotel and spa and the reduction in glazing from the previous application would minimize any additional impact. A condition could be added to restrict the timings and use of lighting in the spa, but it would not be reasonable to limit the use of lighting in guest accommodation. Officers' view was that the impact to residential amenity of the light spill would not be enough to warrant refusal.
7. The issue about whether the condition attached to the previous planning application for the spa to be screened by a hedge had not been complied with was an issue for the Planning Enforcement Team and not a consideration in relation to this planning application. If there were concerns about landscaping in relation to the current application, the wording of the condition relating to the landscaping scheme could be strengthened.
8. In relation to concerns about the impact on bats, the applicant had submitted ecology reports which had been assessed by the Council Ecologist who had raised no objection subject to a condition that a Bat and Wildlife Protection and Mitigation Scheme be submitted to and approved by the local planning authority prior to development.
9. The hotel currently had a licence to sell alcohol, refreshments and play recorded music until 0100 and any planning condition to limit hours further would contradict this licence.
10. An acoustic report could be requested but not insisted upon as Environmental Protection Officers had not raised an objection to the application.
11. Restricting the use of the outdoor space could be considered as an additional

condition.

Cllr Jackson moved that a decision be deferred pending a site visit and for the information contained in the verbal update to be included in the officer's report. This was seconded by Cllr Sally Davis and on being put to the vote the motion was CARRIED (8 in favour; 1 against and 1 abstention)

In response to a question as to whether a member could visit a site unaccompanied if they were unable to attend the organised site visit, the legal officer advised that it would be preferable, although not essential, to attend with someone else to avoid any perception of pre-determination or bias. It was recommended that the member liaise with the case officer about arranging a visit.

RESOLVED that a decision be deferred pending a site visit and for the information contained in the verbal updates to be included in the officer's report.

Item No. 2

Application No: 21/00677/FUL

Site Location: Proposed Development Site Lansdown View, Twerton, Bath

The Case Officer introduced the report and gave a verbal update to amend the report as follows:

1. Page 79, second paragraph under "Economic Benefits" - "Council's regulation 123 list" should read "infrastructure funding statement"
2. Page 80, second line - "Very early" should be deleted.

He confirmed the officer recommendation that officers be delegated to permit the application subject to the conditions set out in the report and the signing of a Section 106 agreement to ensure replacement tree planting, details of a management company for communal areas of the development, landscape and ecological management plan and implementation of highway works.

The following public representations were received:

1. Jenny Bakhoff and Michael Hill, local residents, speaking against the application.
2. Chris Beaver, applicant's agent, speaking in support of the application.

Cllr Dine Romero, local ward member, raised the following points:

1. The previous application on the site in 2013 was rejected due to overdevelopment and this decision was supported by the planning inspector on appeal.
2. There were concerns about the vehicular access being too narrow.
3. The applicant had acknowledged that the access road would not be adopted by the highway authority and therefore residents would have to make their own arrangements for waste and recycling collection.
4. The steep steps which would form the pedestrian access were in shared ownership.
5. There were concerns about drainage problems as a result of the development for both the existing houses on Lansdown View and the proposed new

houses.

6. The site had previously been used for allotments and B&NES Allotment Association supported a return to this use.
7. There were a number of unresolved issues associated with the application and she asked the committee to refuse the application or defer for a site visit.

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

1. There were 44 objections and no supporting comments. It was a controversial application.
2. The site was not suitable for development.
3. The steps were in the private ownership of properties of 1-8.
4. The access to the road was narrow and unsuitable for large vehicles and emergency access.
5. The land had been a wildlife habitat and attracted a range of animals and habitats.
6. There was no amenity gain for local residents.
7. There were a number of reasons why the application should be refused but if the committee were in doubt, a decision should be deferred pending a visit to the site.

In response to Members questions, it was confirmed:

1. The site was considered to have good accessibility in terms of its sustainable location in Bath with access to local services and facilities.
2. In terms of waste and recycling collection, as the road would not be adopted, a private waste collection service using smaller vehicles would need to be arranged.
3. The 70.4% reduction in carbon emissions referred to in the report related to the energy efficiency of the proposed buildings, and not emissions from travel to and from the site.
4. The site had ceased to be private allotment a long time ago and was not a protected allotment area in the local plan. The shortage of allotment space was not a consideration in relation to this application.
5. Each of the proposed houses had a garden space.
6. The site was in a built-up area of Bath and would represent a windfall site where the principle of development was acceptable and ecological aspects had been addressed in the officer report.
7. Officers had looked in detail at how the site could be optimised in terms of accessibility and the current proposals were considered acceptable and the best option in view of the constraints of the site. The shared surface area would be visually demarked, and the pinch point would slow vehicles down.
8. The access to the site had a pinch point 17 metres from the carriageway where the road was only wide enough for 1 vehicle (3.4m) but there was good intervisibility at that point. After the pinch point the road widened 4.8m which would allow 2 vehicles to pass each other. A fire tender needed a minimum width of 2.75m.
9. There was a turning head for vehicles.
10. The parking was in accordance with current policy and the garages met the minimum dimensions (3m x 6m). Current policy included garages as parking space, and although this may change in future supplementary planning guidance, this could only be given limited weight as it had not yet been

subject to examination.

11. Although there was a suggestion that the pedestrian access was not in the ownership of the developers, ownership was not material consideration. Officers had evidence that the applicant was the landowner, but in view of the concerns raised about ownership, it was proposed that there should be an amendment to condition 26 to make it a Grampian condition to ensure that there was agreement from any other landowners prior to commencement of development.
12. It was noted that the bollard situated near the access was not included in the plans that the highway assessment had been made against. If the bollard was in the ownership of a third party this would need to be resolved prior to commencement of the development.
13. A condition could be included for a signage strategy to urge caution about the narrow access.
14. Although there had been a suggestion that there was a natural spring in the area, officers had not received any evidence of its existence.
15. In response to concerns about drainage, there had been no objection raised by Wessex Water. The Council's Drainage and Flood Risk team had requested a condition to ensure drainage details would be submitted to the planning authority prior to the commencement of the development.
16. In relation to replacement tree planting, the applicant had agreed to make a contribution to offsite planting if this was not achievable on site and this would be secured by the signing of a Section 106 agreement.
17. The development did not satisfy the criteria for infill development and could be considered as back land development. There were no explicit restrictions on back land development as long as the usual tests were met.

Cllr Lucy Hodge proposed that a decision be deferred pending a site visit. This was seconded by Cllr Eleanor Jackson.

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

RESOLVED that a decision be deferred pending a site visit.

Item No. 3

Application No: 21/05622/FUL

Site Location: 36 Naishes Avenue Peasedown St. John Bath, Bath and North East Somerset

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

The following public representations were received:

1. Joanne Ellis, local resident, speaking against the application.
2. Lizzi Hillier, applicant, speaking in support of the application.

In response to Members questions, it was confirmed:

1. Highways officers had objected to the proposal as the amount of parking provided would not be policy compliant, but under the NPPF it was only

appropriate to refuse an application on highways grounds if it had an unacceptable impact on highway safety or a severe impact on the transport network and the Case Officer confirmed that these tests had not been met in relation to this application.

2. Following the refusal of the previous application, the applicants had redesigned the scheme to reduce the size and relocate the parking space to the front of the property rather than on the access strip.
3. The garage could be counted as a parking space and the condition relating to the garage being used for this purpose and ancillary domestic storage was enforceable if officers received reports of it being used for an alternative purpose to an extent which prohibited the parking of a vehicle.
4. The siting of the garage was not considered to have an impact on the residential amenity of neighbouring properties.
5. There had been an assessment on parking policy based on the arrangements for this application, there had not been an assessment in relation to other properties in the road as this was not a consideration in relation to this application.
6. The property did not have a shared driveway, the drive was adjacent to the drive on the neighbouring property.

Cllr Duncan Hounsell stated that the proposed development was similar to other extensions in the area and moved the officers' recommendation that the application be permitted subject to the conditions set out in the report. This was seconded by Cllr Eleanor Jackson.

Cllr Paul Crossley agreed that the modified application was acceptable and supported the motion.

On being put to the vote, the motion was CARRIED (10 in favour; 0 against – unanimous)

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

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

The Committee considered the appeals report. Members thanked officers for their work in supporting the appeals.

Cllr Duncan Hounsell stated the need to reflect on appeal decisions and the importance of Planning Committee members maintaining objectivity.

RESOLVED that the report be noted.

The meeting ended at 1.55 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services