

## PLANNING COMMITTEE

### Minutes of the Meeting held

Wednesday, 14th December, 2022, 11.00 am

**Councillors:** Sue Craig (Chair), Sally Davis (Vice-Chair), Lucy Hodge, Duncan Hounsell, Shaun Hughes, Dr Eleanor Jackson, Hal MacFie, Ruth Malloy and Brian Simmons

#### 67 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

#### 68 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Cllr Paul Crossley and Cllr Shelley Bromley. Cllr Ruth Malloy was substituting for Cllr Shelley Bromley.

#### 69 DECLARATIONS OF INTEREST

Cllr Lucy Hodge declared an interest as the applicant for item 2 on the main application list "22/04513/TCA - Audley House, Park Gardens, Lower Weston Bath" and withdrew from the meeting during discussion of that item.

#### 70 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was no urgent business.

#### 71 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.

#### 72 MINUTES OF THE PREVIOUS MEETING

It was moved by Cllr Eleanor Jackson, seconded by Cllr Hal MacFie and:

**RESOLVED** that the minutes of the meeting held on Wednesday 16 November 2022 be confirmed as a correct record and signed by the Chair.

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

There were no site visit applications for consideration.

#### 74 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 an 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: 22/03269/FUL**

#### **Site Location: Hare & Hounds, Lansdown Road, Lansdown, Bath**

The Case Officer introduced the report which assessed a retrospective planning application for an outside bar and decked seating area which was erected without planning permission in late 2020. He confirmed that the Council had been consistent in advice that the development was unacceptable, but a temporary application had been approved during the Covid pandemic which expired on 1 August 2022.

He confirmed the officer recommendation to refuse the application due to the harm to the setting of the listed building and the character and appearance of the wider Conservation Area which was not outweighed by public benefit.

The following public representations were received:

1. Stewart Chorley, local resident, speaking against the application.
2. Joe Cussens, applicant, speaking in support of the application.

Cllr Mark Elliot was in attendance as local ward member and raised the following points:

1. He considered the issue to be a judgement on whether there was any harm caused by the application and if so, whether this was outweighed by the public benefits.
2. He considered that the application was not harmful, and the bar and decking could easily be removed at a later date.
3. There was a lot of public support for the development and economic arguments for creating the outdoor bar and seating area at a time when a lot of hospitality businesses were struggling.
4. His view was that the public benefits outweighed any harm and he asked the Committee to permit the application.

In response to Members' questions, it was confirmed:

1. There was no legal requirement to provide disabled access as part of the development. Although disabled access was a material consideration, it was not given weight in the officer assessment as the area was not accessible before the development was in place. To achieve a disabled access would require significant work due to the steep gradient of the land and it would not

- be appropriate to include this as a condition if the Committee was minded to grant consent as it was likely to require a separate planning permission.
2. Officers had considered the appearance of the outdoor bar as part of the assessment and did not consider the materials to be appropriate to the setting. If the Committee was minded to grant consent there could be a condition attached to require improvements to the appearance of the bar.
  3. The applicant had submitted details relating to the number of employees serving the outside area (7.5), but there was no further information supplied to demonstrate public benefit by comparing trade before and after the installation of the outdoor bar and seating area. However, it was noted that it was difficult to provide this information due to the impact of Covid restrictions on the hospitality trade during this period.
  4. Condition 1 attached to the temporary permission requiring the removal of the development after the expiry of the consent had not been complied with and the outside bar and decked seating area was still in situ.
  5. If the Committee was minded to grant consent, this could be subject to the conditions attached to the temporary permission with the exception of condition 1 which would not be relevant.
  6. It was not appropriate to restrict playing music as a planning condition as this was a licensing issue.
  7. The handrails on the steps leading to the decked area were the only physical connection between the development and the listed building. In view of this, officers did not think that an associated listed building application was necessary. However, the listed building status of the original building was a material consideration in terms of the setting of the development.
  8. There had not been a discussion between officers and the applicant about extending the temporary consent. The temporary consent had been granted at a time when Government guidance advised local authorities to agree to permit temporary outdoor seating areas due to the Covid pandemic, but this advice had since been withdrawn.
  9. The appropriate statutory consultations had been carried out in association with the application.

Cllr Lucy Hodge opened the debate as local member. She reported that the Hare and Hounds was a popular pub which had made a commercial investment at a challenging time for the hospitality trade, but she also acknowledged the concerns of officers in view of the setting. She confirmed that there was a lot of support from local residents for the application, but also concerns about the highways issues resulting from increased usage of the pub. She concluded, on balance, she was minded to support the application with appropriate conditions and a Section 106 Agreement to address highway concerns.

Cllr Hal MacFie stated that he was also minded to support the application in view of the economic benefits it would bring to the business and local economy.

Cllr Duncan Hounsell commented that Government guidance to encourage outdoor seating was primarily due to public health and the viability of businesses was a secondary consideration. He confirmed that although he was supportive of local businesses, there was no significant evidence of the economic benefits of the development and there were many examples of temporary outdoor seating areas being removed since Covid restrictions had been relaxed. He stated that officers had made a clear judgement he was minded to support their recommendation to

refuse the application.

Cllr Eleanor Jackson stated that she was concerned about the scale of the development and the appearance of the outside bar in the context of the setting and proposed the officers' recommendation that the application be refused. This was seconded by Cllr Duncan Hounsell.

On being put to the vote the motion was NOT CARRIED (4 in favour and 5 against)

Cllr Shaun Hughes stated that the hospitality industry was vital to Bath and that the industry had faced a number of challenges in recent years and needed to evolve to survive. He commented that the development was not attached to the fabric of the listed building and was constructed of natural and sustainable materials that could easily be removed at a future date. He proposed that officers be delegated to permit the development subject to the conditions attached to the temporary consent (with the exclusion of condition 1 relating to the temporary permission), an additional condition to enhance the appearance of the bar and the signing of a Section 106 Agreement to seek a financial contribution of £4,351.00 to cover the cost of a Traffic Regulation Order (TRO) to prohibit inappropriate on-street, car parking activities. He confirmed that the reason for permitting the development was that although there was some harm to the setting of the listed building and the character and appearance of the wider Conservation Area, this was outweighed by the public benefits of the development namely the uplift in custom to the pub, thus providing a boost to the local economy and additional employment in relation to the provision of an outdoor bar. This was seconded by Cllr Lucy Hodge.

On being put to the vote the motion was CARRIED (6 in favour and 2 against 1 abstention)

**RESOLVED** that although there was some harm to the setting of the listed building and the character and appearance of the wider Conservation Area as a result of the development, this was outweighed by the public benefits namely the uplift in custom to the pub, thus providing a boost to the local economy and additional employment in relation to the provision of an outdoor bar only and that officers be delegated to permit the development subject to:

1. The conditions attached to the temporary consent (with the exclusion of condition 1 which related to the temporary permission).
2. An additional condition to enhance the appearance of the bar.
3. The signing of a Section 106 Agreement to seek a financial contribution of £4,351.00 to cover the cost of a Traffic Regulation Order (TRO) to prohibit inappropriate on-street, car parking activities.

## **Item No. 2 Application No: 22/04513/TCA**

### **Site Location: Audley House Park Gardens, Lower Weston, Bath**

Cllr Lucy Hodge declared an interest as applicant and withdrew from the meeting during the consideration of the application.

The Case Officer introduced the report which considered the proposal to fell a weeping Ash tree with Ash Dieback disease which was located in the Bath

Conservation Area. She confirmed that the Council had two options in relation to the application, to raise no objection to the proposed works or to issue a Tree Preservation Order and given the condition of the tree, the officers' recommendation was to raise no objection. She confirmed that the issue had been referred to Committee as the applicant was a Councillor.

Cllr Ruth Malloy opened the debate as local ward Member and confirmed there were no objections to the felling of the tree. She moved the officers' recommendation to raise no objection and this was seconded by Cllr Eleanor Jackson.

On being put to the vote the motion was CARRIED (8 in favour and 0 against UNANIMOUS).

**RESOLVED** that no objection be raised to the application.

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

The Committee considered the appeals report.

In response to a question about Members not receiving notification of the weekly list of planning applications, the Chair undertook to raise this with the appropriate officers.

**RESOLVED** that the report be noted.

The meeting ended at 12.12 pm

Chair .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**