

## PLANNING COMMITTEE

### Minutes of the Meeting held

Wednesday, 28th June, 2023, 11.00 am

**Councillors:** Duncan Hounsell (Chair), Ian Halsall (Vice-Chair), Lucy Hodge, Toby Simon, Shaun Hughes, Dr Eleanor Jackson, Tim Warren CBE and Fiona Gourley

#### 12 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

#### 13 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted by Cllr Hal MacFie, Cllr Fiona Gourley was in attendance as his substitute.

#### 14 DECLARATIONS OF INTEREST

In relation to application 22/04720/FUL - The University Of Bath, Eastern Sports Field, Sports Training Village, University Of Bath Campus, Claverton Down, Bath:

Cllr Tim Warren declared in the interest of transparency, that he had attended a dinner hosted by the University of Bath in 2019 during his time as leader of Council and that having sought legal advice he was able to confirm that this would not prejudice him in considering this item and that he had not prejudged the application.

Cllr Fiona Gourley declared in the interest of transparency, that she had worked at the University of Bath for 3 years 10 years ago and that having sought legal advice she was able to confirm that this would not prejudice her in considering this item and that she had not prejudged the application.

Cllr Duncan Hounsell stated that a number of Members may have had contact with the University but that they fulfilled their legal obligation to consider applications with an open mind.

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

There was no urgent business.

#### 16 ITEMS FROM THE PUBLIC - TO RECEIVE STATEMENTS, PETITIONS OR QUESTIONS

The Democratic Services Officer informed the meeting of the procedure for making statements on planning applications and that this would be at the time when these items were discussed.

#### 17 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on Wednesday 7 June 2023 were confirmed as a correct record and signed by the Chair.

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

There were no site visit applications for consideration.

**19 MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE**

The Committee considered:

A report and update report by the Head of Planning on various planning applications 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.

**(1) 22/04431/FUL - Lower Bristol Road, Westmoreland, Bath**

The Case Officer introduced her report which considered an application for the redevelopment of the former laundry services site to provide a three-storey building plus inset mansard roof comprising self-storage units with ancillary Business Centre Facility, signage and associated works.

She gave a verbal update in relation to the documents submitted by the applicant with a view to negating the need for pre-commencement conditions:

1. The Wildlife Protection and Enhancement Scheme was considered acceptable by the Council's Ecologist and so the relevant condition could be revised to compliance.
2. The Council's Arboricultural Officer was reviewing the Tree Protection Plan and Arboricultural Method Statement and as the officer recommendation was delegated to permit, this could be revised once it had been reviewed.

She also reported that a Gull Management Plan had been submitted and reviewed by the Council Officer who considered it to be satisfactory although suggested that further improvements could be made. It was the Case Officer's view that it would not be reasonable to suggest further amendments and recommended revising the pre-commencement condition to compliance.

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

1. the completion of a Section 106 Agreement to secure:
  - a. A refundable Travel Plan Bond of £77, 443 and non-refundable monitoring

fee of £4,775.

- b. A financial contribution of £6,545 towards Targeted Training and Recruitment

2. the conditions set out in the report and additional conditions/amended conditions in the update report and verbal report.

The following public representations were received:

1. Mike Lamplough supporting the application.
2. Alex Sherman, Bath Preservation Trust, objecting to the application.

In response to Members' questions, it was confirmed:

1. In terms of materials, Bath stone ashlar was proposed on the front and a metal cladding on the side with no windows to avoid overlooking. There was a proposed condition to ensure a sample of the materials would be submitted and approved in advance. The applicant had worked with the Council to amend the design in balance with the use of building.
2. In relation to the site being a flood risk due to its proximity to the river, the applicant had submitted a sequential test which was passed by appropriate authorities.
3. The adjacent St Peters Place was a non-designated heritage asset.
4. The proposed storage could benefit small businesses, but it was not restricted to business use and could also be used for residential storage.
5. In terms of light shadowing, a study had been carried out and there was some difference during the summer months, but this was not considered to be of significant impact to warrant a refusal.
6. The proposed building was tall, but officers considered that its positioning set back on the site mitigated this and the height massing was considered to be acceptable.
7. The Economic Development Team supported this type of development as there was an identified need in the city.
8. There was no vehicular access from the back of the site and goods would be moved from the site via a loading bay and lift.
9. The nearby school was approximately 6-8m from the boundary of the site.

Cllr Ian Halsall stated that the pre-committee site visit was useful to understand the context of the development and that Lower Bristol Road was mixed use in terms of industrial, student accommodation and other residential. In relation to the application, he stated that he was pleased that the employment use of the site was being maintained with economic benefits to support businesses in the city. He expressed the view that although the building was large, it was sensitive to its context; set back into the site with a good design and ecological benefits.

Cllr Shaun Hughes stated that he broadly supported the application; he welcomed a commercial use to balance the recent residential developments and was satisfied that the development was located away from St Peters Place and the road to minimise impact. He stated he hoped that the business model would support the use of the facility by local businesses.

Cllr Lucy Hodge stated that she supported the proposed use of the site but was not happy with the design and was also concerned about the height of the proposed building.

Cllr Eleanor Jackson stated that a reasonable case had been put forward to support the application and she moved the recommendation that officers be delegated to permit the application. This was seconded by Cllr Tim Warren.

On being put to the vote the motion was CARRIED (6 in favour, 2 against):

**RESOLVED** that officers be delegated to permit the application subject to:

1. the completion of a Section 106 Agreement to secure:
  - a. A refundable Travel Plan Bond of £77, 443 and non-refundable monitoring fee of £4,775.
  - b. A financial contribution of £6,545 towards Targeted Training and Recruitment
2. the conditions set out in the report and additional conditions/amended conditions in the update report and verbal report.

**(2) 22/04720/FUL - The University Of Bath, Eastern Sports Field, Sports Training Village, University Of Bath Campus, Claverton Down, Bath**

The Case Officer introduced her report which considered the application for the construction of a floodlit, recyclable all-weather turf pitch and MultiUse Games Area (MUGA), and additional lighting to the existing training strip.

She reported that:

1. Policy SB19 set out the overall development framework plan for the University of Bath Claverton Down Campus and this policy had been updated from the Placemaking Plan through the Local Plan Partial Update (LPPU).
2. Policy SB19 set out that new purpose-built student accommodation (PBSA) would be provided on an area which was currently grass pitches and this application for a 3G pitch would replace these grass pitches.
3. In terms of the proposed floodlighting, the applicant had submitted a detailed lighting report and the lights would be 18.3m high compared with 15.2m high on the adjacent site.
4. In terms of opportunities for community use, the facilities could be booked by members of the public and there was a recommended condition in relation to community use provision.

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

1. the completion of a Section 106 Agreement to secure the provision of off-site biodiversity net gain and the long-term management of this land.

2. the conditions set out in the report.

The following public representations were received:

1. Mark Rose, agent, speaking in support of the application.
2. Alex Hansen, local resident and Alex Sherman, Bath Preservation Trust speaking against the application.

Cllr Manda Rigby was in attendance as local ward member and raised the following issues:

1. The proposal for floodlighting was not completely compliant with policy SB19 in terms of minimising the amount of dusk to and dawn illumination.
2. The height of the proposed fence was obtrusive and created an unsafe area which was out of keeping with the area.
3. The Committee should give weight to the objection from the statutory consultee, Sport England.
4. She urged the Committee to reject the application as the size and scale of proposed fence and floodlights were not total compliant with policy SB19 and policies relating to sites in areas of outstanding natural beauty.

In response to Members' questions, it was confirmed:

1. This application had been submitted in advance of the application for PBSA but there was nothing to preclude this sequence. The application needed to be considered on its merits, but consideration could be given to the reason that the site had been allocated for this use which was to offset the proposed PBSA.
2. There was no conflict with this application in relation to any conditions relating to previous consents.
3. There was no restriction on certain groups (e.g., staff) using the pitches as they were available for community use.
4. In relation to concerns about Bechstein bats, the Council's ecologist and Natural England were satisfied that appropriate mitigations were in place to protect the species. The proposed fence would create a buffer against light spill.
5. There were parking facilities on the site and officers did not think there was a risk of vehicles parking elsewhere to access the facilities.
6. Sport England had objected on the grounds that the proposed artificial pitches were not considered to be equivalent or better to the existing grass pitches due to design and siting.
7. If the Committee was minded to approve the application, the decision may be called in to the Secretary of State due to the Sport England objection. If the Committee was minded to refuse, the applicant could appeal. The financial costs of either scenario was not a material consideration to be weighed in the planning balance, it merely relating to the extent of care that a Committee should take in making its decision.
8. A noise assessment had not been required as there were already similar facilities on the site.

9. The artificial pitches had a 25-year lifespan.

10. The university site was not included in the green belt area and so the proposed fence could not be judged against green belt policies.

Cllr Shaun Hughes expressed concern about the impact of the proposed floodlights on the Beckstein bats and the obtrusiveness of the fence and moved that the application be refused. Cllr Eleanor Jackson seconded the motion on the grounds that the proposal was not acceptable in view of the conflict with Council policies relating to the needs of a protected species as evidenced by objectors; the objections raised by Sport England and aesthetic concerns about the fence as well as its impact on the public right of way.

Cllr Ian Halsall agreed that the fencing was obtrusive but recognised that this would be short term due to landscaping and also that the fencing was necessary to protect the bats. He acknowledged that the principle of development had been accepted in the masterplan, but the detail and impact of the application required consideration.

Cllr Tim Warren stated that although he did not like the design of the fence, he recognised that it was necessary to mitigate ecology concerns. He stated that he was minded to support the application as he did not think there were reasons to justify a refusal.

Cllr Toby Simon stated that it was difficult to sustain an ecology objection without the support of the Council's Ecologist and that the high fence was required to mitigate ecology concerns. He did not consider there to be an impact on local residents and did not consider the arguments strong enough to support refusing the application.

In response to a question as to whether the Committee could consider an alternative proposal to delegate to permit the development with alternative plans coming back to address the light spill and ecological concerns, the Team Manager (Development Management) confirmed that the Committee could only make a decision on the application as submitted.

On being put to the vote the motion was NOT CARRIED (2 in favour, 6 against)

Cllr Ian Halsall stated that the negative issues were outweighed by the public benefit and that landscaping would reduce the impact of the fence.

He moved that officers be delegated to permit the application for the reasons set out in the report. This was seconded by Cllr Toby Simon.

On being put to the vote the motion was CARRIED (6 in favour, 2 against).

**RESOLVED** that officers be delegated to permit the application subject to:

1. the completion of a Section 106 Agreement to secure the provision of off-site biodiversity net gain and the long-term management of this land
2. the conditions set out in the report.

**(3) 23/00895/FUL – Waterworks Cottage, Charlcombe Way, Fairfield Park, Bath**

The Case Officer introduced her report which considered the erection of two detached dwellings with associated means of access, car parking and associated infrastructure following the demolition of existing dwelling and outbuilding.

She gave a verbal update to list the plans as these were omitted from the original report. She also reported that one additional objection had been received in relation to issues that had already been addressed in the report. She confirmed that there was prior approval to demolish the cottage under permitted development rights and so the principle of the loss of the cottage had been established.

She confirmed her recommendation that permission be granted subject to the conditions set out in the report.

The following public representations were received:

1. Tom Rocke, agent supporting to the application.
2. Chris Parkin, local resident, objecting to the application.

Cllr Joanna Wright was in attendance as local ward member and raised the following issues:

1. The previous application was refused, and this was upheld on appeal.
2. The new application was an over-development of the site and would cause harm to the character and appearance of the area.
3. There were residential amenity concerns including overlooking of the neighbouring property.
4. There were concerns that the historic migration route of toads would be lost.
5. There was poor transport accessibility for plot 2.

She asked the Committee to refuse the application or defer for a site visit.

In response to Members' questions, it was confirmed:

1. The application met sustainable construction standards and the design of the roofs were considered acceptable.
2. The site was accessible by bus services.
3. The Council's ecologist had not objected to the application subject to the measures to protect the migration of amphibians as set out in the conditions.
4. In terms of overlooking, it was the officer view that the distance between properties was acceptable and would not warrant refusal of the application. There were no objective standards for overlooking, this was a planning judgement.
5. The omission of the plans list from the report was not a reason to delay making a decision as they were available on the website and had been read out to the committee in the oral update.

Cllr Eleanor Jackson proposed that a decision be deferred pending a visit to the site. She stated that the site was located on the threshold of the suburban and rural areas, and it was only possible to understand the balance by visiting the site. This was seconded by Cllr Lucy Hodge.

Cllr Shaun Hughes agreed with the proposal for a site visit due to the unusual topography of the site.

Cllrs Ian Halsall and Toby Simon expressed the view that the Committee had enough information to take a decision without visiting the site.

On being put to the vote the motion was CARRIED (5 in favour, 3 against).

**RESOLVED** that a decision be deferred pending a site visit.

(4) 23/01067/VAR - Land Between Three Gables And Paysons Croft, Church Lane, Bishop Sutton

The Planning Officer introduced the report which considered an application for the variation of condition 7 of application 20/00257/FUL (Erection of dwelling). She confirmed that the application was a variation to the original application under Section 73 of the Town and Country Planning Act.

She 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. Nigel Clarke, agent, speaking in support of the application.

In response to Members' questions, it was confirmed:

1. The Committee could not make a decision on the principle of development as this had already been established by permitting the original application. Only the variation to condition 7 could be considered which sought to modify the design of the dwelling.
2. The footpath of the new design was smaller than the original design.
3. The new design included solar panels and was more sustainable than the previous design. There were no properties to the rear and so there would be no visual impact caused by the solar panels.
4. The type of variation that was acceptable under the Section 73 process was determined by statute and case law and this application had been legitimately made under that section.
5. The application had been referred to the committee under the scheme of delegation because the Parish Council had raised objections.

Cllr Ian Halsall stated that the variation was an improved and more sustainable design and proposed that permission be granted. This was seconded by Cllr Lucy Hodge.

On being put to the vote the motion was CARRIED (8 in favour, 0 against - unanimously)

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



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

In relation to the questions the Team Manager (Development Manager) confirmed:

1. 22/00722/AR – Garfunkels, Orange Grove, City Centre the appeal was allowed/dismissed in part and there were no costs awarded against the Council.
2. Enforcement investigations were confidential and so these details were not available on the website.
3. Officers would look into including hyperlinks in the report to link to more details about the appeal cases.

**RESOLVED** that the report be noted.  
**20230628 Speaking List**

The meeting ended at 3.05 pm

Chair .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**