

## **PLANNING COMMITTEE**

### **Minutes of the Meeting held**

Wednesday, 29th June, 2022, 11.00 am

**Councillors:** Sue Craig (Chair), Sally Davis (Vice-Chair), Paul Crossley, Lucy Hodge, Shaun Hughes, Dr Eleanor Jackson, Hal MacFie, Brian Simmons, Rob Appleyard (in place of Shelley Bromley) and Matt McCabe (in place of Duncan Hounsell)

#### **11 EMERGENCY EVACUATION PROCEDURE**

The Democratic Services Officer read out the emergency evacuation procedure.

#### **12 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Cllr Rob Appleyard was substituting for Cllr Shelley Bromley and Cllr Matt McCabe for Cllr Duncan Hounsell. Apologies for absence were received from Cllr Shelley Bromley and Cllr Duncan Hounsell.

#### **13 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 sites applications list) and therefore would not participate in the debate or vote, but he would address the Committee as local ward member.

Cllr Matt McCabe reported that he had previously stated his objection to the planning application 21/04590/FUL, Homewood Park Hotel, Homewood, Hinton Charterhouse, Bath and therefore would not participate in the debate or vote, but he would address the Committee as local ward member.

Cllr Eleanor Jackson and Cllr Shaun Hughes confirmed that they had previously objected to the associated application being determined by Mendip District Council relating to Parcel 3589, Silver Street, Midsomer Norton and would not participate in the debate or vote on this item. Cllr Shaun Hughes would address the Committee as adjacent ward member.

#### **14 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR**

There was no urgent business.

#### **15 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.

## 16 MINUTES OF THE PREVIOUS MEETING

It was moved by Cllr Eleanor Jackson, seconded by Cllr Brian Simmons and:

**RESOLVED** that the minutes of the meeting held on Wednesday 1 June 2022 be confirmed as a correct record and signed by the Chair.

## 17 SITE VISIT 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 on item no 1 attached as *Appendix 1* to these minutes.
- Oral statements by members of the public and representatives on items 1 and 2. A copy of the speakers' list is attached as *Appendix 2* to these minutes.

**RESOLVED** that in accordance with the Committee's delegated powers, the applications be determined as set out in the 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 referred to an email sent from the Chair of Freshford Parish Council to members of the Committee raising the issue of a potential breach of a planning condition in relation to a previous planning permission on the site which required the stable block to have been removed from the site by 2005 and was now being used as part of the volume calculations for the new development. She confirmed that as 10 years had passed, there was no enforcement issue and officers were satisfied the judgement in the report was sound.

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. John Adler, Freshford Parish Council, speaking against the application.
2. Gary Parker, local resident, speaking against the application.
3. Kevin Murphy, applicant's agent, speaking in support of the application.

Cllr Matt McCabe 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. The application was located in a prominent site.
2. Conditions associated with past planning applications had not been adhered

to, the boundary hedge which was intended to screen the spa was half the size it should be.

3. There was a building on site with no planning permission which was over 100% larger than the original house and this building was being included in the volume calculations.
4. The application was materially larger and on two storeys and there would be a huge impact on the privacy of the neighbouring property and light spill resulting from the development.
5. The development constituted harm in the green belt.

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

1. In relation to the buildings without planning permission, it was the officers' understanding that the stables and potentially the manège should have been removed in 2005, however as more than 10 years had passed since then and the time of the new roof being added in 2008, the buildings were now considered as lawful buildings. Therefore, it was appropriate for these buildings to be included as part of the volume calculations. It was noted that for enforcement action to take place, the Council needed to be informed that a breach of conditions had taken place.
2. In relation to the hedge screening the spa, the condition attached to the previous consent did not specify the hedge should be kept in perpetuity or give details about trimming and so there was no enforcement issue. If this application was approved, there would be additional planting to screen the site was protected and this would be secured by a condition. The condition could be strengthened to specify 2m and officers could assess the detailed landscaping plans to ensure the site was screened throughout the year and specify the planting of more mature whip trees to ensure the site would be screened as soon as possible.
3. There were outstanding enforcement matters which were being investigated but they did not relate to this application.
4. Additional car parking spaces would be available to be used as required and would be located alongside the access track.
5. There was not an allocation for a hotel and spa in the Freshford Neighbourhood Plan, however there were relevant policies regarding design against which officers considered the application to be acceptable.
6. The issue of light spill had been assessed and considered to be acceptable both in terms of ecology and residential amenity. There was a condition to ensure that any extra external lighting would need planning permission.
7. Environmental Health Officers had been consulted and had not raised any objection in relation to potential noise pollution.
8. Officers considered that it was reasonable for the operating hours to reflect licensing hours and the hours had not changed as a result of this application. It would be difficult to restrict the hours of use of the balconies.
9. In terms of whether the application was materially larger, although there was a volumetric increase, the proposal must be looked at in regard to all spatial and visual aspects and the officers' view was that the proposals would not be materially larger.

Cllr Hal MacFie spoke in support of the officers' recommendation. Cllr Sally Davis stated she would be happy to support permitting the application subject to the strengthening of the landscaping condition to ensure that the hedge should be maintained at 2 metres and that landscaping should be dense to ensure that the site

was appropriate screened.

Cllr Lucy Hodge also requested that the landscaping condition ensure that more mature whip trees would be planted to ensure the site was screened at the earliest opportunity.

Cllr Rob Appleyard proposed that officers be delegated to permit the application subject to an amendment to condition 11 to ensure that the hedge was retained at a 2-metre height in perpetuity; that landscaping should be dense and of an appropriate mix to ensure the site was screened throughout the year and the planting of more mature whip trees. This was seconded by Cllr Sally Davis and on being put to the vote 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 with an amendment to condition 11 to ensure that the hedge would be retained at a 2-metre height in perpetuity; that landscaping would be dense and of an appropriate mix to ensure the site was screened throughout the year and the planting of more mature whip trees to ensure the site was screened at the earliest opportunity.

## **Item No. 2**

### **Application No: 21/00677/FUL**

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

The Case Officer introduced the report and confirmed that the report had been updated since the previous meeting to update condition 26 (North-west footpath), add a new condition 27 (Site Access) and an update to the proposed site plan replacing a short section of the steps with a ramp.

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, local resident, speaking against the application.

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

1. The site was not appropriate for a housing development and the access was limited to one narrow lane. Although it could technically allow emergency vehicles, they could only access the site from one direction due to a low bridge.
2. She was concerned that local residents had received threatening letters from a solicitor about the removal of the bollard at the access point although accepted this was not a planning consideration.
3. The land was unstable and new drainage would be required.
4. A good solution would be to return the land to allotments.

She urged the committee to refuse the application.

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. The steps were in the private ownership of houses 1-8 and it was not a public right of way.
2. This was a densely populated area, and it was important to retain green spaces within dense communities.
3. There was subsidence and it was not appropriate to build housing on the site. He urged the Committee to reject the application.

In response to Members questions, it was confirmed:

1. The land had been used as a private allotment in the past and the Council had investigated acquiring the land for this purpose, but this was rejected due to the costs of overcoming soil pollution as the land was found to be contaminated by arsenic, asbestos and hydrocarbons.
2. To address concerns about the ownership of the access to the site, officers had included a condition to ensure that the dwellings could not be occupied until the access was in place. There could be an earlier trigger point if members felt this was appropriate.
3. According to land registry information, the land was in the ownership of the applicant but there was a right of way for residents to access their garages. The highways assessment had been carried out in relation to the plans and there was no bollard indicated on these plans.
4. It was confirmed that although an emergency vehicle could access the site from both directions in theory, in practice larger vehicles could only approach from the south due to height restrictions on the bridge to the north. This was the same for the existing properties at Lansdown View. There would be a turning head on the access road so that emergency vehicles could turn around.
5. The committee could take into account the green infrastructure and ecological value of the site; however, the habitats were not considered to be of high value. The view of officers was that the application complied with the requirement for “no net loss” in terms of biodiversity.
6. Highways officers had calculated that an additional 82 vehicle movements would be generated by the proposed development, and this was the net increase. In terms of highway safety, the narrowest point of the access road was 3.5m but this was a relatively short distance and there was good intervisibility at this point.
7. There was a condition to ensure that garages could not be converted into additional living space, but it was not possible to enforce that cars be parked in garages. Electric charging points and bicycle storage were also included. The dimensions of the garage were in line with the Council’s Placemaking Plan. Although the emerging local plan was looking to exclude counting garages as a parking space in some areas, they would still be included in the central area of Bath. The Committee were reminded not to give too much weight to the emerging plan.
8. In relation to concerns about flooding, both Wessex Water and the Council’s Flooding and Drainage Team had raised no objection and the developer would be liable for any damage.

Cllr Rob Appleyard proposed that the application be refused on the grounds of overdevelopment of the site which would result in the loss of a valuable green space and highway safety due to the dangerous access and egress to the site. This was

seconded by Councillor Sally Davis and on being put to the vote was CARRIED (6 in favour, 2 against, 1 abstention)

**RESOLVED** that the application be refused for the following reasons:

1. The proposed development, represented overdevelopment of the site and would result in the loss of a valuable green space which contributed towards the visual amenity, character and appearance of the area. (D1, D2, D3, D4 and D7, Placemaking Plan).
2. The proposed site access would result in poor accessibility and conflicts between vehicles accessing and egressing the site and pedestrians to the detriment of highways safety. (ST7 Placemaking Plan).

## 18 **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.
- 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 decisions list attached as *Appendix 4* to these minutes.

### **Item No. 1**

**Application No: 21/05190/FUL**

**Site Location: Nempnett Farm, Greenhouse Lane, Nempnett Thrubwell**

The Case Officer introduced the report and confirmed the officer recommendation that the application be refused as it constituted inappropriate development in the greenbelt as detailed in the report. In terms of diversification, he clarified that there would still be an agricultural element retained to the site as a result of the development and it was only the pig rearing that would be replaced by two subterranean glamping pods.

The following public representations were received:

1. Luke Ford, agent and George Ford, applicant, speaking in support of the application.

The local ward member, Cllr Vic Pritchard was unable to attend the meeting but submitted a statement in support of the application which was read out by the Democratic Services Officer:

1. The proposal sought to remove five intensive pig rearing buildings and replace with two subterranean structures to compliment an existing B&B enterprise, and this would lead to the cessation of a high number of associated articulated lorry movements bringing in feed and removing slurry.
2. The pig rearing buildings in a greenbelt setting were intrusive covering a considerable area on an elevated position and would have only been consented to compliment a farming enterprise. The proposed development

would enhance the rural setting and have less impact on the openness of the greenbelt.

3. The Committee should consider a visit to the site if minded to refuse the application.

In response to Members questions, it was confirmed:

1. There was no specific policy relating to subterranean buildings in the greenbelt.
2. The proposal was not a Passivhaus and so this could not be used as a special circumstance for development in the greenbelt.
3. Highways officers had not raised any objection in terms of access and parking. Due to its location, it was likely that the site would be accessed by car.
4. The applicant had not put forward economic viability as a reason for the development, the motive for the application had been moving away from the intensive farming associated with pig rearing.
5. The applicant could have put forward an application for change of use of the existing pig rearing buildings for accommodation, but officers needed to consider each case on its merits.

Cllr Paul Crossley stated that he considered the application to be an exciting proposal which would remove concrete outbuildings and replace with less obtrusive subterranean glamping pods. He proposed that officers be delegated to permit the application subject to appropriate conditions for the reason that it constituted very special circumstances in that it would enhance the openness of the greenbelt and remove built form and would increase the economic viability of the farm and surrounding area. This was seconded by Cllr Matt McCabe and on being put to the vote it was CARRIED (9 in favour and 1 against).

**RESOLVED** that officers be delegated to permit the application subject to appropriate conditions for the following reasons:

1. The application constituted very special circumstances in that it would enhance the openness of the greenbelt and remove built form.
2. The application would increase the economic viability of the farm and surrounding area.

## **Item No. 2**

### **Application No: 21/02973/OUT**

#### **Site Location: Parcel 3589, Silver Street, Midsomer**

The Case Officer introduced the report and confirmed the site related to parcel of land located within the Bath and North East Somerset Boundary which would form an access to a development within the Mendip boundary and that an associated planning application for a housing development would be considered by Mendip District Council on 13 July. She confirmed the officer recommendation that officers be delegated to permit the application, subject to the conditions set out in the report and a Section 106 Agreement to secure a contribution towards improvements to local bus infrastructure, the Somer Valley Enterprise Zone Cycleway, targeted training and recruitment and green space and parks infrastructure.

The following public representations were received:

1. Rosie Dinnen, agent speaking in support of the application.

Cllr Shaun Hughes withdrew from the committee as he had submitted an objection in relation to the associated application but raised the following points speaking as adjacent ward member:

1. He did not support the allocation of the nearby site for housing due to the impact on the infrastructure of neighbouring Midsomer Norton including schools, doctors' surgeries and dental practices.
2. The financial contributions proposed were not enough to mitigate the impact of the development on Midsomer Norton.

He urged the Committee to refuse the application.

Cllr Michael Evans, speaking as adjacent ward member raised the following points:

1. He was opposed to the allocation of housing on the adjacent site and was disappointed with the decision of the Planning Inspectorate.
2. In view of the site being allocated for housing, he was not asking the Committee to refuse the application, but instead to seek appropriate mitigation.
3. Due to the slow progress on the Somer Valley Enterprise Zone and imbalance between houses and jobs in the area, a Section 106 contribution towards cycleways would be better spent on a route between Farrington Gurney and Midsomer Norton.
4. Any Community Infrastructure Levy (CIL) money should be spent on the immediate area.

In response to Members questions, officers confirmed:

1. It was appropriate and reasonable to ask for a contribution to the Somer Valley Enterprise Zone Cycleway to assist with access to an employment area.
2. Mendip District Council was not a CIL charging authority and so there would be no CIL funding as a result of the housing development but even if there was, it would not benefit Bath and North East Somerset as the housing site was located in the Mendip district area.
3. Section 106 obligations had to be justified and officers considered the contributions requested to be proportionate to the application for an access road.
4. The proposal did not include a pedestrian crossing and the current crossing consisted of two dropped kerbs.
5. There was no active travel plan in relation to the school.

A number of members expressed concern about the lack of a proper pedestrian crossing and asked if officers could negotiate a contribution towards a crossing to ensure a safe route for children attending primary schools. The Planning Officer re-emphasised that there would be no CIL funds to achieve this, and officers would need to renegotiate the Heads of terms of the Section 106 Agreement and whether this would meet the test of being a reasonable obligation and would also involve going back to consultees.

Cllr Sally Davis proposed that a decision be deferred to allow officers to explore all possible options for the developer to make a contribution towards a pedestrian crossing. This was seconded by Cllr McCabe and on being put to the vote was CARRIED (8 in favour 0 against - UNANIMOUS)



**RESOLVED** that a decision be deferred to allow officers to explore all possible options for the developer to make a contribution towards a pedestrian crossing.

**Item No. 3**

**Application No: 21/04881/FUL**

**Site Location: Parcel 6536, Top Lane, Farmborough, Bath**

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

The following public representations were received:

1. Annabel McGregor, applicant, speaking in support of the application.

Cllr Matt McCabe reported the views of local ward member, Cllr Neil Butters who was unable to attend:

1. He supported the application due to the environmental benefits of the renewable energy scheme in the context of the climate emergency.
2. There had been few objections in the local community and neither Parish Council had objected to the application.

In response to Members questions, it was confirmed:

1. There was a landscaping plan to screen the site.
2. It was possible for the site to be used for grazing livestock, but it was not appropriate to secure this by a condition.
3. There would be a detailed Landscape and Ecological Management Plan (condition 10) to manage biodiversity.
4. The site would return to a greenfield site at the end of the life of the application and this would be secured by the decommissioning strategy condition.
5. The 40-year time scale had been put forward by the developer. If the developer wanted to continue beyond 40 years, they would need to submit a new application.
6. It may be that advances in technology would mean the site would be decommissioned before 40 years, but the Committee could only consider the application as submitted.
7. The Council did not allocate sites for solar farms as that was considered to be too restrictive.
8. If the site ceased to operate as a solar farm, the Council had the power of discontinuance under the Town and Country Planning Act.

Cllr Matt McCabe opened the debate as ward member and spoke in support of the application but raised a concern about the end of the life of the site in 40 years' time and the need to make sure that the site did not become derelict. He proposed that officers be delegated to permit the application, subject to consideration of options to ensure against the site becoming derelict and the Council becoming liable to clear the site. He suggested that this could be in the form of a bond to protect against unforeseen circumstances. This was seconded by Cllr Sally Davis.

Cllr Rob Appleyard agreed that it was important to futureproof and safeguard this

individual site and commented that the Town and Country Planning Act may be amended in 40 years' time and not offer the same protection for local authorities.

Cllr Paul Crossley spoke in support of the application and requested that he be given the opportunity to look at the landscape and ecological plan.

On voting for the motion, it was CARRIED (10 in favour, 0 against - UNANIMOUS)

**RESOLVED** that officers be delegated to permit the application, subject to the conditions set out in the report and further negotiations with the developer to secure the decommissioning of the site if it was no longer operable at a date sooner than the 40-year timescale outlined in the application.

#### **Item No. 4**

**Application No: 21/04890/FUL**

**Site Location: Land Below Inglescombe Farm, Haycombe Lane, Englishcombe, Bath**

The Committee noted that this application had been withdrawn by the applicant and had therefore also been withdrawn from the agenda.

#### **Item No. 5**

**Application No: 22/01299/FUL**

**Site Location: Frome House, Lower Bristol Road, Westmoreland, Bath**

The Case Officer introduced the report and confirmed the recommendation that officers be delegated to permit the application subject to the conditions set out in the report, with the deletion of Condition 12 which was covered by the student management plan detailed in Condition 13, and a Section 106 Agreement to secure a financial contribution towards off-site greenspace enhancement projects.

The following public representations were received:

1. Jenny Bakhoff, local resident, and Alex Sherman, Bath Preservation Society, speaking against the application.
2. Matthew Halstead, applicant, speaking in support of the application.

The local ward member, Cllr June Player, raised the following points:

1. The previous application was refused by Committee and the reasons for refusal were also valid for this application:
  - a. The overprovision of student housing in the area resulting in an inappropriate housing mix (Policy CP10).
  - b. The loss of office space (Policy ED1B). The site had a number of constraints which made it unsuitable for residential development.
  - c. Residential Amenity (Policy D6)
2. As local ward councillor for 11 years, she was aware that most of the homes of multiple occupancy (HMOs) in the area were student accommodation and there had been a big impact on neighbourhood as a result of increasing student numbers. The census data referred to in the report was 10 years out of date and there had been an increase in the number of students and student

accommodation since 2011.

3. If the site was considered suitable for housing it could be considered for 1-bedroom social housing units as there was a demand for this type of housing in the area.

Cllr Dine Romero addressed the meeting as local member for the adjacent ward:

1. The proposal was in the wrong location.
2. As there was no parking included in the development, this would have an impact on parking in the surrounding area.
3. Due to the location of the proposed development and the proximity of the ground floor tyre repair centre, it would not be a pleasant living environment for occupants.

In response to Members questions, it was confirmed:

1. The new census data had only started to be released on 28 June and ward details on population would not be available until later in the year which meant that it would not be reasonable to defer the application until the latest information was available. The 2011 census data was the most up to date information that was currently available. Officers were aware that there were approximately 661 HMOs in Westmoreland but were unable to clarify how many of these were occupied by students.
2. There was a range of measures included in the student management plan to ensure that students would not park in the surrounding area, and this would be enforced by residents reporting breaches to the management company.
3. Officers were not in a position to predict whether the applicant would apply to convert the ground floor to accommodation at a later date and could only assess the current application.
4. The Economic Development Team had been asked to comment on the application but had not responded. Cllr Rob Appleyard asked that this be pursued in relation to future applications.
5. The site had been marketed since 2018 for office accommodation without success and it may be that there was less demand for office space since the Covid pandemic.
6. There had not been any negotiations with the applicant about alternative types of housing as officers could only consider the application which had been submitted.
7. The affordability of the units was not a material consideration.
8. Although there were other proposed developments for student accommodation, it could not be guaranteed that they would all come forward.
9. The emerging local plan included a requirement for demonstration of need for student accommodation through education providers, but little weight could be given to this as it had not yet been adopted.

Cllr Paul Crossley spoke against the application in view of the high density of purpose-built student accommodation and the number of HMOs and the impact of this on the local community. Cllr Rob Appleyard concurred with this view and acknowledged the concern of local residents of the impact of a high density of students in the area. In supporting this view, Cllr Lucy Hodge also expressed concern that the development was inappropriate for the intended residents due to its location.

A number of members expressed the view that while there was an overprovision of

student accommodation, there was a demand for other types of accommodation within the city of Bath.

Cllr Eleanor Jackson expressed the view that there were not sufficient grounds for refusal and moved the officer's recommendation that the application be permitted. This was seconded by Cllr Sally Davis and on being put to the vote was NOT CARRIED (4 in favour and 6 against).

Cllr Matt McCabe proposed that the application be refused on the grounds that the development would have a detrimental impact on the amenity of local residents and the occupants of the proposed development, overprovision of student accommodation in the area and the loss of office space. This was seconded by Cllr Rob Appleyard and on being put to the vote it was CARRIED (6 in favour and 4 against)

**RESOLVED** that the application be refused for the following reasons:

1. The development would result in the overprovision of student housing in the area resulting in an inappropriate housing mix (Policy CP10 of the Core Strategy and paragraph 17 and part 7 of the NPPF).
2. The development would result in the loss of office space (Policy ED1B of the Placemaking Plan).
3. The development would have a detrimental impact on residential amenity, both for local residents and occupants (Policy D6 of the Placemaking Plan)

[Cllr Rob Appleyard withdrew from the meeting at this point.]

## **Item No. 6**

**Application No: 22/00672/FUL**

**Site Location: 13 Brookside Close, Paulton, Bristol**

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 local ward member, Cllr Liz Hardman raised the following points:

1. Paulton Parish Council had raised objections to the application and as a member of the Parish Council and local ward member she also objected to the application.
2. The proposal was an over development of the site and there were insufficient parking spaces for a 4-bedroom house. The house was not in keeping with the surrounding area.
3. There would be parking and access problems as the result of the development and its location at the end of the cul de sac.
4. There was a risk of flooding as there was a brook to the east of the site which ran within 20m of the development and a culvert crossing the plot.

She asked the Committee to refuse the application.

In response to Members questions, it was confirmed:

1. The Flooding and Drainage Team had found the culvert to be in good condition, free from structural or operational defects, and it was not thought that it would have an impact on the development as it was 3 m away at the

- closest point.
2. The proposed dwelling was bigger than other houses in the terrace, but surrounding dwellings were of different sizes. The materials used would match the surrounding houses.
  3. In terms of parking and access, there was currently no off-street parking and so the addition of 4 parking spaces was a net increase of 1 and the issue of access/turning was not considered significant by Highways officers. The car parking spaces were compliant with Council policy.

Cllr Eleanor Jackson stated that she considered that the application was an over development of the site and would result in the loss of garden provision and moved that the application be refused. This was seconded by Cllr Shaun Hughes and on being put to the vote was NOT CARRIED (2 in favour and 7 against).

Cllr Paul Crossley moved the officer recommendation that the application be permitted, this was seconded by Cllr Sally Davis and on being put to the vote it was CARRIED (7 in favour and 2 against).

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

#### **Item No. 7**

#### **Application No: 22/00443/FUL**

#### **Site Location: Pond House, Rosemary Lane, Freshford, Bath**

The Case Officer introduced the report and confirmed the officer recommendation that the application be refused for the reasons set out in the report. He gave a verbal update to confirm that not all volume calculations had been agreed by both applicant and local planning authority, but those deemed correct by the Council were as set out in the report

The following public representations were received:

1. John Adler, Freshford Parish Council speaking in support in the application.
2. Rob Hughes, agent, speaking in support of the application.

The local ward member, Cllr Matt McCabe read a statement on behalf of Hinton Charterhouse Parish Council in support of the application.

In response to Members questions, it was confirmed:

1. The existing dwelling could be extended under permitted development rights, and the applicants had stated they were willing to enter into a Section 106 Agreement to forego these rights if the application was approved.
2. The view of officers was that even though the permitted development would be larger, it would have less impact on the openness of the greenbelt as an infill extension.
3. Consideration had not been given to whether the new application was more sustainable than the permitted development as this would be difficult to apply to the very special circumstances criteria.
4. There had not been any objections from local residents.
5. The figure of 60.3% increase in volume had been calculated by considering

the original building and outbuildings, but not the detached outbuildings, and the demolition of one outbuilding.

Cllr Matt McCabe opened the debate as local ward member and confirmed that the other ward member, Cllr Neil Butters supported the application. He drew attention to the following points:

1. The current application was smaller than the previous one and smaller and less harmful than the permitted development.
2. The design was sensitive and was supported by the local parish councils and neighbours.
3. The applicant was willing to surrender their permitted development rights and secure this by a Section 106 Agreement.

He asked the committee to overturn the officer's recommendation for refusal and agree that officers be delegated to permit the application.

Cllr Eleanor Jackson moved that a decision be deferred pending a visit to the site. This was seconded by Councillor Paul Crossley and on being put to the vote it was NOT CARRIED (3 in favour and 6 against).

Cllr Lucy Hodge stated that she believed the officer's analysis of the volume was correct and that a 60% increase in volume was too high. She stated that it was important to be consistent in considering applications in the greenbelt and she did not consider there to be very special circumstances to permit this application.

Cllr Hal MacFie stressed the importance of good design and the renewable energy aspect of the application and supported Cllr Matt McCabe's suggestion that the application be permitted.

Cllr Sally Davis moved the officer's recommendation that the application be refused. This was seconded by Cllr Lucy Hodge and on being put to the vote it was CARRIED (6 in favour 3 against)

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

## **Item No. 8**

**Application No: 22/00624/FUL**

**Site Location: 136 The Hollow, Southdown, Bath**

The Case Officer introduced the report and confirmed the officer recommendation that the application be refused for the reasons set out in the report.

The following public representations were received:

1. Andrew Webster, applicant, speaking in support of the application.

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

1. The applicant was seeking to extend the family home to allow them to stay in the Bath area.
2. This application would not have a detrimental impact on the street scene and there were a number of similar side dormers in the area.

3. If the Committee was not minded to permit the application, a decision should be deferred pending a site visit.

In response to Members questions, it was confirmed:

1. The application site was not in a conservation area, but it was important to consider the character of the area.
2. Before 2008, dormers were permitted development and therefore similar nearby side dormers may have been built without the need to obtain planning permission before the legislation changed.

Cllr Crossley, opening the debate as local ward member, expressed the view that the application was acceptable and moved that it be permitted on the grounds that it did not harm the character of the area or detract from the street scene and was a well-designed scheme which would enhance the neighbourhood. This was seconded by Cllr Eleanor Jackson.

Cllr Lucy Hodge spoke in support of the motion as the application did not overlook other properties and would not impact the residential amenity of neighbouring properties.

On being put to the vote the motion was CARRIED (8 in favour and 1 against)

**RESOLVED** that officers be delegated to permit the application subject to suitable conditions, for the following reasons:

1. The application was a well-designed scheme that would enhance the area and would not harm the character of the area or detract from the street scene.
2. The application would not have a detrimental impact on the residential amenity of neighbouring properties.

#### **Update Report 20220629**

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

The Committee considered the appeals report.

**RESOLVED** that the report be noted.

The meeting ended at 6.58 pm

Chair .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**