

PLANNING COMMITTEE

Minutes of the Meeting held

Wednesday, 31st July, 2024, 11.00 am

Councillors: Lucy Hodge (Chair), Deborah Collins, Paul Crossley, Fiona Gourley, Hal MacFie, Shaun Hughes, Dr Eleanor Jackson, Tim Warren CBE, Duncan Hounsell and Ruth Malloy

20 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

21 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence had been received from Cllr Ian Halsall (Cllr Duncan Hounsell was in attendance as substitute) and Cllr Toby Simon (Cllr Ruth Malloy was in attendance as substitute).

In the absence of Cllr Ian Halsall, the meeting was chaired by Cllr Lucy Hodge.

22 DECLARATIONS OF INTEREST

There were no declarations of interest.

Cllr Lucy Hodge asked for it to be noted that she was a ward member for the first item on the agenda and had referred the application to Committee due to the wider interest so that it could be discussed in the public domain.

23 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was no urgent business.

24 ITEMS FROM THE PUBLIC

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.

25 MINUTES OF THE PREVIOUS MEETING

Cllr Lucy Hodge asked for an amendment to the minutes to reflect that at the end of the meeting, she had requested a site visit to an operating padel court in advance of considering future applications for padel tennis facilities.

Subject to the amendment, it was moved by Cllr Paul Crossley, seconded by Cllr Tim Warren and:

RESOLVED that the minutes of the meeting held on Wednesday 3 July 2024 be confirmed as a correct record for signing by the Chair.

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

There were no site visit applications for consideration.

27 **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 the 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 applications decisions list attached as Appendix 2 to these minutes.

(1) 24/00607/FUL - Lansdown Lawn Tennis & Squash Racquets Club, Northfields, Lansdown, Bath

The Planning Officer introduced the report which considered an application for the replacement of an existing tennis court with two padel tennis courts and mini (juniors) tennis court, including extended terrace, replacement lighting and associated works. She gave an update to report that a condition relating to hours of use had been omitted from the report and so the recommendation was that officers be delegated authority to permit the application subject to the conditions set out in the report and an additional condition to restrict hours of use from 9am to 9pm. She also advised that videos had been sent to members of the Planning Committee in relation to current traffic and parking around the site and also showing two people playing a tennis match, one with a padel bat and one with a tennis racquet. She confirmed that this had been reviewed by officers and did not change the acoustic report submitted with the application or the officers' recommendation.

The following public representations were received:

1. Tessa Hampden, John Baxter, Julian Lewis, Geraldine Hudson and John Morgan objecting to the application.
2. Tom Rocke speaking in support of the application.

Cllr Mark Elliot was unable to attend as ward member and asked for a statement to be read in his absence as summarised below:

1. Concern that adding the padel tennis noise to the peak ambient noise would have a detrimental effect on the residential amenity of the surrounding properties.
2. Concern about the potential additional pressure on parking in surrounding roads.

In response to Members' questions, it was confirmed:

1. The distance from the proposed padel court to the nearby residential properties, the distance from the edge of the padel court boundary to the property Innisfree was 3.5m and to the cottage was 8.5m.
2. A transport plan could not be justified in relation to this application.
3. In relation to whether the club was looking to increase income generation, the club had not put forward a viability argument and so this was not a material planning consideration.
4. The Lawn Tennis Association recommended that where residential properties were less than 30m from a padel court there should be noise mitigation measures. This application complied with the advice as additional glazed screening would be provided to mitigate noise. The screening was 3 metres in height and officers considered this to be appropriate.
5. Officers did not recommend including a condition about noise monitoring and explained the implications of doing so and the options that were available to address noise.
6. In terms of benefits of the application, it would offer biodiversity net gain. There would also be a diversification of sporting provision, acknowledging that the club was membership only.
7. Issues relating to noise and the noise impact assessment had been addressed in the officer's report. The Environmental Protection Officer was happy with the method of data collection and the final assessment and report which had been carried out in accordance with best practice. The measured level of noise accounted for the strike noise associated with padel tennis.

Cllr Lucy Hodge confirmed that she was a ward member for the application site which was in the conservation area of Bath and had referred the application to Planning Committee due to the level of local concern and the wider importance to the city.

Cllr Tim Warren stated the importance of taking the professional acoustic report at face value and that there would be implications for the applicant if the information was not correct. He spoke in support of the officers' recommendation.

Cllr Deborah Collins stated that she took a different view about the acoustic report and considered 53 decibels to be significantly close to the 55-decibel level considered to be unacceptable by the World Health Organisation, especially in the context of the existing noise and the close proximity to housing. She acknowledged the benefits of the diversification of sporting provision but stated that this would be limited to club membership requirements.

Cllr Fiona Gourley concurred with these views and stated that she was minded not to support the application.

In response to a number of comments raised about whether it would be possible to have a post implementation check on noise levels, the Deputy Planning Officer advised that this would not meet the reasonable test for conditions as the opportunities to address any outcomes of that check post planning decision were limited and any noise complaints could be assessed through other noise control regimes.

Cllr Paul Crossley spoke in support of the application and the diversification of sporting provision. He moved the recommendation to delegate officers to permit the development subject to the conditions set out in the report and an additional condition restricting hours of use from 9am to 9pm. This was seconded by Cllr Tim Warren and on being put to the votes was NOT CARRIED (3 in favour and 7 against).

Cllr Deborah Collins proposed that the application be refused for the reason that there would be an unacceptable loss of residential amenity for residents of neighbouring properties due to the characteristics of the noise and perceived increase in disturbance causing a significant adverse impact and significant harm to the residential amenities of the neighbouring occupiers. This was seconded by Cllr Eleanor Jackson and on being put to the vote was CARRIED (6 in favour and 4 against).

RESOLVED that the application be refused for the reason that there would be an unacceptable loss of residential amenity for residents of neighbouring properties due to the characteristics of the noise and perceived increase in disturbance causing a significant adverse impact and significant harm to the residential amenities of the neighbouring occupiers.

(2) 21/05576/FUL - Westward, 2 The Orchard, Pensford, Bristol

The Planning Officer introduced the report which considered an application for the erection of two semi-detached dwellings with access.

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

The following public representations were received:

1. Matthew Carr on behalf of Ryan Pullen, objecting to the application

In response to Members' questions, it was confirmed:

1. Highways officers did not object to the application and the visibility splay was considered to be acceptable.
2. Officers had concluded that overlooking of the neighbouring property was unlikely.
3. The application had been submitted in advance of the Local Plan Partial Update and new biodiversity net gain (BNG) requirements and BNG was not considered as part of the initial application. However, off-site BNG would be secured by a condition. Off-site BNG provision was not unusual in the case of infill applications, and it was policy compliant.
4. There were no mines or shafts identified on the site.
5. The Parish Council had raised an objection on the grounds of over development, but officers had come to a different conclusion that the development met the definition of limited infill in villages which was an appropriate form of development within the Green Belt.

Cllr Duncan Hounsell stated that he agreed with the officers' recommendation and proposed that the application be permitted. This was seconded by Cllr Paul Crossley.

Cllr Fiona Gourley spoke in support of the motion to meet the need for smaller houses in rural areas.

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.

(3) 23/04613/LBA - 10 Berkeley Place, Walcot, Bath

The Planning Officer introduced the report which considered an application for internal and external alterations to a listed building and confirmed that the application had been referred to the Planning Committee as the applicant was an employee of the Council.

She confirmed the recommendation that listed building consent be granted subject to the conditions set out in the report.

Cllr Tim Warren moved the officers' recommendation to grant consent. This was seconded by Cllr Paul Crossley and on being put to the vote the motion was CARRIED (10 in favour, 0 against - UNANIMOUS).

RESOLVED that listed building consent be granted subject to the conditions set out in the report.

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

Members requested that additional information be included in the report in cases where an appeal has gone against the Council to outline briefly why the Planning Inspector came to a different view.

RESOLVED that the report be noted.

29 COMMITTEE PERFORMANCE REPORT APRIL - JUNE 2024

The Committee welcomed the performance report and thanked officers.

RESOLVED that the report be noted.

The meeting ended at 1.25 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services

