

## PLANNING COMMITTEE

### Minutes of the Meeting held

Wednesday, 12th February, 2025, 11.00 am

**Councillors:** Ian Halsall (Chair), Deborah Collins, Paul Crossley, Duncan Hounsell, Fiona Gourley, Hal MacFie, Toby Simon, Shaun Hughes and Tim Warren CBE

#### 85 ELECTION OF VICE-CHAIR FOR THE MEETING

In the absence of Cllr Lucy Hodge, the Chair asked for nominations for a Vice-Chair for the meeting. It was moved by Cllr Toby Simon, seconded by Cllr Deborah Collins and;

**RESOLVED** that Cllr Duncan Hounsell be elected Vice-Chair for the meeting.

#### 86 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer drew attention to the emergency evacuation procedure.

#### 87 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Cllr Lucy Hodge (Cllr Duncan Hounsell substitute) and Cllr Eleanor Jackson.

#### 88 DECLARATIONS OF INTEREST

Cllr Ian Halsall declared that he would be standing down from the Committee to speak as ward Councillor and then withdraw from the meeting for the following items:

1 - 24/03730/FUL - Berkeley House, The Square, Westmoreland, Bath, Bath and North East Somerset

4 - 24/04180/OUT – St Malo, First Avenue, Oldfield Park, Bath, Bath And North East Somerset

Cllr Deborah Collins stated that she was one of the ward Councillors in relation to item 7, 24/03198/FUL - 16 Southville Terrace, Lyncombe, Bath but she had not pre-determined the application and was able to participate in the debate and vote.

Cllr Toby Simon stated that, in relation to item 6, 24/02494/FUL - Trossachs Lodge, Trossachs Drive, Bathwick, Bath, Trossachs Drive was partially located within his ward, but the application site was outside.

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

There was no urgent business.

90 **ITEMS FROM THE PUBLIC**

The Democratic Services Officer informed the meeting of the process for public speakers to address the Committee.

91 **MINUTES OF THE PREVIOUS MEETING**

It was moved by Cllr Toby Simon, seconded by Cllr Tim Warren and;

**RESOLVED** that the minutes of the meeting held on Wednesday 15 January 2025 be confirmed as a correct record for signing by the Chair.

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

There were no site visit applications for consideration.

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

The Committee considered:

1. A report and update report by the Head of Planning on the applications under the main applications list.
2. 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.

At this point in the meeting Cllr Ian Halsall stood down from the Committee and Duncan Hounsell took the Chair.

**1. 24/03730/FUL - Berkeley House, The Square, Westmoreland, Bath, Bath and North East Somerset**

The Case Officer introduced the report which considered an application for the conversion and change of use of an existing building from offices (Class E(g)) to student accommodation (Sui Generis) including a mix of cluster flats, studio units and communal amenity space.

He confirmed the officers' recommendation that officers be delegated to permit the application subject to:

1. A Section 106 Agreement to secure:
  - a. A financial contribution of £5114.60 for a Traffic Regulation Order to provide a car club bay on the local public highway; and
  - b. A financial contribution of £990.00 towards Targeted Recruitment and Training in Bath and North East Somerset as well as planning obligation to provide six work placements in construction as part of the development.
2. The conditions set out in the report (or other such conditions as may be

appropriate).

The following public representations were received:

1. Tom Roche, agent, supporting the application.

Cllr Ian Halsall raised the following points as ward member before withdrawing from the meeting.

1. He did not object to the loss of employment space given the new provision within close proximity to the site.
2. He was concerned that a cluster of purpose-built student accommodation was transforming the area and could result in a student campus by stealth.
3. He questioned the effectiveness of the condition to restrict first year students from using the accommodation.
4. He stated that there was a deficit of lower cost housing in the area and students may not be able to afford to stay in area after graduation. The site could be used for C3 apartments.

In response to Members' questions, it was confirmed:

1. There was no policy restricting the concentration of a social group, such as students, within an area.
2. In response to whether second and third year students would prefer to live in homes of multiple occupation (HMO), the cluster flats replicated the facilities of HMOs with en-suite bedrooms and a communal kitchen/living/dining room. It would not be possible to include a condition about costs being similar to HMOs as costs were driven by market forces.
3. Purpose-built student accommodation and HMOs were distinct planning classes.
4. The policy in relation to purpose-built student accommodation was intended to exclude first year students, but not to exclude students beyond third year. The exclusion of first year students would be controlled by a condition (12).
5. In relation to the Frome House Planning Inquiry, the Inspector concluded that cluster flats were appropriate to meet the needs of second and third year students. The Inspector also concluded that policy CP10 in relation to housing mix could not be applied to purpose-built student accommodation.
6. The loss of business rates was not a material consideration. There was no policy to protect this area from the loss of employment space.
7. Electric vehicle charging was covered by building regulations.
8. The car club space was in a public area rather than located on the site as this was private land.

Cllr Duncan Hounsell noted that a number of questions had been raised in relation to policy and stated that the Planning Committee was not a policy making body and planning applications had to be determined against existing policies.

Cllr Paul Crossley requested information (separate to the consideration of this application) about the number of purpose-built student accommodation units in Bath and how many of these units were occupied.

Cllr Toby Simon moved the recommendation to delegate to permit as the proposal was acceptable and officers had put forward a well-constructed and detailed case. This was seconded by Cllr Hal MacFie.

Cllr Deborah Collins spoke in support of the application but asked officers to look into whether it was possible to include a car club space on the site and whether condition 12 (Student Year Group Restriction) could be tightened.

Cllr Shaun Hughes stated that there were no grounds to refuse the application, but he did have reservations about the enforcement of condition 12.

On voting for the motion, it was CARRIED (7 in favour and 0 against, 1 abstention).

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

1. A Section 106 Agreement to secure:
  - c. A financial contribution of £5114.60 for a Traffic Regulation Order to provide a car club bay on the local public highway; and
  - d. A financial contribution of £990.00 towards Targeted Recruitment and Training in Bath and North East Somerset as well as planning obligation to provide six work placements in construction as part of the development.
3. The conditions set out in the report (or other such conditions as may be appropriate).

Cllr Ian Halsall resumed the Chair.

## **2. 23/03390/OUT - Treetops Nursing Home, St Clement's Road, Keynsham, Bristol, Bath and North East Somerset**

The Case Officer introduced the report which considered an outline planning application for the demolition of an existing care home and the erection of 2 three-storey buildings comprising 36 self-contained flats (Use Class C3), with matters of access, layout, scale, and appearance to be determined and landscaping to be the subject of a reserved matters application.

The Committee received a verbal update to confirm that the Section 106 Agreement would also include offsite highway works as referred to in the highways section of the report.

The Case Officer confirmed the officers' recommendation that officers be delegated to permit the application subject to:

1. A Section 106 Agreement to secure:
  - a. Parks and Open Space Contribution of £91,440.18
  - b. Targeted recruitment and training in contribution obligation of £990 to support:
    - a. Apprenticeship starts on site
    - b. New jobs created on site advertised through the Department of Work & Pensions (DWP) and filled by DWP clients
  - c. Monitoring fee - £400 per obligation
  - d. Offsite highway works to improve pedestrian accessibility to the town centre.
2. The conditions set out in the report (or other such conditions as may be appropriate).

The following public representations were received:

1. Kevin Morley, agent, supporting the application.

In response to Members' questions, it was confirmed:

1. The application had been referred to Committee due to the lack of affordable housing and need for a viability report. The Council's independent assessor had tested various scenarios, but it was found that there was a significant deficit principally due to lower sales values in Keynsham and the high building costs associated with the site. The technical assessments were available on the Council's website.
2. Officers were satisfied that the proposal was considered acceptable in terms of sustainable construction and renewable energy subject to a condition to require PHPP modelling.
3. The proposed development was approximately the same height as the health centre located on the same site. The proposal was not considered to create an overbearing impact on neighbours, nor was overlooking considered to be a significant issue to warrant refusal.
4. There would be 30 parking spaces, and this was in line with adopted policy. Highways officers considered the development to be appropriate and policy compliant.
5. There was no policy requirement for a car club space, but an operator could apply.

Cllr Hal MacFie opened the debate and stated that the site was a brownfield site within housing development boundary located to the centre of Keynsham and that the design had improved significantly from the original plans. He moved the recommendation that officers be delegated to permit the application. This was seconded by Cllr Tim Warren.

Cllr Paul Crossley spoke in support of the application, and particularly the provision of 1 bedroom accommodation. As an issue separate to this application, he asked officers to organise a future training session for members on viability assessments.

Cllr Fiona Gourley also spoke in support of the application and welcomed the developer contribution to parks and open space.

On voting for the motion, it was CARRIED (9 in favour and 0 against - unanimous).

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

1. A Section 106 Agreement to secure:
  - a. Parks and Open Space Contribution of £91,440.18
  - b. Targeted recruitment and training in contribution obligation of £990 to support:
    - a. Apprenticeship starts on site
    - b. New jobs created on site advertised through the Department of Work & Pensions (DWP) and filled by DWP clients
  - c. Monitoring fee - £400 per obligation
  - d. Offsite highway works to improve pedestrian accessibility to the town centre.
2. The conditions set out in the report (or other such conditions as may be

appropriate).

### **3. 24/02245/FUL - 105 Holcombe Close, Bathampton, Bath, Bath And North East Somerset**

The Case Officer introduced the report which considered an application for the erection of a single and two storey side extension, addition of new flat roof dormers to the existing property roof and associated external works.

She gave a verbal update to report that a condition in relation to construction management had been omitted from the report and recommended that the application be permitted subject to the conditions set out in the report and an additional condition relating to construction management.

The following public representations were received:

1. James Gibbs, local resident, objecting to the application.
2. Neil Smith, applicant, supporting the application.

In response to Members' questions, it was confirmed:

1. Planning officers considered the proposed materials to be acceptable in the location.
2. The application was not considered to be over development, the site had a reasonably sized garden.
3. Some trees on the boundary would be removed, but these were not protected trees, and the site was not in a conservation area.

Cllr Duncan Hounsell referred to the topography of the site which made it difficult for members to understand the distances and orientations and proposed that a decision be deferred pending a site visit. This was seconded by Cllr Shaun Hughes.

On voting for the motion, it was CARRIED (7 in favour and 2 against).

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

At this point in the meeting Cllr Ian Halsall stood down from the Committee and Duncan Hounsell took the Chair.

### **4. 24/04180/OUT – St Malo, First Avenue, Oldfield Park, Bath, Bath And North East Somerset**

The Case Officer introduced the report which considered an outline planning application, with all matters reserved, for the erection of a terrace of four dwellings following the demolition of an existing dwelling.

He reported the following updates:

1. The ecology report had been received and 3 additional conditions had been requested (as detailed in the update report).
2. Highways response - no objection, but conditions may be required at the reserved matters stage.
3. Arboriculture response – no objections subject to conditions requiring submission

of soft landscaping scheme with a programme of implementation and replacement tree planting works to be undertaken.

The Case Officer confirmed the officers' recommendation that the application be permitted subject to the conditions set out in the report.

The following public representations were received:

1. Tim Tayler, local resident, objecting to the application.
2. Rachel Tadman, agent, supporting the application.

Cllr Ian Halsall was in attendance as ward member and raised the following points:

1. There had been 52 objections from residents expressing concern about the application.
2. It was noted that the site was in a highly sustainable location and there was a need to deliver new homes, but these needed to be the right homes in the right place.
3. It was accepted that the site would be redeveloped, but not to the scale proposed in the application.
4. The existing bungalow sat well into its curtilage and acted as a transition in scale from the more dominant terrace.
5. There were concerns about the loss of the copper beech tree.
6. While there would be a policy compliant number of parking spaces, new residents would not be able to apply for a parking permit in the residents parking scheme.
7. There would be a loss of a non-designated heritage asset, the historic stone wall which defined the edge of this part of Oldfield Lane.
8. Transition Bath had raised a concern that there was a lack of south facing roof space for solar PV.

He asked the Committee to refuse the application.

In response to Members' questions, it was confirmed:

1. As this was an outline application, the Committee needed to be satisfied that a scheme of 4 dwellings was acceptable.
2. The Grade I listed building was considered to be a sufficient distance away from the site to not be affected, but this may be reconsidered at the reserved matters stage if a contemporary design was to come forward.
3. The lack of turning area was not a concern for highways officers given the context of the site.
4. The size of indicative car spaces complied with current standards.
5. The location of the substation on plot 4 would have an impact on the amenity space in the garden but a smaller garden was not considered to be harmful.
6. There was no upper limit for landscaping loss as long as a 10% overall gain was achieved.
7. There was no specific policy about the retention of bungalows, there was a policy about a mix of dwellings, but this application was not contrary to policy.
8. The National Planning Policy Framework encouraged local authorities to make the efficient use of land in sustainable locations.
9. The width of the indicative dwellings was understood to be comparable with the nearby terraced houses.

Cllr Shaun Hughes opened the debate and accepted the principle of developing the site but expressed concerns that the application would for 4 dwellings would result in over development. Cllr Fiona Gourley shared these concerns. The Deputy Head of Planning (Development Management) advised that if members considered the application to be over development, they would need to demonstrate how this would cause harm in terms of amenity and character to the area.

Cllr Toby Simon expressed the view that the applicants had demonstrated the basic concept for developing the site to accommodate 4 dwellings and moved the officers' recommendation to permit the development. This was seconded by Cllr Tim Warren.

On voting for the motion, it was CARRIED (6 in favour, 1 against and 1 abstention).

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

At this point in the meeting Cllr Ian Halsall resumed the Chair.

#### **5. 24/03112/FUL - Woodlands, Staunton Lane, Whitchurch, Bristol, Bath And North East Somerset**

The Case Officer introduced the report which considered an application for the erection of 3 dwellings and associated works in the green belt and outside of the housing development boundary.

The Case Officer confirmed the officers' recommendation that the application be permitted subject to the conditions set out in the report.

The following public representations were received:

1. Isabelle Reynolds, agent, supporting the application.

In response to Members' questions, it was confirmed:

1. Staunton Lane was a private road.
2. Permission had been granted for housing on nearby sites which were also outside of the housing boundary. This didn't change the boundary, but it was a material consideration.
3. Any review of the housing boundary needed to be considered as part of the local plan review process.
4. Permission in principle consent had been granted in 2023

Cllr Tim Warren moved the officers' recommendation to permit the application. This was seconded by Cllr Deborah Collins.

On voting for the motion, it was CARRIED (9 in favour and 0 against - unanimous).

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

#### **6. 24/02494/FUL - Trossachs Lodge, Trossachs Drive, Bathwick, Bath, Bath And North East Somerset**



The Case Officer introduced the report which considered an application for the remodelling of an existing dwelling, demolition of existing garage, erection of new garage and landscaping.

She gave a verbal update to report that a joint representation had been received from objectors in relation to the positioning of the garage and this had been uploaded onto the Council's website. She also confirmed that the electric vehicle charging point in the garage had been removed from revised plans in response to concerns raised by objectors about cables being a potential trip hazard across the walkway.

The Case Officer confirmed the officers' recommendation that the application be permitted subject to the conditions set out in the report.

The following public representations were received:

1. George Ardery, Bathampton Parish Council, objecting to the application (specifically the repositioning of the garage).
2. Mike Hope, agent, supporting the application.

In response to Members' questions, it was confirmed:

1. The application site was a non-designated heritage asset, not in the conservation area.
2. Highways officers had no objection to the application, and even though there may be benefit to the turning head being marked with double yellow lines, it would be difficult to justify asking the applicant for a contribution for these works in connection with this application. The applicant would be funding works for a dropped kerb from the turning head to access the garage.
3. There were no parking restrictions on the turning head and if the access to the garage was blocked, this was a civil matter.
4. Parking standards did not count garages as parking spaces, but it would be possible to park 2 cars in the proposed garage. There were also 2 parking spaces on the site which complied with parking standards.

Cllr Deborah Collins opened the debate and welcomed the retrofitting of the property.

Cllr Duncan Hounsell acknowledged that most of the objections were in relation to the re-positioning of the garage, but as there had not been an objection from Highways officers, there was no reason for the Committee to refuse the application.

Cllr Toby Simon spoke in support of the application and moved the officers' recommendation to permit the development. This was seconded by Cllr Duncan Hounsell.

On voting for the motion, it was CARRIED (9 in favour and 0 against - unanimous).

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

**7. 24/03198/FUL - 16 Southville Terrace, Lyncombe, Bath, Bath And North East**

## Somerset

The Case Officer introduced the report which considered an application for the erection of a two-storey rear extension, a single-storey side extension and installation of solar panels to the roof.

He gave a verbal update to report that further supporting information had been received from the agent and a third party and both submissions had been uploaded onto the Council's website and circulated to members of the Committee. He also reported a correction to page 163 of the agenda pack where the depth of the extension of the neighbouring property should be recorded as 3m rather than 3.7m.

The Case Officer confirmed the officers' recommendation that permission be granted subject to the conditions set out in the report.

The following public representations were received:

1. Gavin Lewis, local resident, objecting to the application.
2. Neil Short, applicant, supporting the application.

Cllr Alison Born was in attendance as ward member and raised the following points:

1. She had requested that the application be called in to Committee due to the concerns of local residents.
2. The application site was in a valley which meant that there was limited light especially during the winter.
3. The site was located within the green belt and conservation area.
4. It was recognised that the property was in need of refurbishment, but the scale of the development was a matter of concern for the local community.
5. The development would result in an adverse visual impact on the rear elevation.
6. She did not think the application was policy compliant and should be permitted in its current form.
7. A site visit may be useful to help understand the context of the site.

In response to Members' questions, it was confirmed:

1. The site had permitted development rights.
2. The overall increase was 29.5% which was below the third increase allowed for an extension in the green belt.
3. A change of use planning application would need to be submitted and approved if the site were to be used as a Home of Multiple Occupation.

Cllr Deborah Collins opened the debate as ward councillor and advised that while she would be pleased to see the property brought up to standard with a quality design, she did have concerns about the impact of the height. She questioned whether there was any merit in deferring for a site visit.

Cllr Hughes also expressed concern about the impact of the height in the context of the street scene.

The Case Officer confirmed that there would be no changes to the height of the property, but the roof at the rear would be changing from a hip roof to a gable roof.

Cllr Fiona Gourley moved the officers' recommendation to permit the development.

This was seconded by Cllr Toby Simon who stated that there was enough information to make a decision without the need for a site visit.

On voting for the motion, it was CARRIED (5 in favour, 2 against and 2 abstentions).

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

Cllrs Fiona Gourley and Duncan Hounsell left the meeting at this point.

#### **8. 24/04739/TCA - 4 Meadow View, Radstock, Bath and North East Somerset**

The Case Officer introduced the report which considered a tree notification order for works in a conservation area.

She confirmed the officers' recommendation that no objection be made in relation to the order.

There were no public speakers.

Cllr Paul Crossley moved the officers' recommendation. This was seconded by Cllr Toby Simon and on voting for the motion, it was CARRIED (7 in favour, 0 against - unanimous).

**RESOLVED** that no objection be made to the tree notification order.

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

The Committee considered the appeals report.

**RESOLVED** that the report be noted.

#### **95 QUARTERLY PERFORMANCE REPORT 1 OCT - 31 DEC 2024**

The Committee considered the latest quarterly performance report.

On behalf of the Committee, Cllr Deborah Collins asked that officers be commended for their performance.

**RESOLVED** that the report be noted.

The meeting ended at 4.32 pm

Chair .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**