

PLANNING COMMITTEE

Minutes of the Meeting held

Wednesday, 12th March, 2025, 11.00 am

Councillors: Ian Halsall (Chair), Lucy Hodge (Vice-Chair), Paul Crossley, Fiona Gourley, Hal MacFie, Toby Simon, Shaun Hughes, Dr Eleanor Jackson, Ruth Malloy and Tim Warren CBE

96 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

97 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Cllr Ruth Malloy was substituting for Cllr Deborah Collins who had submitted her apologies.

98 DECLARATIONS OF INTEREST

Cllr Fiona Gourley declared an interest in item 5 - 23/02444/FUL - Hazel Elm, Old Midford Road, Midford, Bath and confirmed that she would be stepping down from the Committee during this item to speak as ward Councillor and then withdrawing from the meeting during the debate and decision.

99 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was no urgent business.

100 ITEMS FROM THE PUBLIC

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

101 MINUTES OF THE PREVIOUS MEETING

It was moved by Cllr Simon, seconded by Cllr Warren that the minutes be approved as a correct record subject to the description of the listed building referred to in item 4 of the main applications list - 24/04180/OUT – St Malo, First Avenue, Oldfield Park, Bath, being amended from Grade I to Grade II*;

RESOLVED that the minutes of the meeting held on Wednesday 12 February 2025 be confirmed as a correct record for signing by the Chair subject to the description of the listed building referred to in item 4 of the main applications list - 24/04180/OUT – St Malo, First Avenue, Oldfield Park, Bath, being amended from Grade I to Grade II*

102 SITE VISIT 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 application under the site visit 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 application be determined as set out in the site visit applications decisions list attached as Appendix 2 to these minutes.

) 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 which had been deferred from the previous meeting pending a site visit.

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

In response to Members' questions, it was confirmed:

1. The raised decking was located outside the link element, it was a small area with steps leading to the garden.
2. There were similar extensions in the road, but each application should be considered on its own merits.
3. The proposed two-storey extension was 6m in height.
4. In relation to mitigation for loss of trees, Biodiversity Net Gain was not a requirement for domestic extensions.
5. The application site was not in a conservation area.

Cllr Shaun Hughes opened the debate and stated that although he found aspects of the application to be acceptable, he was concerned about the double extension and its impact on the neighbouring property. He proposed that the application be refused due to the impact on the residential amenity arising from the two-storey extension which would lead to a loss of light, overshadowing and have an overbearing impact on the neighbouring property. This was seconded by Cllr Tim Warren.

In response to whether it would be appropriate to include an additional reason relating to overdevelopment, the Committee was advised that this was not appropriate in relation to this application.

On voting for the motion, it was CARRIED (6 in favour, 3 against and 1 abstention).

RESOLVED that the application be refused for the following reasons:

The two-storey extension would have an impact on residential amenity resulting in a loss of light, overshadowing and an overbearing impact on the neighbouring property.

103 **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 3 to these minutes.

1. 24/01566/FUL - Parcel 7512, Fosseway, Englishcombe, Bath

The Case Officer introduced the report which considered an application for the reprofiling of land for the purposes of agricultural improvement, biodiversity benefits and landscape screening.

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

There were no public speakers in relation to the application.

In response to Members' questions, it was confirmed:

1. The materials were understood to be inert, but officers were recommending a condition requiring a materials method statement and management plan, as well as stringent conditions relating to contaminated land.
2. It would not be reasonable to condition the future use of the site, but future development would be restricted by the location of the site in the green belt and close to the Area of Outstanding Natural Beauty.
3. There had been no objection or request for a condition in relation to drainage and flooding from the Council's drainage team when consulted on the previous similar application.
4. The nearby Public Right of Way would be protected.
5. In terms of a time limit for works, there would be the standard three-year condition, but there was also a live breach of condition associated with a previous application which could be actioned.
6. The applicant would need to provide information to the Council about the annual work schedule for a 30-year period, after this time it would be possible to use the land to grow food, but this was considered to be unlikely.
7. The site was a gateway to the World Heritage site, and the application had been

assessed accordingly.

Cllr Fiona Gourley opened the debate as ward Councillor. She stated there was a long history with issues around storage of materials and although she sympathised with the concerns of the Parish Council, she considered that officers had worked hard to find a solution.

Cllr Tim Warren moved the officers' recommendation to permit the application. This was seconded by Cllr Paul Crossley. Cllr Lucy Hodge spoke in support of the motion as the application was policy compliant.

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

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

2. 23/03975/FUL - Plots 25 And 26, The Smallholdings, Claude Avenue, Twerton, Bath

The Case Officer introduced the report which considered an application for the erection of new commercial buildings. She gave a verbal update to confirm the comments of the Vice Chair which were omitted from the report which recommended referring to Committee following the concerns raised by the ward Councillor, specifically regarding potential safety impacts on children walking to nearby schools as result of any intensification of the use of the unadopted road to access the proposed development.

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. Abby Stokes, applicant supporting the application.

Cllr Dine Romero was unable to attend the meeting as ward Councillor and a statement was read on her behalf objecting to the application as summarised below:

1. Concern about the increased usage of the site and the impact on the safety of children, the health and wellbeing of those living by the site, drainage and the local ecology.
2. Requesting a condition limiting access to and from the site during the school start and end times and restricting vehicles from using the informal access.
3. Querying if it would be possible for a contribution to be made to the upkeep of the lane which was in the joint ownership of the church and school.
4. Concern about the impact on the already often overwhelmed drainage system.
5. Requesting further conditions to protect small mammals such as bats and badgers and restricting noise and external lighting.

In response to Members' questions, it was confirmed:

1. The main access to the site was via Claude Avenue. The other road was not suitable for vehicles.
2. There was no vehicle size restriction as there was an established industrial use on the site. Highways officers did not consider that there would be a clash

- between increased vehicle use and children walking to and from school.
3. In relation to improvements to the private lane, this was a civil matter and was not part of this application. The Council could not enforce the maintenance of a private lane, but any misuse of the lane could be enforced by the police.
 4. There was a pending application on a nearby site, but the application needed to be assessed based on the situation on the ground and not whether a future permission was granted.
 5. There was a condition to ensure details of external lighting would be submitted and approved in advance.

Cllr Paul Crossley opened the debate as ward Councillor, stating that although the location of the site in the middle of a residential area was not ideal, the use had been long established, and the site would provide much needed small business units and create jobs. He moved the officers' recommendation to permit the application. This was seconded by Cllr Tim Warren who welcomed the use of industrial space.

Cllr Eleanor Jackson, spoke in support with the motion and the importance of providing small business units.

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

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

3. 24/ /01294/FUL - Barnlea, Withy Mills, Paulton, Bristol

The Case Officer introduced the report which considered a retrospective application for the erection of 4 agricultural buildings.

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

The following public representations were received:

1. Eliza Gray, local resident, (read by Cllr Liz Hardman) objecting to the application.
2. José Macedo, applicant, supporting the application.

Cllr Liz Hardman was in attendance as ward Councillor and read a statement as summarised as below:

1. There had been a history of applications on the site including an application for a house.
2. There were still facilities in the log cabin which would enable someone to live on the site.
3. There were no buildings in the field prior to 2023
4. The current application was for retrospective permission.
5. Were buildings necessary for a small agricultural setting?
6. There should be a proper Biodiversity Net Gain assessment.

In response to Members' questions, it was confirmed:

1. Third party concerns about the safety of the highways access had been raised, but there were no changes to the access or traffic movements as a result of this

application. The safety concerns had been passed onto Highways officers for investigation, but this was a separate process to the planning application.

2. The greenhouse was used for agricultural purposes.
3. In terms of impact on the surrounding area, the buildings fitted with the agricultural use of the site.
4. The number of buildings and size of buildings needed to be commensurate with the activities on the site, and officers were satisfied that they met this criterion.
5. All surrounding properties were residential.
6. In terms of Biodiversity Net Gain, the applicant had already planted some new trees and hedgerows, and this was a material gain which was compliant with the policy.

Cllr Tim Warren moved the officers' recommendation to permit the application, and this was seconded by Cllr Toby Simon.

Cllr Eleanor Jackson spoke against the motion due to the impact on the amenity of the surrounding residential dwellings.

On voting for the motion, it was CARRIED (9 in favour and 1 against).

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

[Cllr Paul Crossley left the meeting at this point.]

4. 24 /02599/FUL - Ring Of Bells, The Street, Compton Martin

The Case Officer introduced the report which considered an application for the change of use of the land from pub (Sui Generis) to a mixed use with pub and visitor accommodation (Sui Generis) with the installation of 6 shepherd's huts for guest accommodation.

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

It was noted that one of the speakers, Dr Palmer was the co-Chair and an independent member of the Council's Standards Committee, but he was in attendance in a private capacity as a local resident.

The following public representations were received:

1. Dr Axel Palmer, local resident, objecting to the application.
2. Lynn Bailey, agent, (read in absence) supporting the application.

Cllr David Harding read a statement on behalf of Cllr Anna Box who was unable to attend as ward Councillor summarised as below:

1. She was objecting to the application for three reasons – there had been a sense of underhandedness by the applicant; the concern for natural beauty preservation; and finally, the concerns for precedent going forward.

Cllr David Harding stated that he was also concerned about the suggestion that the application was contrary to the Neighbourhood Plan.

In response to Members' questions, it was confirmed:

1. The accommodation would be connected to mains services.
2. The shepherd's huts had been assessed as caravans for the purpose of the planning application.
3. Secure cycle parking was included for each hut. There were no changes to car parking provision.
4. It hadn't been possible to extend the consultation date for a month as requested by the Parish Council as this would impact on the target date for determining the application.
5. There would still be an area of beer garden for the use of families and there was not considered to be any equalities impact relating to the application.
6. It would be possible to include a condition to limit use to holiday accommodation.
7. Condition 4 restricted the use of materials in accordance with the schedule which had already been submitted.
8. The site was within the development boundary. The application was not considered to be contrary to the Local Plan or Neighbourhood Plan.

Cllr Eleanor Jackson proposed that the application be refused due to the loss of amenity to neighbours caused by noise and disturbance, the impact on night skies, the location in Mendip Hills National Landscape and that it was contrary to the Neighbourhood Plan. This was seconded by Cllr Fiona Gourley. The Lead Planning Officer advised that any noise and disturbance issues could be addressed by environmental protection legislation and that there was no conflict with the Neighbourhood Plan, however there could be an argument constructed in relation to impact on the character of the village. He confirmed the officer recommendation was to permit the application.

Cllr Tim Warren stated that although he sympathised with the concerns of residents, he did not support the motion to refuse the application as it was difficult to raise any objections on policy grounds.

On voting for the motion, it was NOT CARRIED (3 in favour and 6 against).

Cllr Toby Simon moved that officers be delegated to permit the application subject to additional conditions ensuring the shepherd's huts could only be used for holiday accommodation; lockable cycle storage for each hut and to ensure details of lighting were submitted and approved by the Council. This was seconded by Cllr Hal MacFie.

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

RESOLVED that officers be delegated to permit the application subject to additional conditions ensuring the shepherd's huts could only be used for holiday accommodation; lockable cycle storage for each hut and to ensure details of lighting were submitted and approved by the Council.

5. 23/02444/FUL - Hazel Elm, Old Midford Road, Midford, Bath

The Planning Officer introduced the report which considered an application for the erection of a replacement dwelling, to follow removal of an existing house and outbuildings.

He confirmed the officers' recommendation that the application be refused for the reasons set out in the report.

The following public representations were received:

1. Bob MacGrain, applicant and Sarah Tucker, agent, supporting the application.

Cllr Fiona Gourley stood down from the Committee and made a statement as ward Member in support of the application, summarised as follows:

1. The replacement dwelling would enhance the village and green belt. It was a sympathetic design in a traditional style.
2. The existing house was not fit for purpose.
3. There had been support from neighbours and the parish council.
4. The replacement building could be smaller in volume terms than the potential permitted development fall-back position.

In response to Members' questions, it was confirmed:

1. The proposed materials were clay pan tiles (roof), natural stone coursed random rubble (walls) and painted timber (windows and doors)
2. The site was not in a conservation area and rules about preserving and enhancing the area did not apply in the green belt. A case needed to be made for very special circumstances for development in the green belt to outweigh the harm.
3. In terms of volume increase, there was a difference between an acceptable increase for an extension and that for a new building. The main increase in percentage from the existing dwelling was due to the additional first floor space. In addition to volume, visual and spatial impacts were also a consideration.

Cllr Toby Simon moved that officers be delegated to permit the application subject to appropriate conditions for the reason that it was not materially larger than the existing house and outbuildings which it would be replacing. This was seconded by Cllr Eleanor Jackson.

Cllr Shaun Hughes spoke in support of the motion as it would bring a house back into use which was currently not fit for purpose.

Cllr Ruth Malloy stated that she was happy to support the motion, although it was important to encourage the renovation of old buildings where possible.

On voting for the motion, it was CARRIED (8 in favour and 0 against - unanimous).

RESOLVED that officers be delegated to permit the application, subject to appropriate conditions, for the following reason:

The development was not materially larger than the existing house and outbuildings which it would be replacing.

6. 24/03981/FUL - Lake View, Stoke Hill, Chew Stoke, Bristol

The Case Officer introduced the report which considered an application for the erection of rear extensions.

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. Alex Cooke, applicant, supporting the application.

In response to Members' questions, it was confirmed:

1. Officers concluded that very special circumstances existed to allow this development in the green belt due to the current/extant permissions which could be constructed lawfully without further permission. The new modifications did not add new volume or massing to the development.
2. The site was in the Mendip Hills National Landscape and a rural setting.

Cllr Eleanor Jackson spoke in support of the application and moved the officers' recommendation to grant permission. This was seconded by Cllr Tim Warren. On voting for the motion, it was CARRIED (9 in favour and 0 against).

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

7. 23/02711/FUL - St Anthonys, The Barton, Corston, Bath

The Case Officer introduced the report which considered an application for the erection of a 3-bed, two storey house in the garden of the existing house.

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

The following public representations were received:

1. Mark Charlwood, applicant, and John Blake, architect, supporting the application.

Cllr Duncan Hounsell was in attendance as ward Councillor and read a statement as summarised as below:

1. Although he respected the views of the parish council, he did not agree with the objections raised in relation to this application.
2. He agreed with the officers' assessment that the application constituted infilling.
3. He did not consider that there would be an impact on the landscape character of the village as a result of the proposed development.
4. The proposed house would complement the existing dwelling and would be screened so that views would not be affected.
5. There had been no objections from local residents.
6. The application was policy compliant, and he asked the Committee to grant planning permission.

In response to Members' questions, it was confirmed that there would not be any windows on the elevation facing the existing dwelling and the proposed house would not overlook the existing dwelling.

Cllr Tim Warren spoke in support of the application, stating it would provide a new home and would not cause any harm. He moved the officers' recommendation that

permission be granted. This was seconded by Cllr Eleanor Jackson.

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

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

[Cllr Lucy Hodge left the meeting at this point.]

8. 24/04018/FUL - New Leaf Farm, Mill Lane, Bathampton, Bath

The Case Officer introduced the report which considered an application for the erection of 2 agricultural storage buildings.

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

The following public representations were received:

1. Cllr George Ardrey, Bathampton Parish Council, objecting to the application.

In response to Members' questions, it was confirmed:

1. There was an agricultural use on the site, and it was reasonable for agricultural equipment to be stored on site. Officers were satisfied that the application was proportionate to the agricultural need of the site.
2. Permitted development rights was not a fallback position as this had not been assessed.
3. Any future change of use would need to be the subject of a planning application.

Cllr Hal MacFie moved the officer's recommendation that the application be permitted, and this was seconded by Cllr Fiona Gourley.

On voting for the motion, it was CARRIED (8 in favour, 0 against - unanimous).

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

[Cllr Ruth Malloy left the meeting at this point.]

9. 24/04510/LBA - 10 Berkeley Place, Walcot, Bath

The Case Officer introduced the report which considered an application for listed building consent for internal work to replace existing damp proofing system in basement.

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

There were no public speakers in relation to the application.

Cllr Tim Warren moved the officers' recommendation. This was seconded by Cllr Toby Simon.

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

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

104 **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 5.27 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services