

## PLANNING COMMITTEE

### Minutes of the Meeting held

Wednesday 17th September 2025, 10.00 am

**Councillors:** Tim Ball (Chair), Sarah Evans, Fiona Gourley, Ian Halsall, Duncan Hounsell, Hal MacFie, Toby Simon, Shaun Hughes, Dr Eleanor Jackson and John Leach

#### 40 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

#### 41 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted from Cllr Paul Crossley and Cllr Tim Warren. Cllr Duncan Hounsell and Cllr Sarah Evans were in attendance as substitutes.

#### 42 DECLARATIONS OF INTEREST

There were no declarations of interest.

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

There was no urgent business.

#### 44 ITEMS FROM THE PUBLIC

Public speakers were invited to address the Committee after the Planning Officer had given a presentation on the application under the main plans list agenda item.

#### 45 MINUTES OF THE PREVIOUS MEETING

**RESOLVED** that the minutes of the meeting held on Wednesday 27 August 2025 be confirmed as a correct record for signing by the Chair.

#### 46 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.

**(1) 23/03558/EFUL – Bath Recreation Ground, Pulteney Mews, Bathwick, Bath, Bath And North East Somerset**

**(2) 23/03559/LBA – Bath Recreation Ground, Pulteney Mews, Bathwick, Bath, Bath And North East Somerset**

The Case Officer introduced the reports which considered a full planning application for

1. The demolition of the existing Clubhouse, west stand retained wall, and ancillary structures. Removal of all existing temporary structures. Phased comprehensive redevelopment to provide a new sporting, cultural and leisure stadium with hybrid sports pitch, including the retention of and refurbishment and extension to the South Stand, and construction of new permanent North, East and West Stands. Phased construction including the retention and relocation of temporary east stand to facilitate playing of sport during construction. Stadium to include ancillary facilities and structures including changing rooms, flood lights, television screens, scoreboards, camera gantries, media suite, matchday food and beverage outlets and hospitality suites, conference / function /banqueting / hospitality spaces, service and kitchen areas, flexible Page 14multi-use areas, offices, storage, plant and substation. Hard and soft landscaping works, flood alleviation works, tree planting, new steps and platform lift, infrastructure works, temporary construction compound and all associated construction works and operations.
2. Listed building consent for demolition of existing unlisted Clubhouse and its removal from curtilage listed wall structure (northern boundary), and construction of permanent North Stand within curtilage of listed wall structure and Presidents Lounge.

He gave a verbal update to report:

1. On 26 August the Council had received a direction from the Secretary of State not to grant planning permission without specific authorisation. The direction was issued to enable the Secretary of State to consider whether to direct under Section 77 of the Town and Country Planning Act 1990 that the application should be referred for determination. The direction did not prevent the Council from considering the application, forming a view as to the merits or, if they were so minded, refusing permission.
2. A summary of highways comments had been omitted from the report, and these had been circulated as an update report.
3. The recommendations had been clarified as set out in the update report:
  - (1) To note the letter from the Secretary of State dated 26 August 2025 and the effect of the Article 31 direction.
  - (2) If the Secretary of State does call in the application, then:
    - a) To advise that the Council would have granted planning permission subject to conditions and s.106 planning obligations.
    - b) To advise that the Council would have granted listed building consent.
    - c) To submit this report to the Secretary of State, along with any other

background papers requested on his behalf.

(3) If the Secretary of State does not call in the application, then:

- a) To provide Officers with delegated authority to:
  - i) make such non-material amendments to the conditions and planning obligations set out in this report, or such other conditions or planning obligations recommended by the Committee, considered appropriate to ensure the acceptable implementation of the development; and
  - ii) complete the s.106 agreement
- b) To GRANT planning permission for the development.
- c) To GRANT listed building consent.

The following public representation was received:

1. Objecting to the application:
  - a. Mark Reynolds (Context Planning) on behalf of Pulteney Estate Residents Association (PERA).
  - b. Edward Nash on behalf of Friends of Bath Recreation Ground.
  - c. Penelope Moses (on behalf of resident Rosemary Carne).
  - d. Eileen Anderton, local resident.
  - e. Steve Osgood, Independent Planner (RTPI/RIBA member).
2. Supporting the application:
  - a. Tarquin McDonald, Chief Executive, Bath Rugby.
  - b. Tim Burden, Senior Director, Turley.
  - c. Alicia John, General Manager, Bath Recreation Limited.
  - d. Lynne Fernquest, Chief Executive, Bath Rugby Foundation.
  - e. Megan Baron, on behalf of Bath Rugby Foundation.
  - f. Allison Herbert, Chief Executive, Bath BID.

Cllr Manda Rigby was in attendance as ward member and read a statement as summarised below:

1. In terms of local amenity, she questioned whether the benefits of the development would outweigh the negatives. The adjacent property would be adversely affected and there was a disappointing lack of conditions relating to noise monitoring. The Planning Consultant employed by PERA had suggested additional conditions and these should be considered if the Committee was minded to support the application.
2. Heritage was fragile and precious, and this included the buildings surrounding the recreation ground. There was a risk that people would not want to live in the area in the future due to the impact of the stadium.
3. In relation to viability, she accepted the value of the work of Bath Rugby Foundation, but this was not a material planning consideration. The rugby industry was precarious and if anything happened to Bath Rugby the stadium could be used for more commercial operations.
4. She was concerned about the size, scale, massing and over-development of the site in the context of a world heritage city.

In response to Members' questions, it was confirmed:

1. In relation to the background to issues raised by public speakers around land ownership, charity arrangements and covenants and whether these issues were a material consideration, the Monitoring Officer reported that:

- a. A high court decision in 2002 had determined that the 1956 conveyance had created a trust to preserve the fields for members of the public. It had transpired through subsequent court and tribunal decisions that there was no covenant, only a trust which was governed by the charity commission and operated by the trustees under a scheme of arrangement.
  - b. A 2016 tribunal set out a scheme of arrangement for the trust including provision of a 18,000-seater stadium.
  - c. Following a High Court judgement and subsequent appeal to the Supreme Court, in 2022 it was held that a 1922 covenant relating to the Recreation Ground (and who the beneficiaries of that covenant were) was imprecise and unenforceable.
  - d. In terms of material consideration, a local planning authority could lawfully conclude that a development was acceptable in land use planning terms and grant planning permission even if the development was incompatible with a different restriction on the use of the land. His view was that there was not a restriction on the land.
  - e. He advised that he did not think there was legal impediment to the development of the site but only a court could give a definitive view.
2. In relation to the economic implications of a refusal in the context of the temporary permissions which were due to expire in 2027, it was unlikely that Bath Rugby could continue to use the ground once the permission for the temporary stands expired due to the limited capacity.
3. In relation to the traffic management conditions recommended by PERA's consultant, these issues would be addressed within the travel plans condition or by other legislation.
4. A swept path analysis had been undertaken for all types of vehicles.
5. There was no specific mitigation in relation to the safety of people crossing the road near Parade Gardens and if there was a need for extra traffic management, this could be reviewed at a future date.
6. There was no proposed developer contribution towards improvements to the stairwell on North Parade Bridge to address the increased footfall, but there would be an additional lift and stairs at the southern end. It was the view of highways officers that the area could accommodate the additional footfall.
7. There had been a noise assessment and in terms of music events, the capacity would be lower with a maximum of 10,000 and the Environmental Protection Team had not recommended any further conditions to those outlined in the report.
8. In terms of terminology, the 'lifetime of the development' was a form of words used in planning conditions. An event could be more than one day but there was a limit on the total number of days, and a list of types of events was included as a condition which would provide control over these activities.
9. Construction would take place throughout the year, including during the rugby season. In terms of ensuring completion, there was no mechanism to say it had to be completed within a set timescale but there was a clear programme of a 3-year phased development. The east temporary stand could only be in place for 4 years so that would provide an incentive to complete the development.
10. The construction management plan would address issues relating to noise and traffic.
11. In relation to the reassurances that the impact on residents of Johnson Street

would be monitored, the applicant had undertaken to implement certain measures, and the details were included as an informative at the end of the conditions.

12. SB2 specifically referred to a sporting, culture and leisure stadium in the recreation ground area.
13. The range of uses in the outfield would not be affected by the development.
14. There would be compensatory flood storage to replace what would be lost due to the raising of the pitch.
15. The Environment Agency had withdrawn its objection subject to conditions including updated flood risk modelling and construction management.
16. There would be a number of triggers in relation to the flood evacuation plan and there would be alternative routes to ensure that not everyone would be evacuating by the same route.
17. In terms of mitigation for the deterioration of the plastic from the hybrid pitch going into the river, there was a pitch management plan, it was below pitch level and with the concourse and bund in place, there was limited risk of plastics getting into the river.
18. The Copper Beech tree would be protected by a planning condition. There would be a loss of Silver Birch trees and Tulip trees along the riverside, but these would be replaced in line with supplementary planning guidance relating to trees.
19. There had been a detailed archaeological analysis, and the condition was considered to be the appropriate control.
20. Floodlights were considered as external lighting rather than internal.
21. Natural England had no objection to the floodlights for occasional use, and the lights were an improvement on the existing. There would be the provision of more bat friendly lights around the riverside path but there may be occasions on match days where security lighting was brighter than the 0.5lx recommended for bats.
22. The materials and colours of the roof would have to be submitted in advance for agreement by the planning authority and this was secured by a condition.
23. Safety issues relating to Martyn's Law would be addressed through other legislation and was not a planning consideration.

Cllr Simon opened the debate as local ward councillor and raised the following points:

1. He did not think any further applications for temporary use would be appropriate and the current application needed to be looked at in the context of the removal of the temporary stands.
2. He accepted the legal advice in that there were no issues around land ownership, covenants or charitable status that were material to the Committee's consideration.
3. The principle of development was set out in the plan and the application was compliant.
4. In terms of land use, there had been changes over the years in terms of outdoor recreation and there may not be as much space needed as was previously required.
5. The proposed stadium had been designed in consultation with design review panels.
6. The statutory consultees did not have any outstanding objections in relation to

heritage impacts.

7. The proposed stadium was more dominant than the existing but was a visual improvement by day and at night time there would be a positive impact as a result of the new controlled lighting.
8. Flood risk was an important consideration, but this had been assessed by professionals including the Environment Agency.
9. The Copper Beech tree would now be protected by a no dig zone.
10. He supported the goods vehicle access via the main roads.
11. Noise was the one weakness within the report and would need further mitigations to minimise impact.
12. Air quality had been sufficiently addressed in the report.
13. Socio economic analysis looked at incremental benefits of this stadium over the existing, but it would also preserve the existing impact.
14. He supported the climate change analysis and the implementation plan.
15. In terms of planning balance, he agreed with the planning officer, but he regarded the socio-economic aspect as more important as the new stadium was the only option to retain rugby in Bath.
16. He considered the conditions suggested by PERA's planning consultant to be helpful, but as they were submitted before the details of the Section 106 agreement was published, it was likely that some of the points would be addressed in the S106 Agreement. He confirmed that he would like officers to look at including these conditions in relation to noise controls and a review of transport conditions and parking controls if this was not already covered.

Cllr Simon moved the officers' recommendations as set out in the update report subject to officers ensuring the following were considered as part of the Section 106 Agreement/conditions as appropriate:

1. A permanent noise monitoring installation in sensitive locations to allow baselines to be established (unless advised otherwise by Environmental Health officers).
2. Additional noise conditions and a review of transport conditions as considered appropriate.
3. A S106 contribution towards a review of the controlled parking zone in the centre of Bath in relation to match days and hours of operation.
4. The Changing Places toilet facilities to be open for the longest possible hours and times to be specified as part of the S106 agreement.

Cllr Hounsell seconded the motion stating that the benefits outweighed the harm, the proposed development for a 18,000-seater stadium was a modest size and it would be a visual improvement on the existing stadium.

Cllr Gourley stated that the development would result in better facilities and better use of the land, but she did understand the concerns of residents around noise, vibration and parking and it was important that the mitigations were in place and that they were adhered to.

Cllr Hughes agreed with the importance of minimising impacts on residents and that officers should consider incorporating some of the conditions suggested by PERA's consultant. He welcomed the design improvements and acknowledged the economic benefits.

Cllr Leach spoke against the motion as he was concerned that overall, the harms would not outweigh the benefits.

Cllr Halsall spoke in support of the motion, he acknowledged that there would be some changes to the skyline, but that any severe harm had been mitigated and there would be significant improvements to the riverside area. He acknowledged that there would be an impact on the residential amenity of residents of Johnson Street, but he did not consider that this was a sufficient reason to warrant refusal.

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

**The Committee RESOLVED:**

1. To note the letter from the Secretary of State dated 26 August 2025 and the effect of the Article 31 direction.
2. If the Secretary of State does call in the application, then:
  - a) To advise that the Council would have granted planning permission subject to conditions and s.106 planning obligations.
  - b) To advise that the Council would have granted listed building consent.
  - c) To submit this report to the Secretary of State, along with any other background papers requested on his behalf.
3. If the Secretary of State does not call in the application, then:
  - a) To provide Officers with delegated authority to:
    - i) make such non-material amendments to the conditions and planning obligations set out in this report, or such other conditions or planning obligations recommended by the Committee per Cllr Simon's motion, considered appropriate to ensure the acceptable implementation of the development; and
    - ii) complete the s.106 agreement
  - b) To GRANT planning permission for the development
  - c) To GRANT listed building consent

Cllr Jackson asked that the listed building application 23/03559/LBA be the subject of a separate vote and moved the officer recommendation. This was seconded by Cllr Gourley, and on voting for the motion it was CARRIED (9 in favour and 1 against).

**The Committee RESOLVED:**

1. If the Secretary of State does call in the application, then to advise that the Council would have granted listed building consent.
2. If the Secretary of State does not call in the application, then to GRANT listed building consent.

The meeting ended at 2.05 pm

Chair .....

Date Confirmed and Signed .....

Prepared by Democratic Services

This page is intentionally left blank