

## PLANNING COMMITTEE

### Minutes of the Meeting held

Wednesday, 20th September, 2023, 11.00 am

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

#### 39 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

#### 40 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence or substitutions.

#### 41 DECLARATIONS OF INTEREST

There were no declarations of interest.

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

There was no urgent business.

#### 43 ITEMS FROM THE PUBLIC - TO RECEIVE 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.

#### 44 MINUTES OF THE PREVIOUS MEETING

It was moved by Cllr Eleanor Jackson, seconded by Cllr Ian Halsall and:

**RESOLVED** that the minutes of the meeting held on 23 August 2023 be confirmed and signed as a correct record.

#### 45 SITE VISIT LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE

There were no site visit applications for consideration.

#### 46 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 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 decisions list attached as Appendix 2 to these minutes.

**(1) 23/00660/FUL - Pixash Business Centre, Pixash Lane, Keynsham**

The Planning Officer introduced the report which considered an application for the construction of 2 industrial units with associated parking, external yards, landscaping and services.

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. Chris Beaver, objecting to the application.
2. Mike Taylor, supporting the application.

Cllr Andy Wait was in attendance as local ward member and drew attention to the following points:

1. Although Keynsham Town Council did not object to the application, it did raise concerns in respect of the development being of Class B2, which could have a detrimental effect on the local community if the wrong type of industry was permitted so close to residential properties.
2. His main objection was that the application constituted over-development of the site, especially in the context of the recent developments in the area: Hygge Park, Withies Green, the new recycling centre and nursing home.
3. There was a concern about the increase in HGVs, especially as the A4 was a route for children walking to school.
4. The Pixash Lane site had a number of successful businesses and there was a concern that the proposed development would have a detrimental impact on existing businesses.
5. The swept path analysis should have included both HGVs and articulated lorries.
6. There had been a right of way in place for 80 years and a covenant agreed in 1998 requiring access at all times. It was likely that this would be broken by the application.
7. An alternative proposal had been suggested by local businesses which would retain the existing turning head and remove unit 1.

He asked the Committee to refuse the application or defer a decision pending a visit to the site.

In response to Members' questions, it was confirmed:

1. There would be some tree removal as part of the development, but this was mitigated by replacement planting in the boundary hedgerow and landscaped area.
2. The covenant was a private matter and not a material consideration for the Planning Committee. If planning permission was granted it would be a matter for the applicant to resolve before the permission was implemented.
3. Swept path analysis was included within the Transport Statement which demonstrated that rigid HGVs would be able to turn within the site. Articulated lorries were longer than rigid HGVs but there was no swept path analysis for articulated lorries. However, articulated lorries were designed to turn in a similar space to HGVs. The view of Highways Officers was that HGVs/articulated lorries could turn in the new access road and that there was enough room for vehicles to load and unload.
4. There was secure parking for 10 bicycles and the location of the secure unit was sufficient distance away from turning vehicles.
5. The proposed use of B2 (general industrial) was a broad definition and it was not known what type of businesses would use the site. However, the proposed conditions mitigated future impact. If members were minded to exclude certain uses, it would be better to defer a definition to allow further negotiations with the applicant. This would be a better option than delegate to permit to allow the issues of concern to be resolved.
6. There were no mitigations included for neighbours being overlooked as there was a distance of 27 metres between the development and residential properties which was sufficient in planning terms. As the building was industrial, use would be limited which would minimise overlooking outside office hours. A condition could be included about operating hours, but officers did not think this was necessary.
7. In terms of control of dust control and emissions, the environmental team did not recommend any conditions relating to these issues. It would be possible to include a condition requiring the user to submit information about emissions, but officers would need to consider the wording and how the information would be used.

Cllr Hal MacFie opened the debate as local ward member. He expressed concern about the size of the proposed unit and the lack of space for vehicles to turn and load/unload as well as the uncertainties about the future use and the impact on residential properties. He proposed that a decision be deferred. This was seconded by Cllr Ian Halsall who stated that there were too many uncertainties about the proposal.

Cllr Shaun Hughes spoke in support of the proposal to defer the application for the following reasons:

1. To allow the developer to provide a swept path analysis for 16m vehicles.
2. To allow further information to be provided to demonstrate that there would be no negative impact on the viability of existing businesses.
3. To give clarity on the access road in terms of ownership and use.
4. To review the class B2 use to see if conditions could be attached in relation to

the future use of the site.

Cllr Hal MacFie also requested further information to be provided on the viability of the loading and unloading of forklift trucks.

Cllr Tim Warren spoke against the motion to defer as he considered that the Committee had enough information to determine the application.

On being put to the vote the motion to defer a decision was CARRIED (9 in favour, 1 against).

Cllr Paul Crossley moved that the Committee undertake a site visit. This was seconded by Cllr Eleanor Jackson and, on being put to the vote, it was CARRIED (10 in favour, 0 against – unanimous).

**RESOLVED** that

(1) A decision be deferred on the application for the following reasons:

- a. To allow the developer to provide a swept path analysis for 16m vehicles.
- b. To allow further information to be provided to demonstrate that there would be no negative impact on the viability of existing businesses.
- c. To give clarity on the access road in terms of ownership and use.
- d. To review the class B2 use to see if conditions could be attached in relation to the future use of the site.
- e. To allow further information to be provided on the viability of the loading and unloading of forklift trucks.

(2) That the Committee undertake a site visit.

## **(2) 23/02945/TCA - Orchard Cottage, Dovers Lane, Bathford, Bath**

The Planning Case Officer introduced the report which considered an application for proposed works to a fell a cypress tree in a conservation area.

She confirmed her recommendation that no objection be raised as the tree was dead and removal of the tree was considered to be appropriate. She stated that the application had been referred to the Committee in accordance with the scheme of delegation as the applicant was related to a member of staff.

In response to Members' questions, it was confirmed that, in the case of dead trees, there was a standard obligation to replant a tree and in this case the applicant had confirmed their intention to plant a rowan tree.

Cllr Eleanor Jackson commented that dead trees did have ecological value.

Cllr Tim Warren moved the officer recommendation that no objection be raised. This was seconded by Cllr Toby Simon and on being put to the vote the motion was CARRIED (10 in favour, 0 against – UNANIMOUS).

**RESOLVED** that no objection be raised to the application.

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

Cllr Eleanor Jackson raised a concern that there had been more successful appeals than usual. She also commented that she had received complaints from constituents about neighbouring properties not being notified of planning applications in a timely manner and asked officers to investigate whether there was a problem in the system.

In response questions, the Team Leader – Development Management confirmed:

1. In relation to the dismissed appeal for the retrospective application 22/03020/FUL – Timsbury Road, Farmborough, the Enforcement Team would need to consider the best course of action.
2. Applications for a variation would be treated as a new application and if a member wished the application to be considered by the Committee, they would need to request a call in, in line with the scheme of delegation.

**RESOLVED** that the report be noted.

The meeting ended at 12.25 pm

Chair .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**

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**BATH AND NORTH EAST SOMERSET COUNCIL**

**MEMBERS OF THE PUBLIC AND REPRESENTATIVES SPEAKING AT  
THE MEETING OF THE PLANNING COMMITTEE ON WEDNESDAY 20  
SEPTEMBER 2023**

| MAIN PLANS LIST |   |                |   |
|-----------------|---|----------------|---|
| ITEM NO.        | SITE NAME   | NAME           | SUPPORTING/<br>OBJECTING/<br>REPRESENTING |
| 1               | 23/00660/FUL -<br>Pixash Business<br>Centre Pixash Lane<br>Keynsham Bristol | Chris Beaver   | Objecting                                 |
|                 |   | Mike Taylor    | Supporting                                |
|                 |   | Cllr Andy Wait | Local ward member                         |
| 2               | 23/02945/TCA -<br>Orchard Cottage ,<br>Dovers Lane,<br>Bathford, Bath       | No speakers    |   |

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**BATH AND NORTH EAST SOMERSET COUNCIL**

**PLANNING COMMITTEE**

**20th September 2023**

**DECISIONS**

|                            |  |                      |  |
|----------------------------|--|----------------------|--|
| <b>Item No:</b>            | 01   |                      |  |
| <b>Application No:</b>     | 23/00660/FUL   |                      |  |
| <b>Site Location:</b>      | Systopia Consulting Limited Proximity House, Pixash Business Centre, Pixash Lane, Keynsham   |                      |  |
| <b>Ward:</b> Keynsham East | <b>Parish:</b> Keynsham Town Council   | <b>LB Grade:</b> N/A |  |
| <b>Application Type:</b>   | Full Application   |                      |  |
| <b>Proposal:</b>           | Construction of 2no. industrial units (Use class B2, B8, E(g)) with associated parking, external yards, landscaping and services.  |                      |  |
| <b>Constraints:</b>        | Saltford Airfield 3km buffer, Agric Land Class 3b,4,5, Policy CP9 Affordable Housing, Policy ED2A Primary Industrial Estates, Ecological Networks Policy NE5, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodrome, Tree Preservation Order, |                      |  |
| <b>Applicant:</b>          | Mr Chris Lyons   |                      |  |
| <b>Expiry Date:</b>        | 20th April 2023  |                      |  |
| <b>Case Officer:</b>       | Ben Burke  |                      |  |

**DECISION**    **deferred** for site visit and for further discussion/negotiations with applicant

|                      |   |               |  |
|----------------------|---|---------------|--|
| Item No:             | 02  |               |  |
| Application No:      | 23/02945/TCA                                  |               |  |
| Site Location:       | Orchard Cottage , Dovers Lane, Bathford, Bath |               |  |
| Ward: Bathavon North | Parish: Bathford                              | LB Grade: N/A |  |
| Application Type:    | Tree Works Notification in Con Area           |               |  |
| Proposal:            | T1-cypress, fell                              |               |  |
| Constraints:         | Conservation Area,                            |               |  |
| Applicant:           | Mrs Karen Godfrey                             |               |  |
| Expiry Date:         | 19th September 2023                           |               |  |
| Case Officer:        | Jane Brewer                                   |               |  |

## **DECISION NO OBJECTION**

T1-cypress, fell

Section 206 of the Town and Country Planning Act 1990 states that:

'it shall be the duty of the owner of the land to plant another tree of an appropriate size and species at the same place as soon as he reasonably can'.

Please contact the Senior Arboricultural Officer if you wish to seek advice regarding replacement planting.

The proposed replacement of a Rowan is welcomed.

Guidance on tree planting and establishment can be found on the Arboricultural Associations website at <https://www.trees.org.uk/Help-Advice/Guide-to-Young-Tree-Establishment>

Deadwood plays a key role in ecosystem processes so the retention of standing dead trees where it is safe to do so and the retention of deadwood where practical is encouraged.