

## PLANNING COMMITTEE

### Minutes of the Meeting held

Wednesday, 20th November, 2024, 11.00 am

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

#### 58 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

#### 59 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Cllr Hal MacFie and Cllr Duncan Hounsell was in attendance as substitute.

#### 60 DECLARATIONS OF INTEREST

Cllr Duncan Hounsell advised that he would be standing down for item 6 - 24/01826/FUL – 14 Manor Road, Saltford to address the Committee as ward member and would not be participating in the debate or vote.

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

There was no urgent business.

#### 62 ITEMS FROM THE PUBLIC

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

#### 63 MINUTES OF THE PREVIOUS MEETING

It was moved by Cllr Jackson, seconded by Cllr Simon and;

**RESOLVED** that the minutes of the meeting held on Wednesday 23 October 2024 be confirmed as a correct record for signing by the Chair.

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

There were no site visit applications for consideration.

#### 65 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. 24/00155/RES - Land Parcel 0005, Bath Road, Keynsham, Bath And North East Somerset**

The Case Officer introduced the report which considered a reserved matters application for the development of 208 homes, replacement sports pitch to facilitate expanded primary school, open space, landscaping and associated infrastructure pursuant to planning permission ref: 20/02673/OUT.

She gave a verbal update to amend the wording of the sustainable construction condition to confirm this would be discharged in line with the phasing of the construction.

She confirmed the officers' recommendation that officers be delegated to permit the application subject to the completion of a Section 106 Agreement to secure a financial contribution of £82,892 towards the Council's Carbon Offsetting Fund and the conditions set out in the report.

The following public representations were received:

1. Jason Price, Avon and Somerset Police – Designing Out Crime Officer, objecting to the design of the development in terms of safety and security.
2. Peter Roberts, applicant, supporting the application.

Cllr Andy Wait was in attendance as ward Councillor and raised the following points:

1. He raised comments on behalf of Ian Saunders, Chair of the adjacent Hygge Park development community group:
  - a. The construction management plan not been seen by the local community,
  - b. There had been drainage and flooding issues at Hygge Park and the drainage strategy had not been adhered to in relation to that development.
  - c. The proposed garages were too small for a modern car and would increase car parking problems in the local area.
2. He stated the need for traffic management across the whole site, including Hygge Park to be looked at. Consideration should be given to securing a contribution to a bus service.

3. As ward member, he had been made aware of anti-social behaviour within the Hygge Park development and he questioned whether the applicant could manage the site effectively to prevent further anti-social behaviour.
4. He expressed concern about the impact on the woodland.

In response to Members' questions, it was confirmed:

1. The access would be a signalled junction via the A4 and the layout had been approved at the outline stage. The signalised junction would discourage rat-running. There would be a linking road to the Hygge Park development, and it was possible for a small community bus to access the site. The nearest bus stop was 300m away which was an approximate walk of 3-4 minutes.
2. The use of the cycle path by school children was assessed at the outline stage.
3. The Council's parking standard did not include garages as parking spaces and so the size of the garages was not relevant. There was adequate on street parking.
4. The tree which housed the existing bat roost was being retained and would be managed by the landscape management plan. The lighting scheme was designed with bats in mind and the Council's ecologist was satisfied with the plans.
5. The sports pitch was intended as a community facility rather than a formal sporting facility and no associated facilities were required to support the pitch. This facility was secured at the outline stage, and it would have been difficult to add facilities due to its location in the green belt. An additional sports pitch would be provided for the use of Two Rivers Primary School.
6. The community hub on the illustrative Masterplan was indicative and not given any weight at the outline stage. There was no policy requirement for this to be delivered.
7. The mature oak tree would be replaced if a problem arose as a result of the development within the next 30 years. An additional oak tree would also be planted as mitigation.
8. The drainage details had been analysed and no objections had been raised by the local flood authority.
9. There would be a condition to ensure that the details for the allotments would be submitted to the Local Planning Authority for approval.
10. Officers considered the segregated pathways to be acceptable, acknowledging the balance between lighting and ecology.
11. There would be an estimated 478 residents living in the development site.

Cllr Shaun Hughes opened the debate and welcomed aspects of the development including the affordable homes, allotments and orchard, but expressed disappointment about the lack of community hub and acknowledged the concerns of the police relating to the design and community safety.

A number of members expressed concern about the lack of community facilities but noted that it was not a policy requirement. Members recognised the concerns about the permeability of the site in terms of safety and the need to balance this with creating a network of pedestrian and cycle routes. Specific concerns were expressed about the safety of the segregated pathway.

Cllr Toby Simon spoke in support of the application and moved the officers' recommendation. Cllr Duncan Hounsell acknowledged there were some concerns around the detail, but no substantial reason to overturn the recommendation and he seconded the motion.

On voting for the motion, it was CARRIED (6 in favour, 5 against – Chair using casting vote).

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

1. The completion of a Section 106 Agreement to secure a financial contribution of £82,892 towards the Council's Carbon Offsetting Fund.
2. The conditions set out in the report.

**2. 24/00768/FUL - Former Keynsham Fire Station, Temple Street, Keynsham, Bath and North East Somerset**

The Case Officer introduced the report which considered an application for the erection of 21 apartments (over 55's) with ground floor space for Class E use, parking, associated landscaping and public realm improvements, to follow demolition of existing former Keynsham Fire Station building.

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

A. The completion of a Section 106 Agreement to secure:

1. Restriction to ensure that the building is occupied by over-55s only.
2. Contribution of £4,351 towards a Traffic Regulation Order to burn off/replace existing road markings as required.
3. A contribution towards the relocation of 2no. disabled parking bays, at a cost to be agreed with the Council (based on costings prior to the commencement of development).
4. A contribution of £53,340.11 towards parks and green space.
5. Targeted Training and Recruitment Contribution of £825.
6. Late-Stage Viability Review Mechanism for affordable housing.
7. A contribution of £8,611.50 towards the Council's carbon offsetting fund.

B. the conditions set out in the report.

The following public representations were received:

1. Alison Lugsden, agent, supporting the application.

In response to Members' questions, it was confirmed:

1. The application constituted C3 development, the proposal was for 21 apartments for over 55s only with no care or communal facilities.
2. The S106 Agreement would ensure that the flats were not sold to anyone under the age of 55.
3. One of the 21 units was wheelchair adaptable, and all of the dwellings had been designed to meet M4(2) accessible and adaptable dwellings standard, which was a significant over provision.
4. The development included a lift.
5. There were no south facing balconies.
6. Fire safety would be addressed by building regulations.
7. There were 2 electric vehicle charging points and these would be assigned to residents.
8. Officers were satisfied that affordable housing was not viable as part of the development. There would be a S106 Agreement to ensure a late-stage viability review mechanism for affordable housing.
9. The design reflected the nearby Civic Centre and Riverside development. There was a condition to ensure materials had to be submitted and approved by the Local Planning Authority.
10. The Environmental Protection Team had not requested a Seagull Management Plan.
11. There was no proposed condition to prevent further additions to the roof.
12. Officers had suggested a lower height in pre-application discussions for design reasons. The viability of a higher scheme had not been tested and an assessment had been made on the application as submitted.
13. There were 42 cycle parking spaces, but these were double stacked and there wasn't an option to reduce this facility to provide additional car parking.

Cllr Fiona Gourley expressed concern about the scheme due to lack of community facilities, affordable homes and green space.

Cllr Eleanor Jackson also raised concerns about the application and moved that the application be refused for the reason that the development did not enhance or preserve the character and setting of the conservation area. This was seconded by Cllr Crossley. The Committee was informed that an additional reason challenging the viability study was not advisable. On being put to the vote the motion was NOT CARRIED (2 in favour and 8 against).

Cllr Duncan Hounsell spoke in support of the scheme and moved the officers' recommendation with an additional condition requiring a Seagull Management Plan.

This was seconded by Cllr Toby Simon. Following further debate, the mover and seconder agreed to the inclusion of a condition to prevent any further additions to the roof and an amendment to the landscaping condition to secure the maintenance of green roof/tree/climbers for the lifetime of the development.

On voting for the motion, it was CARRIED (6 in favour, 4 against).

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

A. The completion of a Section 106 Agreement to secure:

1. Restriction to ensure that the building is occupied by over-55s only.
2. Contribution of £4,351 towards a Traffic Regulation Order to burn off/replace existing road markings as required.
3. A contribution towards the relocation of 2no. disabled parking bays, at a cost to be agreed with the Council (based on costings prior to the commencement of development).
4. A contribution of £53,340.11 towards parks and green space.
5. Targeted Training and Recruitment Contribution of £825.
6. Late-Stage Viability Review Mechanism for affordable housing.
7. A contribution of £8,611.50 towards the Council's carbon offsetting fund.

B. the conditions set out in the report with additional conditions requiring (i) a Seagull Management Plan and (ii) preventing any further additions to the roof and an amendment to the landscaping condition to secure the maintenance of green roof/tree/climbers for the lifetime of the development.

### **3. 24/02198/FUL - Unity Road, Northern Part, Keynsham, Bath and North East Somerset**

The Case Officer introduced the report which considered an application for the change of use of an industrial unit to provide an indoor electric go karting centre (sui generis use).

She gave a verbal update to advise on the reasons for referral to Committee from Cllr Lucy Hodge as Vice-Chair which had been omitted from the report as follows:

1. the application be referred to committee given the objections of ward councillors/Keynsham Town Council and the comments in support and objection to the application so that the amenity and highway issues could be considered and balanced with any potential benefits.

The Case Officer confirmed the officers' recommendation that officers be delegated to permit the application subject to the completion of a Section 106 Agreement to ensure a financial contribution of £1320 towards Targeted Training and Recruitment and the conditions set out in the report.

The following public representations were received:

1. Adam Snell, local resident, objecting to the application.
2. Dom Gaynor, applicant, supporting the application.

Cllr Andy Wait was in attendance as ward member and raised the following points:

1. The applicant's website encouraged stag and hen parties, and the application included a bar. This use was not suitable near a residential area and properties in Unity Road would be impacted.
2. There would be huge increases in traffic to the site as the proposed opening hours were every day up to 11pm.
3. The application offered little benefit to wider community of Keynsham.
4. The application was not in line with Council policies which protected industrial/warehouse use.

In response to Members' questions, it was confirmed:

1. Opening hours were until 11pm, the last session was at 10pm and so this would limit the number of people using the facilities. There was a maximum of 16 people who could use the go-karts during a session. If the Committee was minded to seek a change to opening hours, it was recommended that the application be deferred for further negotiation with the applicant.
2. Officers were satisfied with the noise evaluation report. There had been no objection from the Environmental Protection Team and there was no requirement for additional noise protection measures. The noise levels would be secured by a condition. Any future problems with noise levels could be reported to the Environmental Protection Team.
3. The highways assessment had considered the impact against the existing use, and it was considered that the removal of HGV movements may be a benefit. Cars would not pass the residential area in order to access the site and there would be signage to ensure traffic avoided Unity Road.
4. It would not be reasonable to add a condition that the use of the site return to B8 in the future. If the application was permitted, the use would be limited to electric go-karting and any different use would require planning permission.
5. The sale of alcohol was a licensing consideration. If a license was granted, it could be reviewed in the event of future problems.
6. Policy ED2A had a presumption for retaining the site for industrial use but officers considered the applicant had successfully challenged this presumption. Sub-division of the unit would be challenging, and future economic growth could not be taken into consideration.
7. The proposed development would result in 40 full time equivalent jobs.
8. The applicants had submitted a travel plan which could be secured by a

condition.

Following concerns raised about the possible impact on residential amenity of people leaving the site, Cllr Tim Warren moved that a decision be deferred for 1 month for officers to negotiate with the applicant about an earlier closure time Sunday-Thursday. He suggested 10pm closure Monday-Thursday and 7pm on Sunday. This was seconded by Cllr Fiona Gourley.

Cllr Shaun Hughes asked if the applicant could also be requested to share the licensing plans as concerns were linked to the sale of alcohol.

Cllr Duncan Hounsell expressed the view that the application would cause significant harm in terms of increased noise and traffic and the loss of a warehouse on land that was set aside for that in purpose.

On voting for the motion, it was CARRIED (6 in favour, 5 against – chair using casting vote).

**RESOLVED** that a decision be deferred pending negotiations with the applicant about an earlier closing time Sunday-Thursday.

#### **4. 24/01360/FUL - 14 Kenilworth Close, Keynsham, Bath and North East Somerset**

The Case Officer introduced the report which considered an application for the erection of a three-bedroom house following the removal of the existing two storey extension.

He 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. Barry Preece, agent, supporting the application.

In response to Members' questions, it was confirmed:

1. The existing two storey extension would be removed and replaced by the new dwelling.
2. There would be 4 parking spaces which was above the usual standard to address concerns about parking. There would be no change to the driveway and so no impact on existing on-street parking.
3. There was no garage proposed and this was in line with other properties in the street.
4. The materials would match the existing dwelling, and this would be secured by a condition.
5. The internal layout of the proposed dwelling in term of bathroom facilities was a building regulations issue rather than a planning consideration.



Cllr Duncan Hounsell proposed that the officers' recommendation be approved. This was seconded by Cllr Tim Warren.

On voting for the motion, it was CARRIED (9 in favour, 0 against, 1 abstention).

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

**5. 24/01202/FUL - The Hollies, Hillcrest, Pensford, Bristol, Bath and North East Somerset**

The Case Officer introduced the report which considered an application for the erection of a 3-bedroom bungalow in the green belt.

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. Paul Baxter, Publow Parish Council, speaking in support of the application.

In response to Members' questions, it was confirmed:

1. Green belt policies were robust, and any new development was inappropriate without exceptional circumstances. The applicant had put forward an argument that there were special circumstances due to the sustainability benefits of an experimental proposed heating system which would go above and beyond sustainable construction policies. However, there was no pre-existing data or evidence to support this claim.
2. Officers were not aware if the system had been trialled successfully outside of the UK.
3. Once planning permission had been given, this could not be taken away even if the heating system was proven not to work.

Cllr Duncan Hounsell opened the debate and stated that green belt policies were clear, and he did not consider that exceptional circumstances had been demonstrated. He moved the officers' recommendation that the application be refused, and this was seconded by Cllr Lucy Hodge.

Cllr Shaun Hughes spoke in support of the motion and stated that it was not the role of the Committee to change the green belt boundaries, and the proposed heating system could be tested on a site outside of the green belt.

Cllr Paul Crossley concurred with this view and stated that the appropriate route to change housing boundaries was via the Local Plan process.

Cllr Deborah Collins expressed disappointment that it was not possible to consider how policies could be applied to encourage zero carbon developments.

Cllr Tim Warren stated that he believed there were exceptional circumstances, and he would support overturning the officers' recommendation.

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

**RESOLVED** that the application be refused for the reasons set out in the report.

## **6. 24/01826/FUL – 14 Manor Road, Saltford, Bath and North East Somerset**

Cllr Duncan Hounsell stood down from the committee during consideration of this application, addressed the committee as local member but did not participate in the debate or vote.

The Case Officer introduced the report which considered an application for the erection of a 2-bed dormer bungalow adjacent to No.14 Manor Road, including forming a new access onto Claverton Road.

He gave a verbal update to amend the reason for condition 12 "protection of neighbourhood nature area planting within verge" and include an additional condition to ensure the refuse and recycling storage area within the verge was only used for receptacles on refuse and recycling collection days and the preceding day.

He confirmed the officers' recommendation that the application be permitted subject to the conditions set out in the report as amended above.

The following public representations were received:

1. Rob Hannan, local resident, objecting to the application.
2. John Blake, architect, supporting the application.

Cllr Duncan Hounsell addressed the Committee as ward member and raised the following points:

1. The application was a cause of concern for local residents.
2. A similar application had previously been refused.
3. The application contravened policy on local character and distinctiveness in Claverton Road.
4. The site area was limited and there was no front garden. The site faced on to a public green space which would impact on the privacy of the occupier and people using the green space.
5. The development of the site relied on a valuable parcel of land being given to applicant.

He asked the Committee to refuse the application or if there was uncertainty, to attend a site visit. Following his statement, Cllr Hounsell withdrew from the meeting.

In response to Members' questions, it was confirmed:

1. A similar application in the area had been refused in 2004 and as planning

policies had changed over the last 20 years, very limited weight could be given to that decision.

2. In terms of access, a highway licence had been approved for a dropped kerb.
3. Six trees had been removed before the application was submitted and this had been taken into account in the Biodiversity Net Gain requirements.
4. The proposed bungalow was set back from the street by 4.4m. This would be the closest property to the street, but not by a significant distance.
5. Officers did not consider the overlooking of the neighbour to be significant, the bathroom dormer window would be obscure glazed and fixed shut.
6. Permitted development rights would be removed.

Cllr Eleanor Jackson moved the officers' recommendation that permission be granted. This was seconded by Cllr Simon.

On voting for the motion, it was CARRIED (8 in favour, 1 against).

**RESOLVED** that the application be permitted subject to the conditions set out in the report with an amendment to the reason for condition 12 "protection of neighbourhood nature area planting within verge" and an additional condition to ensure the refuse and recycling storage area within the verge was only used for receptacles on refuse and recycling collection days and the preceding day.

#### **7. 24/02425/VAR - 2 Mayfields, Keynsham, Bath And North East Somerset**

The Case Officer introduced the report which considered an application for the variation of condition 11 (Plans List (Compliance)) of application 21/05172/VAR (Variation of condition 11 (Plans List)) of application 19/00590/FUL (Erection of 4no flats on land adjacent to 2 Mayfields).

He confirmed the officers' recommendation that the application be permitted subject to the conditions set out in the report and:

1. An update to the plans list to add in site layout plan 11D and remove plans 15d and 16d as they had been superseded.
2. An informative to confirm the details of the Section 73.

There were no public speakers.

In response to Members' questions, it was confirmed:

1. There were no flats in the roof space, this was a void space.
2. If the applicant wished to convert the void space to flats, they would need to submit a new planning application.
3. The access to the void space was via a hatch, there was no staircase.
4. The application was retrospective. If the Committee was minded to refuse the

application, the case would be referred to the enforcement team.

5. It would be possible for the loft space to be utilised for the first-floor flats without planning permission, but there would be a building regulations process.

Cllr Tim Warren moved the officers' recommendation, and this was seconded by Cllr Deborah Collins. On voting for the motion, it was CARRIED (10 in favour, 0 against - unanimous).

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

1. An update to the plans list to add in site layout plan 11D and remove plans 15d and 16d as they had been superseded.
2. An informative to confirm the details of the Section 73.

#### **8. 24/01371/FUL - 37 Gaston Avenue, Keynsham, Bath and North East Somerset**

The Case Officer introduced the report which considered an application for the erection of new fencing and replacement gates.

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 response to Members' questions, it was confirmed:

1. The north area of the fencing faced onto Keynsham bypass.
2. The 17m stretch of fencing which ran alongside neighbouring properties would be permitted development if it was standalone. The height of the 17m fence would be a similar height to the existing boundary fence.
3. The design of the fencing would include open trellising to minimise impact on neighbouring properties.

Cllr Toby Simon proposed the officer's recommendation to permit the application. This was seconded by Cllr Eleanor Jackson.

Cllr Shaun Hughes raised concerns about the proposed fencing changing the street scene.

On voting for the motion, it was CARRIED (5 in favour, 4 against, 1 abstention).

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

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

Cllr Eleanor Jackson asked that thanks be recorded to officers for their support in the appeal relating to Land West Of Providence Bungalow Frome Road, Radstock.

**RESOLVED** that the report be noted.

The meeting ended at 5.35 pm

Chair .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**