

PLANNING COMMITTEE

Minutes of the Meeting held

Wednesday, 18th December, 2024, 11.00 am

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

67 EMERGENCY EVACUATION PROCEDURE

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

68 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence or substitutions.

69 DECLARATIONS OF INTEREST

Cllr Deborah Collins declared an interest in item (2) on the main applications list 23/04529/FUL - Parcel 6600, Fairy Hill, Compton Dando as a member of Bath and West Community Energy and withdrew from the meeting during consideration of the application.

Cllr Tim Warren stated that he knew the landowner and some of the objectors in relation to item (2) on the main applications list 23/04529/FUL - Parcel 6600, Fairy Hill, Compton Dando but did not consider that this would impact his judgement and would remain in the meeting to participate and vote on the application.

70 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was no urgent business.

71 ITEMS FROM THE PUBLIC

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

72 MINUTES OF THE PREVIOUS MEETING

RESOLVED that the minutes of the meeting held on Wednesday 20 November 2024 be confirmed as a correct record for signing by the Chair.

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

There were no site visit applications for consideration.

74 **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. 24/02198/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 reported that the application had been deferred from the previous meeting to ask the applicant to consider an earlier closing times Sundays (7pm) and Monday-Thursday (10pm). She updated that the applicants had not agreed to amend the opening hours as they concluded that this would result in their business being unviable but would agree to a reduction in Sunday hours to 9pm/10pm.

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. Dave Rich, applicant, supporting the application.

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

1. Concern that the applicant did not agree to a reduction of 8 hours during a week and that these 8 hours were considered important to the viability of the business.
2. The application would harm residents living 35m from the site.
3. The development would not result in 40 FTE jobs as originally cited in the application.
4. What could the applicants do to police behaviour of people leaving the site?
5. There were trees in the location and no tree survey was carried out.
6. There would be a predicted 1.2 vehicle movements per minute and no improvements to cycle facilities. The Council had declared a climate emergency and the application would increase carbon emissions. This would not be a carbon neutral development and so it should not be supported.
7. The development would result in noise, inside and outside at unreasonable and unsociable times. The site was proposed to be open every day except Christmas

day.

He asked the Committee to refuse the application.

In response to Members' questions, it was confirmed:

1. The original application form had cited 40 full time jobs, but this had since been clarified as 5 full-time and 35 part-time jobs. Officers considered that weight should be given to the creation of employment opportunities.
2. Officers were confident that all necessary steps had been taken to market the property as an industrial unit over a 2-year period and weight should be given to the fact that the unit remained empty.
3. The current use allowed for vehicular movements 24 hours a day with restrictions to the use of forklift trucks/reversing alarms after 8pm.
4. Highways officers did not consider there would be significant traffic generation as a result of the application.
5. The site was accessible to some local residents on foot and there were nearby bus stops on Chandag Road, Bath Road and the A4.
6. There were no acoustic screens around the site and the acoustic report from a similar site identified an increase in noise of 1 decibel.
7. The applicant did advertise stag/hen parties on promotional material. There was a limit of 16 people during any one session which would restrict the number of people using the facility.
8. It would not be reasonable to impose a condition restricting the opening hours as requested at the previous meeting as the applicant had stated that this was not viable.
9. The S106 contribution had been recommended by the Council's Economic Development Team using a formula and would result in 4 workplace placements.
10. The average cost to someone using the venue would be £50 per session.
11. There was a healthy supply of industrial units in Keynsham, but a lack of supply in Bath.
12. There would be a 10% reduction in carbon emissions as a result of the change of use. Officers were satisfied that policies had been met.

Cllr Hal MacFie opened the debate as ward member and stated that the main concern was the impact on residential amenity. He expressed concern that the applicant did not agree a reduction in opening hours and he was minded not to support the application. Cllr Tim Warren concurred with this view.

Cllr Toby Simon spoke in support of the application as it would make use of a vacant unit and create employment opportunities. He moved the officers' recommendation with a condition to restrict the opening hours to 10pm on Sunday. The motion was not seconded.

Cllr Shaun Hughes expressed concern about the loss of industrial space and impact on local residents.

Cllr Lucy Hodge shared these concerns and questioned whether there had been 2 years of sustained economic growth during the period the premises was marketed as required by policy ED2A.

Cllr Paul Crossley proposed that the application be refused due to the loss of an

industrial site and the loss of amenity for neighbouring residential properties. This was seconded by Cllr Hal MacFie.

On voting for the motion, it was CARRIED (8 in favour and 2 against).

RESOLVED that the application be refused for the following reasons:

1. Loss of industrial space.
2. Loss of amenity for neighbouring residential properties.

2. 23/04529/FUL - Parcel 6600, Fairy Hill, Compton Dando, Bristol, Bath and North East Somerset

Cllr Deborah Collins withdrew from the meeting during consideration of this item.

The Case Officer introduced the report which considered an application for the installation of ground mounted solar panels, substation compound, access tracks, perimeter fencing with CCTV cameras, access gates and associated grid infrastructure, in connection with development of a 2.1MW community solar energy farm.

He confirmed the officers' recommendation that officers be delegated to permit the application subject to the completion of a Section 106 Agreement to secure off-site mitigation for loss of skylark nesting habitats including 2 skylark nesting plots, as well as measures and maintenance to provide appropriate nesting habitat; and appropriate conditions.

The following public representations were received:

1. Tony Butler objecting to the application.
2. Clive Howarth and Oli Jennings supporting the application.

Cllr Duncan Hounsell was in attendance as ward member and raised the following points:

1. Climate change was an urgent issue, and the Council had declared a climate emergency.
2. Planning applications needed to be assessed against policy.
3. The application was supported by an agricultural land assessment.
4. The application would deliver a 21% net gain in both habitats and hedgerow units.
5. The recent changes to the National Planning Policy Framework were a material consideration.
6. There were valid concerns about the construction phase in terms of traffic and plans needed to be monitored and implemented.
7. Many objectors wanted the land to remain the same but there would soon be pressure for additional housing and a solar farm would be preferable to housing.
8. The proposed development would be shielded from view.

He confirmed that he supported the application.

In response to Members' questions, it was confirmed:

1. There was no analysis on whether supporters/objectors lived within or outside the village as this was not a material consideration.

2. Construction traffic would travel along Redlynch Lane and through Chewton Keynsham.
3. Access to the public right of way would not be affected by the development. There would be a visual impact until the screening was established.
4. In terms of flood risk, the solar panels would not be located in the area closest to the river and the scheme included a drainage proposal.
5. The management of the orchard would be covered in the management plan and details of the scheme to rehouse the skylarks would be submitted. There was no impact on bat roosts.
6. The noise assessment condition had been requested by the Council's Environmental Health Officer.
7. There was a detailed Council strategy in relation to solar farms and the application was compliant.
8. The Archaeological Officer had been consulted and had not requested an archaeological assessment in advance of construction.
9. The applicant had met with Avon and Somerset Police to discuss security. There was a strategy in place which relied on measures other than the security fence e.g., CCTV.
10. Historic England had commented that there was less than substantial harm to scheduled monuments and officers had concluded that this was outweighed by public benefits and the case for very special circumstances had been met.
11. A lighting scheme would be agreed by Council officers, including an Ecology Officer.

Cllr Tim Warren expressed concern about the impact of traffic during the construction phase. He raised further concerns about the impact on ancient verges and ancient monuments and stated that he did not consider there were very special circumstances to permit the development. He proposed that the application be refused. This was not seconded.

Cllr Fiona Gourley moved the officers' recommendation to delegate authority to permit the application as the case for very special circumstances had been made due to the need for renewable energy. This was seconded by Cllr Toby Simon who asked officers to consider the proportionality of conditions, particularly the condition requiring a noise assessment.

Cllr Lucy Hodge spoke in support of the motion but asked officers to revisit the landscaping condition to ensure that the trees would be an appropriate size to screen the development site.

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

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

1. the completion of a Section 106 Agreement to secure off-site mitigation for loss of skylark nesting habitats including 2 skylark nesting plots, as well as measures and maintenance to provide appropriate nesting habitat;
2. Appropriate conditions. Consideration to be given to the proportionality of the noise assessment condition and to ensure appropriate trees to screen the development as part of the landscape condition.

3. 24/02761/FUL - Site Of Old Quarry, Bath Road, Peasedown St John, Bath, Bath and North East Somerset

The Case Officer introduced the report which considered an application for the erection of 1 dwelling with a detached garage.

She confirmed the officers' recommendation that the application be refused for the reasons set out in the report/update report. She clarified that the reason 4 refusal should also refer to insufficient information being provided in relation to light spill and impact on protected species.

The following public representations were received:

1. Paul Bryant, applicant, supporting the application.

Cllr Gavin Heathcote was in attendance as ward member and raised the following points:

1. The site was a privately owned brownfield site, it had been mistakenly marked as land for recreational purposes and had become a site for fly tipping.
2. The application would improve the site and would include screening to protect the Grade II listed building.
3. The applicant had included a 2m wildlife passage and would encourage bats to the area. Hedging would be maintained, and a wildlife survey had been conducted.
4. There was sufficient proposed parking for a single dwelling.
5. The application aligned with the desire for local homes.

Cllr Karen Walker was unable to attend the meeting and asked for a statement to be read in her absence as summarised below:

1. She supported the application for the following reasons:
 - a. The site was currently empty and was used for fly tipping.
 - b. The development of the site would be an improvement and would be screened so that it would not impact on the Grade II listed building (The Red Post).
 - c. The proposed materials were appropriate, there was sufficient parking, and the build would be sustainable and energy efficient.
 - d. Planning permission had been granted for other dwellings outside of the housing development boundary.

In response to Members' questions, it was confirmed:

1. As a former quarry, the site was excluded from the definition of brownfield land. The site was included as part of the designation for recreational use but could not be feasibly used for this purpose.
2. The habitat survey was insufficient and there was no information about potential light spill on protected species. If the Committee was minded to permit the application, it was recommended that this be subject to the receipt of this information.
3. If the application was permitted it would also have to be advertised as a departure from the development plan.
4. It would be possible to include a condition asking for materials to be approved by the local planning authority to ensure that it was appropriate due to the proximity

to the Grade II listed building.

5. The majority of dwellings in Peasedown were within the housing development boundary but there was also a cluster outside.

Cllr Toby Simon expressed the view that it was reasonable to depart from the development plan in relation to this application as its proximity to the housing development boundary meant that it would be part of the village and not an isolated dwelling. He believed that the harm to the Grade II listed building was minimal and outweighed by the benefits of an additional self-built dwelling. He proposed that officers be delegated to permit the application subject to the application being advertised as a departure to the development plan and the receipt of satisfactory information relating to the protection of reptiles/loss of hedgerow/impact of light spill and appropriate conditions including materials. Councillor Jackson seconded the motion.

The Planning Manager clarified that, should the ecology information reveal the need for an appropriate assessment, the application would need to be returned to committee for further consideration.

On voting for the motion, it was CARRIED (8 in favour, 2 against).

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

1. the application being advertised as a departure to the development plan.
2. the receipt of satisfactory information relating to the protection of reptiles/loss of hedgerow/impact of light spill.
3. appropriate conditions including a condition relating to materials.

4. 24/03655/FUL - 530 Wellsway, Bath, Bath and North East Somerset

The Case Officer introduced the report which considered an application for the change of use from a 3-bedroom dwelling (Use Class C3) to a 4 bedroom House in Multiple Occupation (HMO) (Use Class C4) to include minor internal reconfiguration; the removal of rear fence to create additional off-road parking space and the installation of a four bay cycle rack.

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. Chris Beaver, agent, supporting the application.

Cllr Steve Hedges was in attendance as ward member and raised the following points:

1. The local members had general concerns about the Supplementary Planning Guidance (SPG) in relation to HMOs not doing enough to protect and create balanced communities across the city of Bath.
2. There was a concentration of HMOs in low-income areas and these areas should be protected for family units.
3. In relation to this application, there were concerns that the application would result in an increase in cars with an impact on traffic and parking.

He asked the Committee to refuse the application.

Cllr Joel Hirst was in attendance as ward member and raised the following points:

1. There had been a growth in the number of HMOs in the south west of Bath and this was forcing key workers out of the area.
2. The 100m radius was not fit for purpose.
3. Consideration needed to be given to zoning the city to have a sliding scale with a lower than 10% threshold in areas the Council wanted to protect for affordable family housing.
4. In relation to this application, it was a very busy road and there was already pressure on parking which would potentially increase as a result of this application.

He asked the Committee to refuse the application.

In response to Members' questions, it was confirmed:

1. It was not possible to condition who could live in an HMO.
2. HMOs were separate to purpose-built student accommodation although students often lived in HMOs.
3. Cycle parking was available at the front of the property.
4. There was a mixture of gardens and hard landscaping at the back of nearby properties.

Members acknowledged the general point raised by the ward members in relation to the need to revisit Supplementary Planning Guidance in relation to HMOs.

Cllr Tim Warren stated that the application was policy compliant and moved the officers' recommendation to permit the application. This was seconded by Cllr Lucy Hodge.

Cllr Shaun Hughes expressed concern about over-development stating that the property was not designed as a HMO. He also raised concerns about the impact on the availability of affordable family housing in Bath. Cllr Paul Crossley shared concerns about the increase in HMOs and the changing the nature of local communities.

On voting for the motion, it was CARRIED (7 in favour, 3 against).

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

5. 24/03605/FUL – 51 Ambleside Road, Bath, Bath and North East Somerset

The Case Officer introduced the report which considered an application for the change of use from a dwelling house (C3) to a House in Multiple Occupation (HMO) (C4).

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. Karen Bazeley, applicant, supporting the application.

Cllr Joel Hirst was in attendance as ward member and raised the following points:

1. Re-emphasised the challenges of the current policy in relation to HMOs.
2. Odd Down ward was losing the balance between family homes and HMOs.
3. This application could potentially lead to 5 additional cars which would impact on the wider community.

He asked the Committee to refuse the application.

In response to Members' questions, it was confirmed:

1. The bike storage could be accessed either through the front of the property and down the internal stairs or via the side of the property and through the back door to the lower ground level.
2. The smallest size room permitted for an HMO was 6.51sqm for single room and 10.22sqm for a double room. The smallest room in this property was 6.51sqm.
3. The evidence base which was accessed by Highways officers to demonstrate HMOs did not significantly increase parking could be shared with members.

Cllr Paul Crossley reiterated the general concerns raised on the previous application in relation to the number of HMOs and requested that data on the number of HMOs being permitted be shared with members.

Cllr Eleanor Jackson moved the officers' recommendation that the application be permitted. This was seconded by Cllr Deborah Collins and on being put to the vote, the motion was CARRIED (7 in favour, 3 against).

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

6. 24/02867/FUL - Humphreston House, The Green, Temple Cloud, Bristol, Bath and North East Somerset

The Case Officer introduced the report which considered an application for the erection of a summerhouse.

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

There were no public speakers.

Cllr Lucy Hodge moved the officers' recommendation. This was seconded by Cllr Eleanor Jackson and on voting for the motion, it was CARRIED (10 in favour, 0 against).

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

7. 24/03722/FUL -22 Grange Road, Saltford, Bath and North East Somerset

The Case Officer introduced the report which considered an application for the erection of a two-storey extension and a garage with single storey rear extension following the demolition of existing garage and external works to provide for carriage driveway with additional access to Grange Road

and associated hard landscaping.

She advised the Committee that the neighbouring property was incorrectly referred to as 24 in the report rather than 22a and the standard plans list had been omitted from the list of conditions. She confirmed the officers' recommendation that the application be permitted subject to this condition and the conditions set out in the report.

The following public representations were received:

1. Paul Cini, local resident, objecting to the application.
2. Simon Russell, agent, supporting the application.

In response to Members' questions, it was confirmed:

1. Building up to the boundary was not a material consideration. Any disputes relating to the boundary was a civil matter.
2. There was access on the other side of the house to the back garden.
3. It was not considered reasonable to ask the applicant for light and shade studies in relation to this application and an assessment could be made from the plans.
4. A condition could be added to ensure the surfacing on the driveway was permeable.

Cllr Paul Crossley expressed concern about the proposed loss of green garden space and stated that he had previously asked officers for further guidance on this issue. The Planning Manager undertook to report back although advised that the loss of green space was not a sufficient reason to refuse this application.

Cllr Eleanor Jackson moved the officers' recommendation, and this was seconded by Cllr Toby Simon.

On voting for the motion, it was NOT CARRIED (3 in favour and 7 against).

Cllr Paul Crossley moved that the application be refused for the following reasons:

1. The development constituted an over-development of the site.
2. The development would result in a loss of amenity to neighbouring properties.

This was seconded by Cllr Lucy Hodge and on voting for the motion, it was CARRIED (8 in favour, 2 against).

RESOLVED that the application be refused for the following reasons:

1. The development constituted an over-development of the site.
2. The development would result in a loss of amenity to neighbouring properties.

8. 24/04115/TCA - Lindley, North Road, Bathwick, Bath, Bath and North East Somerset

The Case Officer introduced the report which considered a tree notification order 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 Toby Simon moved the officers' recommendation. This was seconded by Cllr Paul Crossley and on voting for the motion, it was CARRIED (10 in favour, 0 against - unanimous).

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

9. 24/04122/TCA - 1 Cambridge Place, Widcombe Hill, Widcombe, Bath, Bath and North East Somerset

The Case Officer introduced the report which considered a tree notification order 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 Deborah Collins moved the officers' recommendation. This was seconded by Cllr Tim Warren and on voting for the motion, it was CARRIED (10 in favour, 0 against - unanimous).

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

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

Cllr Shaun Hughes asked that officers be thanked for supporting the appeal in relation to 22/02932/FUL 26-28 Orchard Vale Midsomer Norton.

RESOLVED that the report be noted.

The meeting ended at 4.27 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services