

PLANNING COMMITTEE

Minutes of the Meeting held

Wednesday 22nd October 2025, 10.00 am

Councillors: Tim Ball (Chair), Paul Crossley (Vice-Chair), Fiona Gourley, Hal MacFie, Toby Simon, Shaun Hughes, Dr Eleanor Jackson and Tim Warren CBE

55 **EMERGENCY EVACUATION PROCEDURE**

The Democratic Services Officer read out the emergency evacuation procedure.

56 **APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies of absence were received from Cllrs Ian Halsall and John Leach.

57 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

58 **TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR**

There was no urgent business.

59 **ITEMS FROM THE PUBLIC**

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

60 **MINUTES OF THE PREVIOUS MEETING**

RESOLVED that the minutes of the meetings of 17 September and 24 September be confirmed as a correct record for signing by the Chair.

61 **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. 22/03025/FUL Site Of Former Folly Inn Brewery And Pleasure Ground
Hampton Row, Bathwick**

The Planning Case Officer introduced the report which considered an application for the erection of a car free self-build (affordable) dwelling.

She gave a verbal update as follows:

1. Confirmation that the overall height of the building was 1.26m above the level of the towpath to the south.
2. In relation to Policy SCR6, the application had been with the planning department for several years and so at the time of consideration and when advice was given, the scheme was in accordance with the previous sustainable construction policy but not as it is at present.

She confirmed the officers' recommendation that permission be refused for the reasons set out in the report.

The following public representation was received:

1. Wendy Zakiewicz and Tom Edwards, applicants, supporting the application.

In response to Members' questions, it was confirmed:

1. Natural England had considered the Habitat Regulations Assessment acceptable subject to suitable mitigations, but it was the view of officers that conditions would not meet the test for reasonableness e.g., to ban external lighting from a property located near a river.
2. Officers did not explore the option of developing the ruins as a proposal to do so had not been put forward.
3. In terms of how the building would be constructed, the building would be piled.
4. There would be an impact of users of the towpath during construction.
5. Bath stone had been proposed as a material on the side elevations to keep the pantry cool.
6. The site was off grid and there would not be any external utilities. There had not been a viability report, but there was no apparent reason why the development would not work. If consent was granted and the applicants wanted to make changes in the future, they would need to submit a further application.
7. Officers considered that the solar panels facing towards canal would be effective in spite of the vegetation which would screen the development.
8. If consent was granted, the applicants would require a separate consent from the Canal and Rivers Trust.

9. The location was in Bath and so it was within the housing development boundary.
10. There was a proposed compost toilet system and the details of this had been submitted in support of the application.
11. The concern from the Council's Tree Officer was the future management of trees as it would be a challenge to enforce the tree preservation order if there were safety issues relating to the residential development.
12. In terms of whether there was any legal restriction to permitting the application as it was not accessible, the application did not breach the public sector equalities duty.

Cllr Simon opened the debate as ward member and stated that Bath Preservation Trust supported the proposal, and Natural England confirmed their agreement with the conclusions of the Habitats Regulations Assessment providing that all mitigation measures were appropriately secured and he considered that this was the starting point for finding a way that the application could be acceptable. He addressed the officers reasons for refusal as follows:

1. Ecology – the impact on ecology would be minimal and the applicants would be stewards to help with the management of the land.
2. Habitat Regulations Assessment – it did not seem to be reasonable to say that conditions could not be applied. In terms of lighting, people living on the canal were used to approaching their properties in the dark and a condition to ban external lighting would be reasonable in these circumstances.
3. Character and Appearance – the building was not obtrusive and would not detract from the character and appearance of the area.
4. Heritage Impact – any harm was outweighed by the preservation and wider public benefits of constructing the property.
5. Trees and Woodland – the fact that the trees needed management was not a reason to object to the application. The risk of losing trees in the future if there was a safety issue linked to the development could be mitigated by a condition to secure replacement planting.

Cllr Simon moved that officers be delegated to permit the application subject to suitable conditions/planning obligations to overcome these issues. This was seconded by Cllr MacFie.

The Team Manager – Development Control stated that there were too many outstanding issues to warrant a “delegate to permit” decision and recommended that a decision be deferred to allow officers:

1. to ask the applicants to submit a detailed Landscape and Environmental Management Plan.
2. to give the applicant the opportunity to submit further justification on how mitigations would be secured in relation to the conflict between Habitat

Regulations Assessment and residential occupation.

3. to prepare suggested conditions and/or planning obligations.

In response to a question about whether it would be possible for the committee to accept in principle, the Legal Officer advised that members would need to reconsider the application with an open mind when it came back to committee for determination.

Cllr Simon agreed to change his motion to deferral on the understanding that the Committee was looking to see how the application could be acceptable but would keep an open mind if it was not possible to secure appropriate mitigations. This was accepted by Cllr MacFie as seconder of the motion.

Cllr Gourley commended the applicants for their commitment to the space but expressed reservations about the details of construction and how the scheme would work in the future.

Cllr Hughes spoke against the motion as he considered the officers report to be a comprehensive assessment and agreed that the development was unacceptable. Cllr Tim Warren concurred with this view.

Cllr Crossley spoke in support of the motion to defer consideration.

On voting for the motion, it was CARRIED (5 in favour and 4 against – Chair using casting vote).

RESOLVED that a decision be deferred to allow officers:

1. to ask the applicants to submit a detailed Landscape and Environmental Management Plan.
2. to give the applicant the opportunity to submit further justification on how mitigations would be secured in relation to the conflict between Habitat Regulations Assessment and residential occupation.
3. to prepare suggested conditions and/or planning obligations.

2. 25/02732/FUL Windyridge, High Street, Wellow, Bath

The Planning Case Officer introduced the report which considered an application for the erection of 3 bed dwelling on land to the front of Windyridge, associated landscape works, and modification to existing drive entrance.

She gave a verbal update to report that the following paragraph had been omitted from the report:

“There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant planning permission for development which affects a listed building or its setting, that the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Here it is considered that the proposals are consistent with the aims and requirements of the primary legislation and planning policy and guidance. The

proposals would not have an unacceptable impact on the listed building or its setting and would preserve the significance of the designated Heritage asset. The proposal accords with policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and part 16 of the NPPF.”

She confirmed the officers’ recommendation that permission be refused for the reasons set out in the report.

The following public representation was received:

1. Cllr Michael Clarkson, Wellow Parish Council, supporting the application.
2. Simon Rayner, applicant, supporting the application.

In response to Members’ questions, it was confirmed:

1. In terms of the definition of less than substantial harm, the wording was taken from the National Planning Policy Framework and meant a level of harm that was lower than substantial harm, but considerable weight still needed to be given to less than substantial harm.
2. The materials were primarily limestone and there were some ceramic tiles near the front door. Although orange brick had initially been proposed, this was no longer part of the plans.
3. Although there was an extant permission, this application needed to be judged on its own merits.
4. Officers had concluded that the application did not preserve the conservation area.
5. The application had not been considered by the Design Review Panel.

Cllr Gourley opened the debate and acknowledged the support of the Parish Council and that the applicant had changed the design in response to comments but expressed concern about the siting and the impact on Hungerford Terrace and Windyridge bungalow.

Cllr Jackson expressed the view that the application was well designed and would preserve and enhance the conservation area as well as contributing to B&NES housing supply. She moved that the application be permitted. This was seconded by Cllr Warren.

Cllr Simon asked that the motion be amended to delegate to permit to allow for suitable conditions. This was agreed by mover and seconder.

Cllr Hughes acknowledged that the development would be an improvement on the existing but stated that the siting was too far forward and would result in a loss of amenity to Hungerford Terrace. Cllr Crossley agreed with this view.

On voting for the motion, it was CARRIED (4 in favour, 3 against, 1 abstention).

RESOLVED that officers be delegated to permit the application subject to suitable conditions.

3. 25/02605/VAR Great Barn Court Block Two Dane's Lane, Keynsham

The Planning Case Officer introduced the report which considered an application for the variation of conditions 4 (Archaeology Post Excavation and Publication), 10 (Construction Management Plan), 17 (Landscape) and 18 (Plans List) of application 24/04399/VAR (Variation of conditions 5 (Investigation and Risk Assessment), 8 (Materials - Submission of Schedule and Samples), 13 (Biodiversity Gain and Habitat Management Plans), 17 (Fire Hydrants), 19 (Landscape) and 20 (Plans List) of application 23/04190/REG03 (Erection of 10 No. affordable apartments (Class C3) and associated access, drainage and landscaping works)).

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

There were no public speakers in relation to this application.

In response to a Member's question, it was confirmed that the paving would be replaced by a permeable tarmac.

Cllr Hughes moved the officers' recommendation to permit the application. This was seconded by Cllr Warren,

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

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

4. 25/02948/FUL Tregonhawke, Packhorse Lane, South Stoke

The Planning Case Officer introduced the report which considered an application to widen an existing balcony.

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

The following public representation was received:

1. Geoffrey Davis clerk of South Stoke Parish Council, objecting to the application.
2. Richard Harlow, agent, supporting the application.

In response to Members' questions, it was confirmed:

1. The purpose of the application was to enable the balcony to be more of a useable space as in its current form the opening of the doors conflicted with the balcony space.
2. The balcony was south facing.

Cllr Gourley opened the debate as ward member and moved the officers recommendation with an additional condition relating to the addition of a screen to prevent overlooking. Cllr Jackson seconded the motion.

Cllr Hughes raised concerns as the site was in a prominent position with a number of nearby properties and it would increase activity on the balcony and impact on residential amenity.

Cllr Simon spoke in support of the motion and an additional condition relating to a screen, suggesting this could be obscured glass. He also requested an additional condition to prevent external lighting.

Cllr Warren questioned how a screen would work and stated that he would be happy to support the officers' recommendation without additional conditions.

The Planning Officer advised that the applicants had suggested they would be willing to include a privacy screen, but his professional view was that the impact of the application was slight, and the built massing of a screen would outweigh the impact on residential amenity. If the Committee was minded to request an additional condition, officers recommended a deferral to allow a further consultation on the proposed screen. In relation to an external lighting condition, the applicant could put lighting outside the house without planning permission and so officers did not consider this to be reasonable in view of the size of the development.

Cllr Jackson stated that she was reluctant to include a condition in relation to lighting and that, in view of officers' comments, she considered a condition relating to a screen to be unreasonable. Cllr Gourley accepted these points and amended her motion to permit the application subject to the conditions in the report.

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

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

5. 25/01551/FUL 54 Uplands Road, Saltford

The Planning Case Officer introduced the report which considered a retrospective application for the erection of a fence and shed.

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

There were no public speakers in relation to this application.

In response to Members' questions, it was confirmed:

1. The application included both the fence and the shed and the two could not be considered separately. The fence would screen the shed and reduce the visual impact.
2. There would be a proposed reduction in height of the close boarded section of the fencing and installation of timber trellis on top which would soften its

appearance.

3. The site differed from the site of a nearby application which was refused as there was a cluster of outbuildings nearby and so the shed would not be out of keeping with its nearby surroundings.
4. The applicant could erect a lower fence (up to 1 metre) under permitted development rights.

Cllr Hughes opened the debate and expressed the view that the fence and shed did not fit with the street scene, and he did not support the officers' recommendation.

Cllr Jackson stated that the fence would screen the shed and outbuildings and moved the officers recommendation to permit the application. This was seconded by Cllr MacFie.

Cllr Warren spoke in support of the motion.

On voting for the motion, it was CARRIED (6 in favour and 2 against).

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

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

The Team Manager – Development Management gave a verbal update to confirm that the appeal in relation to Parcel 3263 Deanhill Lane, Upper Weston, Bath had been dismissed.

RESOLVED that the report be noted.

63 **QUARTERLY PERFORMANCE REPORT COVERING PERIOD 1 JULY - 30 SEPT 2025**

RESOLVED that the report be noted.

The meeting ended at 12.41 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services