

PLANNING COMMITTEE

Minutes of the Meeting held

Wednesday, 12th January, 2022, 11.00 am

Councillors: Sue Craig (Chair), Sally Davis (Vice-Chair), Shelley Bromley, Vic Clarke, Paul Crossley, Lucy Hodge, Duncan Hounsell, Shaun Hughes, Dr Eleanor Jackson and Hal MacFie

83 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

84 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence.

85 DECLARATIONS OF INTEREST

There were no declarations of interest.

86 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was no urgent business.

87 ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, 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.

88 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 15 December 2021 were confirmed and signed as a correct record.

89 SITE VISIT 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.
- 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 Committee's delegated powers, the applications be determined as set out in the decisions list attached as *Appendix 2* to these minutes.

Item No. 1

Application No. 21/03981/FUL

Site Location: 18 St Catherine's Close, Bathwick, Bath, BA2 6BS – Erection of two storey side and rear extension and single storey rear extension following demolition of existing structures.

The Case Officer reported on the application and her recommendation to permit.

A local resident spoke against the application.

The applicant spoke in favour of the application.

Cllr Manda Rigby, local ward member, spoke against the application. She pointed out that there are no other two storey rear extensions in this street. There is concern regarding overlooking and any application should preserve and enhance the Conservation Area.

The Case Officer responded to questions as follows:

- The extension is considered to be acceptable in this location. She explained how the roofscape relates to the surrounding area.
- The Committee should consider each case in its own merits and any decision on this application is unlikely to set a precedent for future decisions.
- The loss of residential amenity relating to the outlook can be considered if the development is felt to be significantly overbearing.

Cllr Jackson stated that, for an urban area, the proposal does not represent overdevelopment of the site. She did not believe that the extension would impact negatively on the urban design of the area. It would enhance the area and the view of the front of the property would not be affected. She then moved the officer recommendation to permit. This was seconded by Cllr Davis.

Cllr Hughes noted the topography of the estate and stated that each plot has its own unique features. The property needs renovation, but he expressed concern regarding the two-storey element of the proposal.

Cllr Hodge was disappointed that the rear and side extensions have not been reduced in height.

Cllr Hounsell felt that this would represent a planning gain as the development would be an improvement on the existing structure. He stated that the application is policy complaint.

Cllr Crossley noted that this street consists of large houses with a variety of extensions and styles. He felt that the proposal would enhance the building and view.

The motion was put to the vote and it was RESOLVED by 7 votes in favour and 3 votes against to PERMIT the application subject to the conditions set out in the report.

90 **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.
- 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 decisions list attached as *Appendix 2* to these minutes.

Item No. 1

Application No. 21/03207/FUL

Site Location: Tynning House, Hursley Hill, Publow – Erection of detached dwelling following demolition of existing HMO property.

The Case Officer reported on the application and her recommendation to refuse. She drew the Committee's attention to paragraph 148 of the NPPF (National Planning Policy Framework) which states:

When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. "very special circumstances" will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

The agent spoke in favour of the application.

The officers then responded to questions as follows:

- The current NPPF guidance should be followed rather than earlier legislation.
- It is a matter of judgment whether the new dwelling is materially larger than the existing property, taking into account both the volume increase and the visual aspect of the application.
- Amendments have been made to the access and Highways Officers now consider the application to be compliant.
- If members were minded to permit the application then a condition could be included to require the existing building to be demolished prior to the commencement of any other works.
- The NPPF states that there should be a presumption in favour of development. However, members should have regard to the Green Belt policies.
- Officers are not aware of any structural or safety reasons why the existing building needs to be demolished.
- The site currently constitutes one single plot. If the Committee was minded to

permit the application then a landscaping condition could be included for the remainder of the site.

Cllr Hounsell stated that the Green Belt policy is very clear and should be taken into account. He highlighted the visual impact of the volume increase in this location.

Cllr Clarke stated that he could see no grounds for overturning the officer recommendation and that it is important to protect the Green Belt.

Cllr Hodge then moved the officer recommendation to refuse. She felt that there were no special circumstances as to why the application should be permitted in this Green Belt location. She also pointed out that Whitchurch Village Council have stated that they could only accept the proposal if the square footage is no larger than the original dwelling. The motion was seconded by Cllr Clarke.

Cllr Crossley stated that this is an interesting proposal, and he did not think that there was a material volume increase.

Cllr Davis did not believe that the proposal would have an adverse effect on the Green Belt. It would not be materially larger than the existing dwelling and conditions could be put in place to ensure that there was appropriate landscaping.

Cllr Jackson could not see the justification or benefit of demolishing the existing building.

Cllr MacFie felt that the new property would not be inappropriate.

Cllr Bromley stated that she had concerns regarding the volume increase of the proposal and the adverse impact it would have on the Green Belt.

The motion was put to the vote and it was RESOLVED by 7 votes in favour and 3 against to REFUSE the application for the reasons set out in the report.

Item No. 2

Application No. 21/03907/FUL

Site Location: 61 Warminster Road, Bathampton, Bath, BA2 6RX – Installation of roof extension with lift to provide first floor accommodation.

The Case Officer reported on the application and her recommendation to permit.

A local resident spoke against the application.

The Case Officer then responded to questions as follows:

- A condition could be included to require a screen along the walkway area. However, this was not included in the original recommendation as the area is a transitory space.
- The walkway would provide access to the lawn area replacing the existing steps.
- There are currently a mix of materials and built form in this street and it is not considered that a modern dwelling would cause harm to the area.

Cllr Hounsell moved that consideration of the application be deferred pending a site visit. This was seconded by Cllr Jackson who stated that a site visit would enable members to view the street scene and assess the impact on residential amenity.

The motion was put to the vote and it was RESOLVED by 7 votes in favour, 2 votes against and 1 abstention to DEFER consideration of the application pending a SITE VISIT.

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

The Committee considered the appeals report.

RESOLVED to note the report.

The meeting ended at 12.35 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 12 JANUARY
2022**

SITE VISIT LIST			
ITEM NO.	SITE NAME	NAME	FOR/AGAINST
1	18 St Catherine's Close, Bathwick, Bath, BA2 6BS	Martin Shirley	Against
		Huw Bunn (Applicant)	For
		Cllr Manda Rigby (Local Ward Member)	Against

MAIN PLANS LIST			
ITEM NO.	SITE NAME	NAME	FOR/AGAINST
1	Tynning House, Hursley Hill, Publow	Oliver Keates (Agent)	For
2	61 Warminster Road, Bathampton, Bath, BA2 6RX	Steve Hayler	Against

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BATH AND NORTH EAST SOMERSET COUNCIL

PLANNING COMMITTEE

12th January 2022

DECISIONS

Item No:	001		
Application No:	21/03981/FUL		
Site Location:	18 St Catherine's Close, Bathwick, Bath, Bath And North East Somerset		
Ward: Bathwick	Parish: N/A	LB Grade: N/A	
Application Type:	Full Application		
Proposal:	Erection of two storey side and rear extension and single storey rear extension following demolition of existing structures.		
Constraints:	Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, Policy NE2A Landscapes and the green set, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,		
Applicant:	Mr And Mrs Bunn		
Expiry Date:	12th January 2022		
Case Officer:	Samantha Mason		

DECISION PERMIT

1 Standard Time Limit (Compliance)

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permission

2 Plans List (Compliance)

The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.

Reason: To define the terms and extent of the permission.

PLANS LIST:

This decision relates to the following plans:

0136-3-301A, 0136-3-305A, 0136-3-310A, 0136-3-311A, 0136-3-312, 0136-3-320A, 0136-3-322, 0136-3-330A received 24th August 2021.

0140-3-350A received 4th October 2021.

0136-3-319D, 0136-3-318D and 0136-3-308D received 6th October 2021.

0140-3-340E received 11th November 2021.

Condition Categories

The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

Compliance - The condition specifies matters to which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

Pre-commencement - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

Please note all conditions should be read fully as these headings are intended as a guide only.

Where approval of further information is required you will need to submit an application to Discharge Conditions and pay the relevant fee via the Planning Portal at www.planningportal.co.uk or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

Permit/Consent Decision Making Statement

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework.

Community Infrastructure Levy - General Note for all Development

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. CIL may apply to new developments granted by way of planning permission as well as by general consent (permitted development) and may apply to change of use permissions and certain extensions. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council **before any development commences**.

Do not commence development until you been notified in writing by the Council that you have complied with CIL; failure to comply with the regulations can result in surcharges, interest and additional payments being added and will result in the forfeiture of any instalment payment periods and other reliefs which may have been granted.

Community Infrastructure Levy - Exemptions and Reliefs Claims

The CIL regulations are non-discretionary in respect of exemption claims. If you are intending to claim a relief or exemption from CIL (such as a "self-build relief") it is important that you understand and follow the correct procedure **before** commencing **any** development on site. You must apply for any relief and have it approved in writing by the Council then notify the Council of the intended start date **before** you start work on site. Once development has commenced you will be unable to claim any reliefs retrospectively and CIL will become payable in full along with any surcharges and mandatory interest charges. If you commence development after making an exemption or relief claim but before the claim is approved, the claim will be forfeited and cannot be reinstated.

Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: www.bathnes.gov.uk/cil. If you have any queries about CIL please email cil@BATHNES.GOV.UK

Responding to Climate Change (Informative):

The council is committed to responding to climate change. You are advised to consider sustainable construction when undertaking the approved development and consider using measures aimed at minimising carbon emissions and impacts on climate change.

Item No:	01		
Application No:	21/03207/FUL		
Site Location:	Tyning House, Hursley Hill, Publow, Bristol		
Ward: Publow And Whitchurch	Parish: Whitchurch	LB Grade: N/A	
Application Type:	Full Application		
Proposal:	Erection of detached dwelling following demolition of existing HMO property.		
Constraints:	Bristol Airport Safeguarding, Norton Malreward Unlicensed Airstrip, Agric Land Class 1,2,3a, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Neighbourhood Plan, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,		
Applicant:	Mr Smart		
Expiry Date:	17th January 2022		
Case Officer:	Isabel Daone		

DECISION Refuse as per officer recommendation

Item No:	02		
Application No:	21/03907/FUL		
Site Location:	61 Warminster Road, Bathampton, Bath, Bath And North East Somerset		
Ward:	Bathavon North	Parish:	Bathampton
		LB Grade:	N/A
Application Type:	Full Application		
Proposal:	Installation of roof extension with lift to provide first floor accommodation.		
Constraints:	Agric Land Class 1,2,3a, Policy B4 WHS - Indicative Extent, Policy CP9 Affordable Housing Zones, Housing Development Boundary, MOD Safeguarded Areas, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,		
Applicant:	Mr & Mrs Bye		
Expiry Date:	14th January 2022		
Case Officer:	Isabel Daone		

DECISION Defer for site visit

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