

## PLANNING COMMITTEE

### Minutes of the Meeting held

Wednesday, 7th June, 2023, 11.00 am

**Councillors:** Duncan Hounsell (Chair), Ian Halsall (Vice-Chair), Lucy Hodge, Hal MacFie, Toby Simon, Shaun Hughes, Tim Warren CBE, Paul Crossley and Ruth Malloy

#### 1 ELECTION OF CHAIR

Cllr Ian Halsall proposed that Cllr Duncan Hounsell be elected Chair. This was seconded by Cllr Hal MacFie and on being put to the vote it was CARRIED (9 in favour 0 against – unanimous)

**RESOLVED** that Cllr Duncan Hounsell be elected Chair of the Planning Committee.

#### 2 ELECTION OF VICE CHAIR

Cllr Duncan Hounsell proposed that Cllr Ian Halsall be elected Vice-Chair. This was seconded by Cllr Hal MacFie and on being put to the vote it was CARRIED (9 in favour 0 against – unanimous)

**RESOLVED** that Cllr Ian Halsall be elected Vice-Chair of the Planning Committee.

#### 3 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

#### 4 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Cllr Paul Crossley and Cllr Ruth Malloy were in attendance. Apologies for absence were received from Cllr Eleanor Jackson.

#### 5 DECLARATIONS OF INTEREST

There were no declarations of interest.

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

There was no urgent business.

#### 7 ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS

The Democratic Services Officer outlined the procedure for public speakers addressing the committee.

#### 8 MINUTES OF THE PREVIOUS MEETING

**RESOLVED** that the minutes of the meeting held on Wednesday 26 April 2023 be confirmed as a correct record for signing by the Chair.

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

There were no site visit applications for consideration.

10 **MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE**

The Committee considered:

A report and update 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) 22/02622/FUL 2 Fairfield Terrace, Peasedown St John, Bath

The Case Officer introduced her report which considered an application for the erection of a new separate two storey dwelling including formation of new vehicular access and double car parking area for existing house and a new pedestrian access for new dwelling.

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

The following public representations were received:

1. Cllr Conor Ogilvie-Davidson, Peasedown Parish Council objecting to the application.
2. Kevin Matthews, local resident, objecting to the application.
3. Will Drewett, agent, speaking in support of the application.

Cllrs Gavin Heathcote and Karen Walker were unable to attend the meeting as local ward Councillors and a statement was read on their behalf which raised safety concerns about the proposed new pedestrian and vehicular accesses as well as concerns that the development was not in keeping with the character of the area and would change the street scene.

It was In response to Members' questions, it was confirmed:

1. The report did summarise all the objections raised, although there was an error in relation to the number reported as received in the report.
2. The use of the existing access had been explored but there were highway safety concerns due to the access being restricted and the new access

was the preferred option. It was the view of highway officers that visibility would not be obscured.

3. At the time the application was submitted there were no double yellow lines, but these were now in place.
4. The siting of the proposed development was considered acceptable, it was located near other built form such as garages.
5. Officers were confident that the addition of solar panels would meet the net zero target, but the exact figure would be confirmed once details were received (as required by condition).
6. There was no traffic data as this was a relatively small application for one dwelling.
7. Only part of the hedge would be removed for the new pedestrian access, the rest would be retained.

Cllr Ian Halsall expressed the view that the principle of development was acceptable, the impact on highways negligible and that his only concerns were the design of the rear and the siting of the development.

Cllr Tim Warren stated that the application was in accordance with Council policy, and he proposed the officers' recommendation that permission be granted subject to the conditions set out in the report. This was seconded by Cllr Toby Simon.

Cllr Shaun Hughes expressed concern that the application would set a precedent for additional houses that would be difficult to accommodate. The Legal Officer advised that, in general terms, although granting planning permission could set a precedent, this was dependent on the circumstances and each application had to be judged on its merits.

Cllr Lucy Hodge stated that she would be minded to support a site visit.

On being put to the vote the motion was CARRIED (5 in favour, 4 against)

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

(2) 23/00419/LBA 1 Cambridge Place, Widcombe Hill, Widcombe

The Case Officer introduced her report which considered the application for external alterations to a grade 2 listed building to include the installation of 6 photovoltaic (PV) solar panels on the roof.

She confirmed her recommendation that the application be refused for the reasons set out in the report.

Cllr Deborah Collins was in attendance as local ward member and raised the following issues:

1. The owners were committed to reducing their carbon footprint within the constraints of the grade 2 listing of their home.
2. The application was in accordance with the Council's climate emergency strategy.
3. Historic England guidance advocated that planning authorities needed to

balance the harm of a PV scheme against the sustainability benefits of a proposal.

4. There was limited visibility of the roof, and this was further restricted by parapets.

She urged the Committee to permit the application subject to a condition requiring a supportive structural engineering report.

It was In response to Members' questions, it was confirmed:

1. There was no information on the design of the panels and the thickness in relation to the roof or of the applicant exploring other options in relation to siting.
2. It would not be possible to grant permission subject to a structural engineering report as the details of the report would need to be considered. Officers were recommending refusal for reasons other than the potential impact on the structure of the roof.
3. In relation to a recent appeal where considerable weight was given to renewable energy in view of the public benefit, this application was much smaller, and officers considered public benefit to be moderate in this case.
4. It was difficult for officers to judge if they would have recommended granting permission if the information about the technical aspects and design been submitted as this information would need to be evaluated.
5. In terms of whether permitting the development would set a precedent, each case needed to be determined on its merits.

Cllr Ian Halsall stated that it was a difficult balance between maintaining the character of a listed building and meeting the challenges of the climate emergency and he considered the harm to the listed building to be less than substantial in view of the limited visibility and outweighed by the public benefit. He proposed that the application be permitted subject to the specification and design details of the panels being submitted and approved. Cllr Paul Crossley concurred with this view and seconded the motion.

Cllr Lucy Hodge stated that although she was supportive of climate emergency arguments she was concerned about the quality of the detail in relation to the application and would prefer a decision to be deferred pending further detail. In response to questioning, the Deputy Head of Planning confirmed that a deferral would be acceptable, but it was important that a timescale be set out for the submission of further details.

Cllr Ruth Malloy referred to the Bath Preservation Trust comments requesting further details about the design of the panels and that she supported a deferral to enable this information to be submitted before determining the application.

On voting for the motion to grant permission subject to the specification and design details of the panels being submitted and approved it was NOT CARRIED (3 in favour and 6 against).

Cllr Lucy Hodge proposed that the application be deferred. On seconding the motion, Cllr Toby Simon recommended that the application be brought back to the 26 July meeting unless the applicant submitted an alternative timescale.

On being put to the vote the motion was CARRIED (9 in favour, 0 against - unanimous).

**RESOLVED**

- (1) that the application be deferred pending the submission of a structural engineering report and further details about the specification and design details of the photovoltaic solar panels.
- (2) That the application be brought back to the 26 July meeting unless the applicant submits an alternative timescale.

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

In response to questioning about the Frome House applications, the Deputy Head of Planning confirmed that as there were two applications for the same site the applicants could implement either scheme. She undertook to bring back a report with further details on the costs with analysis from officers.

**RESOLVED** that the report be noted.

The meeting ended at 12.45 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 7 JUNE 2023

MAIN PLANS LIST			
ITEM NO.	REFERENCE/ SITE ADDRESS	NAME	RESPRESENTING
1	22/02622/FUL - 2 Fairfield Terrace, Peasedown St John	Cllr Conor Ogilvie-Davidson	Parish Council (3 minutes)
		Kevin Matthews	Objector (3 minutes)
		Will Drewett (agent)	Supporter (3 minutes)
		Cllrs Gavin Heathcote and Karen Walker ( <i>to be read in absence</i> )	Ward Councillors
2	23/00419/LBA - 1 Cambridge Place, Widcombe Hill, Widcombe, Bath	Cllr Deborah Collins	Ward Councillor (5 minutes)

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**BATH AND NORTH EAST SOMERSET COUNCIL**  
**PLANNING COMMITTEE**  
**7th June 2023**  
**DECISIONS**

<b>Item No:</b>	01	
<b>Application No:</b>	22/02622/FUL	
<b>Site Location:</b>	2 Fairfield Terrace, Peasedown St John, Bath, Bath And North East Somerset	
<b>Ward:</b> Peasedown	<b>Parish:</b> Peasedown St John	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Erection of new separate two storey dwelling including formation of new vehicular access and double car parking area for existing house, new pedestrian access for new dwelling, both off Braysdown Lane following removal of existing garage and outbuilding within part of garden.	
<b>Constraints:</b>	White Ox Mead Air Strip 3km buffer, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Policy CP9 Affordable Housing, SSSI - Impact Risk Zones,	
<b>Applicant:</b>	Mr & Mrs Mark & Sarah Jones	
<b>Expiry Date:</b>	8th June 2023	
<b>Case Officer:</b>	Danielle Milsom	

**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 Wildlife Protection and Enhancement Scheme (Pre-Commencement)**

No development shall take place until full details of a Wildlife Protection and Enhancement Scheme in accordance with (but not limited to) the Ecology Report Rev.2 produced by Pure Ecology dated 1st February 2023 has been submitted to and approved in writing by the local planning authority. These details shall include:

(i) Method statement for pre-construction and construction phases to provide full details of all

necessary protection and mitigation measures, including, where applicable, protection measures for retained sections of hedgerow and methods for the avoidance of harm to badger, hedgehog,

nesting birds, reptiles, and other wildlife.

(ii) A detailed specification and location plan for provision of two garden trees, night-scented plants, one bat box and two swift boxes.

All works within the scheme shall be carried out in accordance with the approved details and completed in accordance with specified timescales and prior to the occupation of the development.

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with policy NE3 of the Bath and North East Somerset Local Plan.

### **3 Implementation of Wildlife Scheme (Bespoke Trigger)**

Within 6 months of completion of the development a brief statement confirming and demonstrating, using photographs, completion and implementation of the Wildlife Protection and Enhancement

Scheme in accordance with approved details, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To demonstrate the completed implementation of the Wildlife Protection and Enhancement Scheme, to prevent ecological harm and to provide biodiversity gain in accordance with NPPF and Policies NE3 and D5e of the Bath and North East Somerset Local Plan

### **4 External and Internal Lighting (Bespoke Trigger)**

Any new internal lighting shall comply with the approved Internal Lighting Strategy produced by Dolman dated 6th February 2023. No internal lighting in west-facing rooms or new external lighting shall be installed until full details of the proposed lighting design have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

1. Lamp models and manufacturer's specifications, positions, numbers and heights; and
2. Measures to limit use of lights when not required, to prevent upward light spill and to prevent light spill onto nearby vegetation and adjacent land.

The lighting shall be installed and operated thereafter in accordance with the approved details.

Reason: To avoid harm to bats and wildlife in accordance with Policies NE3 and D8 of the Bath and North East Somerset Local Plan.

### **5 Highway Works (Pre-occupation)**

No occupation of the development shall commence until the highway works shown on drawing

number 3917-01 Rev C has been provided. There shall be no on-site obstruction exceeding

600mm above ground level within the visibility splay. The visibility splay shall be retained permanently thereafter.

Reason: To ensure that the development is served by an adequate means of access in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan

### **6 Drainage (Pre-commencement)**

Prior to the commencement of any works on site, details of the provision for the sustainable

disposal of surface water within the site, so as to prevent its discharge onto the public highway,  
shall be submitted to the Local Planning Authority, and fully implemented to the satisfaction of  
the Local Planning Authority.

Reason: To ensure that an appropriate method of surface water drainage is installed and in the interests of flood risk management in accordance with Policy CP5 of the Bath and North East Somerset Core Strategy and Policy SU1 of the Bath and North East Somerset Placemaking Plan.

### **7 Electric Vehicle Charging Points (Pre-occupation)**

No building or use hereby permitted shall be occupied or use commenced until details of the total number of car parking spaces, the number/type/location/means of operation and a programme for the installation and maintenance of Electric Vehicle Charging Points and points of passive provision for the integration of future charging points has been submitted to and approved in writing by the Local Planning Authority prior to construction of the above ground works. The Electric Vehicle Charging Points as approved shall be installed prior to occupation and retained in that form thereafter for the lifetime of the development.

Reason: To promote sustainable travel, aid in the reduction of air pollution levels and help mitigate climate change in accordance with Policy ST1 of the Bath and North East Somerset Placemaking Plan.

### **8 Solar Panels (pre-occupation)**

No occupation of the dwelling hereby approval shall commence until details of solar panels have been submitted to and approved in writing by the Local Planning Authority. The solar panels approved shall be implemented prior to the occupation of the dwelling.

Reason: In the interests of sustainable construction in accordance with policy SCR6.

### **9 Materials - Submission of Materials Schedule (Bespoke Trigger)**

No construction of the external walls of the development shall commence until a schedule of materials and finishes to be used in the construction of the external surfaces, including roofs, has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include:

1. Detailed specification of the proposed materials (Type, size, colour, brand, quarry location, etc.);
2. Photographs of all of the proposed materials;
3. An annotated drawing showing the parts of the development using each material.

Samples of any of the materials in the submitted schedule shall be made available at the request of the Local Planning Authority.

The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with policy CP6 of the Bath and North East Somerset Core Strategy, policies D1, D2 and D3 of the Bath and North East Somerset Placemaking Plan and Policy D5 of the Bath and North Somerset Local Plan Partial Update.

### **10 SCR6 Residential Properties (Pre-occupation)**

Prior to occupation of the development hereby approved, the following tables (as set out in the Council's Sustainable Construction Checklist Supplementary Planning Document) shall be completed in respect of the completed development and submitted to and approved in writing by the Local Planning Authority together with the further documentation listed below.

PHPP/SAP calculations are to be updated with as-built performance values. The following are to be completed using the updated as-built values for energy performance.

Minor Residential Development:

1. Energy Summary Tool 1 or 2
2. Tables 1.1 or 1.2 (if proposal has more than one dwelling type)

All Residential Development:

3. Table 5 (updated)
4. Building Regulations Part L post-completion documents for renewables;
5. Building Regulations Part L post-completion documents for energy efficiency;
6. Final as-built full data report from Passive House Planning Package or SAP
7. Microgeneration Certification Scheme (MCS) Certificate/s

Reason: To ensure that the approved development complies with Policy SCR6 of the Local Plan Partial Update

### **11 Rainwater Harvesting (Pre-occupation)**

No occupation of the approved dwellings shall commence until a scheme for rainwater harvesting or other methods of capturing rainwater for use by residents (e.g. Water butts) has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: In the interests of water efficiency in accordance with policy SCR5 of the Placemaking Plan.

### **12 Water Efficiency (Compliance)**

The approved dwellings shall be constructed to meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day.

Reason: In the interests of water efficiency in accordance with Policy SCR5 of the Placemaking Plan.

### **13 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:

Revised Drawing - 6 Feb 2023 - 3917-01D - Site location/site layout and block plan

Revised drawing - 13 Mar 2023 - 3917-02A - Floor Plans and Elevations

### **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](http://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 have 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](http://www.bathnes.gov.uk/cil). If you have any queries about CIL please email [cil@BATHNES.GOV.UK](mailto: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.

<b>Item No:</b>	02
<b>Application No:</b>	23/00419/LBA
<b>Site Location:</b>	1 Cambridge Place, Widcombe Hill, Widcombe, Bath
<b>Ward:</b> Widcombe And Lyncombe	<b>Parish:</b> N/A <b>LB Grade:</b> II
<b>Application Type:</b>	Listed Building Consent (Alts/exts)
<b>Proposal:</b>	External alterations to include Installation of 6 photovoltaic solar panels on roof
<b>Constraints:</b>	Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Colerne Airfield Buffer, Agricultural Land Classification, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, British Waterways Major and EIA, British Waterways Minor and Householders, Conservation Area, Policy CP9 Affordable Housing, Listed Building, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE3 SNCI 200m Buffer, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,
<b>Applicant:</b>	Mr Chris Born
<b>Expiry Date:</b>	13th April 2023
<b>Case Officer:</b>	Danielle Milsom

**DECISION** - Deferred until July committee for submission of further information

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