

## PLANNING COMMITTEE

### Minutes of the Meeting held

Wednesday, 13th March, 2024, 11.00 am

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

#### 94 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

#### 95 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence or substitutions.

#### 96 DECLARATIONS OF INTEREST

There were no declarations of interest.

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

There was no urgent business.

#### 98 ITEMS FROM THE PUBLIC

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.

#### 99 MINUTES OF THE PREVIOUS MEETING

It was moved by Cllr Eleanor Jackson seconded by Cllr Toby Simon and:

**RESOLVED** that the minutes of the meeting held on Wednesday 14 February 2024 be confirmed as a correct record for signing by the Chair.

#### 100 SITE VISIT 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 the applications under the site visit applications list.

**RESOLVED** that in accordance with the delegated powers, the applications be

determined as set out in the site visit decisions list attached as Appendix 2 to these minutes.

**(1) 22/05081/FUL – 53 Rockliffe Road, Bathwick, Bath**

The Planning Case Officer introduced the report which considered an application for the erection of a three-bedroom dwelling with associated landscaping and car parking. She reported that an update report had been circulated in relation to third party comments to delete references to the site being brownfield land and clarifying that officers had not attached substantial weight to the fact that part of the land could be considered brownfield. She gave a verbal update to confirm that the sentence “The dwelling itself has been re-orientated by 90 degrees in comparison to the *refused* scheme” should read “*withdrawn* scheme”.

She confirmed the officers’ recommendation that permission be granted subject to the conditions set out in the report and a Section 106 agreement to secure a financial contribution for off-site trees of £10,681.

The following public representations were received:

1. Andy Harrison objecting to the application.
2. Will Collins, agent, supporting the application.

Cllr Manda Rigby, speaking as local ward member, thanked the Committee for visiting the site and raised the following points:

1. The width of the proposed development was equal to the width of 3 nearby properties, and it was almost as high as it was built up on plinths due to its location in a flood zone.
2. The orientation was counter to all neighbouring properties.
3. The proposed development would not enhance or conserve the conservation area, it would have a detrimental impact on the residential amenity of neighbouring properties due to overlooking, it constituted over development and there would be a loss of local biodiversity.

She urged the Committee to reject the application.

In response to Members’ questions, it was confirmed:

1. It was not known how the proposed development differed in size to the applicants’ existing property but the fact that the applicants were looking to downsize was not a planning consideration.
2. The proposed development would need be built up on plinths to a certain height to comply with flood amelioration measures. This was a safety requirement for all new properties built in a flood zone.
3. The proposed roof would be flat.
4. It was the view of officers that louvres would help mitigate the impact of overlooking.
5. The fact that trees had not been replanted on site in accordance with a previous condition was not a consideration. Enforcement action had not been pursued as the development had not been completed. The current application accommodated as much tree planting on site as space allowed along with the contribution towards off site tree planting.
6. No specific site had yet been identified for the offsite contribution towards tree planting as this would be confirmed at a later stage but there was a

- preference for the trees to be located close to the site.
7. As to whether there was a conflict between good modern innovative design and responding to the local context in the case of this application, it was the view of officers that there was not a conflict, it was a contemporary design, and the height and materials also reflected the locality and therefore did respond to the local context.
  8. The application site had planning permission as a residential garden, but it was also a backland site in a built-up area of Bath and had been assessed as such.

Cllr Toby Simon opened the debate as local ward member. He apologised for not being able to attend the site visit due to another Council commitment but confirmed he was aware of the site. He stated that he was inclined to support the application.

Cllr Shaun Hughes expressed concern about the proposed development as he considered it to be an overdevelopment of the site resulting in a loss of residential amenity and also that the design was not appropriate to the context of a conservation area.

Cllr Eleanor Jackson agreed with these concerns and raised a further concern that there was insufficient green infrastructure and moved that the application be refused. This was seconded by Cllr Lucy Hodge who expressed concern that the application was not policy compliant and would have a significant impact on residential amenity.

Cllr Ian Halsall stated that the contemporary design would fit well into the context, and he did not consider the proposed development to be harmful.

Cllr Tim Warren stated that although he did not have a concern about the principle of development, he was concerned about the height of the proposed development and was unable to support the application.

On being put to the vote the motion was CARRIED (6 in favour, 4 against)

**RESOLVED** that the application be refused for the following reasons:

1. The proposed development due to its height, scale, massing and footprint would have an adverse impact on the character of the locality and cause some harm to the conservation area.
2. The proposed development would result in unacceptable levels of overbearing and overlooking would have a detrimental impact on neighbouring properties.
3. The proposed development did not maximise opportunities for the provision of green infrastructure within the site.

**(2) 23/00537/FUL – 14 Woodland Grove, Claverton Down, Bath**

The Planning Case Officer introduced the report which considered an application for the erection of a first-floor extension over an existing single-storey accommodation with ground floor entrance lobby. She confirmed the officer's recommendation that the application be permitted subject to the conditions set out in the report.

The following public representations were received:

1. Ralph Nunn objecting to the application.
2. Tom Rocke, co-applicant supporting the application.

Cllr Manda Rigby addressed the Committee as local ward member. She thanked the Committee for visiting the site and reiterated her concerns expressed at the previous meeting that the application was overbearing in terms of design and materials and would have a detrimental impact on the amenity of neighbouring properties.

In response to Members' questions, the case officer clarified the orientation of the development in terms of the light and confirmed that although the proposed extension was large it was subservient to the main dwelling and officers considered the size to be acceptable.

Cllr Toby Simon opened the debate as local ward member. He apologised for not being able to attend the site visit due to another Council commitment and stated that he had considered the application to be a straightforward application but would listen to the views expressed by members following the site visit before making a decision.

Cllr Shaun Hughes expressed concern about the design and materials of the proposed application and stated that it was out of keeping with the character and appearance of the area. He moved that the application be refused. This was seconded by Cllr Ian Halsall who stated that the height of the proposed development would have a detrimental impact on neighbouring properties in The Avenue in terms of being overbearing and resulting in a loss of light.

On being put to the vote the motion was CARRIED (9 in favour, 0 against and 1 abstention)

**RESOLVED** that the application be refused for the following reasons:

1. The proposed development by reason of its scale and design was out of keeping with the character and appearance of the area.
2. The proposed development would have a detrimental impact on neighbouring properties in The Avenue in terms of being overbearing and resulting in a loss of light.

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

There were no main plans list applications for consideration.

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

In relation to a question about the refusal for a dropped kerb at 23/00714/FUL124 Old Fosse Road, Members were advised that this did not set a precedent in terms of these types of application as there were highway grounds for refusal that were specific to this application.

The Team Manager (Development Management) undertook to give an update on enforcement action in relation to the Roman City Guest House, 18 Raby Place, Bathwick as requested at the previous meeting.

**RESOLVED** that the report be noted.

The meeting ended at 12.57 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 13  
MARCH 2023**

<b>SITE VISIT LIST</b>			
<b>ITEM NO.</b>	<b>SITE NAME</b>	<b>NAME</b>	<b>SUPPORTING/ OBJECTING/ REPRESENTING</b>
1	22/05081/FUL - 53 Rockliffe Road, Bathwick, Bath	Andy Harrison	objecting
		Will Collins	supporting
		Cllr Manda Rigby	Ward Member
2	23/00537/FUL - 14 Woodland Grove, Claverton Down, Bath	Ralph Nunn	objecting
		Tom Rocke	supporting
		Cllr Manda Rigby	Ward Member

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**BATH AND NORTH EAST SOMERSET COUNCIL**

**PLANNING COMMITTEE**

**13th March 2024**

**SITE VISIT DECISIONS**

<b>Item No:</b>	001	
<b>Application No:</b>	22/05081/FUL	
<b>Site Location:</b>	53 Rockliffe Road, Bathwick, Bath, Bath And North East Somerset	
<b>Ward:</b> Bathwick	<b>Parish:</b> N/A	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Erection of a three-bedroom dwelling with associated landscaping and car parking (Resubmission).	
<b>Constraints:</b>	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, Flood Zone 2, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Ecological Networks Policy NE5, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,	
<b>Applicant:</b>	Mr and Mrs Ian and Sian Millward	
<b>Expiry Date:</b>	15th March 2024	
<b>Case Officer:</b>	Isabel Daone	

**DECISION REFUSE**

**1 Character, appearance and impact to Conservation Area**

The development, by virtue of its height, scale, massing, footprint is out of keeping with the context which will have an adverse impact on the character of the locality. It does not relate well to the frontage buildings and will cause less than substantial harm to the character of the Conservation Area. There are not sufficient public benefits to outweigh this harm. The development is therefore contrary to policy CP6 of the Bath and North East Somerset Core Strategy, policies D2, D7 and HE1 of the Bath and North East Somerset Placemaking Plan and part 16 of the National Planning Policy Framework.

**2 Residential amenity**

The development, by virtue of its height, scale, massing, and footprint will result in unacceptable levels overbearing and overlooking, thus causing significant harm to the amenities of the neighbouring occupiers, specifically those on Rockliffe Road and Forester Avenue. The development is contrary to policy D6 of the Bath and North East Somerset Placemaking Plan.

**3 Green Infrastructure**

The development by virtue of its layout and scale does not maximise opportunities for the provision of green infrastructure within the site and is therefore contrary to policy NE1 of the Bath and North East Somerset Local Plan Partial Update.

## **PLANS LIST:**

This decision relates to the following plans:

2145-VAL-XX-XX-A-DR-1930 P04. Proposed Elevations. Received 16th December 2022  
2145-VAL-XX-XX-DR-A-1911 P03. Proposed Block Plan. Received 11th May 2023  
2145-VAL-XX-XX-DR-A-1931 P03. Proposed Elevations. Received 11th May 2023  
2145-VAL-XX-XX-DR-A-1935 P01. Proposed Louvres. Received 11th May 2023  
2145-VAL-XX-XX-DR-A-1920 P04. Proposed Floor Plans. Received 11th May 2023  
290 PA 01 B. Proposed Garden Layout and Tree Replacement Plan. Received 16th August 2023

### **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.

### **Community Infrastructure Levy**

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority please note that CIL applies to all relevant planning permissions granted on or after this date. Thus any successful appeal against this decision may become subject to CIL. Full details are available on the Council's website [www.bathnes.gov.uk/cil](http://www.bathnes.gov.uk/cil)

### **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.

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. The application is unacceptable for the reasons outlined on this decision notice following debate at Planning Committee and the applicant has not withdrawn the application. In the interests of avoiding unnecessary delays the Local Planning Authority moved forward and issued its decision.

<b>Item No:</b>	002		
<b>Application No:</b>	23/00537/FUL		
<b>Site Location:</b>	14 Woodland Grove, Claverton Down, Bath, Bath And North East Somerset		
<b>Ward:</b>	Bathwick	<b>Parish:</b>	N/A
		<b>LB Grade:</b>	N/A
<b>Application Type:</b>	Full Application		
<b>Proposal:</b>	Erection of first floor extension over existing single-storey accommodation with ground floor entrance lobby		
<b>Constraints:</b>	Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2A Landscapes and the green set, Ecological Networks Policy NE5, Strategic Nature Areas Policy NE5, SSSI - Impact Risk Zones,		
<b>Applicant:</b>	Mrs D Johnson		
<b>Expiry Date:</b>	15th March 2024		
<b>Case Officer:</b>	Paige Moseley		

## **DECISION REFUSE**

### **1 Character and appearance**

The dwellings in the street surrounding the development have a distinct degree of spacing between them. The addition of a second storey to the current one-storey element of this scale, massing and form would be detrimental to the spacing and layout of the area.

The dwelling has already been extended previously and the proposed development would add increased footprint and massing which would result in overdevelopment of the host dwelling and site.

The proposed materials would be inappropriate within the setting and would not respect the local materials palette. In particular, the use of metal cladding on a two-storey wall would have an industrial appearance which would be incongruous in the residential setting.

Overall the proposal by reason of its design, scale, massing, and materials is unacceptable and would fail to respond to the local context, or maintain the character and appearance of the surrounding area. Therefore, the proposal fails to accord with policy CP6 of the Core Strategy, policies D1, D2, D3, D4 and D5 of the Placemaking Plan and part 12 of the NPPF.

### **2 Residential Amenity**

The proposed extension, by virtue of its massing, height and proximity to neighbouring gardens, would feel oppressive and result in unacceptable overbearing impact, particularly on neighbouring dwellings in The Avenue. The proposal, by virtue of massing, height, proximity to neighbouring gardens and orientation would result in loss of light to neighbouring dwellings in The Avenue to an unacceptable level. Overall the proposal

would result in significant harm to the amenities of neighbouring dwellings and the proposal therefore conflicts with policy D6 of the Placemaking Plan for Bath and North East Somerset (2017) and part 12 of the NPPF.

### **PLANS LIST:**

This decision relates to the following plans:

13 Dec 2023 2107-P-110 REV B GROUND FLOOR PLAN AS PROPOSED  
13 Dec 2023 2107-P-111 REV B FIRST FLOOR PLAN AS PROPOSED  
13 Dec 2023 2107-P-112 REV B ROOF PLAN AS PROPOSED  
13 Dec 2023 2107-P-132 REV B SOUTH EAST ELEVATION AS PROPOSED  
13 Dec 2023 2107-P-133 REV B NORTH EAST ELEVATION AS PROPOSED  
13 Dec 2023 S107/P/130/B NORTH WEST ELEVATION AS PROPOSED  
08 Jan 2024 2107-P-131 REV C SOUTH WEST ELEVATION AS PROPOSED

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