

Planning Committee

Date: Wednesday, 23rd October, 2024
Time: 11.00 am
Venue: Council Chamber, Guildhall, Bath

Agenda

To: All Members of the Planning Committee

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

Permanent Substitutes:- Councillors: Alex Beaumont, Duncan Hounsell and Ruth Malloy

Chief Executive and other appropriate officers
Press and Public

The agenda is set out overleaf.



Corrina Haskins

Democratic Services

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NOTES:

1. **Inspection of Papers:** Papers are available for inspection as follows:

Council's website: <https://democracy.bathnes.gov.uk/ieDocHome.aspx?bcr=1>

2. **Details of decisions taken at this meeting** can be found in the minutes which will be circulated with the agenda for the next meeting. In the meantime, details can be obtained by contacting as above.

3. **Recording at Meetings:-**

The Openness of Local Government Bodies Regulations 2014 now allows filming and recording by anyone attending a meeting. This is not within the Council's control. Some of our meetings are webcast. At the start of the meeting, the Chair will confirm if all or part of the meeting is to be filmed. If you would prefer not to be filmed for the webcast, please make yourself known to the camera operators. We request that those filming/recording meetings avoid filming public seating areas, children, vulnerable people etc; however, the Council cannot guarantee this will happen.

The Council will broadcast the images and sounds live via the internet www.bathnes.gov.uk/webcast. The Council may also use the images/sound recordings on its social media site or share with other organisations, such as broadcasters.

4. **Public Speaking at Meetings**

The Council has a specific scheme for the public to make representations at Planning Committee meetings.

Advance notice is required by the close of business (5.00pm) two days before a committee. This means that for Planning Committee meetings held on Wednesdays, notice must be received in Democratic Services by 5.00pm the previous Monday.

Further details of the scheme can be found at:

<https://democracy.bathnes.gov.uk/ecCatDisplay.aspx?sch=doc&cat=12942>

5. **Emergency Evacuation Procedure**

When the continuous alarm sounds, you must evacuate the building by one of the designated exits and proceed to the named assembly point. The designated exits are signposted. Arrangements are in place for the safe evacuation of disabled people.

6. **Supplementary information for meetings**

Additional information and Protocols and procedures relating to meetings

<https://democracy.bathnes.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13505>

Planning Committee- Wednesday, 23rd October, 2024

at 11.00 am in the Council Chamber, Guildhall, Bath

AGENDA

1. EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer will draw attention to the emergency evacuation procedure.

2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

3. DECLARATIONS OF INTEREST

At this point in the meeting declarations of interest are received from Members in any of the agenda items under consideration at the meeting. Members are asked to indicate:

(a) The agenda item number and site in which they have an interest to declare.

(b) The nature of their interest.

(c) Whether their interest is **a disclosable pecuniary interest** or an **other interest**, (as defined in Part 4.4 Appendix B of the Code of Conduct and Rules for Registration of Interests)

Any Member who needs to clarify any matters relating to the declaration of interests is recommended to seek advice from the Council's Monitoring Officer before the meeting to expedite dealing with the item during the meeting.

4. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

5. ITEMS FROM THE PUBLIC

To note that, regarding planning applications to be considered, members of the public who have given the requisite notice to Democratic Services will be able to make a statement to the Committee immediately before their respective applications are considered. There will be a time limit of 3 minutes for each proposal, i.e., 3 minutes for the Parish and Town Councils, 3 minutes for the objectors to the proposal and 3 minutes for the applicant, agent and supporters. This allows a maximum of 9 minutes per proposal.

6. MINUTES OF THE PREVIOUS MEETING (Pages 5 - 14)

To confirm the minutes of the meeting held on Wednesday 25 September 2024 as a correct record for signing by the Chair.

7. SITE VISIT LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (Pages 15 - 28)

The following items will be considered at 11am:

1. 24/01160/FUL - 11 Richmond Road, Bath

8. MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE

There are no main plan applications for consideration.

9. NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES (Pages 29 - 32)

The Committee is asked to note the report.

10. QUARTERLY PERFORMANCE REPORT - 1 JULY - 30 SEPT 2024 (Pages 33 - 44)

The Committee is asked to note the report.

The Democratic Services Officer for this meeting is Corrina Haskins who can be contacted on 01225 394357.

Delegated List Web Link: <https://beta.bathnes.gov.uk/document-and-policy-library/delegated-planning-decisions>

PLANNING COMMITTEE**Minutes of the Meeting held**

Wednesday, 25th September, 2024, 11.00 am

Councillors: Ian Halsall (Chair), Lucy Hodge (Vice-Chair), Colin Blackburn, Hal MacFie, Toby Simon, Dr Eleanor Jackson, Tim Warren CBE, Alex Beaumont, Duncan Hounsell and Ruth Malloy

39 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

40 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Cllrs Deborah Collins, Paul Crossley, Fiona Gourley and Shaun Hughes and there were the following substitutions:

Cllr Ruth Malloy for Cllr Deborah Collins
Cllr Alex Beaumont for Cllr Paul Crossley (am only)
Cllr Duncan Hounsell for Cllr Fiona Gourley
Cllr Colin Blackburn for Cllr Shaun Hughes

41 DECLARATIONS OF INTEREST

Cllr Tim Warren stated that the applicant in relation to application 3 - 23/04243/OUT - Hartley Wood, King Lane, Clutton had been formerly connected with his family, but he did not consider he had an interest in the application that would impact his judgement.

Cllr Lucy Hodge stated that she was ward member for application 2 -24/00523/FUL - Chalfont, Charlcombe Lane, Lansdown but she did not have a declarable interest in the item.

42 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was no urgent business.

43 ITEMS FROM THE PUBLIC - TO RECEIVE STATEMENTS, PETITIONS OR QUESTIONS

The Democratic Services Officer advised on the process for those registered to make statements on planning applications.

44 MINUTES OF THE PREVIOUS MEETING

Cllr Jackson proposed that the minutes be confirmed as a correct record subject to the insertion of the word "project" after "Somerset Valley Link". This was seconded by

Cllr Toby Simon and:

RESOLVED that the minutes of the meeting held on Wednesday 28 August 2024 be confirmed as a correct record for signing by the Chair.

45 **SITE VISIT 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. 23/04136/RES - 37 Coomb End, Radstock

The Planning Officer introduced the report which considered an application for the approval of reserved matters with regard to outline application 20/03800/OUT (proposed demolition of existing buildings, change of use of land to residential and erection of 5 dwellings).

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

Cllr Lesley Mansell was unable to attend as ward member and a statement was read on her behalf summarised as below:

1. She thanked the Committee for visiting the site and reiterated her support for Radstock Town Council's objection to the application.
2. The original application was for 7 x 2 bed dwellings and the latest application was for 6 in total (1 x 4 bed and 5 x 3 bed). The reduction would not help meet housing targets in the area and it is not clear how these larger dwellings will be affordable to local people.
3. In the past there had been a collapse of the land due to water drainage from Bath New Road and this needed to be taken into account.
4. A previous application for a petrol station at Coombend was refused on the basis that it would block the view from Clandown to Radstock and this would be the case with this application.
5. There was a need to develop the infrastructure, and this was not included as part of the application.
6. There was a need for an improved pedestrian access and a concern about an increase in parking on the highway.

In response to Members' questions, it was confirmed:

1. The principle of development was agreed at outline stage including the number of dwellings and access.

2. The Traffic Regulation Order to restrict parking in the nearby area was still ongoing. In terms of parking on site, this was in accordance with adopted standards.
3. Unit 2 had two associated parking spaces.
4. An application for 10 houses was the trigger point for affordable housing.
5. A watching brief for archaeology could not be included at the reserved matters stage.

Cllr Eleanor Jackson confirmed that the application in relation to the petrol station at Coombend which was referred to in the local member's statement had now been approved.

Cllr Tim Warren stressed the need for housing and that he was satisfied the flooding issue had been satisfactorily addressed. He moved the officers' recommendation to permit the application. This was seconded by Cllr Toby Simon who stated that it would make a good use of the site, and the design would fit in with the surrounding area.

Cllr Lucy Hodge recognised concerns about the lack of affordable housing but noted that the application was for less than 10 houses and was policy compliant.

On being put to the vote, the motion was CARRIED (10 in favour and 0 against - unanimous).

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

2. 24/01160/FUL - 11 Richmond Road, Bath

This application was withdrawn from the agenda and would be considered at the next meeting.

46 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. 24/01168/REG03 - Land To The Rear Of 89 -123, Englishcombe Lane, Southdown, Bath

The Case Officer introduced the report which considered an application for the erection of 16 supported living units (Use Class C3(b)) with associated communal hub (to include ancillary carers accommodation), access, landscaping and ancillary works.

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. Christopher Pound, objecting to the application.
2. Aydin Zorlutuna, agent and Nick Plumley, B&NES Housing Enabling & Development Manager supporting the application.

Cllr Jess David raised the following points as the ward member:

1. She shared concerns of many local residents about the suitability of the site for development due to the ecological value of the site; the drainage and land instability issues, and the narrow access to the site but acknowledged that the site was allocated for development in the Local Plan.
2. She appreciated the efforts of the applicant to engage with local residents.
3. There was a risk of flooding from a build-up of surface water and it was important for the sustainable drainage features to be inspected and maintained every three months. Assurances were needed that this would happen.
4. There was a concern about the proposed recycling/waste arrangements.
5. There was insufficient parking on site which would lead to an increase of parking on Englishcombe Lane.

Cllr Steve Hedges raised the following points as an adjacent ward member:

1. He was pleased that there was a lower number of dwellings proposed than in the previously approved scheme for the site.
2. There were still concerns from local residents relating to the flood risk.
3. He requested that heavy plant use be restricted from between 9am and 6pm during construction to reduce impact on local residents.

In response to Members' questions, it was confirmed:

1. The waste collection plans had been analysed in detail. To minimise ecological impact the on-site roads would be too light to accommodate waste collection vehicles. Staff would take the bins to the collection point on Englishcombe Lane for collection. There was a condition for a Waste Management Plan which set out the details and could be enforced if necessary.
2. Each property would have an individual bin, but it was a worst-case scenario that 16 bins would be put out for collection at the same time, it was likely to be less based on previous experience of similar developments. There would be recycling facilities within the bin store.
3. The Council's Housing Team would be responsible for the management of the site including the maintenance of drainage. The drainage strategy would improve the current situation, and this was included as a condition.
4. This was a low-density scheme, and officers did not consider it appropriate to remove permitted development rights and it may not be possible to do so in relation to a Class 3b application.
5. The construction hours in the Construction Environmental Management Plan set the parameters and 8am-6pm were common but the applicant could put forward

different hours within those parameters.

Cllr Duncan Hounsell opened the debate and stated that as the site was allocated for development within the Local Plan and there were social benefits associated with the application. He moved the officers' recommendation that the application be permitted subject to the conditions set out in the report. This was seconded by Cllr Lucy Hodge who stated that she was pleased that this was a smaller scheme than the one previously approved and that it would fulfil an important social need. She also welcomed the plans to achieve a net zero emissions development.

Cllr Eleanor Jackson stated that she was concerned about the ecological impact and comments in the police response relating to security and would support an amended motion that officers be delegated to permit the development to enable further discussions on these issues. Cllr Duncan Hounsell confirmed that he did not support an amendment to his motion.

Cllr Tim Warren agreed with comments that the application was preferable to the previously approved scheme for 38 houses, but he still had concerns about the location and the arrangements for waste collection.

Cllr Toby Simon stated that the applicant could apply for a variation of the condition in the event of needing to reassess the waste management arrangements. He confirmed that he was assured about plans for drainage maintenance.

On voting for the motion, it was CARRIED (8 in favour, 0 against and 2 abstentions).

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

Cllr Alex Beaumont withdrew from the meeting at this point.

2. 24/00523/FUL - Chalfont , Charlcombe Lane, Lansdown, Bath

The Planning Officer introduced the report which considered an application for the erection of 2 detached houses with garages and home offices following the demolition of an existing house.

She 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. Mark Reynolds on behalf of local residents, objecting to the application.
2. Glynn Davies, architect supporting the application.

In response to Members' questions, it was confirmed:

1. The proposed trees were native species and the Council's ecologist was satisfied with the planting scheme.
2. In terms of the future removal/pruning of the beech tree, officers did not consider the tree would cause an adverse impact as there was extensive space in both gardens.
3. The removal of permitted development rights was not included as a condition.
4. The gap between the two dwellings was comparable with other nearby

properties. The area of hardstanding at the front was also comparable and would include adequate drainage.

5. In terms of impact on Hermitage Lodge, the proposed development would not overlook any habitable rooms.

Cllr Lucy Hodge opened the debate as ward member. She stated that Charlcombe was a well-known lane in the area which was predominately green with single dwellings. She asked the Committee to consider the comments of the arboriculturist and concerns about impact on residential amenity.

Cllr Tim Warren stated that the development was in keeping with the wider area and moved the officers' recommendation to permit the application. This was seconded by Cllr Toby Simon.

Cllr Lucy Hodge expressed the view that the application would result in over-development and would have a detrimental impact on the character and distinctiveness of the area and the residential amenity of neighbouring properties.

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

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

3. 23/04243/OUT - Hartley Wood, King Lane, Clutton

The Planning Officer introduced the report which considered an outline application for the erection of 9 residential dwellings with access to be determined and all other matters reserved.

He confirmed the officers' recommendation that the application be refused for the reasons set out in the report.

The following public representations were received:

1. Barney Bonner, Vice Chair of Clutton Parish Council speaking in support of the application.
2. John White, agent supporting the application.

Cllr Sam Ross raised the following points as the ward member:

1. She supported the officers' recommendation to refuse the application.
2. The development would be an isolated settlement of 9 houses and would be reliant on car journeys. There was no easily accessible bus network and no active travel routes.
3. The development was contrary to Clutton's neighbourhood plan as it was not sustainable.
4. There were housing developments being built within the housing boundary area which would create homes within the village.

In response to Members' questions, it was confirmed:

1. There were differences between this application and a recent application at Hinton Blewitt which had been allowed on appeal in that the Hinton Blewitt application had been just outside the housing boundary and there was a fallback position was an existing permission which had been taken into account by the

Inspector. In this case there was no fallback position and the development was 1km away from the housing development boundary.

2. An application for 10 houses was the trigger point for affordable housing and this application was for 9 houses.
3. There were public rights of way near the application site, but these were not considered to give reasonable access to the site. Limited weight had been given to the Westlink responsive transport service as funding had not been secured beyond April 2026.

Cllr Eleanor Jackson moved the officers' recommendation to refuse the application for the reasons set out in the report that the application site was an isolated development, within the green belt and outside the housing development boundary and did not meet the rural exception criteria. This was seconded by Cllr Lucy Hodge.

Cllr Tim Warren spoke in support of the application as he considered the site to be close to the village and that the existing use involved a lot of car movements.

Cllr Colin Blackburn spoke in support of the motion on the grounds that the application was not policy compliant and did not offer any affordable housing to qualify as a rural exception.

On being put to the vote, the motion was CARRIED (8 in favour, 1 against)

RESOLVED that the application be refused for the reasons set out in the report.

4. 23/02251/FUL - 48 Hillcrest, Pensford, Bristol

The Planning Case Officer introduced the report which considered an application for the erection of 2 bungalows.

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. Sasha Berezina, agent supporting the application.

In response to Members' questions, it was confirmed:

1. The removal of permitted development rights was included as a condition.
2. Two trees were being removed as part of the application, but they were not subject to a tree preservation order and a landscaping condition was also included.
3. Officers had not sought a footpath to access the cycle stores as this was not considered necessary.
4. There was one parking space per dwelling in accordance with policy.

Cllr Colin Blackburn spoke in support of the application and moved the officers' recommendation. This was seconded by Cllr Lucy Hodge.

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

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

5. 24/01947/FUL - 21 Darlington Place, Bathwick, Bath

The Planning Case Officer introduced the report which considered an application for the demolition of an existing conservatory; erection of a two-storey side extension, replacement roof covering; revisions to fenestration; recladding of elevations and dormers; and associated retrofitting works.

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. Robin Barnes, local resident on behalf of objectors to the application.
2. James Pullen, applicant and Chris Beaver, agent supporting the application.

Cllr Manda Rigby raised the following points as the ward member:

1. The proposed development was located in the City of Bath World Heritage Sites and conservation area.
2. Although the existing dwelling was not of historic or architectural value, it had previously been screened by planting which minimised the impact.
3. Consideration needed to be given to conditions in relation to materials - glazing to prevent overlooking; reinstating the planting on site so that the development would be screened and a construction management plan to minimise the impact on Sydney Gardens.
4. Consideration should also be given to relacing the modern garage door with a more appropriate design for the setting.

In response to Members' questions, it was confirmed:

1. The garage was not part of the proposed development and so changes could not be secured as part of the application.
2. The general materials condition did not include details of glazing.
3. The appeal for non-determination in relation to another application on the same site would still go ahead and if both applications were approved there would be two permissions. The Committee was advised to give limited weight to the appeal as this was ongoing.
4. Officers had not included a condition for a landscaping scheme relating to tree planting as this was a householder application rather than a new development and it was not considered that trees were needed to prevent overlooking.

Cllr Toby Simon opened the debate as ward member. He stated that there needed to be a compromise situation to improve the current dwelling taking account of the sensitive location. He moved that officers be given delegated authority to permit the application subject to the conditions set out in the report and to consider additional conditions, if appropriate, in relation to window materials, a tree planting scheme and a construction management plan. He clarified that he wanted officers to be satisfied with the material of window frames and that glazing should be obscure where windows were overlooking. This was seconded by Cllr Ruth Malloy.

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

RESOLVED that officers be delegated authority to permit the application subject to the conditions set out in the report and additional conditions, if considered necessary in relation to window materials, a tree planting scheme and a construction management plan.

Councillor Hal MacFie withdrew from the meeting at this point.

6. 24/00319/FUL - Town Mills, Mill Road, Radstock

The Planning Officer introduced the report which considered an application for the conversion of a vacant ground floor office into a 2-bedroom flat, and provision of a flood refuge at first floor level; change of use of the vacant shop into office use and a communal cycle store and change of use to the external yard from sui generis use to residential use only.

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

There were no public representations.

In response to Members' questions, it was confirmed:

1. All other units on the site had been converted to residential use.
2. In terms of Radstock Town Council's concern that the application would result in the loss of employment, the site was classified as sui generis use rather than industrial use.
3. The site was in Flood Zone 3 but the Environment Agency was satisfied that there were appropriate mitigations in place which would be secured by a condition.

Cllr Duncan Hounsell moved the officer recommendation that the application be permitted subject to the conditions set out in the report. This was seconded by Cllr Tim Warren.

On being put to the vote, the motion was CARRIED (5 in favour, 1 against and 2 abstentions).

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

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

RESOLVED that the report be noted.

The meeting ended at 4.07 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services

Bath & North East Somerset Council	
MEETING:	Planning Committee
MEETING DATE:	23rd October 2024
RESPONSIBLE OFFICER:	Louise Morris - Head of Planning & Building Control
TITLE:	SITE VISIT AGENDA
WARDS:	ALL
BACKGROUND PAPERS:	
AN OPEN PUBLIC ITEM	

AGENDA
ITEM
NUMBER

BACKGROUND PAPERS

List of background papers relating to this report of the Head of Planning about applications/proposals for Planning Permission etc. The papers are available for inspection online at <http://planning.bathnes.gov.uk/PublicAccess/>.

- [1] Application forms, letters or other consultation documents, certificates, notices, correspondence and all drawings submitted by and/or on behalf of applicants, Government Departments, agencies or Bath and North East Somerset Council in connection with each application/proposal referred to in this Report.
- [2] Department work sheets relating to each application/proposal as above.
- [3] Responses on the application/proposals as above and any subsequent relevant correspondence from:
 - (i) Sections and officers of the Council, including:
 - Building Control
 - Environmental Services
 - Transport Development
 - Planning Policy, Environment and Projects, Urban Design (Sustainability)
 - (ii) The Environment Agency
 - (iii) Wessex Water
 - (iv) Bristol Water
 - (v) Health and Safety Executive
 - (vi) British Gas
 - (vii) Historic Buildings and Monuments Commission for England (English Heritage)
 - (viii) The Garden History Society
 - (ix) Royal Fine Arts Commission
 - (x) Department of Environment, Food and Rural Affairs
 - (xi) Nature Conservancy Council
 - (xii) Natural England
 - (xiii) National and local amenity societies
 - (xiv) Other interested organisations
 - (xv) Neighbours, residents and other interested persons
 - (xvi) Any other document or correspondence specifically identified with an application/proposal
- [4] The relevant provisions of Acts of Parliament, Statutory Instruments or Government Circulars, or documents produced by the Council or another statutory body such as the Bath and North East Somerset Local Plan (including waste and minerals policies) adopted October 2007

The following notes are for information only:-

- [1] "Background Papers" are defined in the Local Government (Access to Information) Act 1985 do not include those disclosing "Exempt" or "Confidential Information" within the meaning of that Act. There may be, therefore, other papers relevant to an application which will be relied on in preparing the report to the Committee or a related report, but which legally are not required to be open to public inspection.

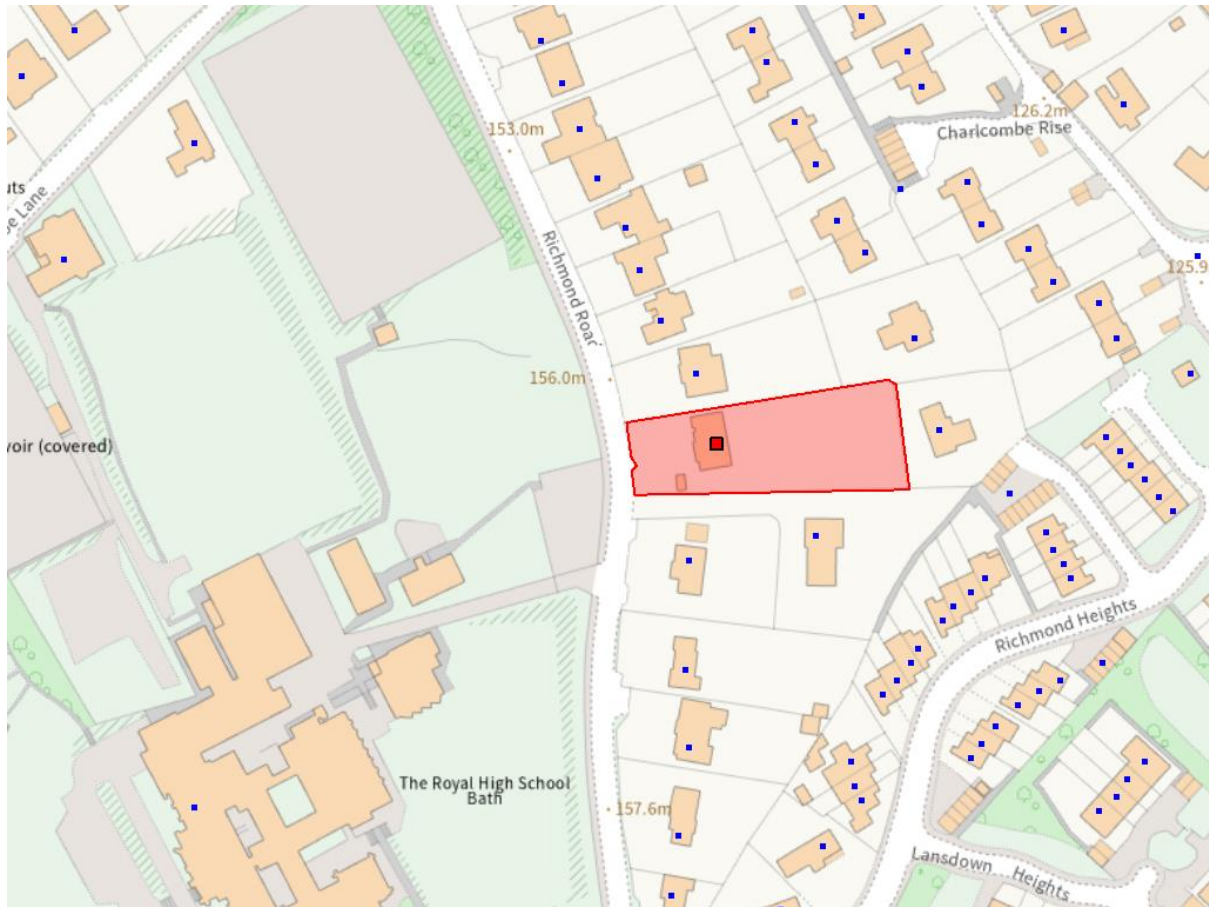
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting the requirements of the above Act, other letters and documents of the above kinds received after the preparation of this report and reported to and taken into account by the Committee will also be available for inspection.
- [4] Copies of documents/plans etc. can be supplied for a reasonable fee if the copyright on the particular item is not thereby infringed or if the copyright is owned by Bath and North East Somerset Council or any other local authority.

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ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
001	24/01160/FUL 29 August 2024	Mr & Mrs Melbourne 11 Richmond Road, Beacon Hill, Bath, Bath And North East Somerset, BA1 5TU Erection of 1no 3 bed dwelling on land to the rear of 11 Richmond Road.	Lansdown	Ed Allsop	PERMIT

REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

Item No: 001
Application No: 24/01160/FUL
Site Location: 11 Richmond Road Beacon Hill Bath Bath And North East Somerset
BA1 5TU



Ward: Lansdown **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Mark Elliott Councillor Lucy Hodge
Application Type: Full Application
Proposal: Erection of 1no 3 bed dwelling on land to the rear of 11 Richmond Road.
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, Policy CP9 Affordable Housing, MOD Safeguarded Areas, Policy NE2A Landscapes and the green set, Policy NE3 SNCI 200m Buffer, SSSI - Impact Risk Zones,
Applicant: Mr & Mrs Melbourne
Expiry Date: 29th August 2024
Case Officer: Ed Allsop
To view the case click on the link [here](#).

REPORT

This application was referred to the Chair and Vice Chair following the request for the application to be determined by committee from Councillor Lucy Hodge.

Cllr Lucy Hodge:

'I recommend that this application for a backland development is referred to the Planning Committee to consider the relevant planning policy including any impact on the character of the area, residential amenity of neighbours and loss of green infrastructure.'

Cllr Ian Halsall:

'This is a contemporary development in a backland setting necessitating the subdivision of a suburban garden and warrants review by the Committee.'

Therefore, the application will be determined by the planning committee.

This application relates to an the rear garden of 11 Richmond Road, a detached house within a large plot within the Bath urban area. Planning permission is sought for erection of 1no 3 bed dwelling on land to the rear of 11 Richmond Road.

Relevant Planning History:

None.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses:

Arboriculture: No objection, subject to condition.

Landscape: No objection, subject to condition.

Highways: No objection, subject to condition.

Representations Received:

1no. neighbour objection in relation to overbearing impact and overlooking and 1no. general representation from Transition Bath in relation to potential inconsistencies with the sustainable construction information.

POLICIES/LEGISLATION

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The Core Strategy now forms part of the statutory Development Plan and will be given full weight in the determination of planning applications. The Development Plan for Bath and North East Somerset comprises:

- o Bath & North East Somerset Core Strategy (July 2014)
- o Bath & North East Somerset Placemaking Plan (July 2017)
- o West of England Joint Waste Core Strategy (2011)

- o Bath & North East Somerset saved Local Plan policies (2007) not replaced by the Core Strategy or the Placemaking Plan:
 - Policy GDS.1 Site allocations and development requirements (policy framework)
 - Policy GDS.1/K2: South West Keynsham (site)
 - Policy GDS.1/NR2: Radstock Railway Land (site)
 - Policy GDS.1/V3: Paulton Printing Factory (site)
 - Policy GDS.1/V8: Former Radford Retail System's Site, Chew Stoke (site)
- o Made Neighbourhood Plans

Core Strategy:

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The following policies of the Core Strategy are relevant to the determination of this application:

- B1: Bath Spatial Strategy
- B4: Bath World Heritage Site and its Setting
- CP5: Flood Risk Management
- CP6: Environmental Quality
- DW1: District Wide Spatial Strategy
- SD1: Presumption in favour of sustainable development

Placemaking Plan:

The Placemaking Plan for Bath and North East Somerset was formally adopted by the Council on 13th July 2017. The following policies of the Placemaking Plan are relevant to the determination of this application:

- D1: General urban design principles
- D2: Local character and distinctiveness
- D.3: Urban fabric
- D.4: Streets and spaces
- D.5: Building design
- D.6: Amenity
- D7: Infill and backland development
- HE1: Historic Environment
- SCR6: Sustainable construction policy for new build residential development
- NE3A: Biodiversity Net Gain
- NE6: Trees and woodland conservation
- ST7: Transport requirements for managing development

Local Plan Partial Update (LPPU):

On the 19th January 2023, Bath and North East Somerset Council updated a number of local planning policies through the introduction of the Local Plan Partial Update (LPPU).

National Policy:

The National Planning Policy Framework (NPPF) was published in July 2021 and is a material consideration. Due consideration has been given to the provisions of the Planning Practice Guidance (PPG).

Public Sector Equality Duty:

In reaching its decision on a planning application the Council is required to have regard to the duties contained in section 149 of the Equality Act 2010, known collectively as the public sector equality duty Section 149 provides that the Council must have due regard to the need to—

(a) eliminate discrimination, harassment, victimisation

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard in particular, to the need to—

(a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;

(b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;

Due to the nature of the proposals, the development would not have any negative effects upon those with protected characteristics.

LOW CARBON AND SUSTAINABLE CREDENTIALS

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

OFFICER ASSESSMENT

Principle of development:

The new house would be located within the urban area of Bath. The Council's housing strategy seeks to locate new housing in such areas, as they are considered sustainable. Therefore, the principle of a new house on this site responds positively to the Council's housing strategy and accords with policy B1.

Character and appearance:

The development would subdivide an existing plot. This would however result in a plot size which is comparable to those adjacent as can be determined by a review of the submitted site plans. The resultant size of the plot would therefore respond positively to the pattern and grain of development in the area, and therefore preserve the character of the area in this regard.

The design of the new house will introduce a modern style, with the majority of the houses in proximity being more traditional. However, it has been noted that variety does exist, and not all houses in proximity contribute to defining a strong sense of character to the extent which would mean a more modern design would disrupt or harm the area's character and appearance. The modern design is further acceptable due to its size, scale, height and external materials (Bath stone coloured brick, timber cladding). The dwelling would be built into the slope of the site, with a flat roof (green roof) which reduces the visual impacts significantly. A site visit has also confirmed that the new house would not be widely open to view.

The proposals comply with the Council's backland development policy also. This is because the development can be categorised as the filling of a small gap, in an otherwise built-up frontage. As noted above, the development has regard to the character of the surrounding character and reflects the form, pattern and grain of existing development, including size, scale and height. It will also be demonstrated in the residential amenity section how the proposals have no adverse impact on the amenity of adjacent occupiers.

Therefore, the proposed works by reason of their design, siting, scale, massing, layout and materials is acceptable and contributes and responds to the local context and maintains the character and appearance of the surrounding area. The proposal accords with policy CP6 of the adopted Core Strategy (2014) and policies D1, D2, D3, D4, D5 and D7 of the Placemaking Plan and LPPU for Bath and North East Somerset (2017) and part 12 of the NPPF.

Officers would seek sample of materials via condition.

Residential amenity:

The new dwelling would be sited within the urban area, amongst other residential dwellings. The new dwelling would be sited a sufficient distance from all boundaries so that its presence would not be an adverse one. The dwelling is sited 4m from the north, 22m from the east and 10m from the south. The design of the building, with its overall low scale and height further reduces impacts and the site's boundary treatment and landscaping further limits impacts again.

In terms of the potential for overlooking, the dwelling to the east 'Maple House' is the main consideration for officers. It is the occupier of Maple House who has raised concern of overlooking which will be covered below and overbearing impact (already detailed above).

The windows on the eastern elevation of the proposed dwelling do not result in adverse overlooking to the occupiers of Maple House. This is due to the low height of the dwelling, its sufficient distance from Maple House (approx. 22m) and the boundary treatments. This was reviewed and confirmed on a site visit.

Policy D.6 sets out to ensure developments provide an appropriate level of amenity space for new and future occupiers, relative to their use and avoiding harm to private amenity in terms of privacy, light and outlook/overlooking. Given the design, scale, massing and siting of the proposed development the proposal would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, smell, traffic or other disturbance. The proposal accords with policy D6 of the Placemaking Plan for Bath and North East Somerset (2017) and part 12 of the NPPF.

Landscape:

The proposed low-profile form of development, with a two-storey dwelling cut into the slope has clearly been designed to minimise visual impact on the surrounding area.

Whilst the proposed flat roof is not characteristic of the area, it does significantly reduce visual impact. Part of the roof is proposed to be a green roof (sedum). The proposed development would be visible from across the valley on some of the land in the Charlcombe Lane area within the Cotswolds National Landscape and Green Belt, as shown on p12 of the Design and Access Statement (DAS), but the colours of proposed materials are sympathetic to the area and the flat roof would not be perceived as being incongruous.

The new building would be partially screened in winter (as illustrated in the DAS) but more fully screened in summer by existing trees, and the proposed additional planting would further integrate the building into the landscape. No significant adverse landscape or visual effects on the National Landscape are anticipated.

Details of the proposed new tree planting may satisfactorily be secured via Condition.

Trees:

The tree officer raises no objection to the proposals. There is only 1no. tree being removed and this tree has ash die back. It should also be noted that the landscaping plan shows 8 new trees being planted.

Highways:

A new access will be created via a new driveway to the side of 11 Richmond Road, the highway authority has no concerns over the proposed access.

The initial plans didn't show the height of the fence and wall by the access, highways officers requested revised plans to demonstrate that these were no more than 900mm to allow for visibility. These plans were subsequently received. The proposed driveway surface material states that it will be a permeable surface, the attached conditions would ensure that the materials used are appropriate.

The proposal would include sufficient space for waste and recycling, plus it is noted that secure bicycle storage is also accommodated within the site layout.

The parking provision accords with the Transport and Development SPD.

Sustainability:

Policy SCR6 requires new build residential development to have a space heating demand less than 30kWh/m²/annum; a total energy use less than 40kWh/m²/annum; and on site renewable energy generation to match the total energy use, with a preference for roof mounted solar PV.

Officers can confirm that the proposed dwelling achieves all of the above. This has been shown through the submitted sustainable construction checklist. Transition Bath have raised concerns about potential conflicts within the documentation, however the applicant will need to demonstrate compliance through condition in any event and so these points are not determinative.

Biodiversity Net Gain:

The application was submitted before 2nd April 2024, it is also a Self-Build development. Therefore, it is not subject to the mandatory 10% gain. However, the applicant has demonstrated that some net gain will be provided, this is a 59% gain in hedgerow units and a 0.01% habitat units.

Therefore, the development is policy compliant with NE3A of the Plan.

Conclusion:

The proposal provides for the erection of a single dwelling on a suitable backland site in a sustainable location and will make a modest, but welcome contribution towards meeting the housing target for Bath. The proposal is considered comply with all relevant planning policies and is therefore recommended for approval.

RECOMMENDATION

PERMIT

CONDITIONS

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 Materials - Submission of Schedule and Samples (Bespoke Trigger)

No construction of the external walls of the development shall commence until a schedule of materials and finishes, and samples of the brick and timber cladding, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.

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

3 Landscape Design Proposals (Bespoke Trigger)

No development beyond slab level shall take place until full details of both hard and soft landscape proposals and programme of implementation have been submitted to and approved by the Local Planning Authority. These details shall include, as appropriate:

1. Proposed finished levels or contours
2. Means of enclosure
3. Car parking layouts
4. Other vehicle and pedestrian access and circulation areas
5. Hard surfacing materials
6. Minor artefacts and structures (eg outdoor furniture, play equipment, refuse or other storage units, signs, lighting)
7. Proposed and existing functional services above and below ground (eg drainage, power, communication cables, pipelines, etc, indicating lines, manholes, supports etc)
8. Retained historic landscape features and proposals for restoration, where relevant

Soft landscape details shall include:

1. Planting plans
2. Written specifications (including cultivation and other operations associated with plant and grass establishment)
3. Schedules of plants, noting species, planting sizes and proposed numbers / densities

Reason: To ensure the provision of amenity and a satisfactory quality of environment afforded by appropriate landscape design, in accordance with policies D1, D2, D4 and NE2 of the Bath and North East Somerset Placemaking Plan.

4 Junction Visibility Splay (Pre-occupation)

No occupation of the development shall commence until the visibility splay shown on drawing number 172 3004 P1 has been provided. There shall be no on-site obstruction exceeding 900mm above ground level within the visibility splay. The visibility splay shall be retained permanently thereafter.

Reason: To ensure sufficient visibility is provided in the interests of highways safety in accordance with Policy ST7 of the Bath and North East Somerset Local Plan Partial Update.

5 Bound/Compacted Vehicle Access (Pre-occupation)

No occupation of the development or use hereby permitted shall commence until an absolute minimum of the first 6 metres of the vehicular access beyond the back edge of the adopted public highway has been constructed with a bound and compacted surfacing material (not loose stone or gravel).

Reason: To prevent loose material spilling onto the highway in the interests of highway safety in accordance with Policy ST7 of the Bath and North East Somerset Local Plan Partial Update.

6 Arboricultural Method Statement (Compliance)

No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement (Acer Tree Surgeons as amended 13th June 2024). A signed compliance statement shall be provided by the appointed arboriculturalist to the local planning authority within 28 days of completion of all associated works and prior to the first occupation of the dwelling.

Reason: To ensure that the approved method statement is complied with for the duration of the development to protect the trees to be retained in accordance with Policy NE6 of the Bath and North East Somerset Local Plan Partial Update.

7 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 for approval to the Local Planning Authority together with the further documentation listed below. The development must comply with the requirements of SCR6.

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)

Major (or larger) Residential Development:

1. Energy Summary Tool 2
2. Table 2.1 or 2.2 (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.

8 Biodiversity Gain (Compliance)

The development shall deliver a minimum of 59% gain in hedgerow units and a 0.01% habitat units, in compliance with the submitted BNG plan.

Reason: To protect and enhance ecological interests and to ensure delivery of Biodiversity Net Gain in accordance with Bath and North East Somerset Local Plan Partial Update policies NE3, NE3a NE5 and D5e and paragraph 13 of Schedule 7A to the Town and Country Planning 1990 Act (Biodiversity Gain Condition).

9 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:

1 This decision relates to the following plans:

Tree protection plan- 13th June 2024
Foul drainage route T4- P2
Proposed site plan- P3
Section T4- 3021 P1
Site section B highways plan- 3016 P2
Existing BNG habitat plan
Proposed BNG habitat plan
Location plan as existing
Block plan as existing
Site plan as existing
Site section A as existing
Site section B as existing
Location plan as proposed
Block plan as proposed
Site plan as pro- driveway layout
Ground floor plan as proposed
Lower ground floor plan as proposed
North and south elevations as proposed
East and west elevations as proposed
West and south elevations (lower level) as proposed
Site section A as proposed
Site section B as proposed

2 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.

3 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

4 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.

5 Biodiversity Net Gain - Exempt/Not required

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are set out in the Biodiversity Gain Requirements (Exemptions) Regulations 2024 and The Environment Act 2021 (Commencement No. 8 and Transitional Provisions) Regulations 2024.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements is/are considered to apply.

6 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.

Bath & North East Somerset Council	
MEETING:	Planning Committee
MEETING DATE:	23rd October 2024
RESPONSIBLE OFFICER:	Louise Morris - Head of Planning & Building Control
	AGENDA ITEM NUMBER
TITLE:	NEW PLANNING APPEALS, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES
WARD:	ALL
BACKGROUND PAPERS:	None
AN OPEN PUBLIC ITEM	

APPEALS LODGED

App. Ref: 24/00360/FUL
Location: Staddle Stones 5 Saltford Court Saltford Bath And North East Somerset BS31 3EB
Proposal: Erection of two storey side extension, new front gable facade, first floor rear balcony and associated works.
Decision: REFUSE
Decision Date: 3 July 2024
Decision Level: Planning Committee
Appeal Lodged: 20 September 2024
Officer Recommendation: PERMIT

App. Ref: 23/04223/PIP
Location: Jat Environmental Reclamation Ltd Pensford Hill Pensford Bristol Bath And North East Somerset
Proposal: A Permission in Principle Planning Application for the Erection of up to 4 New Build Dwellinghouses (Use Class C3) and Associated Infrastructure at JAT Reclamation.
Decision: REFUSE
Decision Date: 23 February 2024
Decision Level: Delegated
Appeal Lodged: 3 October 2024

APPEALS DECIDED

App. Ref: 23/01178/FUL
Location: Lobbington Cottage Chew Lane Chew Stoke Bristol Bath And North East Somerset
Proposal: Change of use of land from agricultural land to garden land and erection of timber fencing (Retrospective) (Resubmission of 22/05135/FUL).
Decision: REFUSE
Decision Date: 15 May 2023
Decision Level: Chair Referral - Delegated
Appeal Lodged: 5 March 2024
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 13 September 2024

App. Ref: 23/01274/FUL
Location: Belgrave Cottage Camden Road Beacon Hill Bath Bath And North East Somerset
Proposal: Erection of a single storey rear extension together with associated internal and external alterations following demolition of an existing single storey rear extension.
Decision: REFUSE
Decision Date: 5 December 2023
Decision Level: Delegated
Appeal Lodged: 22 April 2024
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 20 September 2024

App. Ref: 23/01275/LBA
Location: Belgrave Cottage Camden Road Beacon Hill Bath Bath And North East Somerset
Proposal: Erection of a single storey rear extension together with associated internal and external alterations following demolition of an existing single storey rear extension.
Decision: REFUSE
Decision Date: 5 December 2023
Decision Level: Delegated
Appeal Lodged: 22 April 2024
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 20 September 2024

App. Ref: 22/04558/VAR
Location: Wyndrush Tilley Lane Farmborough Bath Bath And North East Somerset
Proposal: Variation of condition 4 of application 18/05694/FUL (Erection of a one and a half storey extension & demolition of outbuildings).
Decision: REFUSE
Decision Date: 1 June 2023
Decision Level: Delegated
Appeal Lodged: 10 January 2024
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 23 September 2024

App. Ref: 24/00332/FUL
Location: 21 Darlington Place Bathwick Bath Bath And North East Somerset BA2 6BX
Proposal: Demotion of existing conservatory; erection of a two-storey side extension, replacement roof covering; revisions to fenestration and associated retrofitting works.
Decision:
Decision Date:
Decision Level:
Appeal Lodged: 28 May 2024
Appeal Decision: Appeal Allowed
Appeal Decided Date: 4 October 2024

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Bath & North East Somerset Council		
MEETING:	Planning Committee	
MEETING DATE:	23 October 2024	AGENDA ITEM NUMBER
TITLE:	Quarterly Performance Report covering period 1 July – 30 Sept 2024	
WARD:	ALL	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Analysis of Chair referral cases		

1 THE ISSUE

At the request of Members and as part of our on-going commitment to making service improvements, this report provides Members with performance information across Planning.

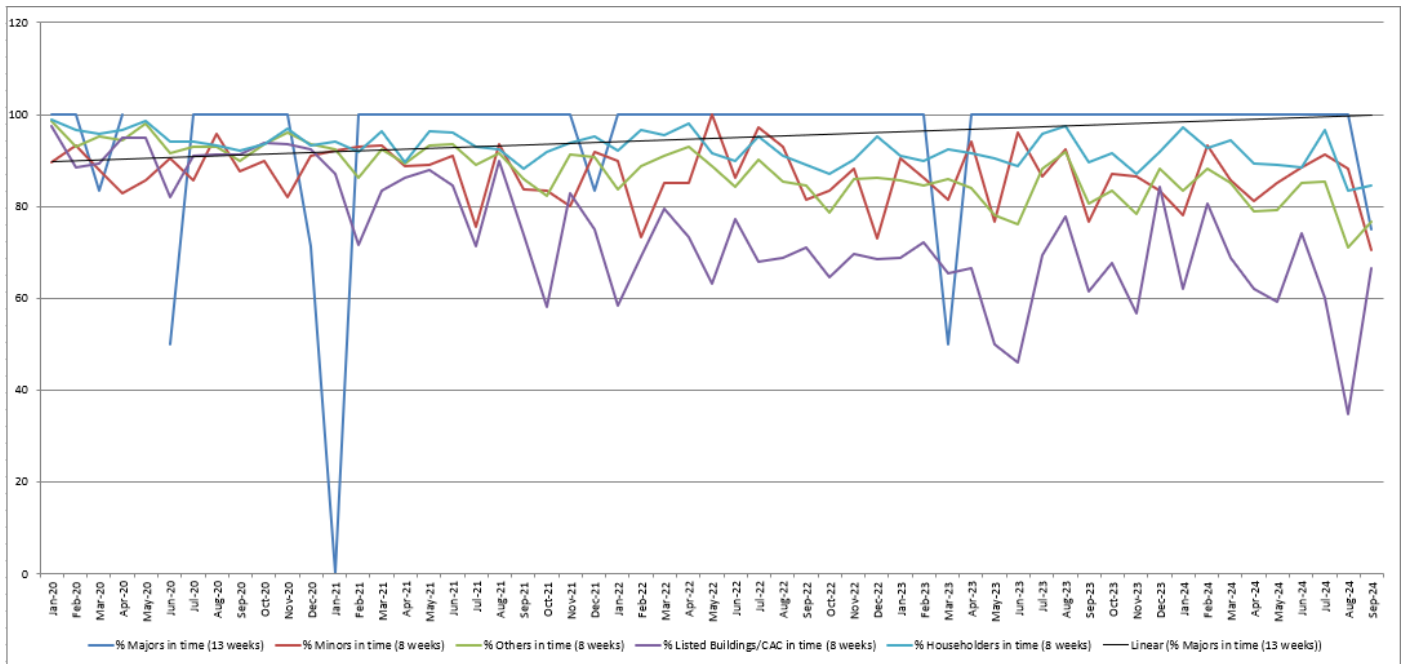
2 RECOMMENDATION

Members are asked to note the contents of the performance report.

3 THE REPORT

Tables, charts and commentary

1 - Comparison of Applications Determined Within Target Times



Majors target 60%, non-majors target 70%

% of planning applications in time	2022-2023				2023-2024			
	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2
% Majors in time	(7/7) 100%	(7/8) 88%	(8/8) 100%	(5/5) 100%	(12/12) 100%	(7/7) 100%	(12/12) 100%	(6/7) 86%
% Minors in time	(82/101) 81%	(78/91) 86%	(82/92) 89%	(75/88) 85%	(85/99) 86%	(71/83) 86%	(83/98) 85%	(86/103) 83%
% Others in time	(329/394) 84%	(318/372) 85%	(338/426) 79%	(311/359) 87%	(283/341) 83%	(269/314) 86%	(281/348) 81%	(284/363) 78%

Note:

Major - 10+ dwellings/0.5 hectares and over, 1000+ sqm/1 hectare and over

Minor - 1-10 dwellings/less than 0.5 hectares, Up to 999 sqm/under 1 hectare

Other - changes of use, householder development, adverts, listed building consents, demolition in a conservation area

2 - Recent Planning Application Performance

Application nos.	2022-2023				2023-2024			
	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2
Received	564	605	541	526	538	536	615	495
Withdrawn	76	54	70	45	65	49	38	56
Delegated no. and %	494 (98%)	461 (98%)	518 (98%)	449 (99%)	433 (96%)	395 (98%)	446 (97%)	457 (97%)
Refused no. and %	40 (8%)	26 (6%)	38 (7%)	30 (7%)	27 (6%)	15 (4%)	15 (3%)	38 (8%)

3 – Dwelling Decisions and Numbers

Decisions on Major residential applications	2022-2023				2023-2024			
	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2
Decisions on Major residential applications (10 or more dwellings)	3	4	3	3	6	3	8	2
Major residential decisions granted	2	4	3	2	5	3	6	1
Number of dwellings applied for on Major schemes	65	0	428	70	237	283	16	0
Number of dwelling units permitted on schemes (net)	78	251	189	38	110	156	228	94

4 - Planning Appeals

	Oct – Dec 2023	Jan – Mar 2024	Apr – Jun 2024	Jul – Sep 2024
Appeals lodged	11	11	21	4
Appeals decided	8	19	7	13

Appeals allowed	2 (25%)	6 (32%)	2 (29%)	4 (31%)
Appeals dismissed	6 (75%)	13 (68%)	5 (71%)	9 (69%)

5 - Enforcement Investigations

	Oct – Dec 2023	Jan – Mar 2024	Apr – Jun 2024	Jul – Sep 2024
Investigations launched	118	107	94	113
Investigations in hand	430	458	456	459
Investigations closed	110	74	71	102
Enforcement Notices issued	2	1	9	7
Planning Contravention Notices served	4	4	1	5
Breach of Condition Notices served	1	1	0	1
Stop Notices	0	0	1	0
Temporary Stop Notices	0	0	1	0
Injunctions	0	0	0	0

6 – Other Work (applications handled but not included in national returns)

The service also processes other statutory applications (discharging conditions, prior approvals, prior notifications, non-material amendments etc) and discretionary services like pre-application advice. The table below shows the number of these applications received

	Oct – Dec 2023	Jan – Mar 2024	Apr – Jun 2024	Jul – Sep 2024
Other types of work	297	381	413	334

7 – Works to Trees

	Oct – Dec 2023	Jan – Mar 2024	Apr – Jun 2024	Jul – Sep 2024
Number of applications for works to trees subject to a Tree Preservation Order (TPO)	26	20	20	25
Percentage of applications for works to trees subject to a TPO determined within 8 weeks	100%	100%	100%	96%
Number of notifications for works to trees within a Conservation Area (CA)	252	165	169	166
Percentage of notifications for works to trees within a Conservation Area (CA) determined within 6 weeks	96%	99%	98%	98%

8 – Corporate Customer Feedback

The latest quarterly report is published here:

9 - Ombudsman Complaints

When a customer remains dissatisfied with the outcome of the Corporate Complaints investigation they can take their complaint to the **Local Government Ombudsman** for an independent view.

Ombudsman Complaints	Oct – Dec 23	Jan – Mar 24	Apr – Jun 24	Jul – Sep 24
Complaints upheld	0	0	0	0
Complaints Not upheld	0	0	0	0

Note: There was one case (Planning Enforcement) closed after initial inquiries (rejected by LGO with no action or out of their jurisdiction).

10 – Section 106 Agreements and Community Infrastructure Levy (CIL)

Members will be aware of the Planning Obligations SPD first published in 2009. Planning Services have spent the last few years compiling a database of Section 106 Agreements. This is still in progress, but does enable the S106/CIL Monitoring Officer to actively monitor the delivery of agreed obligations. S106 and CIL financial overview sums below will be refreshed for every quarterly report. CIL annual reports, Infrastructure Funding Statements and Infrastructure Delivery Plan 2021 are also published on our website: <https://beta.bathnes.gov.uk/policy-and-documents-library/annual-cil-spending-reports>

(Note: figures are for guidance only and could be subject to change due to further updates with regards to monitoring S106 funds)

S106 Funds received (2024/25)	£1,136,706.39
CIL sums overview – Potential Liability amount (April 2015 to date)	£15,612,865.35
CIL sums overview – Paid (April 2015 to date)	£30,843,694.45

11 – Chair Referrals

Table 11 below shows the numbers of planning applications where Chair decision has been sought to either decide the application under delegated authority or refer to Planning Committee. A further **analysis of Chair referral cases** is in Appendix 1 below.

	Oct – Dec 2023	Jan – Mar 2024	Apr – Jun 2024	Jul – Sep 2024
Chair referral delegated	12	5	8	7
Chair referral to Planning Committee	7	5	8	9

12 – 5 Year Housing Land Supply

5 year housing land supply

A	Total planned housing 2011-2029		13,000
B	Completions 2011-2023	2011-2023	9,213
C	Plan requirement	2011-2028	12,274
D	5 year supply requirement (100%)	2023-2028	3,061
E	5 year supply requirement (with 5% buffer)	2023-2029	3,214
G	Deliverable supply (#)	2023-2030	3,946
H	Deliverable supply buffer (%)	2023-2031	29%
I	Deliverable supply (#) over 100% requirement	2023-2032	885
J	Deliverable supply (#) over 105% requirement	2023-2033	732

A	Alternative Calculation Method			
B	5 year supply requirement (722x5)		3,610	
C	Surplus/deficit		549	
D	Deliverable supply		3,946	
E	5 year requirement + backlog/surplus		3,061	Supply as a % of requirement
F	5 year requirement + backlog/surplus +5% buffer		3,214	Supply in years
				123%
				6.14

The monitoring reports are also published on our website: <https://beta.bathnes.gov.uk/policy-and-documents-library/five-year-housing-land-supply-and-housing-and-economic-land>

Appendix 1 – see attachment

Contact person	John Theobald, Project/Technical and Management Support Officer, Planning 01225 477519
Background papers	CLG General Development Management statistical returns PS1 and PS2 + Planning applications statistics on the DCLG website: https://www.gov.uk/government/statistical-data-sets/live-tables-on-planning-application-statistics
Please contact the report author if you need to access this report in an alternative format	

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Application no	ADDRESS	PROPOSAL	Decision Level	Decision Date	Status	Notes
23/04613/LBA	10 Berkeley PlaceWalcotBathBath And North East SomersetBA1 5JH	Internal and external alterations for the installation of windows with slim double glazing to replace existing sash windows at rear of property, retrofit existing windows with vacuum insulated glass at the front of the property, installation of solar PV p	COMMDC	01-Aug-24	CON	Application is before the Committee for consideration as the applicant is an employee within the Planning Service.
24/01176/FUL	198 WellswayKeynshamBS31 1JL	Erection of two storey side extension and front porch.	CHAIR	12-Jul-24	RF	Chair referral delegated decision
24/01407/FUL	73 Bath RoadKeynshamBath And North East SomersetBS31 1SR	Proposed drop kerb to the existing walkway.	CHAIR	23-Jul-24	RF	Chair referral delegated decision
24/02051/FUL	2 Collingwood CloseSaltfordBath And North East SomersetBS31 3HZ	Erection of a new self-build dwelling with three bedrooms.	CHAIR	09-Aug-24	PERMIT	Chair referral delegated decision
24/02087/FUL	2 Manor RoadSaltfordBath And North East SomersetBS31 3DL	Erection of two storey side extension, one storey rear extension and one storey front extension and hip to gable extension with rear dormer .	CHAIR	09-Aug-24	PERMIT	Chair referral delegated decision
24/01933/FUL	Barnbridge House Primrose HillUpper WestonBathBath And North East SomersetBA1 2UT	Erection of two storey extension to form living space including terrace and external steps.	CHAIR	09-Aug-24	PERMIT	Chair referral delegated decision
24/01477/FUL	Development Site Opposite Lyndon ValeBath RoadPaultonBristolBath And North East Somerset	Erection of childcare nursery and associated works	CHAIR	09-Aug-24	PERMIT	Chair referral delegated decision

24/03115/VAR	Great Hayes Court Lower Bristol Road Westmoreland Bath Bath And North East Somerset	Variation of conditions 7 (Implementation of Landscaping Scheme) 10 (Arboricultural Compliance) 11 (Ecological Compliance Statement) and 20 (Plans List) of Application 24/00625/VAR (Variation of conditions 8 (Landscape Design Proposals (Bespoke Trigger)),	CHAIR	30-Sep-24	PERMIT	Chair referral delegated decision
23/02251/FUL	48 Hillcrest Pensford Bristol Bath And North East Somerset BS39 4AT	Erection of 2no. bungalows	COMMDC	27-Sep-24	PERMIT	Chair referral to committee. This is two proposed dwellings in a backland site. Whilst they may contribute towards delivery of housing land supply and indeed as bungalows have the potential to deliver Lifetime Homes, the question is raised as to whether given it's setting and in the Greenbelt this is potentially over development as infilling development despite their proposed scale and recommended need to withdraw Permitted Development Rights. It is considered that the Committee should be given the opportunity to debate the merits based upon the Officer's advice.
23/04243/OUT	Hartley Wood King Lane Clutton Bristol Bath And North East Somerset BS39 5QA	Outline application for the erection of 9 residential dwellings with access to be determined and all other matters reserved (resubmission).	COMMDC	27-Sep-24	RF	Chair referral to committee. I acknowledge the support of the Parish Council to this outline planning application. Although no affordable housing is proposed, this proposal would make a significant contribution to the rural housing land supply. The site is located within the greenbelt although it is advised that will not affect the openness of the greenbelt given the potential siting, size, scale and design of the development – albeit this is outline but would set the parameters, but the proposal is potentially unsustainable and would be car dependent. I consider that there are some important planning policy issues to consider in this regard and therefore ask that the Committee be able to debate the merits of the application in light of the recommendation but broad community support.

23/03465/FUL	Nuholme Wick Lane Stanton Wick Bristol Bath And North East Somerset BS39 4BX	Change of use and extension of an existing workshop and land to form a dwelling.	COMMDC	29-Aug-24	PERMIT	Chair referral to committee. In light of the sustainability concerns expressed by the Parish Council and Local Highway Authority, whilst a modest extension to the existing building, the proposed change of use should be given more scrutiny. It is in the public interest to refer this matter to committee.
24/01819/VAR	6 Squire Lane Ubley Bristol Bath And North East Somerset BS40 6PP	Variation of condition 2 (Plans List) of application 23/01552/FUL (Erection of two storey rear and side extension).	COMMDC	29-Aug-24	PERMIT	Chair referral to committee. It is acknowledged that this application seeks to regularise works that are the subject of an enforcement investigation by way of a variation of the previously approved drawings. The Parish Council's objection and an additional ten objections from members of the public would in my view warrant further consideration of the design and amenity merits and it would be in the public interest to refer this to Planning Committee.
24/02125/VAR	Parcel 2727 Kingshill Lane Chew Stoke Bristol Bath And North East Somerset	Variation of condition 16 (Plans List (Compliance) 22/04892/FUL (Erection of a rural workers dwelling in association with the equestrian business on site following the removal of a temporary mobile home). Condition Number(s): 16 Conditions(s) Removal:	COMMDC	29-Aug-24	PERMIT	Chair referral to committee. The application to amend an approved agricultural workers dwelling does raise some concerns regarding its impact on the setting of the Green Belt and National Landscape / AONB given it will no longer be subservient in height to the existing barn and will have a significantly larger footprint to that which was originally approved. Had the dwelling been completed and a subsequent application have been later submitted to extend the dwelling by over 50%, given the greenbelt location, this would be contrary to current policy.

21/05576/FUL	Westward2 The OrchardPensfordBristolBath And North East SomersetBS39 4BG	Erection of two semi-detached dwellings with access.	COMMDC	01-Aug-24	PERMIT	Chair referral to committee. There are several elements to this application which has caused local concerns in respect of access and highway safety and amenity and the principle of development within the greenbelt. The fact it is being recommended that Permitted Development rights will be removed and the dwellings occupy a small footprint and will not be sited in a position that follows an established building grain, it brings into question the suitability of the site of this density and scale of development. It is considered that given the long history of this proposal, noting that the application has been "live" for three years, plus a previous appeal that it would be in the public interest to consider the issues at Committee.
24/00360/FUL	Staddle Stones 5 Saltford CourtSaltfordBath And North East SomersetBS31 3EB	Erection of two storey side extension, new front gable facade, first floor rear balcony and associated works.	COMMDC	03-Jul-24	RF	Chair referral to committee. This proposal represents a substantial increase in volume from the original house. Although not located within the greenbelt, it is adjacent to it and the extension will see the expansion of the curtilage into albeit confirmed residential garden which is within the greenbelt. There are also planned to be substantial changes to the external appearance of the host dwelling when married with its extension. Mindful of the Parish Council's objection and those raised by neighbours it is considered that this application should be discussed by the Committee to discuss the impact of the scale of the proposal and debate whether there will be potential harm to the conservation area conflict with greenbelt policy.
24/01004/VAR	Willow Barn Sunnymead LaneBishop SuttonBristolBath And North East SomersetBS39 5UW	Variation of conditions 2 (Plans List (Compliance)) and 5 (Garages (Compliance)) of application 20/03934/FUL (Erection of new garage/carport).	COMMDC	03-Jul-24	PERMIT	Chair referral to committee. Whilst acknowledging the Parish Council's objection, this is an amendment to a previously approved development. The Local Planning Authority were satisfied that the information was sufficient to validate the application and make a recommendation based upon the submitted detail. Regard is had to the design, parking and amenity issues, but the committee may wish to consider the impact that the additional glazing and associated light spillage may have on the surrounding area and ecology.

24/01947/FUL	21 Darlington Place Bathwick Bath And North East Somerset BA2 6BX	Demotion of existing conservatory; erection of a two-storey side extension, replacement roof covering; revisions to fenestration; re-cladding of elevations and dormers; and associated retrofitting works.	COMMDC	27-Sep-24	PERMIT	Chair referral to committee. Whilst the number of objections does not automatically warrant referral to Planning Committee, there are clearly some significant concerns as emphasised by one of the ward members for Bathwick. Given the concerns raised about the potential impact of the development on heritage assets and other potential amenity concerns, the Committee should be given the opportunity to debate this proposal and enable the public to express their views.
24/01168/REG03	Land To The Rear Of 89 To 123 Englishcombe Lane Southdown Bath Bath And North East Somerset	The erection of 16 no. supported living units (Use Class C3(b)) with associated communal hub (to include ancillary carers accommodation), access, landscaping and ancillary works	COMMDC	27-Sep-24	PERMIT	Council is the Applicant.
24/00607/FUL	Lansdown Lawn Tennis & Squash Racquets Club Northfields Lansdown Bath Bath And North East Somerset BA1 5TN	Replacement of existing Tennis court with two Padel Tennis courts and Mini (juniors) Tennis court, including extended terrace, replacement lighting and associated works.	COMMDC	01-Aug-24	RF	In accordance with the Council's Scheme of Delegation, the application has been referred to the Chair and Vice Chair of the Planning Committee as a result of the Committee call in requests. Both the Chair and Vice Chair have considered the application and determined that the application should be debated and decided by Planning Committee.
23/04136/RES	37 Coombend Radstock Bath And North East Somerset BA3 3AN	Approval of reserved matters with regard to outline application 20/03800/OUT (Proposed demolition of existing buildings, change of use of land to residential and erection of 5no. dwellings (1no. 3 to 4 bedroom detached and	COMMDC	27-Sep-24	Approve	Objection received from Radstock Town Council, which is contrary to officer recommendation.
24/00319/FUL	Town Mills Mill Road Radstock Bath And North East Somerset BA3 3PB	Conversion of the vacant ground floor office into 1 No. 2 bedroom flat, and provision of a flood refuge at first floor level. Change of use of the vacant shop into office use and a communal cycle store. Change of use to the external yard from sui generis	COMMDC	27-Sep-24	PERMIT	Officer's recommendation contrary to formal comments received by the local Parish's and Ward Councillor.

24/02742/TCA	Orchard Rise Sham Castle LaneBathwickBathBath And North East SomersetBA2 6JL	T1 - T4 - Ash - Dismantle to a height of one metre.	COMMDC	29-Aug-24	NOOBJ	The notification is associated with a Councillor.
24/02257/FUL	23 Ringswell GardensLambridgeBathBath And North East SomersetBA1 6BN	Installation of 1 no. air source heat pump to the side elevation.	COMMDC	29-Aug-24	PERMIT	This application is made on behalf of a B&NES Ward Councillor for the Lambridge Ward. As such, this application must be determined by the Planning Committee.
24/02110/FUL	10 Berkeley PlaceWalcotBathBath And North East SomersetBA1 5JH	Installation of nine solar pv panels on garden studio roof and the erection of a timber pergola in garden.	COMMDC	29-Aug-24	PERMIT	This application is made on behalf of a member of the Banes Planning Department. As such, this application must be determined by the Planning Committee.