

PLANNING COMMITTEE

Minutes of the Meeting held

Wednesday, 23rd October, 2024, 11.00 am

Councillors: Ian Halsall (Chair), Lucy Hodge (Vice-Chair), Deborah Collins, Paul Crossley, Sarah Evans (for Cllr Tim Warren), Fiona Gourley, Hal MacFie, Toby Simon, Shaun Hughes and Dr Eleanor Jackson

48 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

49 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Cllr Sarah Evans was substituting for Cllr Tim Warren who had submitted his apologies.

50 DECLARATIONS OF INTEREST

Cllr Lucy Hodge stated that she was the Ward Member for application 24/01160/FUL - 11 Richmond Road, Bath but confirmed that she did not have an interest to declare in relation to the item.

51 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was no urgent business.

52 ITEMS FROM THE PUBLIC

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

53 MINUTES OF THE PREVIOUS MEETING

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

RESOLVED that the minutes of the meeting held on Wednesday 25 September 2024 be confirmed as a correct record for signing by the Chair.

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

The Committee considered:

1. A report by the Head of Planning on the applications under the site visit 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. 24/01160/FUL - 11 Richmond Road, Bath

The Planning Officer introduced the report which considered an application for the erection of a 3-bed dwelling.

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. Dr Millicent Stone local resident, objecting to the application.
2. Chris Melbourne, applicant supporting the application.

Cllr Mark Elliott was unable to attend as ward member and a statement was read on his behalf summarised as below:

1. There would be an impact on residential amenity for the residents of Maple House in terms of overlooking.
2. The proposed building was different in design and conception to the surrounding buildings and could be seen as contrary to the area's character.

He asked the Committee to consider not supporting the officers' recommendation.

In response to Members' questions, it was confirmed:

1. There was a car port and not a garage as part of the proposed development.
2. In terms of whether the trees would damage the roots of the proposed development in the long term, the Tree Officer had made an estimation about the future impact and did not raise an objection.
3. Any noise impact from the balcony/terrace was not considered to be adverse.
4. One of the trees included in the tree preservation order was an Ash and it was possible it would be removed if it had Ash Dieback disease.
5. The officer assessment had concluded that the proposal did not represent and overdevelopment of the site.
6. The application site was considered to be sustainable due to its location in the urban area of Bath.
7. The size of the proposed glazed area of windows to the upper floor at the rear was approximately 10m square.

Cllr Lucy Hodge opened the debate as local member and stated that the application site was on the edge of the conservation area and asked the Committee to consider whether the requirements of the policy D7 relating to infill and backland developments had been met in terms of residential amenity and design.

Cllr Shaun Hughes raised concerns that the design did not fit with the setting due to the flat roof and the large extent of glazing. He expressed further concern that the proposed first floor windows would result in a significant loss of amenity to Maple House due to overlooking which would not be sufficiently screened by the boundary trees throughout the year. He moved that the application be refused

for these reasons. The motion was seconded by Cllr Eleanor Jackson.

Cllr Paul Crossley spoke in support of the motion for the reasons suggested and an additional reason that the size, scale and overall footprint of the proposed building would result in overdevelopment of the site. As mover of the motion, Cllr Hughes agreed to include this as a reason for refusal.

Cllr Toby Simon spoke in support of the application as he considered the design to reflect the location and the level of overlooking not to be harmful due to the layout of the site.

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

RESOLVED that the application be refused for the following reasons:

1. The proposed first floor windows would result in a harmful level of overlooking to the occupiers of Maple House.
2. The flat roof and large extent of glazing was out of character with the local area and the size, scale and overall footprint of the development would result in overdevelopment of the site.

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

There were no main applications for consideration.

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

Cllr Eleanor Jackson advised that she and Cllr Shaun Hughes would be giving evidence in the upcoming appeal in relation to planning application 24/00662/FUL - 26 - 28 Orchard Vale, Midsomer Norton which had previously been refused by the Planning Committee.

RESOLVED that the report be noted.

57 **QUARTERLY PERFORMANCE REPORT - 1 JULY - 30 SEPT 2024**

In response Members' questions, it was confirmed:

1. There was no specific reason for the slight dip in the number of planning applications being determined within the recommended timescale, but it may be partly due to a delay in ecology consultation responses due to high demands on the service.
2. There had been a slight drop in the number of planning applications received during the previous quarter, but this was in line with fluctuations throughout the year and there needed to be an analysis of a longer period to identify whether this was a continuing trend.

RESOLVED that the report be noted.

The meeting ended at 12.07 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services

BATH AND NORTH EAST SOMERSET COUNCIL

PLANNING COMMITTEE

23rd October 2024

DECISIONS

Item No:	001	
Application No:	24/01160/FUL	
Site Location:	11 Richmond Road, Beacon Hill, Bath, Bath And North East Somerset	
Ward: Lansdown	Parish: N/A	LB Grade: N/A
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	

DECISION REFUSE

1 The first floor windows on the east elevation, by reason of their siting, would result in a harmful level of overlooking to the occupiers of Maple House. Therefore, the proposals are contrary to policies D6 and D7 (3d) of the Bath and North East Somerset Placemaking Plan (2017) and Part 12 of the NPPF.

2 The flat roof design and large extent of glazing would not respond positively to the character and appearance of the area. The size, scale and overall footprint of the dwelling would also result in overdevelopment of the site. Therefore, the proposals are contrary to policies D1, D2, D5 and D7 (3a) of the Bath and North East Somerset Placemaking Plan (2017) and Part 12 of the NPPF.

PLANS LIST:

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

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.

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.

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.

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

This page is intentionally left blank