

BATH AND NORTH EAST SOMERSET COUNCIL

Planning Committee

Date

**OBSERVATIONS RECEIVED SINCE THE PREPARATION OF THE MAIN
AGENDA**

ITEM

ITEMS FOR PLANNING PERMISSION

| Item No. | Application No. | Address |
|-----------------|------------------------|------------------------|
| Site visit 1 | 23/02731/FUL | 1 Drake Avenue Bath |

The above item has been withdrawn from the agenda whilst further clarity is sought about status of the existing use of the property.

| Item No. | Application No. | Address |
|-----------------|------------------------|----------------------------------------------------------------|
| 1 | 23/02958/VAR | Waterworks Cottage Charlcombe Way Fairfield Park Bath |

The minutes for the committee meeting held on 15 November note that the Committee “questioned if it was better to accept the variation to condition 15 and to remove permitted development rights” and that the “Legal Officer advised that it was too fundamental a change to include this as part of this application at this stage”.

Since then, information on what could be constructed in reliance on permitted development rights has been added to the updated version of the report produced for the next committee meeting (13 December). The Legal Officer has confirmed that following that addition (and the discussion of removing PD rights at the last committee) it is his view that the Committee could now chose to grant permission subject to a condition to remove permitted development rights to extend the property on plot two (provided, as always, that the standard tests for imposing a condition are met, including that a condition must be imposed for a legitimate planning purpose.)

There’s an error in the first line of the Committee report which indicates that the Committee resolved to overturn the Officer’s recommendation and grant planning permission. This should read ‘and refuse planning permission’.

| Item No. | Application No. | Address |
|-----------------|------------------------|----------------------------------------------------------------|
| 2 | 23/02194/FUL | Agricultural Buildings And Land Blackrock Lane Publow |

The “Low carbon and sustainable credentials” paragraph appears twice. This is a duplication error.

The ‘Green Belt’ section notes that ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt is clearly outweighed by other considerations”. It should be noted that it is not only the harm to the Green Belt that has to be clearly outweighed, but also other types of planning harm. Officers can confirm that ‘any other types of planning harm’ have been considered as part of the planning balance.

The ‘Highways’ section notes that ‘the previous permission is a material consideration and is a relevant material consideration weight’. To be clear, officers are highlighting that the previous permission is a material consideration and this holds weight in the decision-making process.

The ‘planning balance and conclusion’ paragraph notes that ‘there is a realist possibility that the previous permission *can* be implemented’. To clarify, the test is whether there is a possibility that the fall-back permission *will* be implemented.