

BATH AND NORTH EAST SOMERSET COUNCIL

Development Control Committee

10th April 2013

OBSERVATIONS RECEIVED SINCE THE PREPARATION OF THE MAIN AGENDA

ITEM 10

ITEMS FOR PLANNING PERMISSION

Item No.	Application No.	Address
1	12/04076/FUL	Gibbs Mews, Walcot Street, Bath

Additional information received from Applicant:

Correspondence has been received raising concerns that the report does not include reference to specific issues relevant to the application.

A summary of the issues raised form bullet points with Officer's comments directly below:

- The Applicant would like to point out that the Enforcement Officer, Mr Miller, visited the site on a number of occasions in 2012 and observed both the sample panel and the buildings being constructed on the site. In his letter dated 15th August 2012 to the applicant, it was not mentioned that the blocks being used were of a different type or character to the sample panel. The letter instead identified that the blocks were of a different size to that of the sample panel.

As explained in the main report, the existing development on the site has been subject to investigation by the Council's Enforcement Team and it is clear that the letter dated 15 August 2012 did raise concerns about the use of reconstituted bath stone blocks as well as the size of the blocks being used.

However whilst this letter and the enforcement issues are of relevance it has to be borne in mind that it is an application for planning permission that is under consideration, not an enforcement report.

Furthermore the letter from Enforcement was dealing with the concerns raised and known about at that time. Since then the issues of concern surrounding this site have become much clearer and are as explained in the main report.

- The Applicant is of the view that Committee have not been advised in clear terms that in respect of planning application 08/00591/FUL the conditions specifically required the materials to be of the same type shown in the sample panel.

This issue is addressed in full in the main report. When the sample panel was originally considered in 2008 it was clear, from the application documents, approved plans and all other reports and correspondence, that the sample panels were constructed of Natural Local stone or in this case Natural Bath stone. This was then reflected in the wording of conditions attached to the resulting permissions.

- The Applicant is concerned that Committee have not been advised of the recommendations of the officer as set out in the Chairman Delegation Decision Form of November 2012 and nor has any explanation been given as to why the officer's recommendations are now different to the recommendation of five months ago.

It is true that the application was referred to the Chair of Development Control Committee with a recommendation by Officers to approve the development. However as part of the continuing consideration of the application, and following further discussions with Conservation and Enforcement Officers, the recommendation was reviewed. As a result it was decided, for the reasons outlined in the main report, that the proposal was unacceptable and that it should be recommended for refusal.

- The Applicant is of the view that the Conclusion which appears on page 61 that "it has been concluded that the development has not been constructed in accordance with the sample panel under Condition 3 of 08/00591/FUL with regard to the type of stone and the size of the block used" is a conclusion drawn without any justification and is perverse.

Officers are satisfied that the application has been considered correctly and the conclusions reflect the professional opinions of all relevant officers but specifically those of the Planning and Conservation Officers.

Members are reminded that the matter before them is an application for planning permission not a report relating to any potential enforcement action. Whilst the enforcement issues are of relevance to the consideration of this application any specific enforcement action has to be considered as a separate matter and which will, if necessary, be considered at another meeting.

In conclusion there is no change to the recommendation within the main report.

Item No.	Application No.	Address
2	12/05579/FUL	Charmydown Lodge, Charmydown Lane, Swainswick

ECOLOGY:

A license has been issued by Natural England for the ecology mitigation works approved under the 08/04768/FUL application.

OFFICER ASSESMENT:

To clarify the 08/04768/FUL application was considered acceptable as the proposal involved the conversion of buildings which in principle were appropriate development in the Green Belt as the proposal fell within one of the set criteria set out in policy GB.1 and complied with policy ET.9 which specifically relates to the re-use of rural buildings. The former lodge building was considered to be abandoned and as such was classed as a rural building and not a residential/domestic building. The conversion of the Barn was considered to preserve a historic asset which was considered a dominant building in this locality.

However the current proposal involves the re-instatement of a building which has been significantly demolished. The proposal would involve re-building the side and rear elevation and the single storey side projection of the former Charmydown Lodge building along with the conversion of the Barn and associated works. As outlined in the report the conversion of the Barn is supported. However the works now proposed for the former Charmydown Lodge building does not comply with Green Belt policy. As clearly outlined in the 2008 application the Lodge building had a nil use and could not be considered as residential, therefore the applicant

could not propose a re-placement dwelling as it is not of a C3 (residential) use. The current proposal does not fall within the criteria set out in policy GB.1 and is therefore inappropriate development which by definition is harmful to the Green Belt.

The applicant has submitted a historic appraisal to try and demonstrate special circumstances and suggests that the former lodge structure is curtilage listed and is therefore of historical importance that warrants the re-statement of the building to preserve the historical significance of the building, however as outlined in the 08/04768/FUL the buildings were considered to have a physical relationship with the listed Farmhouse however it was the Barn that was considered to have historical significance and as a whole the proposed development was a building conservation project. However as outlined in the Conservation officers report the works involved at the former lodge structures can no longer be readily recognised as a building conservation project and that the significance of the building has been reduced by the demolition. Therefore the historic significance put forward by the applicant are not considered special circumstances that outweigh the harm to the Green Belt.

Therefore there is no change to the recommendation to refuse.

