

BATH AND NORTH EAST SOMERSET COUNCIL

Development Management Committee

Date

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

ITEM

ITEMS FOR PLANNING PERMISSION

Item No.	Application No.	Address
003	16/05845/FUL	East Barn,Whitecross Farm

An additional letter has been received from a neighbour of the development discussing the proposed conditions attached to the report.

The main points raised were:

- Wording and scope of conditions
- The need for additional conditions.

The concerns of the neighbour in regard of the proposed conditions have already been addressed in the report that is before committee.

Item No.	Application No.	Address
01	17/01453/FUL	Parcel 5400, Fosseway South, Midsomer Norton

A verification report for remediation works that have already been undertaken on the site has been submitted and reviewed by the Contaminated Land Officer. They have accepted the findings of the report and as a result there is no longer a requirement for the submission of a verification report.

Condition 4 is therefore removed from the recommendation.

A construction management plan has also been submitted and reviewed. The submitted construction management plan is acceptable and will ensure the safe operation of the highway and protect residential amenity during construction.

Condition 2 is therefore amended to the following:

2. Construction Management Plan (Compliance)

The development hereby approved shall be undertaken in accordance with the 'Environmental Management System and Construction Management Plan' (Barratt Bristol, Issue date: March 2017).

Reason: To ensure that safe operation of the highway and in the interests of protecting residential amenity in accordance with Policies T.24 and D.2 of the Bath and North East Somerset Local Plan and policy ST7 of the Placemaking Plan.

Item No.	Application No.	Address
01	17/01208/FUL	Avonlea House, Station Road, Freshford, Bath, BA2 7WQ

Updated volume calculations have been provided:

Existing property:
West Wing - 262.42cu.m
East Wing - 182.58cu.m
Outbuilding - 73.92cu.m
Total - 518.92cu.m

Proposed extension - 144.64cu.m

This gives a volume increase of 28%

Previously it was thought that the original property was 449.5cu.m with the proposal being 135.85cu.m (a 30% increase). Whilst the volume has altered slightly the result is that the extension is still considered an appropriate addition within the Greenbelt and is in line with planning policy.

Item No.	Application No.	Address
02	17/00299/OUT	Land Between Homelands and 10 Camerton Hill, Camerton, Bath

Multiple correspondences have been received from a neighbour and previous objector to the application following the deferral from the May committee. No additional issues have been raised that have not already been addressed in the officer report. The main issues raised again are questioning the land ownership, right of access and the correct application certificate. As outlined in the officer report the access is acceptable in planning terms, land ownership and legal right to use it is a legal matter that is for the applicant to ascertain. In this respect it is not for the council to adjudicate over the legal use of land, the LPA is concerned with the planning merits of the case.

Item No.	Application No.	Address:
09	17/01436/FUL	Manor House, Battle Lane, Chew Magna, Bristol, BS40 8PT

The very special circumstances put forward and referred to in the main committee report have been considered in detail but it is considered that safety reasons could apply to many other cases where people wish to erect fences within the Green Belt and therefore cannot be regarded as very special in this case. It must also be highlighted that there is no evidence that the Manor House itself has been broken into or vandalised. Therefore the security fence is proposed in response to a perceived threat which again is not considered to be a very special circumstance.

It should also be emphasised that whilst there is a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the surrounding conservation area, there is also a duty placed on the Council under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 when considering whether to grant listed building consent for any works to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possess.

Whilst it is considered that the proposal would have harm to the character and appearance of the listed building and the conservation area, this harm is considered to be less than substantial. Therefore, in accordance with Paragraph 134 of the NPPF this harm must be weighed against the public benefits of the scheme. In this case the aim of the proposal is to provide security fencing along the western boundary. Whilst the poor state of the buildings is acknowledged, the perceived security threat has been considered and it has been concluded that this would not comprise public benefits required to justify the harm to the setting of the listed building and the conservation area. Evidence has been submitted of a number of occasions when the school buildings have been broken into and vandalised. However, it is considered that as the fencing is only proposed around the western boundary of the site, the increased security of the site and therefore public benefit would be negligible.

Therefore the proposal harms the setting of the grade II* listed building and this part of the Chew Magna Conservation Area. The justification of the proposal in terms of very special circumstances and public benefit is deemed insufficient and therefore the proposal is considered contrary to paragraphs 132 and 134 of the NPPF (2014), Policies BH.2 and BH.6 of the Bath and North East Somerset Local Plan (2007) and Policy HE.1 of the draft Placemaking Plan.