

BATH AND NORTH EAST SOMERSET COUNCIL

Planning Committee

25th September 2019

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

ITEMS FOR PLANNING PERMISSION

Item No.	Application No.	Address
4	19/03454/AR	The Pig & Fiddle 2 Saracen Street City Centre BA1 5BR

The report was amended to remove reference to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 from the policy section and main body of the report. The statutory section 66 duty does not apply to advertisement consent applications and is only applicable in the corresponding application for Listed Building Consent.

Item No.	Application No.	Address
2	19/03166/FUL	13 Entry Hill Combe Down Bath BA2 5LZ

Harm has been identified to the conservation area and the setting of the grade II listed terrace. Members are advised that there is a (rebuttable) presumption against granting planning permission for development which will cause harm to a designated heritage asset and that members should attach considerable importance and weight to the conservation of the heritage assets. Members are advised to follow the approach in the NPPF which states that:

193. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

196. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The first reason for refusal should also include the harm to the setting of the listed terrace and should read:

Due to the siting, spacing, layout and design of the proposed development it will result in the over development of the site and will detract from the character and appearance of this part of the Conservation Area and the setting of the adjacent grade II listed terrace, contrary to policy CP6 of the adopted Core Strategy (2014), Policies HE1, D2, D3, D4 and D5 of the Bath and North East Somerset Placemaking Plan (2017) and the provisions of the National Planning Policy Framework (2019).