

BATH AND NORTH EAST SOMERSET COUNCIL

Planning Committee

Date: 30/06/2021

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

ITEMS FOR PLANNING PERMISSION

Item No.	Application No.	Address
001	21/00435/EREG03	Ministry Of Defence Storage And Distribution Centre Pixash Lane Keynsham BS31 1TP
003	21/02044/FUL	Crewcroft Barn Hinton Hill Hinton Charterhouse Bath Bath and North East Somerset
04	21/01646/FUL	3 Barrow View Timsbury Road Farmborough Bath Bath And North East Somerset BA2 0FB

001

21/00435/EREG03

Ministry Of Defence Storage
And Distribution Centre
Pixash Lane
Keynsham
BS31 1TP

Impact upon listed buildings

The Committee Report concludes that there will be no harm to the setting of the nearby listed buildings. For clarity, the assessment relates to the Grade II listed Pixash Lane Bridge as well as the Grade II listed building Ellsbridge House which lies to the west of the site on Bath Road.

Additional planning conditions

In addition to those set out within the report, it is recommended that the following conditions are included if planning permission is granted:

- The development hereby approved shall not be occupied until an operational statement outlining the proposed booking system which will be in place in peak hours, has been submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with these approved details.

Reason: In the interest of highway safety.

- No development shall commence, except ground investigations and remediation, until a detailed drainage design package has been submitted to the Local Planning Authority and given written approval. The design shall be in accordance with the approved FRA and drainage design and is to include plans and calculations demonstrating the performance at the 1:1, 1:30 and 1:100+20% climate change event.

Reason: To ensure that an appropriate method of surface water drainage is installed and in the interests of flood risk management in accordance with Policy CP5 of the Bath and North East Somerset Core Strategy and Policy SU1 of the Bath and North East Somerset Placemaking Plan

Public Sector Equality Duty

The Public Sector Equality Duty requires public authorities to have regard to section 149 of the Equality Act 2010.

The development results in the redevelopment and consolidation of existing facilities. The granting of this planning permission is not considered to result in undue impacts upon any group. The facilities available on the site will be readily accessible to its users.

The operation of the site will be controlled through an Environmental Permit issued by the Environment Agency. The Impact upon any neighbours, including the future occupiers of the proposed Care Home, will be safeguarded through this permit process. The impact of the development through the construction process can be limited through a Construction Management Plan to ensure the needs of local residents are fully considered.

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003	21/02044/FUL	Crewcroft Barn Hinton Hill Hinton Charterhouse Bath Bath and North East Somerset

Clarification of High Court judgements and appeals:

An amendment to the report is required regarding the wording under point 7 of the assessment for policy RE6 on page 11 of the committee report. Where it refers to the High Court judgements and appeal reference APP/Y3615/A/08/2070892. These were in reference to replacement dwellings and only appeal reference APP/W4705/A/06/2027920 was regarding a ruinous building. However, the same logic can still be applied to this case.

In appeal reference APP/Y3615/A/08/2070892 it was concluded that the original building is the replacement dwelling rather than a previous building which no longer exists.

The same appeal references a number of High Court judgements:

Brentwood Borough Council v SoS for Environment, Transport and the Regions and Mr I Churley- in the matter of the original dwelling the judge considered that comparison with the original dwelling did not take one back to the original habitable floorspace of some dwelling which no longer existed because it had been replaced. This can be applied to this case in that the ruinous parts of the building are ruinous and so this part of the building is not in existence and hasn't been for many years.

Appeal reference APP/Y3615/A/08/2070892 also includes another High Court judgement being Ascot Wood Limited v SoS for the Environment and Others (2000, PLCR3) where the judge considered that there were very compelling reasons for accepting the interpretation that the term 'original building' can only apply to a building which exists.

The appeal that the applicant has referred to in February 2020 dealt with extensions to a building that had been replaced in the Green Belt and so the original building was smaller than the existing. The Council aren't disputing the fact that the original building is that which stood on 1st July 1948, but these schemes are not directly comparable because this appeal is dealing with an extension to a replacement building which is already larger than the existing. This application is dealing with a ruinous agricultural building and not a replacement dwelling. Furthermore, it is also worth noting that the appeal from 2020 also highlights that an assessment of what constitutes a disproportionate addition goes beyond mathematical calculations. The appeal referenced by the applicant also explains that the matter needs to be

considered spatially, with reference to the massing, scale and general visual perception of the proposal. Whilst the modern timber clad extension was given approval in the CLEU from 2018, Crewcroft Barn is in a remote and prominent location in the landscape and is currently used as an agricultural building consistent with the pastoral landscape.

Item No.	Application No.	Address
4	21/01646/FUL	3 Barrow View Timsbury Road Farmborough Bath Bath And North East Somerset BA2 0FB

In response to the reason for refusal the Agent for this application has sent additional information for consideration. This includes the plan drawings for the similar application which was approved for the neighbouring property (4 Barrow View) in 2002 (02/02709/FUL) and a plan drawing where the ground floors of no.4 as existing and no.3 as proposed are shown. Both these documents are available to view on the website and are dated 16th June 2021.

Whilst officers noted the extension at no.4 Barrow View during the consideration of this application, this extension was approved in 2002 under a different policy context. The case officer has assessed the application against the current Green Belt policies (both local policies and national policies) and this assessment is presented in the Committee Report.