

BATH AND NORTH EAST SOMERSET COUNCIL

Planning Committee

Date: 14th December 2022

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

ITEMS FOR PLANNING PERMISSION

Item No.	Application No.	Address
01	22/03269/FUL	Hare & Hounds, Lansdown, Road, Lansdown, BA1 5JT

The plans list for this application has been amended to remove:

SMH 41 17 16-01 TOPOGRAPHICAL SURVEY Dated 15/08/2022

Following further input from the Council's Legal Officers, the wording of the following sections of the Committee Report are updated in order to set out more fully the Planning Officer's reasoning and to make clear that the impact of this development on the listed building is to its setting.

Heritage Conclusion

The first paragraph is updated as follows:

The Council has a statutory requirement under Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in 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 possesses. Taking account of the above and in this instance the proposed works would fail to preserve the setting of the listed building and as such this proposal would not meet this requirement.

All other paragraphs in this section remain as before.

Public Sector Equality Duty

The material under this heading is updated to the following:

In reaching its decision on a planning application the Council is required to have regard to the duties contained in section 149 of the Equality Act 2010, known collectively as the public sector equality duty

Section 149 provides that the Council must have due regard to the need to—

- (a) eliminate discrimination, harassment, victimisation
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—

- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

(5) Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—

- (a) tackle prejudice, and
- (b) promote understanding.

Protected characteristics include age and disability.

The applicant has stated that granting permission would have a public benefit of enabling persons with impaired mobility to more easily access the outside seating. Those with the protected characteristics of age (in particular those who are elderly) and disability are more likely to have mobility issues than other members of the public, so this factor does relate to those protected characteristics.

Officers agree that the level surface of the decking may be easier to navigate for people with mobility issues than grass, which may be said to enhance equality of opportunity for some people who are elderly or disabled. However, it is important to note that the garden area it replaced was relatively flat and that only a limited amount of people with mobility issues would be able to access the decked area because it can only be accessed by means of two staircases. Further, refusal to grant planning permission will not automatically lead to removal of the decking as whether or not further enforcement action is

taken to require removal is a separate decision for the Council's enforcement team. There is no impact on the ability of those with protected characteristics to use the inside of the property.

Taking these factors into account it is the view of officers that any actual benefit to those with mobility issues will be at most limited, if it exists at all, and that the due weight to be given to this consideration in the planning balance when determining the application should therefore also be limited.

Conclusion

The material under this heading is updated to the following:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the decision of whether or not to grant planning permission must be made in accordance with the development plan unless material considerations indicate otherwise.

The proposal by reason of its design, siting, scale, massing, layout and materials is considered to result in harm to both the setting of the Listed Building and to the wider Conservation Area. This harm is not outweighed by public benefit as concluded above and is therefore contrary to policy HE1 of the Bath and North East Somerset Placemaking Plan (2017) and part 16 of the NPPF.

As a result of this proposal being contrary to Policy HE1, it is considered not to be in accordance with the development plan as a whole. Taking into account the material considerations in favour of the proposal (including the slight potential benefit for those with protected characteristics) and the material considerations against (in particular part 16 of the NPPF), it is considered that the other material considerations as a whole weigh strongly against the proposal and do not indicate that a decision should be made contrary to the development plan. Therefore the Officer recommendation is REFUSE