

BATH AND NORTH EAST SOMERSET COUNCIL

Planning Committee

13th March 2024

**UPDATE REPORT AND OBSERVATIONS RECEIVED SINCE THE
PREPARATION OF THE MAIN AGENDA**

ITEMS FOR PLANNING PERMISSION

Item No.	Application No.	Address
1.	22/05081/FUL	53 Rockliffe Road Bathwick Bath Bath And North East Somerset BA2 6QW

Comments from third parties have been received with regard to the term “Brownfield Land” being used in the Committee report.

Within the National Planning Policy Framework Glossary, the definition of Brownfield Land is the same as Previously Developed Land and is defined as follows:

“Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.”

It has been raised that as the site is a residential garden, it should not be considered brownfield land for the purposes of this definition. The site was granted permission in 2017 for the change of use from derelict land to garden land (use class C3) as detailed in the Committee Report. This permission was implemented but has never been completed. The land is still largely derelict, although it is noted that there is some garden land use within the areas closest to number 53. Therefore, for the avoidance of doubt officers would like to make the following alterations to the Committee Report:

Update 1 –

Replace the following paragraph within the “Reason for Committee” section:

“The application site relates to a plot of backland, brownfield land within Bathwick ward. The site is in the Conservation Area, World Heritage Site and Flood Zone 3. Planning permission is sought for the erection of a three-bedroom dwelling, with landscaping and parking.”

With the following:

“The application site relates to a plot of backland land within Bathwick ward in the built-up, urban area of Bath. The site is in the Conservation Area, World Heritage Site and Flood Zone 3. Planning permission is sought for the erection of a three-bedroom dwelling, with landscaping and parking.”

Update 2 –

Replace the following paragraph within the Exceptions Test section of the report:

“The current state of the site is given limited weight, as well as point 4 above which quotes outdated carbon reduction percentages which are in reference to an older version of the Council's Sustainable Construction policy. However, the scheme is compliant with the current adopted policy SCR6 in terms of sustainable construction. The proposal does make use of a brownfield site, within the urban area of Bath which is considered to be a sustainable location for such a dwelling. The dwelling also contributes to the housing supply within Bath and would preserve the character of the conservation area as above. The scheme is also of a high-quality design.”

With the following:

“The current state of the site is given limited weight, as well as point 4 above which quotes outdated carbon reduction percentages which are in reference to an older version of the Council's Sustainable Construction policy. However, the scheme is compliant with the current adopted policy SCR6 in terms of sustainable construction. The proposal makes use of a site which is located within the urban area of Bath, where policy B1 (Bath Spatial Strategy) directs residential development within the city; this is considered to be a sustainable location for this development. The dwelling also contributes to the housing supply within Bath and would preserve the character of the conservation area as above. The scheme is also of a high-quality design.”

Update 3 –

Replace the following paragraph in the “Conclusion” section of the report:

“The comments of third parties have been noted and assessed as part of the application. The changes to the scheme are considered to have overcome the previous reasons for refusal and subject to conditions and a S106 to secure the off-site tree contributions, the application is recommended for permission.”

With the following:

“The comments of third parties have been noted and assessed part of the application. Regard has been given to comments which relate to the fact that the site is not a brownfield site but is residential garden. The NPPF gives substantial weight

to the re-use of brownfield land. The current status of the land is one where a permission has been implemented but not completed and it is clear having visited the site that the site cannot wholly be considered residential garden. That aside, officers have reviewed the application in light of the comments made by third parties and have not attached substantial weight to the fact that part of the land could be considered brownfield. It is considered that the site is within the built-up, urban area of Bath where the principle of residential development is acceptable. Officers consider that the relevant planning policies within the up-to-date development plan have been complied with.

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. For the reasons discussed, the scheme is considered to comply with the development plan as a whole and is recommended for permission subject to conditions and a S106 agreement.