

**BATH AND NORTH EAST SOMERSET COUNCIL**

**Planning Committee**

**5<sup>th</sup> June 2024**

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

**ITEMS FOR PLANNING PERMISSION**

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
<b>1</b>	<b>22/03224/EFUL</b>	<b>Former Gasworks Windsor Bridge Road Twerton Bath Bath And North East Somerset</b>

The second to last paragraph of the conclusion states that 'Whilst being found to have significant viability issues the scheme still provides 13% affordable housing units on site'. This is a typo and should read as 12%.

To add further detail, along the riverside park, it is proposed to introduce a matrix of native trees, which would comprise a mixture of Poplar, Silver Birch, Beech, Hornbeam, Hawthorn, and Willow to provide a new planted structural 'woodland' along the River Avon. This mix of native trees can reach heights of 10m to 15m by the age of 25years and once fully mature (50+ years), they should be able to reach / exceed 20m in height. The urban areas will be planted with a mix of more resilient trees, suited to street scenes and podium gardens. These will include, but not limited to, Hornbeam (Street Tree Varieties), Small Leaf Limes, London Plane, Ornamental Cherry, and Alder. The proposed tree planting proposals, including detailed tree planting plans and tree pit details will be submitted as part of the Landscaping Scheme conditions included as part of the proposed scheme to sure the Local Authority can agree the suitability and type of tree within its location, ensuring that the proposals meet the aims of providing new amenity and environmental quality within the development, as part of the biodiversity net gain plan. The future maintenance and management of the landscape areas will be secured by a Landscape and Ecological Management Plan.

The Committee are advised that, in addition to Cllr Simon requesting that the application be heard by the Committee, Cllr Manda Rigby also requested that the Committee decide this application, commenting that “any “this is a one off because of extreme circumstances” argument falls when it is overused”. Cllr Rigby’s request was made in good time, so officers apologise for this oversight and for the delayed publication of her request on the planning portal.

The applicants have provided the Council with a copy of letter sent to them by Bath Recreation Ltd (effectively the freeholder of the site) in relation to this application. The letter makes the following points:

- The requirement to dismantle the east stand was primarily due to former lease arrangements and, for the avoidance of doubt, it is no longer a lease requirement.
- We fail to understand why the condition was retained after the primary reason for its imposition had been removed in December 2016, especially in light of the climate emergency declared by the Council given the excessive traffic required to facilitate the de-rig and re-build.
- Time has moved on and as we have discussed, Bath Recreation Limited (BRL) supports this application and sees tangible benefits in terms of assisting us in delivering the objectives of the charity this summer.
- The Rec is central to a number of keystone events over the summer months and all of these events, and any other requests we get, are directly impacted by the removal of the East Stand in the period currently required by the planning condition.
- Every week this coming summer, it is the intention of BRL to provide a number of on-going pop-up activities on the Rec including a range of children’s summer camps and activities led by our partners including Bath City Foundation, Sporting Sensations, Glasshouse Academy and others which would require the east stand to provide storage, toilets and refreshments to support them.
- There are now no other facilities available at the Rec to service these proposals, given the cricket pavilion is now used by Bath Drama Club and a physiotherapy company, and Bath Rugby Foundation are located within the Bath Rec Sports Hub, off North Parade Road.
- We also understand that the Bath Rugby Clubhouse is used for office space and other events, and it is not possible or secure for that space to be used by minors. There is some planned maintenance over the summer as well in this area. Furthermore, the east stand is directly adjacent to the outfield and area

of activity and therefore is the right facility to use from an operational perspective.

- Furthermore, the 6 weeks of de-rig and re-rig of the east stand falls in the very time period when the community events could take place.
- As you know the removal not only turns large parts of the Rec into a building site (with all of the Health and Safety considerations that entail) but also takes the southern car parks and access out of action throughout, impacting greatly on our tenant B&NES/GLL and use of the Sports Centre.
- Furthermore, the North car parks are also taken up with contractor parking to facilitate the de-rig so unless the stand stays up the ground is effectively sanitised from use during that period.
- The retention of the east stand this summer would therefore facilitate an array of positive sports and social uses at the Rec this summer and increase the parking for the Sports Centre. Effectively, this dated planning condition is in the way of us undertaking community activities at the Rec this summer, and has done in previous years.

Five additional comments of objection have been received since the Committee Report was published. They raise many of the same concerns that have already been summarised in the report and have formed part of the assessment of the planning application. However, some new issues have been raised which are summarised as follows:

- Breaking up of the committee of neighbours as people want to move if the development is granted;
- Impact to mental health

In regard to the first comment, individual choice in respect of relocating is not considered to be a material planning consideration. The development will introduce new people to the area and to this end, will create additional members of the community. This is not reason to refuse the application.

Comments in respect to the impact to specific mental health concerns have been raised. Therefore, officers have re-considered their duty under the equalities act. Please disregard Section 18 of the report and replace with the following:

*18 PUBLIC SECTOR EQUALITY DUTY:*

*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.*

*(3) 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;*

*Protected characteristics include disability.*

*The proposed demolition of the existing buildings and creation of an access could cause an impact to protected characteristics during the construction phase of the*

*development through noise and disturbance. A condition securing a Construction Management Plan has been suggested and would be attached to any permission granted. This condition would mitigate the potential impact to those with protected characteristics. As such, it is concluded that neither the granting nor refusal of this application would be likely to have an impact on protected groups given the mitigation proposed via condition and therefore, these considerations would not weigh in favour of or against this application.*

Additionally, the following analysis and condition should be added to the Committee Report:

*Policy H7 requires that for affordable housing, 7.8% of dwellings be built to meet Building Regulation M4(3)(2b) standard (wheelchair accessible housing) and the remainder to M4(2) accessible and adaptable dwellings standard within houses, ground floor flats and upper floor flats where a lift is installed, and age restricted homes. Therefore, the two dwellings provided to B&NES need to be M4(2) accessible and therefore, a condition securing this is recommended.*

Condition:

**{b Housing Accessibility (Compliance)}**

The following dwellings hereby approved shall meet optional technical standards 4(2) in the Building Regulations Approved Document M: Plots 1 and 8.

Reason: To ensure that the optional technical standards for accessibility for affordable and market housing in accordance with policy H7 of the Bath and North East Somerset Council Local Plan Partial Update.

Please disregard the conclusion paragraph of the Committee Report and replace with the following:

**CONCLUSION:**

*Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that {\i "where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise".}*

*When considering whether development proposals accord with the development plan it is necessary to make this judgement with regard to the development plan as a whole. The application is considered to comply with the development plan as a whole. As such, subject to a S106 agreement to secure the Travel Plan Monitoring fee and conditions, the application is recommended for permission.*

5 and 6

23/04747/FUL and  
23/04748/LBA

Lower Shockerwick Farm  
Shockerwick Farm Lane  
Bathford  
Bath  
Bath And North East Somerset  
BA1 7LL

#### COMMENTS RECEIVED FROM NATURAL ENGLAND

Bath and Bradford on Avon Bats SAC – **No Object Subject to Securing Mitigation**  
Further information has been provided in response to Natural England's previous comments which addresses the issues raised.

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures detailed in the appropriate assessment are appropriately secured in any planning permission given.

These comments do not change the recommendations that these two applications be refused.