

**BATH AND NORTH EAST SOMERSET COUNCIL**

**Planning Committee**

**31<sup>st</sup> July 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>
1	24/00607/FUL	Lansdown Lawn Tennis And Racquet Club Northfields Bath BA1 5TN

Please omit the following paragraph on page 14 of the Agenda:

*“The site is within the Bath Conservation Area. There is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. Officers consider that the proposal will preserve the character of this part of the Conservation Area.”*

And replace with the following paragraph:

*The site is within the Bath Conservation Area. There is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character and appearance of the surrounding conservation area. Officers consider that the proposal will preserve the character of this part of the Conservation Area.*

In the OTHER MATTERS section of the report, reference is made in the final paragraph for alternative sites and locations for the padel tennis courts. For clarity, this assessment relates to alternative locations within the Lansdown Lawn Tennis and Racquet Club site.

Please omit the following paragraph on page 25 of the Agenda:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that *“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".*

And replace with the following paragraph:

“Section 70(2) of the Town and Country Planning Act (1990) makes clear that a Local Planning Authority must have regard to “*the provisions of the development plan, so far as material to the application*” and “*ant other material considerations*”. Further, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “*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*”.”

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21/05576/FUL

Westward  
2 The Orchard  
Pensford  
Bristol  
BS39 4BG

At the beginning of the report please insert the following section:

#### REASONS FOR REPORTING TO COMMITTEE

The application has been reported to Committee as the Officer's recommendation is contrary to comments provided by Publow with Pensford Parish Council. In line with the Council's Scheme of Delegation the application was referred to the Chair and Vice Chair of the Planning Committee. In this instance the Chair has stated:

‘There are several elements to this application which has caused local concerns in respect of access and highway safety and amenity and the principle of development within the greenbelt. The fact it is being recommended that Permitted Development rights will be removed and the dwellings occupy a small footprint and will not be sited in a position that follows an established building grain, it brings into question the suitability of the site of this density and scale of development. It is considered that given the long history of this proposal, noting that the application has been “live” for three years, plus a previous appeal that it would be in the public interest to consider the issues at Committee.’

In addition the Vice Chair commented as follows:

‘I recommend that this complex application is determined by the Planning Committee due for full consideration of the issues relating to access, highway safety, residential amenity and the green belt policy.’

The application will therefore be determined by Committee.

After the OTHER MATTERS section please insert the following section:

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.

Officers have had due regard to these matters when assessing this application and have concluded that neither the granting nor the refusal of this application would be likely to have an impact on protected groups and, therefore, that these considerations would not weigh in favour of or against this application.