

**BATH AND NORTH EAST SOMERSET COUNCIL**

**Planning Committee**

**Date: 7<sup>th</sup> June 2023**

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

**ITEMS FOR PLANNING PERMISSION**

<b>Item no.</b>	<b>Reference no.</b>	<b>Site Address</b>
01	22/04431/FUL	Lower Bristol Road Westmoreland Bath Bath And North East Somerset BA2 3BX

**Additional Condition:**

An additional condition is added which restricts permitted development rights, to ensure that the proposed unit can only be used for self-storage with an ancillary business function, and for no other purpose within use class B8. This is to protect the residential amenity of neighbouring occupiers. The wording of the condition is as follows:

**{b Removal of Permitted Development Rights - Use Class (Compliance)}**

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, (or any order revoking and re-enacting that Order with or without modification), the premises shall be used only for self-storage with ancillary business function and for no other purpose in Class B8 of the schedule to that Order.

Reason: In order to protect the residential amenities of the neighbouring occupiers, in accordance with policy D6 of the Bath and North East Somerset Placemaking Plan.

**Amendment of Condition:**

Condition 30 restricts the hours of use at the site. The applicant has requested that the hours of use are revised to allow for 30 mins either side of customers being at the site to allow for staff to arrive and open the building, etc. Whilst it is noted that the site is adjacent to

residential properties, it is located on a busy arterial route within Bath, which produces noise and disturbance. The nature of self-storage means that it is unlikely that there will be large numbers of vehicles or movements and the condition restricting permitted development rights ensures that any other use at the site would be appropriately assessed should such a proposal come forward. As such, officers consider it acceptable to revise the opening hours to the following:

**{b Hours of Use - Commercial (Compliance)}**

No employee shall remain on the premises outside of the hours of:

Monday to Friday (inclusive): 06:30 – 19:30

Saturdays: 08:30 – 18:30

Sundays and Bank Holidays - 09:30 – 16:30

No customer shall be served or remain on the premises, nor any customer vehicles enter the premises outside of the hours of:

Monday to Friday (inclusive): 07:00 – 19:00

Saturdays: 09:00 – 18:00

Sundays and Bank Holidays – 10:00 – 16:00

Reason: To safeguard the amenities of nearby occupiers in accordance with policy D6 of the Bath and North East Somerset Placemaking Plan.

Additional Information:

The application has submitted (on 21<sup>st</sup> July 2023) a Tree Protection Plan and Arboricultural Method Statement and Wildlife Protection and Enhancement Scheme. Conditions 2 and 3 require the submission of these documents prior to the commencement of works on site. In order to negate the need for pre-commencement conditions, the applicant has submitted these documents prior to decision. The documents are currently being assessed by the Council's Arboricultural Officer and Ecologist to determine whether these conditions can be revised to be compliance with the submitted documentation, rather than pre-commencement. The current recommendation before committee is to "delegate to permit"

and should committee resolve the agree with officer recommendation, these conditions could be revised to compliance as appropriate

#### Addendum to SCR7 assessment – additional clarification

Policy SCR7 requires that major development achieves a 100% regulated operational carbon emissions reduction from Building Regulations Part L. It also requires that this is demonstrated through a Sustainable Construction Checklist, having regard to the SPD which was adopted in January 2023. The scheme complies with SCR7 in so far as a 100% carbon emissions reduction has been achieved. However, it does not comply in the respect of this being demonstrated through a new Sustainable Construction Checklist. A checklist has been submitted, but this is an old version relating to policies pre-LPPU.

Although the policy specifies that a new style checklist, post LPPU, be submitted to demonstrate the 100% reduction, officers consider that the 100% reduction (which is the key element of this policy) has been demonstrated, albeit on a superseded version of the checklist. In this instance, the demonstration of compliance with the 100% reduction through a superseded checklist is not considered to be a material departure from this policy, nor attributed any weight when deciding whether to approve or refuse this application. The scheme is in compliance with the general thrust of this policy in this case.

#### Amendment to the wording of final report paragraph

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

The scheme has been assessed against the relevant planning policies of the development plan and careful consideration has been given to the comments of consultees and third parties. It is considered that the scheme accords with the development plan as a whole, and it can therefore be recommended for approval.

#### Legal Updates

The Council's Legal Team have reviewed the Committee Reports and have suggested clarifications to be given to Committee Members as follows:

- To clarify, it is the NPPG which refers to the pragmatic approach to be taken to Sequential Tests and not the NPPF

- Taking into account the factors discussed in the “Impact to Heritage Assets” section of the report, the proposals do not cause harm to the significance of the nearby listed buildings or nearby St Peter’s Place
- The development will have embodied carbon emissions of 258.34/kgCO2e/m2 (compliant with SCR8).

<b>Item no.</b>	<b>Reference no.</b>	<b>Site Address</b>
02	22/04720/FUL	Eastern Sports Field Sports Training Village University Of Bath Campus Claverton Down Bath Bath And North East Somerset

Following the review of the Committee Report by the Council’s Legal Officer, the following clarifications are provided:

- The site is not within the Claverton Conservation Area but is within its setting. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act does therefore not apply and is not engaged in this case. Please disregard reference to this in the report. However, the provisions of the NPPF are engaged in regard to considering the impacts to the setting of the Conservation Area. The NPPF provides that the setting of a Conservation Area may contribute to its significance and should assess any impact on the significance of a Conservation Area as a result of the effects of the proposal on its setting.
- The impact of the proposal upon each/each group of heritage assets has been assessed. The proposal is considered to preserve the special interest of the nearby listed buildings and their settings and not harm the significance of the adjacent Conservation Area or Claverton Manor Garden, or their respective settings.
- To clarify, the pitch capacity is increased by roughly 4 times the currently capacity
- To clarify explicitly, the Local Planning Authority has adopted the shadow HRA.
- It is acknowledged and accepted that from close range views, there will be an adverse visual impact as a result of the proposals; in particular the bridleway which runs adjacent to the site (Correction to paragraph 6 of the planning balance section of the report).

Please disregard the final paragraph of the report and replace with the following:

Taking all of the above into account, officers consider that the necessity for the fence and floodlighting has been clearly explained and documented, and the heritage matters are resolved given the public benefits of the scheme. Beyond the landscape matters, therefore, there is no other reason that the development is unacceptable. Although the proposal does not comply with the development plan in respect of policy NE2 and landscape matters, it is considered that, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act that there are material considerations which indicate that the development should be approved.

Please disregard the BNG table, which is not required in this report; refer to the Ecology section of the report for a discussion on these matters.

<b>Item no.</b>	<b>Reference no.</b>	<b>Site Address</b>
03	23/00895/FUL	Waterworks Cottage Charlcombe Way Fairfield Park Bath Bath And North East Somerset BA1 6JZ

Addendum to 'DESIGN, CHARACTER AND APPEARANCE' section

The section to last paragraph in this section has a typographical error. The paragraph should read as follows:

The proposal takes a contemporary approach to both dwellings. Given the varied style and modern nature of many of the surrounding dwellings the contemporary design approach itself is acceptable. It is noted that the inspector found the previous schemes contemporary design approach acceptable.

Additional Information:

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.

<b>Item no.</b>	<b>Reference no.</b>	<b>Site Address</b>
04	23/01067/VAR	Land Between Three Gables And Paysons Croft Church Lane Bishop Sutton Bristol Bath And North East Somerset

#### Addendum to 'LANDSCAPE section

The first paragraph in this section has a typographical error. The paragraph should read as follows:

“Local Plan Partial Update policy NE2 has regard to conserving and enhancing the landscape and landscape character. The policy notes a number of criteria which should be met in order for the development to be considered acceptable in landscape, including conserving the local landscape character. The policy also states that development should seek to avoid or should

adequately mitigate any adverse impacts on the landscape. Proposals with the potential to impact on the landscape/townscape character of an area or on views should be accompanied by a Landscape and Visual Impact Assessment undertaken by a qualified practitioner to inform the design and location of any new development.”

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