

BATH AND NORTH EAST SOMERSET COUNCIL

Planning Committee

Date: 08 March 2023

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

Item Number	Application reference	Address
01	22/00881/OUT	Parcel 9176 Langley's Lane Paulton Bristol Bath And North East Somerset

An additional condition is recommended by the Planning Officer to restrict permitted development rights in relation to the use of the units as E(g)(iii) (Industrial processes). Class E encompasses a broad range of uses, and changes of use to other uses within this class will have implications for matters such as highways. Any change of use would require further consideration by the Local Planning Authority. The proposed condition wording 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 industrial units be used only for industrial processes (use class E(g)(iii)) and for no other purpose in Class E of the schedule to that Order.

Reason: As required by site allocation policy SSV9 and so that the impacts of other use classes in this location can be fully assessed by the Local Planning Authority.

Highways Matters

Officers would like to clarify that the works to Thicketmead Roundabout proposed by the Council are timetabled to be undertaken prior to the expiry date of any planning consent granted with reasonable certainty. The works to Thicketmead Roundabout are considered necessary to make the development acceptable and therefore, a clause is proposed to the Section 106 agreement which ensures that none of the units are occupied prior to these works being delivered. This is to avoid any adverse impacts upon the highway.

Item Number 02	Application reference 21/02973/OUT	Address Parcel 3589 Silver Street Midsomer Norton Bath And North East Somerset
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Regulation 122 of the Community Infrastructure Levy Regulations Tests

This matter last came to committee in August 2022. In advance of that meeting, an update report was issued. The material points set out in that update remain relevant. To ensure that they are not overlooked, they are set out again below.

The word “development” in Regulation 122 of the Community Infrastructure Levy Regulations 2010 needs to be read as referring to the proposed development forming the subject matter of the planning application under consideration, in this case the proposed access, footpath and cycleway and associated landscaping.

The three elements of the Regulation 122 Test are as follows:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development

Officers consider that the proposed vehicular and cycle/pedestrian access links will facilitate linkages to the site, which will in turn increase use and footfall to Midsomer Norton. It is therefore reasonable to assume that the accesses proposed will facilitate a use which will have a direct impact upon infrastructure within B&NES, particularly within Midsomer Norton. The development is also likely to have other impacts beyond infrastructure. The contributions are therefore considered to be directly related to the development. Given that the linkages will help to facilitate these impacts, it is also considered that they are necessary to make the planning permission acceptable as they will help to mitigate the level of impact to a level acceptable in planning terms. Additionally, given the scale of the impacts which these linkages will help to facilitate, the contributions are considered to be fairly and reasonably related to the scale and kind of development. Officers are content that, as a matter of planning judgement, the three elements of the Regulations 122 test are met in relation to each contribution sought.

Public Sector Equality Duty:

The Public Sector Equality Duty paragraph of the report has been amended. Please disregard the following paragraph:

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 comments from third parties have been fully assessed as part of the planning application. It is considered that the proposal would not cause undue harm to any third party and that the planning obligations to be secured and planning conditions recommended mitigate the potential impacts of the development. The council has complied with its public sector equality duty in this case.

The above paragraph is replaced with 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.

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.”

Item Number 03	Application reference 22/04787/FUL	Address Parcel 2065, Meadgate East, Camerton, Bath, Bath And North East Somerset
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Public Sector Equality Duty:

The Public Sector Equality Duty paragraph of the report has been amended. Please disregard the following paragraph:

“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 above paragraph is replaced with 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.

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.”