

## DEVELOPMENT MANAGEMENT COMMITTEE

### Minutes of the Meeting held

Wednesday, 1st June, 2016, 2.00 pm

Councillor Rob Appleyard	- Bath & North East Somerset Council
Councillor Jasper Martin Becker	- Bath & North East Somerset Council
Councillor Paul Crossley	- Bath & North East Somerset Council
Councillor Matthew Davies	- Bath & North East Somerset Council
Councillor Sally Davis	- Bath & North East Somerset Council
Councillor Eleanor Jackson	- Bath & North East Somerset Council
Councillor Les Kew	- Bath & North East Somerset Council
Councillor Bryan Organ	- Bath & North East Somerset Council
Councillor Caroline Roberts	- Bath & North East Somerset Council
Councillor Vic Pritchard	- Bath & North East Somerset Council

#### 1 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

#### 2 ELECTION OF VICE CHAIRMAN (IF DESIRED)

A Vice Chairman was not required on this occasion.

#### 3 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies were received from Councillor David Veale and Councillor Vic Pritchard took his place as a substitute member.

#### 4 DECLARATIONS OF INTEREST

There were no declarations of interest.

#### 5 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was no urgent business.

#### 6 ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS

The Democratic Services Officer informed the meeting that there were a number of people wishing to make statements on planning applications and that they would be able to do so when these items were discussed.

#### 7 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

There were no items from Councillors or Co-opted Members.

## 8 **MINUTES: 4 MAY 2016**

The minutes of the meeting held on 4 May 2016 were approved as a correct record and signed by the Chairman.

## 9 **MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE**

The Committee considered:

- A report by the Group Manager (Development Management) on various planning applications.
- An update report by the Group Manager (Development Management) on Items 1 and 5, attached as *Appendix 1* to these minutes.
- Oral statements by members of the public and representatives. on Items 1-5, a copy of the speakers' list is attached as *Appendix 2* to these minutes.

**RESOLVED** that, in accordance with the Committee's delegated powers, the applications be determined as set out in the decisions list attached as *Appendix 3* to these minutes.

### **Item No. 1**

**Application No: 16/01310/FUL**

**Site Location: Street Record, Abbey Church Yard, City Centre, Bath -  
Temporary change of use of the site as a temporary Christmas Market for 25 days from 24 November 2016 to 18 December 2016 inclusive, including 173 retail chalets, 6 catering units and 4 mobile catering units**

The Case Officer reported on the application and her recommendation to grant planning permission.

The registered speakers made statements for and against the application.

Councillor Peter Turner, the local ward member, spoke against the application.

Councillors asked questions for clarification to which the Case Officer responded. In response to a question from Councillor Roberts officers confirmed that if the application was permitted, this would be for one year only and the applicants would have to submit a further application next year.

Councillor Appleyard stated that he supported the Christmas Market in principle but had some concerns as it created a block in the middle of the city centre. He felt that the market should be aimed more at families and hoped that the organisers would review arrangements to include more facilities for younger people. He hoped that local traders would be able to work with the market organisers to address their concerns about the effect of the market on independent traders.

Councillor Kew felt that he was unable to support the extension to the market. The time extension would lead to the market continuing until very close to Christmas and

could adversely affect local traders. It would not necessarily lead to an increase in visitor numbers.

Councillor Jackson expressed concerns regarding the proposed 10am start time on a Sunday. This could be an issue for people attending church services and an 11am start would be preferable.

Councillor Pritchard stated that an extension of the market may dilute its effect and could be intrusive to local residents.

Councillor Organ supported the market but did not support the request for an extra week. He felt that the 18 December date was too close to Christmas.

Councillor Crossley supported the application. He stated that the market was very successful and was good for the city. The market secured business and trade although there were some knock-on effects and the organisers should be asked to address these. Councillor Crossley moved the officer's recommendation to permit planning permission. This was seconded by Councillor Roberts.

The motion was put to the vote and was **LOST** by 2 votes for and 8 votes against.

Councillor Pritchard then moved that the application be refused for the following reasons:

- The proposed development, due to the length of the change of use proposed, is considered to have a detrimental impact upon the residential amenity of the surrounding occupiers by virtue of increased noise and disturbance.
- The proposed development, due to the length of the change of use proposed and the scale and type of operation, is considered to have an unacceptable impact upon some local businesses.

This was seconded by Councillor Appleyard.

The motion was put to the vote and it was **RESOLVED** to **REFUSE** the application by 8 votes for, 1 vote against and 1 abstention.

## **Item No. 2**

**Application No: 16/00898/FUL**

**Site Location: Somersby Orchard, The Gug, High Littleton, Bristol – Erection of a new dwelling following demolition of an existing dwelling within residential curtilage**

The case officer reported on the application and her recommendation to refuse planning permission.

The registered speakers made statements for the application.

Councillor Karen Warrington, the local ward member, spoke in favour of the application.

Councillors asked questions for clarification to which the Case Officer responded. The Case Officer confirmed that the applicant could extend the existing dwelling

using permitted development rights.

Councillor Kew stated that he believed there were very special circumstances to justify the proposed development. The original house was not environmentally friendly; the proposed new dwelling would be in line with the Clutton Neighbourhood Plan and would be a more sustainable property. No objections to the application had been received and the property was located in a well screened site. It would be an improved use of the land and built on the existing footprint.

Councillor Kew moved that authority be delegated to officers to permit the application subject to conditions. This was seconded by Councillor Crossley.

Councillor Crossley stated that it would be preferable to create a higher quality, modern building than to extend the existing dwelling. The new building would only be an 8% volume increase over and above the existing permitted development rights. It was noted that the applicant had restored an orchard on this land which had provided work in the area.

Councillor Jackson queried whether the demolition and rebuild of the dwelling in this greenbelt area would lead to a precedent being created.

The Team Manager, Development Management, explained that if the application was permitted it would be possible to add a condition to remove the permitted development rights on the new dwelling. This would mean that planning permission would have to be sought for any further extension or enlargement of the dwelling. Councillor Kew and Councillor Crossley agreed that this should be included in the motion.

The motion was put to the vote and it was **RESOLVED** unanimously to delegate authority to officers to **PERMIT** the application subject to conditions to include the removal of permitted development rights for the new dwelling.

### **Item No. 3**

**Application No: 15/04971/FUL**

**Site Location: Parcel 3515, Charmydown Lane, Swainswick, Bath -**

**Construction of new and replacement track to serve dwellings, farms and farmland along the upper section of Charmydown Lane, Upper Swainswick, Bath, BA1 8AB**

The Case Officer reported on the application and her recommendation to permit.

The registered speakers made statements for and against the application.

Members asked questions for clarification to which the Case Officer responded.

Councillor Crossley moved that planning permission be granted subject to the conditions set out in the officer's report. He stated that the proposal offered an imaginative solution to access the farm building. This was seconded by Councillor Organ.

Councillor Jackson supported the application on road safety grounds and felt that the concerns expressed by the Parish Council should be addressed by planning

conditions.

Officers confirmed that a condition would be included to require that no fences, gates or any other means of enclosure shall be constructed within or adjacent to the track unless a further planning permission has been granted.

The motion was put to the vote and it was **RESOLVED** unanimously to **PERMIT** the application.

**Item No. 4**

**Application No: 16/01359/FUL**

**153 Newbridge Hill, Newbridge, Bath, BA1 3PX - Provision of additional 9 parking spaces at the rear of 153/155 Newbridge Hill, Bath (Resubmission of 15/01226/FUL)**

The Case Officer reported on the application and his recommendation to refuse.

The registered speaker made a statement for the application.

Councillor Donal Hassett, the local ward member, spoke in favour of the application.

Members asked questions for clarification to which the Case Officer responded. It was confirmed that this application requested four extra spaces in addition to the five spaces that had already been approved.

Councillor Roberts, also a local ward member, was in favour of the application although had some concerns that approval may lead to more requests for parking spaces which could encroach onto the green areas in the ward.

Councillor Jackson moved that planning permission be refused for the reasons set out in the officer report and that the proposed development would be contrary to policy T20. This was seconded by Councillor Appleyard. Officers suggested including an additional reason for refusal that the proposed development would result in increased disturbance to public transport links and with no adequate demonstration of need is contrary to saved policy T20 of the Bath and North East Somerset Local Plan.

The motion was put to the vote and it was **RESOLVED** to **REFUSE** planning permission by 5 votes for, 3 votes against and 2 abstentions.

**Item No. 5**

**Application No: 16/00991/FUL**

**Land Opposite Rowan House, High Street, Freshford, Bath – Creation of new access opening and construction of parking area for two cars**

The Case Officer reported on the application and her recommendation to refuse.

The registered speaker spoke in favour of the application.

Members asked questions for clarification to which the Case Officer responded.

Councillor Jackson moved that consideration of this application be deferred pending a site visit. This was seconded by Councillor Appleyard.

The motion was put to the vote and it was **RESOLVED** to **DEFER** consideration of this application pending a site visit to allow the Committee to understand the context of the site, by 6 votes for, 3 votes against and 1 abstention.

10 **NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES**

The Committee considered the appeals report and noted that only one appeal had been allowed. The Committee praised officers for the work they had undertaken to achieve this. Officers were also congratulated for the commendations they had received regarding the Burger and Lobster restaurant development in Bath.

The meeting ended at 4.05 pm

Chair .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**

**BATH AND NORTH EAST SOMERSET COUNCIL**

**Development Management Committee**

**Date 1<sup>st</sup> June 2016**

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

**ITEMS FOR PLANNING PERMISSION**

**ITEM**

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
1	16/01310/FUL	Street Record Abbey Church Yard City Centre

Third Party comments

**Bath Preservation Trust**

BPT note that the response referenced in the report was not a formal response but a reflection of the potential benefit on the visitor business of the Trust as runner of 4 museums in the City given in response to an online questionnaire. Our Architecture and Planning Committee did not submit a formal response to the planning application. In other contexts BPT have noted that the Christmas market is one of the peak traffic periods where congestion becomes highly problematic and it is to be hoped that an extended Christmas Market would spread that congestion rather than merely add to it. We would encourage consideration of more temporary parking locations to ameliorate congestion for regular business, school and residential users of the City during this period, and that the market should be used to pilot a variety of alternative traffic solutions which could then constructively inform B&NES Transport Strategy. This could include additional public shuttle buses from temporary locations such as the Racecourse.

**Walcot Street Traders Association (WSTA)**

An written representation has been received, which included a number of emails sent directly to WSTA rather than the LPA. In summary it is highlighted how much the proposed extension of the market would impact these

businesses and might result in closures should the downturn in trade continue.

It is stated that the market has a negative effect on the viability and vitality of retail in Walcot. Further, extending the market to 18th December (taken down by 22nd December) the WSTA argue gives very little time for people to return to the city. The fears are that they will continue to shop elsewhere. The WSTA reality is that there will only be five/6 days trading - 19th - 23/24th December - before Christmas when people will wish to walk out into the less congested city.

WSTA note that many of the smaller, independent “artisan” businesses would not be able to stock or staff the chalets. By our very nature, much of what we in Walcot sell is handmade, often “one-offs” or limited in number and by the method of production.

#### Policies

The report should also make reference to the following Local Plan Policies:

- S.2: Retail development proposals within the centres identified under S.1
- S.5: Primary shopping frontages for Bath, Keynsham and Midsomer Norton
- S.6: A3, A4 and A5 uses in Bath City Centre.

5.	16/00991/FUL	Land Opposite Rowan House High Street Freshford
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Update to Officer Assessment within the Report :

It is considered that whilst the harm caused to the Conservation Area's significance as a heritage asset would be less than substantial in terms of paragraph 134 of the Framework, no significant public benefits arise from the proposal to justify the application being granted.



## BATH AND NORTH EAST SOMERSET COUNCIL

MEMBERS OF THE PUBLIC AND REPRESENTATIVES WISHING TO MAKE A  
STATEMENT AT THE MEETING OF THE DEVELOPMENT MANAGEMENT  
COMMITTEE ON WEDNESDAY 1 JUNE 2016

<b>A. MAIN PLANS LIST</b>			
<b>ITEM NO.</b>	<b>SITE NAME</b>	<b>SPEAKER</b>	<b>FOR/AGAINST</b>
1	Street Record, Abbey Church Yard, Bath	Nick Tobin – Vice-Chairman, Federation of Bath Residents' Associations	Against (To share 6 minutes)
		Martin Tracy or Jenny Pollitt – Walcot Street Traders' Association	Against (To share 6 minutes)
		David James, Andrew Peters and Susan Keeling - Bath Tourism Plus	For (Up to 6 minutes)
		Councillor Peter Turner – Ward Councillor	
2	Somersby Orchard, The Gug, High Littleton	Rosemary Naish	Chair of Clutton Parish Council
		Chris Beavan, PlanningSphere	For
		Councillor Karen Warrington – Ward Councillor	
3	Charmydown Lane, Swainswick	Donald MacIntyre	Chair of St Catherine's Parish Meeting
		Janet Montgomery, Dormie Holdings	For
4	153 Newbridge Hill, Bath	Mary Bowen	For
		Councillor Donal Hassett – Ward Councillor	
5	High Street, Freshford	Roger Paine	Freshford Parish Council

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**BATH AND NORTH EAST SOMERSET COUNCIL**  
**DEVELOPMENT MANAGEMENT COMMITTEE**

**1st June 2016**

**DECISIONS**

<b>Item No:</b>	01
<b>Application No:</b>	16/01310/FUL
<b>Site Location:</b>	Street Record, Abbey Church Yard, City Centre, Bath
<b>Ward:</b> Abbey	<b>Parish:</b> N/A <b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Temporary change of use of the site as a temporary Christmas Market for 25 days from 24th November 2016 to 18th December 2016 inclusive, including 173 retail chalets, 6 catering units and 4 mobile catering units.
<b>Constraints:</b>	Affordable Housing, Agric Land Class 3b,4,5, Scheduled Ancient Monument SAM, Scheduled Ancient Monument SAM, Air Quality Management Area, Article 4, Bath Core Office Area, Centres and Retailing, Conservation Area, Cycle Route, Forest of Avon, Hotspring Protection, Listed Building, LLFA - Flood Risk Management, MOD Safeguarded Areas, Prime Shop Front, Public Right of Way, SSSI - Impact Risk Zones, Water Source Areas, World Heritage Site,
<b>Applicant:</b>	Bath Tourism Plus
<b>Expiry Date:</b>	17th June 2016
<b>Case Officer:</b>	Tessa Hampden

**DECISION REFUSE**

1 The proposed development, due to the length of the change of use proposed, is considered to have a detrimental impact upon the residential amenity of the surrounding occupier by virtue of increased noise and disturbance. The development is therefore contrary to saved policy D2 of the Local Plan 2007

2 The proposed development, due to the length of the change of use proposed and the scale and type of operation, is considered to have an unacceptable impact upon some local businesses. The development is therefore contrary to saved policy S2 of the Local Plan 2007, and the aims of the National Planning Policy Framework

**PLANS LIST:**

05 Apr 2016      SITE PLAN

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. Discussions were held with the agent, but this application was refused by Members at Planning Committee

<b>Item No:</b>	02
<b>Application No:</b>	16/00898/FUL
<b>Site Location:</b>	Somersby Orchard, The Gug, High Littleton, Bristol
<b>Ward:</b> Clutton	<b>Parish:</b> Clutton <b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Erection of a new dwelling following demolition of an existing dwelling within residential curtilage.
<b>Constraints:</b>	Affordable Housing, Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenbelt, Hazards & Pipelines, Neighbourhood Plan, SSSI - Impact Risk Zones,
<b>Applicant:</b>	Mr & Mrs Paul Wyatt
<b>Expiry Date:</b>	21st April 2016
<b>Case Officer:</b>	Tessa Hampden

## DECISION PERMIT

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.

2 Prior to the construction of the development infiltration testing and soakaway design in accordance with Building regulations Part H, section 3 (3.30) shall be undertaken to verify that soakaways will be suitable for the development. The soakaways shall be installed prior to the occupation of the development unless the infiltration test results demonstrate that soakaways are not appropriate in accordance with Building regulations Part H, section 3 (3.30). If the infiltration test results demonstrate that soakaways are not appropriate, an alternative method of surface water drainage, which has first been submitted to and approved in writing by the Local Planning Authority, should be installed prior to the occupation of the development.

Reason: To ensure that an appropriate method of surface water drainage is installed and in the interests of flood risk management in accordance with policy CP5 of the Bath and North East Somerset Core Strategy.

3 The development hereby permitted shall be carried out only in accordance with the ecological mitigation proposals and recommendations described in section 7 and Table 5 of the approved Ecological Survey by Clarkson and Woods dated February 2016.

Reason: to prevent harm to ecology and to provide replacement habitat and biodiversity opportunities in line with the requirements of NPPF

4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no extension, or enlargement of the dwelling hereby approved shall

be carried out unless a further planning permission has been granted by the Local Planning Authority.

Reason: Any further extensions require detailed consideration by the Local Planning Authority because of the siting of the development in the Green Belt

5 The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.

Reason: To define the terms and extent of the permission.

**PLANS LIST:**

24 Feb 2016	0575.003	EXISTING PLANS AND ELEVATIONS
24 Feb 2016	0575.004	PROPOSED PLANS AND ELEVATIONS
24 Feb 2016	0575.001	SITE LOCATION PLAN
24 Feb 2016	0575.002	BLOCK PLAN

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: [www.bathnes.gov.uk/cil](http://www.bathnes.gov.uk/cil)

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. A positive view of the submitted/revised proposals was taken by Committee and consent was granted.

<b>Item No:</b>	03	
<b>Application No:</b>	15/04971/FUL	
<b>Site Location:</b>	Parcel 3515, Charmydown Lane, Swainswick, Bath	
<b>Ward:</b> Bathavon North	<b>Parish:</b> Batheaston	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Construction of new and replacement track to serve dwellings, farms and farmland along the upper section of Charmydown Lane, Upper Swainswick, Bath BA1 8AB	
<b>Constraints:</b>	Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Area of Outstanding Natural Beauty, Greenbelt, MOD Safeguarded Areas, Public Right of Way, Sites of Nature Conservation Interest, SSSI - Impact Risk Zones, Water Source Areas,	
<b>Applicant:</b>	Dormie Holdings Ltd C/o Brimble Lea & Partners	
<b>Expiry Date:</b>	3rd June 2016	
<b>Case Officer:</b>	Alice Barnes	

**DECISION PERMIT**

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.

2 No development shall take place until full details of a Wildlife Protection, Management and Enhancement Scheme in accordance with the recommendations and proposals described in the approved ecological assessment by Tyler Grange dated 2nd March 2016 have been submitted to and approved in writing by the local planning authority. These details shall include:

(i) Full details of all proposed ecological mitigation, compensation, enhancement and protection measures, including fenced exclusion zones if applicable, new habitat creation and other ecological features to provide ecological benefit, with all measures and locations being shown on a plan

(ii) Full details and specifications for planting and seeding, to include species compositions, numbers, sizes and positions of planting, with measures also incorporated into soft landscape design and shown on all relevant plans and drawings

(iii) A list of wildlife conservation management aims and objectives to include species specific objectives where applicable for example creation of tussocky grassland habitat to benefit barn owl, and proposed management operations to achieve the aims and objectives

All works within the scheme shall be carried out in accordance with the approved details, unless otherwise approved in writing by the local planning authority. The works shall be carried out prior to the occupation of any part of the development.

Reason: To avoid harm to wildlife and to mitigate for ecological impacts

3 No development shall take place until an annotated tree protection plan following the recommendations contained within BS 5837:2012 identifying measures (fencing and/or ground protection measures ) to protect the trees within the woodland belt has been submitted to and approved in writing by the Local Planning Authority and details within the approved document implemented as appropriate. The plan shall include proposed tree protection measures during site preparation (including clearance), during construction and landscaping operations ensuring that no-dig construction methods are used within the rooting areas of the trees where the new track is constructed through the woodland belt.

Reason: To ensure that no excavation, tipping, storing of materials or any other activity takes place which would adversely affect the trees to be retained.

4 All ground works shall be monitored in accordance with the Archaeological Written Scheme of Investigation (Archaeology and Planning Solutions, February 2015) submitted with this application, providing a controlled watching brief with provision for the detailed excavation and recording of any significant deposits or features encountered.

Reason: The site is within an area of significant archaeological interest and the Council wish to protect and record any archaeological remains disturbed by the development.

5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no fences, gates or any other means of enclosure shall be constructed within or adjacent to the track unless a further planning permission has been granted.

Reason: To safeguard the nearby public right of way and the openness of the surrounding green belt.

6 Prior to the commencement of the development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority and shall include details of deliveries (including storage arrangements and timings) hours of operation, contractor parking and traffic management. The development shall thereafter be carried out in accordance with the details approved.

Reason: Details are required prior to the commencement of the development to ensure the safe operation of the highway and to ensure that the construction of the development does not cause disruption to the highway. To ensure that the development does not occur during anti-social hours in the interests of residential amenity. To ensure that the proposed development does not block or disrupt the existing public right of way.

7 The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.

Reason: To define the terms and extent of the permission.

**PLANS LIST:**

- Site location plan 1743 SL 01 a
- Detailed site plan 1743 A1 L3
- Proposed farm track 1743 A3 L4
- Proposed plans 1743 A1 L1 rev E
- Proposed plans 1743 A1 L2 rev E

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Policy Framework. For the reasons given, and expanded upon in a related case officer's report, a positive view of the revised proposals was taken and consent was granted.

<b>Item No:</b>	04	
<b>Application No:</b>	16/01359/FUL	
<b>Site Location:</b>	153 Newbridge Hill, Newbridge, Bath, BA1 3PX	
<b>Ward:</b> Newbridge	<b>Parish:</b> N/A	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Provision of additional 9 parking spaces at the rear of 153/155 Newbridge Hill (Resubmission of 15/01226/FUL)	

<b>Constraints:</b>	Affordable Housing, Agric Land Class 1,2,3a, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,
<b>Applicant:</b>	Ms Amy Dyer
<b>Expiry Date:</b>	6th June 2016
<b>Case Officer:</b>	Martin Almond

## **DECISION REFUSE**

1 The proposed development due to its intended use, location and size would result in development which does not respect the existing character and appearance of the locality and as such is contrary to the provision of saved policies D.2 and D.4 of the Bath and North East Somerset Local Plan (including minerals and waste) adopted October 2007.

2 The proposal development by virtue of its size, scale and siting in this backland location would detract from the open and regular pattern of the existing built environment which would harm the character and appearance of the City of Bath Conservation Area. The development is therefore contrary to saved policy BH.6 of the Bath and North East Somerset Local Plan (including minerals and waste) adopted October 2007.

3 The increase in the number of parking spaces will result in an increased number of vehicle movements which will result in increased disturbance to the existing residential properties and as such the proposal is contrary to saved policy D.2 of the Bath and North East Somerset Local Plan (including minerals and waste) adopted October 2007.

4 The proposed development will create further reliance on private car use which in this sustainable location, close to public transport links and with no adequate demonstration of need is contrary to saved policy T.20 of the Bath and North East Somerset Local Plan (including minerals and waste) adopted October 2007.

### **PLANS LIST:**

This decision relates to drawings 1102 P62, 1102 P63, 1102P64, 1102 P65 and 1102 P61 dated as received 22nd March 2016.

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The Local Planning Authority acknowledges the approach outlined in paragraphs 188-192 in favour of front loading and operates a pre-application advice service. The applicant did not seek to enter into correspondence with the Local Planning Authority. The proposal was considered unacceptable for the reasons given and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application, and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.



<b>Item No:</b>	05
<b>Application No:</b>	16/00991/FUL
<b>Site Location:</b>	Land Opposite Rowan House, High Street, Freshford, Bath
<b>Ward:</b> Bathavon South	<b>Parish:</b> Freshford <b>LB Grade:</b> II
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Creation of new access opening and construction of parking area for two cars.
<b>Constraints:</b>	Affordable Housing, Agric Land Class 3b,4,5, Area of Outstanding Natural Beauty, Conservation Area, Greenbelt, Housing Development Boundary, Listed Building, MOD Safeguarded Areas, Neighbourhood Plan, SSSI - Impact Risk Zones,
<b>Applicant:</b>	Mr Peter King
<b>Expiry Date:</b>	5th May 2016
<b>Case Officer:</b>	Kate Whitfield

## DECISION

Defer for site visit - to allow Members to understand the context of the site

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