

Bath & North East Somerset Council

MEETING: **Development Management Committee**

MEETING DATE: **1st June 2016**

AGENDA
ITEM
NUMBER

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RESPONSIBLE OFFICER: Mark Reynolds – Group Manager (Development Management) (Telephone: 01225 477079)

TITLE: **APPLICATIONS FOR PLANNING PERMISSION**

WARDS: ALL

BACKGROUND PAPERS:

AN OPEN PUBLIC ITEM

BACKGROUND PAPERS

List of background papers relating to this report of the Group Manager, Development Management about applications/proposals for Planning Permission etc. The papers are available for inspection online at <http://planning.bathnes.gov.uk/PublicAccess/>.

- [1] Application forms, letters or other consultation documents, certificates, notices, correspondence and all drawings submitted by and/or on behalf of applicants, Government Departments, agencies or Bath and North East Somerset Council in connection with each application/proposal referred to in this Report.
- [2] Department work sheets relating to each application/proposal as above.
- [3] Responses on the application/proposals as above and any subsequent relevant correspondence from:
 - (i) Sections and officers of the Council, including:
 - Building Control
 - Environmental Services
 - Transport Development
 - Planning Policy, Environment and Projects, Urban Design (Sustainability)
 - (ii) The Environment Agency
 - (iii) Wessex Water
 - (iv) Bristol Water
 - (v) Health and Safety Executive
 - (vi) British Gas
 - (vii) Historic Buildings and Monuments Commission for England (English Heritage)
 - (viii) The Garden History Society
 - (ix) Royal Fine Arts Commission
 - (x) Department of Environment, Food and Rural Affairs
 - (xi) Nature Conservancy Council
 - (xii) Natural England
 - (xiii) National and local amenity societies
 - (xiv) Other interested organisations
 - (xv) Neighbours, residents and other interested persons
 - (xvi) Any other document or correspondence specifically identified with an application/proposal
- [4] The relevant provisions of Acts of Parliament, Statutory Instruments or Government Circulars, or documents produced by the Council or another statutory body such as the Bath and North East Somerset Local Plan (including waste and minerals policies) adopted October 2007

The following notes are for information only:-

- [1] "Background Papers" are defined in the Local Government (Access to Information) Act 1985 do not include those disclosing "Exempt" or "Confidential Information" within the meaning of that Act. There may be, therefore, other papers relevant to an application which will be relied on in preparing the report to the Committee or a related report, but which legally are not required to be open to public inspection.

- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting the requirements of the above Act, other letters and documents of the above kinds received after the preparation of this report and reported to and taken into account by the Committee will also be available for inspection.
- [4] Copies of documents/plans etc. can be supplied for a reasonable fee if the copyright on the particular item is not thereby infringed or if the copyright is owned by Bath and North East Somerset Council or any other local authority.

INDEX

ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	16/01310/FUL 17 June 2016	Bath Tourism Plus Street Record, Abbey Church Yard, City Centre, Bath, 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.	Abbey	Tessa Hampden	PERMIT
02	16/00898/FUL 21 April 2016	Mr & Mrs Paul Wyatt Somersby Orchard, The Gug, High Littleton, Bristol, Bath And North East Somerset Erection of a new dwelling following demolition of an existing dwelling within residential curtilage.	Clutton	Tessa Hampden	REFUSE
03	15/04971/FUL 3 June 2016	Dormie Holdings Ltd C/o Brimble Lea & Partners 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	Bathavon North	Alice Barnes	PERMIT
04	16/01359/FUL 17 May 2016	Ms Amy Dyer 153 Newbridge Hill, Newbridge, Bath, BA1 3PX, Provision of additional 9 parking spaces at the rear of 153/155 Newbridge Hill (Resubmission of 15/01226/FUL)	Newbridge	Martin Almond	REFUSE
05	16/00991/FUL 5 May 2016	Mr Peter King Land Opposite Rowan House, High Street, Freshford, Bath, Creation of new access opening and construction of parking area for two cars.	Bathavon South	Kate Whitfield	REFUSE

REPORT OF THE GROUP MANAGER, DEVELOPMENT MANAGEMENT ON APPLICATIONS FOR DEVELOPMENT

Item No: 01
Application No: 16/01310/FUL
Site Location: Street Record Abbey Church Yard City Centre Bath



Ward: Abbey **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Jonathan Carr Councillor Peter Turner
Application Type: Full Application
Proposal: 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.
Constraints: 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,
Applicant: Bath Tourism Plus
Expiry Date: 17th June 2016
Case Officer: Tessa Hampden

REPORT

Reason for calling this application to committee

This application has been called to committee by Cllr Anketell-Jones and Cllr Patterson. Their comments are detailed within the representation section of this report.

Site description and proposal

The application site relates to an area of Bath City Centre, primarily to streets around the Abbey, incorporating a number of roads including Abbey Churchyard, Kingston Parade, Church Street, Abbey Street, Abbeygate Street, Abbey Green, York Street and Bath Street. The whole site is set within the City of Bath Conservation Area and the designated World Heritage Site. The majority of the buildings in the area are listed buildings including the Grade I listed Abbey, the Pump Rooms and the Roman Baths. The site is also within the Town Centre shopping area.

The application seeks planning permission for the temporary change of use of the site as a 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. There is an extant planning permission for the Christmas market to be in place for 2016 for 18 days. This application seeks permission for an additional week alongside the original 18 days. The additional days will be at the latter end of the period, meaning the Christmas Market finishes closer to Christmas.

The description on the application form cites dates for the 2016 period and the application has been advertised on this basis, but the supporting statements refer to 2016, 2017 and 2018. The agent has confirmed that the application should be considered for the 2016 year only in line with the application form. It is confirmed therefore that the application has been considered on the basis of the change of use for one year only.

Relevant planning history

DC - 14/02325/FUL - PERMIT - 19 August 2014 - Temporary change of use of the site as a temporary Christmas Market for 18 days from mid-November to mid-December in 2014, 2015 and 2016 including 172 retail chalets, 6 catering units and 4 mobile catering units.

DC - 13/02331/FUL - PERMIT - 10 September 2013 - Temporary change of use of the site as a temporary Christmas Market for 18 days from mid-November to mid-December in 2013, 2014 and 2015 including 155 retail chalets, 6 catering units and 4 mobile catering units

DC - 12/02827/FUL - PERMIT - 21 August 2012 - Use of site for temporary Christmas market for 18 days for three year permission for the following dates: 22 November to 09 December 2012; mid-November to mid-December 2013 and 2014 with 139no. fixed retail stalls, 6no fixed catering stalls and 3no mobile catering stalls (Kingston Parade, Church Street, Abbey Street, Abbey Gates Street, Abbey Green, York Street, Swallow Street and Bath Street)

DC - 11/01034/FUL - PERMIT - 18 April 2011 - Use of site for temporary Christmas market for 18 days for three year permission for the following dates: 24 November to 11 December 2011; 29 November to 16 December 2012; 28 November to 15 December 2013 with 129no fixed retail stalls, 6no fixed catering stalls and 2no mobile catering stalls (Kingston Parade, Church Street, Abbey Street, Abbey Gates Street, Abbey Green and York Street)

DC - 09/02794/FUL - PERMIT - 19 October 2009 - Use of site for temporary Christmas Market from 25th November 2010 to 12th December 2010 with 131 no. fixed retail stalls 6

no. fixed catering stalls and 2 no. mobile catering stalls (Abbey Churchyard, Kingston Parade, Church Street, Abbey Street, Abbeygate Street, Abbey Green and York Street)

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Highway Development Officer - no objection

Historic England - no comments

Cllr Anketell Jones - requests that this application is heard at Committee if officers are minded to approve. Consultations indicate the market has a negative effect on the viability and vitality of some sectors of Bath retail.

Cllr Patterson - requests that this application is heard at Committee. Comments due to the high impact on significant groups in Bath and the degree of sensitivity of the issue. Further concerns relating to publication of third party comments and lack of clarity with regards to the consultation period

Bath Preservation Trust - support the application

- More visitors to museums
- visitors spread out over a longer period
- benefits to other retail traders

Federation of Bath Residents Association - Object to the development. The reasons can be summarised as follows:

- 3 year permission does not present the opportunity to test the impact
- 3 years may impact upon parking viability during the Bath Quays development
- benefits of the scheme must be weighed against the considerable pain and inconvenience to residents, business and retailers
- Markets creates noise, pollution, traffic congestion, disturbance and general disruption to so many residents
- Wider views of Bath residents have not been sought
- Impact during construction and dismantling stage.
- Lack of supporting information in the application including traffic issues and impact upon local businesses
- Impact of increased traffic and lack of parking
- Impact of other vehicles/deliveries reaching existing businesses
- Pollution - increased levels due to increased traffic
- Economic issues - BANES meeting the cost of traffic management
- Loss of free space for Bath residents to use

Marlborough Lane and Buildings Residents Association - object to the application. The reasons can be summarised as follows:

- impact upon local residents
- traffic/parking disruption
- impact of construction activity

Macaulay Buildings And Prospect Road Residents Association - object

Ainslie's Belvedere & Caroline Place Residents' Association - objects to the development. The reasons can be summarised as follows:

- Community engagement not representative of a city as a whole
- This market in general and the proposed extension in particular affects the whole of Bath, not just those who live and work in the footprint area for the proposed 25 days, but also during the setting up and taking down period,
- Lack of consultation
- The city would be just as vibrant and as busy as ever if the proposed extension period is not approved
- The city itself would earn surprisingly little from this market extension

Vineyards Residential Association - object. The reasons can be summarised as follows:

- Large part of the city centre becomes crowded and nigh impassable for residents going about their daily business.
- Huge amounts of extra traffic.
- The severe daily parking problems for residents in the Central Zone are exacerbated when the Christmas Market is running
- Air pollution suffered by residents

Lansdown Crescent Association - object. The reasons can be summarised as follows:

- 3 year period does not provide opportunity to test the proposal
- Dates run too close to Christmas
- It will extend its associated extra congestion, pollution and parking difficulties by nearly 50%

Camden Residents Association object to the development for the following reason

- Issues relating to the Council/Bath Tourism Plus funding - decision should be transparent
- Impact will be felt during market phase and setting up/down
- Increase car journeys and lack of parking capacity
- Lack of information in relation to traffic management
- Impact upon air quality
- Lack of evidence in relation to economic impact
- Costs to Council in assisting traffic management
- If permitted, one year should be granted to assess impact

Beech Avenue Residents Association - object. The reasons can be summarised as follows:

- Congestion
- Impact upon other retailers
- Increased pollution
- Lack of parking capacity
- Economic benefits not reflected ins services for local residents

Bath Bid Company support the application but request that the congestion to the central core is reduced and visitors are encouraged to explore the wider city. Independent shops should have the opportunity to buy a chalet

Bath independent Guest House Association - supporters the application. The reasons can be summarised as follows:

- Increase in trade during a period typically associated with vacancies
- Extension will result in the market being less crowded

37 supporting comments have been received and can be summarised as follows;

- Aids in helping Bath promoting tourism
- Additional days will help in diluting concentration of visitors
- Positive impact upon hospitality industry during quiet period
- Significant economic benefits to the city
- Increase dates would increase revenue for local traders
- Will help market compete with other cities with run for a longer period of time
- Market aids in funding Bath Tourism throughout the year
- Layout should be reviewed
- Increases vibrancy of the city
- Event well organised

7 objection comments (not including those from the specific groups detailed above) and 2 general comments have been received which can be summarised as follows:

- Impact upon pedestrian flow in particular those with mobility difficulties
- General noise and disruption for local residents
- Increased congestion
- Impact of development will be worsened if Avon Street in closed
- Illegal parking of coaches which causes disruption
- Impact of rubbish storage
- Odour issues
- Lack of facilities to support the market

POLICIES/LEGISLATION

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The Core Strategy now forms part of the statutory Development Plan and will be given full weight in the determination of planning applications. The Council's Development Plan now comprises:

- Core Strategy
- Saved Policies in the B&NES Local Plan (2007)*
- Joint Waste Core Strategy

The following policies should be considered:

- CP6 - Environmental Quality
- DW1 - District Wide Spatial Strategy
- B1 Bath Spatial Strategy
- B2 Central Area Strategic Policy
- B4 World Heritage Site and its setting

Saved policies from the Bath and North East Somerset Local Plan - 2007

D.2: General design and public realm considerations
D.4: Townscape considerations
BH.2: Listed buildings and their settings
BH.6: Development within or affecting the Conservation Area
T.20: Loss and provision of off-street parking and servicing
T.24: General development control and access policy

At the Council's Cabinet meeting on 2nd December 2015 the draft Placemaking Plan was approved for consultation purposes and also approved for Development Management purposes. However, currently the Plan has limited weight in the determination of planning applications.

Policy DW1 District-wide spatial Strategy
Policy CP6 Environmental Quality
Policy D.1 General Urban Design Principles
Policy D.2 Local Character & Distinctiveness
Policy D.3 Urban Fabric
Policy D.4 Streets and Spaces
Policy D.5 Building Design
Policy D.6 Amenity
Policy H1 Historic Environment
Policy PCS2 Noise and vibration
Policy B1: Bath Spatial Strategy
Policy B4 The World Heritage Site and its setting
Policy BD1: Bath Design Policy
Policy B2 Central Area Strategic Policy
Policy CP12 Centres and Retailing
Policy CR3 Primary Shopping Areas and Primary Shopping Frontages
ST7 Transport requirements for managing development

National Planning Policy Framework - March 2012
National Planning Practice Guidance

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.

There is a duty placed on the Council under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 'In considering whether to grant planning permission for development which affects a listed building or its setting' to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

OFFICER ASSESSMENT

Principle of development

The Christmas Market has been granted planning permission to operate since 2009 with an extant planning permission in place which permits the market to run over the festive period in 2016. This application increases the length of time that the market would be in situ by a further seven days from eighteen days to twenty five days. It is recognised that the size of the market has grown significantly since it first began operating and the impact of this has been considered as part of previous planning applications. Prior to 2009, the market was in place for fourteen days and therefore did not require planning permission from the Local Planning Authority.

The development overall will provide a large number of retail and food units, albeit temporary. The stalls for the period that they will be in place are considered to be appropriate for this city centre location, complementing the existing retail function of the centre and would be well integrated into the existing pattern of the centre. This is considered to be in line with the aims of saved Policy S 2 of the Local Plan. In terms of the temporary food stall/catering units, although they sit alongside the protected retail frontage, they do not result in the loss of any A1 units. The addition of these extra catering units for a temporary period are not considered to have a detrimental impact upon the vitality and viability of the city centre. They will increase the spend within the city and promote competition between traders. In this regards this part of the development is therefore considered to comply with the relevant parts of saved policies S5 and S6 of the Local Plan.

Overall therefore, there is no objection to the development in principle. The extension of the Christmas Market for an additional week is not considered to impact upon this conclusion.

Character and appearance

The chalets/stalls are of an appropriate design, given their temporary nature and function as a market. They will not be fixed to the listed buildings, but will be set in close proximity to them. Whilst the market chalets do temporarily alter the character of the space which forms the setting of the listed buildings the views to these listed buildings such as the Abbey and the Pump Rooms are not considered to be unduly compromised.

It is not considered that for the period as applied for under this application that there will be a detrimental impact on the setting of the listed buildings, the character and appearance of the City of Bath Conservation Area or the designated World Heritage Site.

There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. In considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Here it is considered that, as this is a temporary use, the overall setting of these building is to be preserved.

There is a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. Here it is considered that as this is a

temporary use, the overall character and appearance of the Conservation Area is preserved.

Residential amenity

A paramount consideration with this application is any potential impact on the amenities of the neighbouring occupiers. The supporting information illustrates that the applicants have given this due thought in the process of submitting this planning application. The applicant has within the submission submitted a copy of the stallholder bond rules. This outlines that the conditions attached to the licence are adhered to and there is a consistency approach to managing the market. With this in place, it is considered that the disruption should be minimised and the residential amenity of the surrounding occupiers safeguarded.

Servicing and opening times of the market will be controlled throughout the period sought (including set up and break down periods), waste collection and recycling will take place daily by a dedicated team and market stalls are to be located so that no access is restricted to either commercial or residential properties. The opening times for the market will vary throughout the duration of the event, but will start no earlier than 10am and finish no later than 8.30pm Monday to Saturday and 6pm on Sundays. Deliveries to the site will operate between 8.00am and 9.30am.

The site is a city centre location and certain levels of noise and activity would be expected. Whilst the market will result in an intensified use of the site, it is considered that given the operational hours which will be controlled by condition, the impacts on the residential amenity will not be significant.

A number of resident associations have written to the Local Planning Authority objecting to this development. A key concern relates to the significant inconvenience for these residents during the time of the Christmas Market. Whilst it is recognised that the increased number of visitors to the centre does have detrimental impacts in terms of the ease of using the city, it is not considered that the development conflicts with policy D2 which is in place to secure the residential amenity of surrounding occupiers. This specifically states that proposed development will not cause harm to the amenities of existing or proposed occupiers of, or visitors to, residential or other sensitive premises by reason of loss of light, or increased overlooking, noise, smell, traffic, or any other disturbance. It is not considered that the Market directly impacts upon individual residential properties.

The increase in length of the market being in place is not considered to significantly increase the potential for noise and disruption to a level that would result in the refusal of this planning application.

Air Quality

A number of third parties have raised concerns with the impact of the development on air quality. This matter has been discussed with the relevant environmental protection officer of the Council who has confirmed that given the relative limited scale of the development, the temporary nature of the proposals and any small increase in air pollution, the application would not warrant the need for full surveys and no objection is raised.

Highway safety

While there is an increase in the duration of the event, this will not result in an increase in road closures as they sit within those roads closed during earlier markets. The development has previously been found to be acceptable on highway safety grounds and a similar conclusion can be reached on this application.

Whilst it is recognised that the development results in increased vehicular movements to the city for the period of time the market is operating, and an increased level of congestion, the National Planning Policy Framework explains that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. This is not considered to be the case in this instance.

There is therefore no highway objection to the proposals.

Economic issues

The supporting Planning Statement outlines a number of economic benefits generated from the scheme. This explains that Bath Tourism Plus is a not for profit organisation and any monies generated as income from the market is reinvested through multiple marketing initiatives back into the local economy to encourage visitors to the city throughout the year.

A survey undertaken on behalf of Bath Tourism Plus illustrates a number of economic benefits, for example in 2015

- For those attending the Christmas Market as their main reason for visiting the city, the associated spend was £24.4 million
- The money spent within the Christmas Market was approximately £6.5million, with approximately £17.9 million spent in the rest of the city

A number of supporting comments have been submitted by local businesses, including local restaurants and hoteliers highlighting the benefits of this development to their businesses. However, on the reverse side, comments have been made by other third parties, in relation to the negative impact upon local businesses, with it being expressed that the market draws customers away from their own businesses. No tangible evidence has been submitted to illustrate how trading figures for other businesses may be impacted, but it is recognised that this may be a concern for business in areas outside of the area of the Christmas Market. However, whilst planning policy seeks to protect local shopping centres by preserving the retail uses, it is not the role of the planning system to control the protection of one business over another. The National Planning Policy Framework indicates that Local Planning Authorities should promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres. The proposals are in keeping with this objective.

Other issues/conclusions

The comments of the third parties have been duly considered. It is noted that the market does cause a level of nuisance due to the increased number of visitors to the city, and there is the potential for an impact upon a section of traders within the city. However the development is considered to bring significant economic benefits to the city and that is given weight in the planning balance. The National Planning Policy Framework highlights that significant weight should be given to the need to support economic growth.

For the period of twenty five days, any harm caused by the development is considered to be outweighed by the benefits brought about by the scheme. The proposal is considered to comply with relevant national and local planning policies, and these reasons this application is recommended for approval.

The permission would allow the market to operate for one year for 25 days, and this temporary permission would provide the opportunity to test the impact of the development.

RECOMMENDATION

PERMIT

CONDITIONS

1 The use hereby permitted shall only operate between the following dates

2016: Market held for 25 days from 24th November 2016 to 18th December 2016 inclusive (not to commence the set up before the 14th November 2016 and to be removed by 22nd December 2016)

Reason: In the interests of the appearance of the site and the surrounding parts of the Conservation Area and the World Heritage Site, and in order to safeguard the amenities of nearby occupiers and the vitality and viability of the city centre.

2 The use hereby approved shall not be carried out outside the hours of 10:00 to 20:30 Mondays to Saturdays and 10:00 to 18:00 on Sundays, the servicing of the Market shall not be carried out outside the hours of 08:00 and 21:00 and the assembling and dismantling of the chalets/stalls shall not be carried out outside the hours of 8:00 to 20:00.

Reason: To safeguard the amenities of nearby occupiers

3 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.

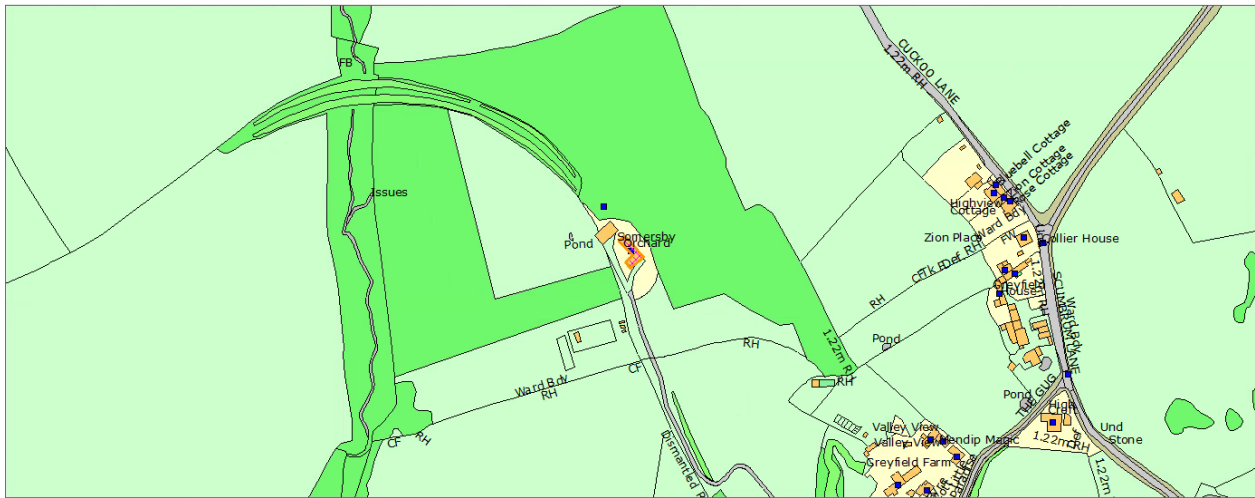
PLANS LIST:

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. For the reasons

given, and expanded upon in a related case officer's report, a positive view of the submitted/revised proposals was taken and consent was granted.

Item No: 02
Application No: 16/00898/FUL
Site Location: Somersby Orchard The Gug High Littleton Bristol Bath And North East Somerset



Ward: Clutton **Parish:** Clutton **LB Grade:** N/A
Ward Members: Councillor Karen Warrington
Application Type: Full Application
Proposal: Erection of a new dwelling following demolition of an existing dwelling within residential curtilage.
Constraints: 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,
Applicant: Mr & Mrs Paul Wyatt
Expiry Date: 21st April 2016
Case Officer: Tessa Hampden

REPORT

REASON FOR CONSIDERATION BY COMMITTEE: This application was requested to be considered by Committee by Cllr Kew and is supported by Clutton Parish Council for the reasons set out in the Representation section below. The Chair of Committee has agreed to this request stating: I have looked at the comments from both the Parish Council & Ward Cllr who both feel the proposal would be a planning gain in relation to the area & effect on the Green Belt, there are no Third Party objections. The Officer has carefully considered the application in line with policy & I note recognises the benefits of the

dwelling but the Green Belt issue remains. As this is the controversial part of the application I recommend the decision be taken by the DMC.

Site description and proposal

The application relates to a detached dwelling known as Somersby Orchard, located off the Gug, High Littleton. The site is within the parish of Clutton. The dwelling was built in around 1984 as an agricultural workers dwelling to support the associated agricultural holding. The agricultural occupancy condition attached to this dwelling was however removed in 2011. Although this has been removed, the current owners have a farm smallholding including two significant apple orchards adjacent to the dwelling extending to approximately 11 acres. The site falls within the designated Green Belt.

The application seeks planning permission for the erection of a new dwelling following demolition of the existing dwelling.

Planning history

WC 5965/D - Erection of an agricultural dwelling and new farm building on plot No. 9113, land in Cuckoo Lane, High Littleton, Nr Bristol - PERMIT

DC - 11/02772/REM - PERMIT - 21 September 2011 - Removal of condition 2 of application WC 5965/D (Erection of an agricultural dwelling and new farm buildings at plot No. 9113, land in Cuckoo Lane, High Littleton, Nr. Bristol) in relation to agricultural occupancy (resubmission).

DC - 15/00795/AGRN - Not permitted development- 18 March 2015 - Erection of open fronted agricultural store

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Ecologist - no objection subject to condition

Drainage and Flooding - no objections subject to a condition

Cllr Kew - request that this is heard at Committee if recommendation to be refused. This is a planning gain in that this development will be environmentally far superior to the building currently on this site. The increase in size is minimal and would not affect the openness of the Green Belt.

Clutton Parish Council - support this application. The existing house is of very poor standard in terms of its construction and appears incapable of being modernised cost-effectively and it is proposed that it will be built on the same footprint as the existing dwelling and using existing foundations. The proposed new house would be built of traditional materials but to the highest energy and environmental standards. It would be stone-faced - a vast improvement on the block and render, painted to resemble brick, of the current structure.

The applicant has demonstrated that they have considered the Neighbourhood plan policies and complied where possible

POLICIES/LEGISLATION

POLICY CONTEXT:

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The Core Strategy now forms part of the statutory Development Plan and will be given full weight in the determination of planning applications. The Council's Development Plan now comprises:

- Bath & North East Somerset Core Strategy (July 2014)
- Saved Policies from the Bath & North East Somerset Local Plan (2007)
- Joint Waste Core Strategy
- Clutton Neighbourhood Plan

The following policies of the Core Strategy are relevant to the determination of this application:

Policy SD1 - Sustainable Development
Policy CP2 - Sustainable Construction
Policy CP5 Flood Risk Management
Policy CP6 - Environmental Quality
Policy CP8 - Green Belt

The following saved policies of the Bath and North East Local Plan, including minerals and waste policies, adopted October 2007 are also relevant to the determination of this application.

Policy D.2: General design and public realm considerations
Policy D.4: Townscape considerations
Policy GB2: Visual amenities of Green Belt
Policy HG. 14 - Replacement Dwellings
Policy NE10: Nationally important species and habitats
Policy T.24: General development control and access policy
Policy T.26: On-site parking provision

The Clutton Neighbourhood Development Plan has been 'made' by B&NES and is now a part of the Council's development plan which is in accordance with section 38A(4) of the Planning and Compulsory Purchase Act 2004. The following policies are relevant to the determination of this application:

Policy CNP4: Future infrastructure provision for fibre optic services
Policy CNP5: Sustainability by Design
Policy CNP15: Landscape and Ecology
Policy CNP 19: Traffic impacts of residential developments
Policy CNP20: Car parking provision

At the Council's Cabinet meeting on 2nd December 2015 the draft Placemaking Plan was approved for consultation purposes and also approved for Development Management purposes. However, currently the Plan has limited weight in the determination of planning applications. The following policies are relevant:-

Policy SD1 - Presumption in favour of sustainable development
Policy CP2 - Sustainable construction
Policy CP3 - Renewable energy
Policy SU1 - Sustainable drainage
Policy D1, D2, D3, D4, D5, D6 - Design and amenity
Policy GB3 Extensions and alterations buildings in the Green Belt
Policy D10 - Public realm
Policy NE12 - Landscape and landscape character
Policy NE3 - Sites, species and habitats
Policy GB1 - Visual amenities of the Green Belt
Policy ST7 - Transport requirements for managing development

Supplementary Planning Document - Existing Dwellings in the Green Belt (adopted October 2008)

National Planning Policy Framework

National Planning Practice Guidance

OFFICER ASSESSMENT

Principle of development

The site is located within the Green Belt and when assessing the application, it is therefore necessary to determine;

- i) whether or not the proposal is inappropriate development for the purposes of the National Planning Policy Framework (NPPF) and the Development Plan policy;
- ii) the effect of the proposal on the openness and the visual amenities of the Green Belt; and
- iii) if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Local plan policy HG14 is a saved policy within the Core Strategy and follows the advice within the NPPF. The NPPF requires that a Local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt unless they fall into specified categories of exemption, one of these being;

'The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces'

It therefore needs to be assessed whether or not the proposed dwelling is materially larger than that to which it is to replace. There is no statutory definition of materially larger, but the adopted Green Belt Supplementary Planning Document (SPD) provides some additional clarification on this issue. The explanatory text within the SPD states that any replacement dwelling would not normally be of a greater volume than the dwelling that it will replace.

It is noted that the SPD also states that in assessing whether a replacement building is 'materially larger', regard will be had to bulk, including height and footprint alongside volume increase. It is generally regarded that the intention is that the new building should be similar in size to that which it replaces. In this instance the height, footprint and volume of the replacement dwelling exceeds that of the existing dwelling.

The submission states that it is logical to take the existing volume as the existing dwelling and garage, plus any permitted development that could be carried out. However, whilst the permitted development can be considered to be a material consideration, the policy specifically refers to the existing dwelling, and it would not be rational to including development that does not and has not existed.

Excluding the permitted development rights the replacement dwelling would be 605m³ larger than that which it is to replace (around 60 percent). Given the volume increase, alongside the height increase and the proposed increase in footprint, it is concluded that the replacement dwelling would be 'materially larger' than the existing dwelling.

The single storey element of the existing dwelling visually breaks up the mass of the building, limiting its overall impact upon the openness of the Green Belt. The proposed dwelling, being fully two storey is not broken up in the same way and results in a dwelling that has a materially greater impact upon the openness of the Green Belt. The overall visual bulk is significantly greater than that of the existing dwelling. The development is therefore also considered to result in harm to the openness of the Green Belt. It is recognised that the development is set a significant distance from neighbouring occupiers within a well screened site but this does not overcome the harm identified above. As such, the development as proposed is considered to represent inappropriate development in the Green Belt.

It is therefore necessary to consider whether 'very special circumstances' exist to justify the development and outweigh the harm by reason of the inappropriateness. The submission cites that the building could be extended under permitted development rights by 451m³. However, no details to confirm that this is a realistic fall-back position have been supplied. Permitted development rights are available for a large number of properties and on its own would not constitute very special circumstances.

The adopted SPD explains that priority will be given to the reuse of existing buildings, and where a replacement is proposed justification should be provided to support this proposal. The submission includes information in relation to the inefficiencies of the existing building, and it has been explained that the construction would not meet current standards. This, in part has been explained for the increase in volume. It is also explained that the building extends beyond the existing footprint to allow for the existing footings to be utilised which makes this project more viable. Looking at the proposed and existing footprint, it is the officer's view that this increase is also in part to accommodate additional living space.

Given the level of increased volume, the justification proposed is not considered to represent very special circumstances to allow a departure from the relevant Green Belt policy. It is noted that an increase in volume is to be expected, due to the need to build over existing foundations, and the need to provide a better constructed and insulated dwelling, and the requirements for an integral garage. However, the increase in volume,

and visual bulk, appears to have gone beyond what would be expected to meet these requirements. The development is therefore considered to be inappropriate development in the Green Belt and unacceptable in principle.

Character and appearance

Notwithstanding the concerns raised in terms of the Green Belt, there are no objections to the overall design of the dwelling. This is considered to be appropriate in this context and sits comfortably within its large plot. Further, there are no objections to the loss of the existing dwelling which is considered to be of little architectural merit. The development is considered to preserve the visual amenities of the area.

Highway Development

No issues have arisen as a result of the development proposed in relation to highway safety.

Residential amenity

The development is in an isolated location and as such would not have a detrimental impact upon any neighbouring occupiers.

Ecology

An ecological report has been submitted which confirms that subject to mitigation and enhancement measures, the scheme will be ecologically acceptable.

Other issues/conclusion

The development dwelling is considered to be materially larger than that which it is to replace. The development is considered to represent inappropriate development in the Green Belt and no very special circumstances are considered to exist which justifies this development. No other issues have arisen as a result of this proposal, but for the reasons as outlined above, this application is recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed dwelling would be materially larger than the existing house at the site, and would have a greater impact on the openness of the Green Belt than the existing house. No special circumstances exist to justify this development. The proposal is therefore considered to represent inappropriate development in the Green Belt and is contrary to policy HG14 of the Bath and North East Somerset Local Plan adopted 2007 and policy CP8 of the Core Strategy 2014

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

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. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was unacceptable for the stated reasons 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. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule comes into effect. Whilst the above application has been refused by the Local Planning Authority please note that CIL applies to all planning permissions granted on or after this date. Thus any successful appeal against this decision may become subject to CIL. Full details are available on the Council's website www.bathnes.gov.uk/cil

Item No: 03
Application No: 15/04971/FUL
Site Location: Parcel 3515 Charmydown Lane Swainswick Bath



Ward: Bathavon North **Parish:** Batheaston **LB Grade:** N/A
Ward Members: Councillor M Veal Councillor Alison Millar Councillor Geoff Ward
Application Type: Full Application
Proposal: Construction of new and replacement track to serve dwellings, farms and farmland along the upper section of Charmydown Lane, Upper Swainswick, Bath BA1 8AB

Constraints:	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,
Applicant:	Dormie Holdings Ltd C/o Brimble Lea & Partners
Expiry Date:	3rd June 2016
Case Officer:	Alice Barnes

REPORT

Parcel 3515 is located within the Green Belt and Area of Outstanding Natural Beauty. The existing site is an area of open land which the applicant has confirmed is classed as being agriculture. The site whilst occupying a hillside position is a relatively flat site so does not appear to be visually prominent within the surrounding landscape.

This is an application for the construction of new and replacement track to serve dwellings, farms and farmland along the upper section of Charmydown Lane.

The existing site forms a plateau of open green farmland with some stone boundary walls and vegetation. The proposed track is intended to provide access to Charmydown farm which has recently been redeveloped. Currently there is a narrow access lane which provides access to both Charmydown farm and Charmydown farmhouse. It is intended that the proposed track would allow for farm vehicles access to Charmydown farm avoiding the existing narrow road which is in need of repair.

The proposed track is a single track constructed using consolidated hardcore with a grassed strip down the centre.

Relevant History

DC - 02/00963/FUL - PERMIT - 2 October 2002 - Conversion of barn and cottages to two dwellings and garage, plus formation of access and passing bays as amended by drawings received 27.6.02

DC - 96/02681/FUL - PER - 2 December 1996 - Demolition of existing garage/workshop construction of outbuilding (revised scheme)

DC - 99/02629/FUL - PER - 21 July 1999 - Alterations to existing garage and garden store room.

DC - 14/03209/FUL - PERMIT - 8 September 2014 - Proposed enclosure of colonnade porch

DC - 08/04768/FUL - PERMIT - 15 December 2010 - Conversion and enlargement of barns to create new dwelling and garage, and refurbishment and alteration of cottages to create new dwelling with associated soft and hard landscaping, following demolition of existing modern barns, stables and double storey lean-to

DC - 12/05579/FUL - PERMIT - 10 September 2013 - Conversion of Charmydown Barn to a 5no. bed dwelling, alteration and reinstatement of Charmydown Lodge to a 3no. bed

dwelling, retention of new detached garage block, minor works to the walls of the former pigsties and associated soft and hard landscaping following demolition of modern barns, stables and lean-to (revisions to permitted scheme 08/04768/FUL and 08/04769/LBA).

DC - 14/02769/AGRN - AP - 15 July 2014 - Provision of new access track

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Arboricultural: All drawings currently available indicate that the track will be excavated to a depth of 100mm to accommodate the 50mm of gravel/ crushed aggregate and 50mm of paving grids. Most tree roots are within the top 600mm of soil and are often more shallow in areas of compaction.

No indication has been provided that the excavation is to be avoided as it extends through the existing tree belt. I have no objection to the proposal if excavations are avoided within the rooting areas of the trees. Conditions should be attached.

Archaeology: The applicant's archaeological consultant has now presented a more detailed mitigation strategy and accompanying written scheme of investigation. No objection subject to condition.

St Catherine's parish meeting: Object in principle to the construction of a new private road to Charmydown Farm Barn. The parish council support the part of the application that proposes a section of new road between Cherrywell and Charmydown Cottages, replacing a section of Charmydown Lane subject to obvious and intractable subsidence.

The existing section of Charmydown Lane between Cherry Well and Charmydown Cottages is in Batheaston Parish, and is suffering obvious and intractable subsidence. The proposed replacement new road will be positioned just back from the escarpment, following the field boundary, and will provide a long-term solution with minimal landscape impact.

The existing road between Charmydown Cottages and Charmydown Farm Barn is serviceable and not subject to subsidence. However, the proposal is to create a new additional road looping across three agricultural fields. Of these 3 fields field 2 and field 3 are in St Catherine Parish and both fields are rich in archaeology. The ecology appraisal is poor.

The proposed route cuts across a walled field system dating from around 300 years ago. This overlies a well preserved late pre-historic field system, dating from 2-3,000 years ago, with considerable above and below ground archaeological features and remains.

The proposed route requires the removal of 5m of stone wall between fields 1 and 2. This particular stretch of high wall is the finest example of old boundary wall remaining on Charmydown. 50m to the north-west of this point there is an existing gateway, which, if used, would prevent the loss of 5m of the old wall.

The application papers state that the section of new road between Charmydown Cottages and Charmydown Farm Barn is required for heavy vehicles and farm traffic. However, the construction of the proposed road consists of two 1m strips of loose hardcore sunk to 150mm. This is sufficient to carry light domestic vehicles only. Further, there is no evidence of agricultural activity at Charmydown Farm Barn.

Batheaston Parish council: Support

Councillor Martin Veal: Object, in line with St Catherine's Parish Council

Councillor Geoff Ward: This is an extremely sensitive area given its rather special rural setting and as been highlighted it's archaeology. I note particularly the report by our Archaeological Officer which I think you should have regard to and should be one of the key grounds on which the road scheme should be refused. I have some sympathy for the subsidence challenge of the existing road. Clearly residents' access to properties must be maintained.

Ecology: Following the receipt of the ecology assessment no objection is raised. The ecological assessment has been updated to include details specific to the proposed replacement track. Mitigation proposals have also been updated and additional detail of proposed mitigation is provided. Full details and implementation can be secured by condition.

Highways: Highways are satisfied with the further information submitted specifying that the proposed section of track will not obstruct PROW21/9. Drawing no. 1743 A1 L3 shows that the proposed track will run parallel with the PROW with no crossing points proposed.

Representations: Three representations have been received in support of the application for the following reasons;

There are potholes within the existing road.

The existing road is in poor condition and dwellings are reliant on it for access.

The photographs submitted do not show the extent of the poor condition of the track.

The existing road is inches from a steep drop.

The road is a problem for deliveries and refuse collection.

Two representations have been received objecting to the application for the following reasons;

There is no need for a new lane to access the barns site.

The road would cut through farmland which is in the AONB setting a precedent for further development.

Where is the ecology report?

The site has important roman artefacts.

The application notices have been removed.

The road will provide personalised access to the barns site.

Why is it necessary to build a road to service one house?

Repairing the existing road would provide access to two houses and minimise damage to the AONB.

Concern is raised that the repairs will not extend to the whole road including the last stretch of existing road despite the photographs being used in the application, to evidence the poor state of repair.

POLICIES/LEGISLATION

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The Core Strategy now forms part of the statutory Development Plan

and will be given full weight in the determination of planning applications. The Council's Development Plan now comprises:

Core Strategy
Saved Policies in the B&NES Local Plan (2007)
Joint Waste Core Strategy

The following policies of the Core Strategy are relevant to the determination of this application:

CP6 - Environmental Quality
CP8 - Green Belt

The following saved policies of the Bath and North East Local Plan, including minerals and waste policies, adopted October 2007 are also relevant to the determination of this application.

D.2: General design and public realm considerations
D.4: Townscape considerations
GB.2: Visual Amenities of the Green Belt
Ne.2: Areas of Outstanding Natural Beauty
T.26: On-site parking and servicing provision

National Policy
The National Planning Policy Framework adopted March 2012
National Planning Practice Guidance 2014

At the Council's Cabinet meeting on 2nd December 2015 the draft Placemaking Plan was approved for consultation purposes and also approved for Development Management purposes. However, currently the Plan has limited weight in the determination of planning applications.

D.2 - Local character and distinctiveness
D.3 - Urban Fabric
D.5 - Building design
D.6 - Amenity
Ne.2 - Conserving and enhancing the landscape and landscape character
ST.7 - Transport requirements for managing development

OFFICER ASSESSMENT

This is an application for the construction of new and replacement track along the upper section of Charmydown Lane. The proposed track would provide access to Charmydown Farm and allow for farm vehicles to access the existing farm land. The existing access lane is in need of repair and occupies a hillside position. Vehicles are advised to drive at 5mph and it is likely that this road would be difficult to navigate in inclement weather. The existing track would remain to provide access to Charmydown farmhouse which is a residential dwelling. It is envisaged that directing farm vehicles to the new access would avoid further damage to the existing road.

Principle

The application site located within the green belt within a relatively flat area of land. The applicant has stated that the existing land is classed as being agricultural land and the provision of the new track would be used to access the dwelling at Charmydown Farm and allow for the movement of agricultural vehicles. Paragraph 90 of the NPPF allows for engineering operations within the green belt.

Paragraph 80 of the NPPF states that the green belt serves five purposes which are as follows

- to check the unrestricted sprawl of large built-up areas
- to prevent neighbouring towns merging into one another.
- to assist in safeguarding the countryside from encroachment
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land

The application site is located to the north east of Bath. Bath is partly characterised by its surrounding green hills which contribute positively to its setting. The site whilst visible from the surrounding fields does not form part of the historic setting of the city of Bath. Being located to the north east of the city the site is not visible from within the city itself. The development will not harm the setting of the nearby historic city.

The list above also includes preventing towns from merging into one another, assist in urban regeneration and stop the unrestricted sprawl of built up areas. The development will not impact on an existing built up area and is not considered to conflict with the five purposes of including land within the green belt.

Impact on openness and landscape

The proposed development will result in a single track road. The track would be made up of two sections of hardcore with grass within the centre of the track.

The upper section of the track will be adjacent to the existing track leading up to Charmydown Cottages. This section of the track will not encroach into the existing landscape and will not harm the openness of the surrounding green belt.

The second section of the track will cross the existing open fields. The proposed track will introduce a hard surface to the existing open field. In long range views the track will not be readily visible and the design of the track, being single with grass along the centre, is such that the visible impact is minimised. The proposed design will allow for the track to appear as a farm track rather than a new road or driveway. As the site is relatively flat the proposed track would not encroach into views of the landscape and the existing fields will be left intact. The development is therefore not considered to harm the openness of the surrounding green belt or the appearance of the Area of Outstanding Natural Beauty.

The applicant has stated that they would use the track for agriculture. The applicant has provided a photographic survey of the site and this has been confirmed by a site visit. Currently the existing access track is in need of repair. The track follows the edge of the hillside and as such there is a steep drop to one side of the track. The track includes signs advising vehicles to drive at 5mph.

The track will provide access to the dwelling of Charmydown Farm. The existing access will continue to serve Charmydown Farmhouse and will continue to be used. However the provision of the track will result in removing the need for agricultural vehicles to use the existing access track and will reduce the vehicular use of the existing track.

In conclusion the principle of the development is accepted and the proposed track will not harm the openness of the green belt. The development will remove vehicles from the existing track which is of a substandard condition.

Highways

The highways officer raised concern that the proposed track would be located close to an existing public right of way. The public right of way runs adjacent to the north to south section of the site. The applicant has confirmed that the right of way will not be affected and the highways officer has raised no objection. The proposed track is a single track surfaced with hardcore. Therefore it is likely that vehicle speeds would be low with a low number of vehicle movements.

Public rights of way

Currently there are two public rights of way within the site. At the western end of the site the public right of way runs along the existing road. At the eastern end where the track will be constructed the public right of way would run adjacent to the proposed track but then runs north as the proposed track turns west. The submitted plans show that the proposed track will not cross the right of way.

The parish council have raised concern that the proposed track will conflict with the existing public rights of way. The public rights of way officer has commented that the works must not affect the alignment of the existing rights of way. Therefore a construction management plan should be required by condition to ensure that the construction of the track does not encroach onto the right of way. The public rights of way officer has advised that the current alignment of the right of way should not be affected by the works including the provision of any new gates or styles. The applicant is not proposing any new gates and the proposed works will not affect the existing styles within the site. As the new access will run parallel to the right of way at its eastern end, to ensure that any further works do not affect the public right of way a condition should be added to remove rights to erect any new fences or gates within the proposed track.

Ecology

The applicant has submitted an ecological assessment which includes mitigation proposals. The ecologist has advised that this is considered to be acceptable subject to the implementation of the mitigation proposals being secured by condition.

Archaeology

The route of the proposed new access road passes through a highly significant archaeological landscape, which includes a Neolithic or Bronze Age megalithic monument, an Iron Age field system (earthworks) and an enclosure. The applicant has

submitted an archaeological assessment. The council's archaeologist has raised no objection to the application subject to a condition requiring the implementation of a watching brief during construction of the track.

Arboriculture

The proposed track will run between two existing groups of trees within a field boundary. The arboricultural officer has raised no objection to the application subject to the submission of a tree protection plans which should be required by condition. The proposed excavation must avoid any route protection areas.

Amenity

The proposed track will largely be located away from any nearby dwellings. In any event being a single track serving an agricultural use would not result in a significant increase in traffic to the surrounding site.

Other matters

The parish council have raised concern that the development will cross an existing historic field system and will result in the partial removal of an existing boundary wall. As stated above the proposed track is not considered to result in harm to the existing landscape plateau and therefore will not result in substantial visual harm to the existing field layout. The existing wall will remain largely intact and the provision of the new track will not result in substantial harm to the existing wall. The parish council have suggested that the proposed track could use an existing gate opening. This would result in the track taking a longer route across the field which would compromise the appearance of the site.

RECOMMENDATION

PERMIT

CONDITIONS

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 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.

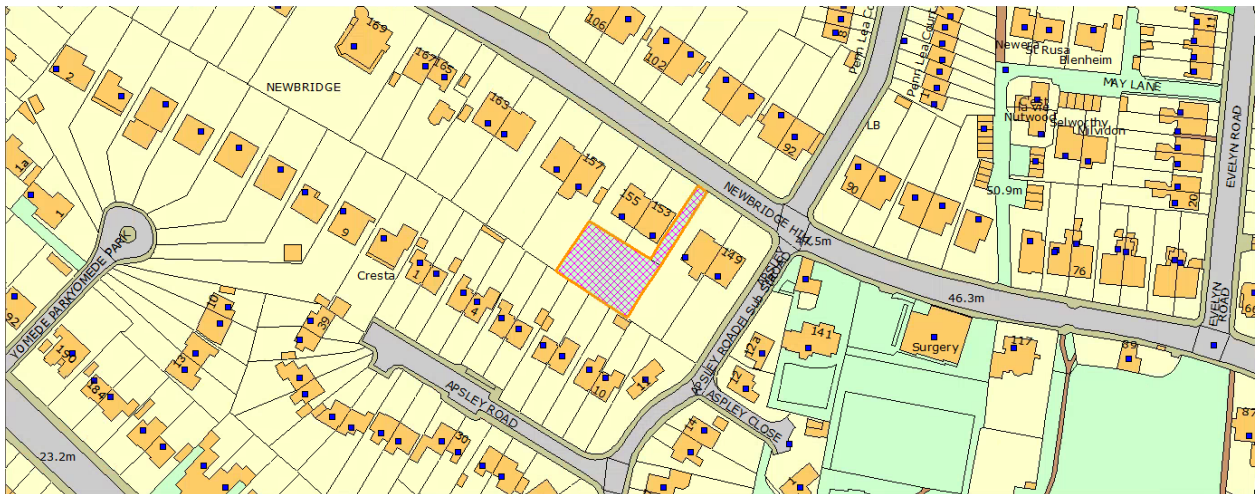
Reason: To define the terms and extent of the permission.

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.

Item No: 04
Application No: 16/01359/FUL
Site Location: 153 Newbridge Hill Newbridge Bath BA1 3PX



Ward: Newbridge **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Donal Hassett Councillor Caroline Roberts
Application Type: Full Application
Proposal: Provision of additional 9 parking spaces at the rear of 153/155 Newbridge Hill (Resubmission of 15/01226/FUL)

Constraints:	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,
Applicant:	Ms Amy Dyer
Expiry Date:	17th May 2016
Case Officer:	Martin Almond

REPORT

This application has been referred to the Development Management Committee due to the support of Cllr Donal Hassett which is contrary to the Officer recommendation. These comments are summarised within the Representation Section of this report.

Planning permission is sought for the provision of an additional nine car parking spaces to the rear of 153 and 155 Newbridge Hill. The proposal also intends to re-develop approximately a third of the site to a communal garden area. The site already provides parking space for three vehicles granted permission in 1988 and therefore the site will provided a total of twelve parking spaces as well as a parking and turning area. The application site is located within the City of Bath Conservation Area and is within the World Heritage Site. The site has been subject to a number of unsuccessful planning applications for a detached dwelling over recent years.

Relevant planning history:

13445-2 - construction of vehicular access and provision of 3 hardstanding spaces - approved 15.06.88

DC - 08/03352/FUL - RF - 10 November 2008 - Erection of new three bedroom bungalow on existing vacant plot of no 153A

DC - 11/03393/FUL - RF - 24 November 2011 - Erection of new single family dwelling on land at the rear of 153/155 Newbridge Hill - appeal dismissed.

DC - 13/05531/FUL - RF - 13 March 2014 - Erection of new dwelling on land at the rear of 153/155 Newbridge Hill (resubmission) - appeal dismissed.

DC - 15/01226/FUL - PERMIT - 11 August 2015 - Provision of additional 5 parking spaces at the rear of 153/155 Newbridge Hill

DC - 16/00394/FUL - WD - 9 March 2016 - Construction of additional 9 parking spaces at the rear of 155/153 Newbridge Hill

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Cllr Donal Hassett: A previous application for more spaces was supported by Ward Councillors and Highways, the area has a parking problem due to the RUH, more off-street parking would be provided, the application proposes a communal garden and the parking area would use grass paving and the proposal has local support.

Highways: No objection subject to condition.

9 letters of objection and 1 support petition (19 signatures) received during the consultation period summarised as follows:

- The proposal will have an adverse impact upon the conservation area and character of the area.
 - The proposal will increase noise, light pollution and traffic disturbing residents.
 - Creating a new pattern of development would upset the balance between buildings and green spaces.
 - The proposal could set a precedent for further development and car park developments.
 - The applicant may use the spaces for commercial purposes.
 - A local resident's only parking area cannot be controlled.
 - The proposal does not contribute towards sustainable development by promoting car use and erodes a green corridor.
 - The lack of development of the previously approved scheme does not demonstrate that the need for additional parking is urgent.
 - There are concerns about drainage and surface water run-off.
 - The land should be used for a garden not parking.
 - A car park will not enhance the area.
 - This application further reduces the garden area to be provided.
 - The applicant keeps on submitting applications for the land.
 - This application is a step towards the erection of a building on the site.
 - The proposal will increase the number of vehicles using the driveway.
 - The proposal will not make a significant difference to the local parking situation.
 - The petition only has four signatures of residents of adjacent properties.
-
- Off-street parking is essential for boiler repairs and services
 - Off-street parking is helpful for visiting patients

POLICIES/LEGISLATION

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.

Section 12 'Conserving and enhancing the historic environment' of the National Planning Policy Framework sets out the Government's high-level policies concerning heritage and sustainable development. (The Historic Environment Planning Practice Guide published jointly by CLG, dcms, and English Heritage provides more detailed advice with regard to alterations to listed buildings, development in conservation areas and world heritage sites.) The National Planning Policy Framework can be awarded significant weight.

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The Core Strategy now forms part of the statutory Development Plan and will be given full weight in the determination of planning applications. The Council's Development Plan now comprises:

- Core Strategy
- Saved Policies in the B&NES Local Plan (2007)*
- Joint Waste Core Strategy

The following Core Strategy policies should be considered:

CP6 - Environmental Quality
DW1 - District-wide spatial Strategy
B1 - Bath Spatial Strategy
B4 - The World Heritage Site and its Setting

*The B&NES Local Plan policies that are replaced by policies in the Core Strategy are outlined in Appendix 1 of the Core Strategy. Those B&NES Local Plan policies that are not replaced and remain saved are listed in Appendix 2 of the Core Strategy.

Saved Bath and North East Somerset Local Plan including minerals and waste policies - adopted October 2007:

D.2 General design and public realm considerations
D.4 Townscape considerations
BH.6 Development within/affecting Conservation Areas
NE.5 Forest of Avon
NE.13A Bath Hot Springs
T.1 Overarching access policy
T.20 Loss and provision of off-street parking and servicing
T.24 General development control and access policy
T.26 On-site parking and service provision

At the Council's Cabinet meeting on 2nd December 2015 the draft Placemaking Plan was approved for consultation purposes and also approved for Development Management purposes. However, currently the Plan has limited weight in the determination of planning applications. The following policies are relevant to this application:

D1 General urban design principles
D2 Local character and distinctiveness
D3 Urban fabric
D6 Amenity
HE1 Safeguarding heritage assets
PCS8 Bath Hot Springs
ST7 Transports, access and development management

The National Planning Policy Framework (NPPF) was published in March 2012 and is a material consideration. Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

OFFICER ASSESSMENT

The land subject of this application has been separated from 153 and 155 Newbridge Hill for a number of years with a small area of the granted planning permission in 1988 to provide parking space for three vehicles. Planning permission has been refused and dismissed at appeal twice in the past four years for the erection of a detached dwelling. More recently, application 15/01226/FUL (which remains an extant permission) was approved by Development Management Committee contrary to officer recommendation to provide an additional five parking spaces (eight in total).

CHARACTER OF SURROUNDING AREA

The application site and surrounding area is characterised by large semi-detached properties either split into flats or retained as single dwellings with large rear gardens and the character of the land between Apsley Road to the rear of the properties and Newbridge Hill remains largely undeveloped and open.

Whilst the application site has not formed the gardens of 153/155 Newbridge Hill for a significant period of time, visually the open space relates closely to these dwellings. Whilst the site is untidy through lack of maintenance to the grassed area this is not readily visible from public vantage points and the site remains undeveloped except for the driveway and the existing small parking area for 3 vehicles. This current arrangement allows for the majority of the area to remain open and undeveloped with the existing parking located to the front of the application site adjacent to the existing boundary. The use proposed would be more intensive than the present arrangement and more intensive than could be expected to maintain the existing character of the area. Given that the use of the spaces may not be solely for residential purposes (where the number of vehicle movements per day would be low) and could be used for visiting carers and tradesmen it is likely that the number of vehicle movements per day will increase above current levels and increase above the expected levels following the last planning approval.

The proposal consists of an increased area of hardstanding with a landscaped area and a re-instated garden which would introduce activity in the form of vehicle movements over and above what would be expected in such a residential area and as such would detract from the existing character of the area. The additional hard-surfacing required for the additional spaces will further intrude into the undeveloped green space. Parking for the residential properties on Newbridge Hill is provided either through on-road parking and a number of properties also benefit from driveways. The driveways are limited to the side of the properties and do not extend beyond the rear of the property which further preserves the existing character of the area. The small parking area that already exists has already detracted from the openness and character of the area and the further extension of the parking area would result in harm as the parking area would extend to cover almost two thirds of the land.

The re-instated garden would be provided for the residents of the three flats owned by the applicant's father at 155 Newbridge Hill. No direct access from 155 Newbridge Hill into the new garden area is proposed which will mean that in order for residents to use the re-instated garden they would have to exit the property via the front of the property, walk along Newbridge Hill then down the access drive, across the car parking area and then into the garden area which makes the use of the garden impractical.

CONSERVATION AREA

The Planning Inspector's decision from application 13/05531/FUL states that "In the vicinity of the appeal site, the character and appearance of the conservation area is largely distinguished by the substantial buildings, the reasonably rigid nature and pattern of development and the adaptation of local buildings and their forms to the topography of the land". In addition, the Inspector identified that "although not visible from many vantage points, this area of land, and the pattern of development which has created it, contributes to the character and appearance of the conservation area".

The increase in the approved area of parking is considered to further erode the character and appearance of the area and does not preserve or enhance the conservation area; in addition, the reduced size of the proposed communal garden does not respect the traditional proportions of gardens and plots displayed within this part of the conservation area.

It is considered that taking into account the Inspector's comments as well as the provisions of saved policy BH.6 of the local plan the formation of an enlarged parking area would introduce a new pattern and form of development in the locality which would not preserve or enhance the conservation area. 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.

PROVISION OF OFF-STREET PARKING

Policy T.20 of the Local Plan states that "additional or enhanced parking facilities will only be permitted if the need for any additional parking spaces has been demonstrated and that such provision will not create further reliance on private car use". This is furthered by the provisions of paragraph 30 of the NPPF which states "encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. In preparing Local Plans, local planning authorities should therefore support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport".

Application 15/01226/FUL permitted an additional five spaces (eight in total) and no significant justification has been provided to identify that there is a need to instead provide an additional nine off-street car parking spaces (twelve in total) in this location. The applicant's father owns three out of four flats within 155 Newbridge Hill (adjoining the site) and the existing parking area already offers one car parking space per flat which in this sustainable location is considered to be acceptable.

The proposal seeks to provide an additional four spaces to the eight already permitted for the parking of vehicles in a location which is already highly sustainable. The site is within walking distance of bus stops on Newbridge Hill and offers good access into Bath city centre by walking or cycling and is also close to local amenities. The proposal will create further reliance on private car use.

RESIDENTIAL AMENITY

The parking area and access drive is separated from 153 Newbridge Hill by a 1.8m close boarded timber fence. Whilst some disturbance to the residents of the garden flat of 153 Newbridge Hill will already exist from the three parking spaces it is anticipated that the increase in the number of vehicles using the site for parking from three to twelve will lead to an unacceptable increase in disturbance to the current and future occupiers of 153 Newbridge Hill in particular the garden flat.

HIGHWAY SAFETY

The Council's Highway's team have raised no objection to the proposal subject to condition. The recent works to create the bus stop have improved visibility for cars exiting the site.

CONCLUSION

Whilst it is noted that the reinstatement of the formal garden area and increased landscaping of the site would positively contribute to the area it is considered that this does not outweigh the harm to the character and appearance of the surrounding area or conservation area and does not contribute to the principles of sustainable development by encouraging the use of private motor vehicles. The increase in the number of parking spaces now proposed is considered harmful and for the reasons above the application is recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

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.

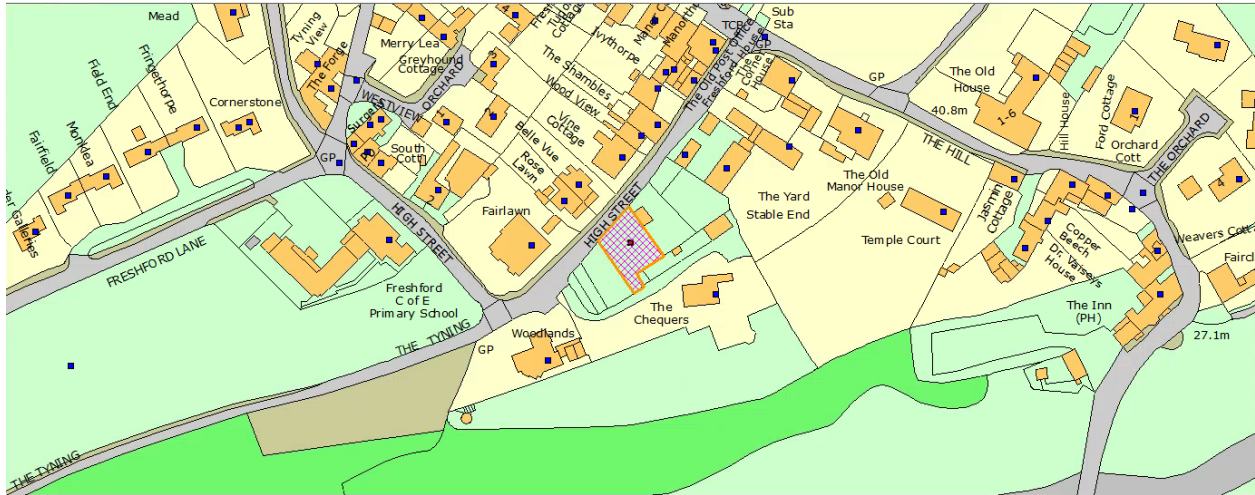
3 The increase in the number of parking spaces will result in an increased number of vehicle movements which will result in increased disturbance to the existing residential properties and as such the proposal is contrary to saved policy D.2 of the Bath and North East Somerset Local Plan (including minerals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

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.

Item No: 05
Application No: 16/00991/FUL
Site Location: Land Opposite Rowan House High Street Freshford Bath



Ward: Bathavon South **Parish:** Freshford **LB Grade:** II

Ward Members: Councillor Neil Butters

Application Type: Full Application

Proposal: Creation of new access opening and construction of parking area for two cars.

Constraints: 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,

Applicant: Mr Peter King

Expiry Date: 5th May 2016

Case Officer: Kate Whitfield

REPORT

The Parish Council has expressed support for this application based on material planning grounds. This is contrary to the Officer's recommendation of refusal and therefore it has been agreed that the application should be determined by the Planning Committee.

The application site is an area of garden land on the south eastern side of the 'High Street' in the village of Freshford. The area is under the same ownership as a Grade II Listed residential property, 'Rowan House', located on the opposite side of road. The site lies within the designated Conservation Area for Freshford and the entire village lies within the Cotswolds Area of Outstanding Natural Beauty and the Bristol / Bath Greenbelt.

Planning permission is sought to convert around a 7 by 9 metre section of the garden area to a parking bay. This will require the complete removal of a 7 metre length of stone

boundary wall and the lowering of around 2.5 metre wide sections of the wall on either side of the new access. The parking area is to be surfaced in a permeable material.

Relevant Planning History:

DC - 98/02520/OUT - REF - 9 July 1998 - Erection of single storey dwelling and garage

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Freshford Parish Council:

This proposal seeks approval to the utilisation of part of a vegetable garden, on the opposite side of the road to the main dwelling, Rowan House, as an off street parking space for two vehicles, with associated boundary wall works.

Freshford High Street is narrow, with little or no space for parking on the road outside houses. Vehicles sometimes park on the pavement causing safety and access problems. Several dwellings in the High Street own land used for gardens on the opposite side of the road to the main house, and provision for parking has been made in some cases.

In this proposal approximately one-sixth of the vegetable garden is to be converted into parking spaces for two vehicles. At present there is a stone wall boundary along the road about 1.5 m high. About 7.0 m of this wall will be demolished to provide access, and a further 4.0m of wall reduced in height, to enable drivers to see movements along the road in terms of access and safety. It is understood that the Highways Authority will be commenting on this aspect.

The Neighbourhood Plan Villages Design Statement provides guidance for building work. In this particular case the Conservation Report document of 2007 is also relevant, in that one of the main attributes of the village that it seeks to conserve is the presence of many fine stone walls along roads and in gardens. In this case the Council will expect boundary and other walls, together with other works, to be in materials and in a style in keeping with the immediate location, and in sympathy with the main dwellings in the High Street. The Application covers these points.

The Parish Council supported this Application, with the above comments, at its meeting on April 11 2016.

Bath and North East Somerset Council Highways Team:

The applicant is seeking permission to create a new access opening and construct a hardstanding area for parking on garden land opposite Rowan House (formerly Belle Vue), High Street, Freshford.

The site, which is 9m x 7m in area, currently forms part of a vegetable garden and is bound by a 1.5m high stone wall to the northwest. The applicant proposes to create a 7m wide opening in the wall with the height reduced to 600mm on both sides to improve visibility. It is noted that there are a number of vehicular access onto High Street in close proximity to the site which serve residents of properties along the opposite side of the road. It is therefore unlikely an additional access will have a detrimental impact on the safety and operation of the public highway. It is also acknowledged that the provision of off-street parking to serve the occupants of Rowan House will help alleviate the current demand for on-street parking in Freshford.

It is therefore recommended that no highway objection be raised subject to conditions being attached to any permission granted relating to the retention of the parking area and confirmation of the surfacing materials and means of surface water disposal.

No third party representations have been received.

POLICIES/LEGISLATION

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The Core Strategy now forms part of the statutory Development Plan and will be given full weight in the determination of planning applications. The Council's Development Plan now comprises:

- Bath and North East Somerset Core Strategy (July 2014);
- Saved policies from the Bath and North East Somerset Local Plan (2007)
- West of England Joint Waste Core Strategy (2011).

RELEVANT CORE STRATEGY POLICIES

The B&NES Local Plan policies that are replaced by policies in the Core Strategy are outlined in Appendix 1 of the Core Strategy. Those B&NES Local Plan policies that are not replaced and remain saved are listed in Appendix 2 of the Core Strategy

The following policies of the Core Strategy are relevant to the determination of this application:

CP6: Environmental Quality
CP8: Greenbelt
DW1: District Wide Spatial Strategy

RELEVANT LOCAL PLAN POLICIES

The following saved policies of the Bath and North East Local Plan, including minerals and waste policies, adopted October 2007 are also relevant to the determination of this application.

D.2: General Design and public realm considerations
D.4: Townscape considerations
BH.2 : Listed Buildings and their settings
BH.6: Development within or affecting Conservation Areas.
BH.7 : Demolition within Conservation Areas
GB.2 : Visual Amenities of the Green Belt
NE.2 : Areas of Outstanding Natural Beauty
T.26: On-site parking and servicing provision

RELEVANT PLACEMAKING PLAN POLICIES

At the Council's Cabinet meeting on 2nd December 2015 the draft Placemaking Plan was approved for consultation purposes and also approved for Development Management

purposes. The Plan has limited weight in the determination of planning applications, however, the following policies would be relevant :

D1 : General Urban Design Principles

D2 : Local Character and Distinctiveness

HE1 : Historic Environment

NE2 : Conserving and Enhancing the Landscape and Landscape Character

GB1 : Visual Amenities of the Green Belt

ST7 : Transport Requirements For Managing Development

National Planning Policy Framework (March 2012) and the National Planning Practice Guidance (March 2014) can be awarded significant weight. The following sections of the NPPF are of particular relevance:

Section 7: Requiring good design

Section 9 : Protecting Green Belt land

Section 12 : Conserving and Enhancing the Historic Environment.

The adopted Freshford and Limpley Stoke Neighbourhood Development Plan 2014 to 2039 and the Freshford and Sharpstone Conservation Area Character Appraisal (March 2007) is also relevant in the determination of this planning application.

In addition, where development affects a listed building or its setting there is a duty placed on the Council under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. There is also a duty under Section 72 of the same Act to pay special attention to the preservation or enhancement of the character of the surrounding Conservation Area.

OFFICER ASSESSMENT

It is considered that this proposal, in particular the demolition of a section of boundary wall along the High Street, will have a detrimental impact on the character and appearance of the Freshford Conservation Area. It is therefore recommended for refusal.

The south eastern side of the High Street in Freshford is currently undeveloped, save for a few garage and shed structures, and provides large garden areas for properties on the opposite side of the High Street. It generally provides an attractive 'green boundary' to the southern side of the village, separating it from the countryside beyond.

The proposal is to convert a section of one of these garden areas to a hard surfaced parking bay, which will be accessed directly from the High Street. Due to their age many of the properties within Freshford do not benefit from off street parking and it is recognised that this is placing pressure on the limited availability of street parking within the village. The rationale behind the application is therefore acknowledged.

The proposed parking area will measure 9 by 7 metres and will take up a relatively small area of the large garden. However, of more significance is the extent of the boundary stone wall along the High Street which will need to be removed to allow safe access to and from the parking area.

Boundary rubble walls within the village are specifically highlighted as a feature of special interest in the Freshford and Sharpstone Conservation Area Character Appraisal. It states :

"Protection of the boundary walls is a high priority and they should not be neglected. Traditional repairs with lime mortar should be encouraged. The removal of boundary walls to provide access or parking should be resisted."

Accesses have been created onto parking areas at either end of the High Street, however, this new access would be established in a more central section and within a largely unbroken stretch of wall. It is acknowledged that there are benefits to the Applicant of an off road parking space, however, in this case it is not considered that these outweigh the loss of a significant section of the boundary wall and the detrimental visual impact this will have on the character of the area and the setting of Listed Buildings opposite the site.

In addition to the Conservation Area Appraisal, saved Local Plan policy BH.7 states that the total or substantial demolition of structures which make a positive contribution to the character and appearance of the Conservation Area should not be permitted, unless the proposed development would make a significantly greater contribution to the Conservation Area. It is not considered that this proposal will achieve this and therefore it is deemed to be contrary to this policy.

The Applicant has advised that it is the intention to surface the parking area with a permeable surface, similar in colour to Bath stone and the surfacing on a nearby public footpath in Freshford. However, no specific details are known at this stage and therefore a condition would be required to provide this information for prior approval, to ensure it meets the requirements of the Highways Officer and is suitable from a visual amenity perspective. A 3 metre section of new wall is also to be built along the side boundary of the parking area, replacing a dead hedge, however this is not considered to mitigate for the loss of the front boundary wall.

However, the application is recommended for refusal as it is considered that it fails to preserve or enhance the Freshford Conservation Area or the setting of adjacent Listed Buildings and is therefore contrary to saved Local Plan policies BH.2, BH.6 and BH.7. For the above reasons it is also considered that the Local Authority has fulfilled its duties under Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the setting of neighbouring Listed Buildings and the character of the surrounding Conservation Area.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 It is considered that the proposed development would result in an unacceptable loss of a substantial part the boundary wall along the High Street in Freshford, detrimentally affecting the setting of the heritage assets and the character and appearance of the Freshford Conservation Area. The proposal therefore conflicts with the principles and policies set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 12: Conserving and Enhancing the Historic Environment of National Planning

Policy Framework and the policies BH.2, BH.6 and BH.7 of Bath and North East Somerset Local Plan (including minerals and wastes) adopted October 2007.

PLANS LIST:

This decision relates to the following plans dated as received 10 March 2016 :

Site Location Plan, Ref C

Proposed Block Plan, Ref D

Detail Plan, Ref 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 Framework. The submitted application was unacceptable for the stated reasons and it has not been possible to agree on an acceptable scheme to enable approval. The applicant was therefore advised that the application was to be recommended for refusal.