

Bath & North East Somerset Council

MEETING: **Development Management Committee**

MEETING DATE: **29th June 2016**

AGENDA
ITEM
NUMBER

--

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

TITLE: **SITE VISIT AGENDA**

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:
001	15/03485/FUL 6 May 2016	Kingswood School Kingswood Preparatory School, College Road, Lansdown, Bath, Bath And North East Somerset Erection of new school building to accommodate prep school accommodation, new pre-prep and nursery, and multi use games area and associated infrastructure and landscaping.	Lansdown	Suzanne D'Arcy	PERMIT
002	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: 001
Application No: 15/03485/FUL
Site Location: Kingswood Preparatory School College Road Lansdown Bath Bath And North East Somerset



Ward: Lansdown	Parish: N/A	LB Grade: IISTAR
Ward Members:	Councillor Patrick Anketell-Jones Councillor Anthony Clarke	
Application Type:	Full Application	
Proposal:	Erection of new school building to accommodate prep school accommodation, new pre-prep and nursery, and multi use games area and associated infrastructure and landscaping.	
Constraints:	Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Greenbelt, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,	
Applicant:	Kingswood School	
Expiry Date:	6th May 2016	
Case Officer:	Suzanne D'Arcy	

REPORT

REASON FOR CONSIDERATION BY COMMITTEE

This application was deferred for a site visit from the March Committee to allow Members to view the site during the school drop off period.

The application was then deferred from the May agenda due to the receipt of additional information that resulted in an objection from the Senior Arboricultural Officer.

DESCRIPTION OF SITE AND APPLICATION

Kingswood Preparatory School is sited within the Bath Conservation Area and wider World Heritage Site. This application relates to the area to the south of the High Vinnells area. The west and south eastern boundaries are marked by trees that are protected as part of a Tree Preservation Order (TPO). To the west of the site is the Bristol Bath Green Belt and the Cotswold Area of Outstanding Natural Beauty (AONB).

This is a full application for the erection of a new school building, a new pre-prep and nursery building and a multi use games area. There are several listed buildings on the site, the nearest to the site being the grade II listed Blaine's Folly. The application has been amended since submission in relation to the design of the nursery building. The proposed school building will be sited to the south east of the site. This building will be a mix of two storey and single storey. It will be constructed of tactile brick and red cedar shingles with a cedar shingle roof.

The proposed nursery building will be constructed of cedar shingles and tactile brick. The design of this building has been revised since submission for the elements to read as a series of timber outbuildings with glazed links between the elements. Following the receipt of additional information, the Senior Arboricultural Officer objected to the applications as she considered that the development was likely to result in harm to the row of beech trees that would expedite their demise. The application was then amended by moving the pre-prep building further into the site. It will be sited approx. 14m from the western boundary of the site and level with the frontage of High Vinnells. This is approx.

5m further from the trees than the previous proposal and approx. 8m further from the north boundary of the site. All other elements of the scheme remain the same.

There will be an increase in pupil numbers as a result of this application. The pre-school numbers will increase from 60 to 109 pupils and there will be an increase in prep school numbers from 200 to 240. This will result in a total increase in numbers of 89 pupils (from 330 to 419).

Relevant History

7043-1 - Erection of 5 detached dwellings with double garages, and construction of new access road - Withdrawn 13th February 1995

96/00017/FUL - Erection of 3 detached dwellings with double garages, and construction of new access road (Revised proposal) - Refused 15th November 1996

97/00364/FUL - Erection of 3 dwellings with double garages and associated works and erection of a detached double garage - Deemed Refusal. Appeal Dismissed 3rd March 1998

15/04487/FUL - Erection of timber structure to form "jungle gym" (retrospective) - Permitted 13th January 2016

15/00885/PREAPP - Construction of new school building and hall for existing preparatory school and a new pre-prep nursery building.

The applicants submitted a pre-application enquiry in relation to this application in January 2015. Officers advised that there was no objection in principle to the proposal and there was not an objection to the design or the materials. Concerns were raised in terms of the impact on highway safety and trees and the applicants were advised to submit further information alongside an application to address these concerns.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Highways - No objection, subject to conditions

Archaeology - No objection, subject to conditions

Drainage - No objection, subject to conditions

Building Control - No comments

Arboriculture - No objection, subject to conditions

Ecology - No objection, subject to conditions

Landscape - Objects to the proposal, raising the following points;

- This is a very important location, marking the interface between the edge of Bath and the open countryside

- Character is created by the line of beech trees and views to the west and reinforced by the estate railings

- It is an important and sensitive site

- No issue with the methodology or location of viewpoints in the Landscape and Visual Impact Appraisal

- The trees are not enclosing and framing in the winter months
- The site has a relationship with the wider landscape
- The trees are an important feature in the wider landscape
- Lower, eastern part of the site has a lesser relationship with the wider landscape
- Greater weight seems to have been put on retention of the conifers
- The beech trees have a setting and this has not been addressed in the submitted report
- There may be limited visual effect caused by the proposed, this harm exists and will remain
- Lighting from the windows has not been addressed and will remain
- Likely to have a significant impact on the AONB and the setting of the World Heritage Site.
- No objection in principle to some development on the site, but this layout does not properly respond to or make best use of the site and its attributes.

Following the receipt of amended plans, the Landscape Architect has stated that the development is not acceptable in its current form and raises the following points;

- Greenfield site in a sensitive location that forms part of the important green hillsides, which are a key component of the World Heritage Site's Outstanding Universal Value
- Proposal will lead to a significant loss of green space and a loss to the distinct character of the historic park and the conservation area
- Recognised that this building has been moved 4m further from the line of beech trees, which is an improvement.
- The nature of the mature trees would enable views into the site and allow views to the proposed buildings.
- Impact of proposed buildings and the long term impact on the quality and character of the site, with particular reference to the trees would result in significant harm to the conservation area, historic parkland, AONB and World Heritage Site.
- Landscape view remains that the proposals are unacceptable

Urban Design - Offer the following comments;

- Attention has been drawn to the importance of addressing arboriculture issues to ensure that the life prospects of trees are protected.
- This should inform the development
- No in principle objection, subject to the design of the buildings (subject to the resolution of the LVIA and arboriculture issues)
- Materials may be acceptable, though they do not relate to the wider Bath context.
- The drawings should clarify the materials and samples should be submitted for approval.

Historic England - Offer the following comments;

- Remit is to assess the impact on the Conservation Area and the Outstanding Universal Value of the World Heritage Site.
- The land forms part of the open character of the city's outer green slopes and these spaces contribute to the OUV of the World Heritage Site.
- It also creates a sense of spaciousness within the conservation area
- This space, in combination with the private recreation space, contribute towards an important green space within the wider context of the more distant views within the more distant views of the World Heritage Site.
- The trees within this area also make an important contribution
- This development will involve the removal of several mature trees and the loss of the private open space

- This land has always been undeveloped
- The submitted Heritage Assessment balances the impact against the retention of the main trees, the low profile of the proposed development and the sense of enclosure.
- Historic England are not convinced this is a reasonable balance
- The LVIA has not been fully tested for night views or winter views at closer ranges
- Consider the combination of tree loss and perceived loss of openness through the development will have a harmful impact on the conservation area and the OUV of the World Heritage Site.
- The presence of more built form will impact on the sense of space and openness.
- Whilst the development site is contained by boundary treatments, it still allows the perception of undeveloped land.
- The scheme should be judged against paragraph 134 of NPPF.
- Historic England urge you to address the issues raised and recommend the application is determined in accordance with national and local policy and your own specialist advice.

Following the receipt of amended plans, Historic England offer the following comments;

- Believe previous comments are still applicable
- Not satisfied that due consideration has been given to the contribution that the site makes to the character and appearance of the conservation area or the Outstanding Universal Value of the World Heritage Site.
- Unconvinced about the principle of development of the site
- It should be judged against paragraph 134 of the NPPF.

Avon and Somerset Police - No objection

Sport England - No objection but advise that the application needs to be assessed in light of paragraph 74 of the NPPF.

Environment Agency - No comments received

Wessex Water - Advise the applicant to contact Wessex Water as new connections will be required.

Cllr Partrick Anketell-Jones (Local Member) - Requests the application be considered by the Development Management Committee if Officers are minded to approve due to the inappropriate size of the buildings relative to the local residential character, the Conservation Area and proximity of the Greenbelt

Representations - 31 letters of objection received, raising the following points;

- No steps have been taken to ensure that the development won't have an adverse effect on traffic on College Road
- Increased parking, noise, risk and use of the road will have an adverse impact on residential amenity
- No in principle objection to the nature of the application
- Object to the failure of the applicants to include a Transport Plan
- A generous dose of sustainability is required
- Adverse impact due to increase in traffic
- Adverse impact on pedestrian safety
- Lack of public consultation prior to the application being submitted
- Concern over the scale and massing

- Irreversible harm to the conservation area and natural environment
- Contrary to Policy T.24 of the Local Plan
- Hamilton Road is unsuitable for construction traffic
- Loss of natural habitat
- Net impact of the proposals will cause significant harm to the Green Belt
- Adverse impact on the AONB
- No justification for the proposal
- Increase in capacity at a junior level is likely to result in a future need for further senior facilities
- Adverse impact on privately maintained road
- Adverse impact on trees
- Misleading information regarding increase in pupil numbers
- Covenants are in place preventing the erection of further buildings (Officer note: This is not a material planning consideration)
- Application form is incorrect (Officer note: The Local Planning Authority has made reasonable enquiries in relation to the ownership of the site and the notices served and is satisfied that the form is correct)
- Misleading information submitted in the Design and Access Statement
- Detrimental impact on the setting of the listed building (Blaine's Folly)
- Harmful to the OUV of the World Heritage Site
- Fails to conserve the landscape character
- Inadequate long term protection of the trees
- Previous appeal decision (1996 application) states that development on this site would be harmful to the Conservation area and World Heritage Site.
- Previous appeal decision is still relevant
- Alternative sites have not been considered
- Proposed nursery is a commercial venture
- Council should seek to place a reasonable cap on pupil numbers
- Loss of privacy to adjacent neighbours
- Increase in surface water is likely to lead to an increase in flood risk
- Adverse impact on bats
- Proposed development is of a similar scale and massing to the refusal in 1996.
- Potential for additional activity late into the evening, causing an adverse impact on residential amenity
- Likely to lead to pressure for the removal of the trees
- Replacement planting is unlikely to be of an appropriate appearance
- Overdevelopment of the site
- No need for additional nursery facilities in Bath
- Loss of privacy to Thorn Barton
- Overbearing impact on Thorn Barton
- Lack of car parking provision or a Green Travel Plan
- Loss of open space and sports facility
- No masterplan has been produced
- Inadequate drainage on the site
- Inappropriate in terms of scale and massing within AONB, conservation area, World Heritage Site and adjacent to the Green Belt (Officer note: The site is not located within the AONB)
- No evidence of demand has been provided
- No assurance that the access will remain as existing

- No direct notice of the application (Officer note: The Council has advertised the application in accordance with its statutory obligations)
- Change of use of High Vinnells (Officer note: High Vineells falls outside of the application site and as such, no amendments to it are proposed as part of this application)

Following the receipt of amended information, interested parties were renotified on 12th November 2015. A further 34 letters of objection were received, raising the following points;

- Particular concern regarding the additional construction and school traffic exiting Hamilton Road into Lansdown Road
- Reasons for 1996 refusal are still valid
- Severe surface water drainage issues
- No details of alternative options has been given
- School is seeking to expand to include necessary nursery and infant care
- Adverse impact on highway safety
- Adjacent residents have rights over the private roads
- Lack of pedestrian and cycle facilities
- Increase in noise, causing harm to residential amenity
- Lack of parking
- Adverse impact on conservation area
- History of the site is not linked to previous applications (Officer note: The Council is aware of previous applications on both this site and the adjacent site at High Vines)
- Had this been correct, the pre-application advice may have been different (Officer note: All the relevant material considerations were considered during the pre-application phase)
- Adverse impact on trees
- Site will be clearly visible in the long range views
- Heritage impact assessment is inaccurate
- Preliminary travel plan is very vague
- Inadequate pre-application consultation by the school
- School has shown disregard to the planning process with previous applications
- Previous reasons for refusal still stand
- Insufficient information submitted in the first instance
- Additional information should be at the heart of the design process not an afterthought
- Adverse impact on residential amenity of Thorn Barton
- Non-educational use of the proposed building
- Loss of sports and recreation space
- Absence of a masterplan for the wider site
- Overdevelopment
- Unsuitable materials
- Buses serving Bath Spa University has added to parking and traffic issues
- Inaccurate transport assessment based on one count
- Where will waste be collected?
- Harm to ecology
- Nursery is a business use and therefore should be subject to a separate application (Officer note: The nature of the use is clear in the application and has been considered as such)

Following the receipt of amended information, interested parties were renotified on 8th February 2016. A further 34 letters of objection were received, raising the following points;

- Original objections remain valid
- Development is of an industrial scale
- Previous objections have been ignored
- There has been an increase of 115% in pupil numbers since 1992
- Increased pressure on the local community is unacceptable
- Adverse impact on the conservation area
- Adverse impact on highway safety
- Additional information does not address previously outlined concerns
- Adverse impact on green belt and AONB
- Local area cannot accommodate the size of the school
- Will introduce a business premises into a residential area
- The school considering the location the only acceptable location does not make the proposal acceptable
- No explanation of amended drawings
- Objections from Arboriculture, Urban Design and Landscape (Officer note: There is no objection from the Senior Arboricultural Officer or the Urban Designer)
- Unacceptable from Historic England
- Previous appeal decision has not been considered
- Impact on highway safety
- Non-educational use
- Increase in pupil numbers
- Report inconsistent with previous advice (Officer note: The email that is referred to in several representations from myself to the applicants dates from December 2015. Following further negotiations with the applicants, throughout January, it was concluded that, subject to alterations to the design of the nursery school and further tree information, including the additional planting, that the scheme was acceptable.)
- Omission of relevant policies
- Disregard of submitted arboricultural statement
- Failure to consider implication of CIL
- Lack of masterplan
- Failure to set out conditions in terms of hours of use
- Failure to consider supplementary planning guidance in terms of consultation
- Loss of open space
- Scheme has not been amended since submission in any significant way

Following the receipt of revised plans, a further 8 letters of representation have been received. The following points have been raised:

- No of the previous concerns have been addressed
- Does not overcome the most recent arboricultural objection
- Overdevelopment of a green site
- Significant concerns over the impact on the adjacent trees and the conservation area as a whole
- Pressure due to the use of the area by children for the removal of the trees, which will fundamentally alter the character and appearance of the World Heritage Site
- Adverse impact on highway safety
- Lack of engagement between the school and adjacent properties
- will result in a significant increase in traffic levels
- Lack of a masterplan
- Bath should be preserving its skyline

- Roads outside the control of the Local Authority does not absolve them of responsibility for safety

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:

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

DW1 - District wide spatial strategy

B1 - Bath spatial strategy

B4 - The World Heritage Site and its Setting

CP2 - Sustainable Construction

CP5 - Flood risk management

CP6 - Environmental quality

CP7 - Green Infrastructure

CP8 - Green Belts

*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

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

NE.2 - Areas of Outstanding Natural Beauty

NE.4 - Trees and woodland

SR.1A - Protection of playing fields and recreational open space

GB.2 - Visual amenities of the Green Belt

T.24 - General development control and access policy

T.26 - On-site parking and servicing 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:

SD1 - Presumption in favour of sustainable development

SCR1 - On-site renewable energy requirements

SU1 - Sustainable drainage policy

D.1 - General urban design principles

D.2 - Local character and distinctiveness

D.3 - Urban Fabric

HE1 - Historic environment

NE2 - Conserving and enhancing the landscape and landscape character

NE2A - Landscape setting of settlements

NE6 - Trees and woodland conservation
NE1 - Development and green infrastructure
GB1 - Visual amenities of the Green Belt
LCR5 - Safeguarding existing sport and recreational facilities
LCR6 - New and replacement sports and recreational facilities
ST1 - Promoting sustainable travel
ST7 - Transport requirements for managing developments
BD1 - Bath design policy
B5 - Strategic policy for universities, private colleges and their impacts

National Planning Policy Framework (March 2012) and the National Planning Practice Guidance (March 2014) can be afforded significant weight.

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.'

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 or appearance of the surrounding conservation area.

OFFICER ASSESSMENT

Impact on the World Heritage Site, conservation area and adjacent listed buildings

The site is largely free from development, with only High Vinnells falling within the red line. There are other buildings to the north and the east of the site, with a wooded area to the south. The site is visible in long range views, as it is set on the hillside above the city centre. These hillsides form part of the setting of the historic centre of the city. Concerns have been raised that the introduction of development on the site will result in an erosion of the green space thus being harmful to the setting of the World Heritage Site and conservation area. However, the site is considered to fall within the built envelope of the school campus. An access road to the west of the site creates a natural barrier, which separates the development from the open space beyond. As a result, the development site can be viewed as a discrete parcel, and encroachment beyond to the west is unlikely, given the Green Belt designation.

Screening to the site is provided by an avenue of beech trees. The proposed nursery building has been resited to be further from the trees and sit tightly against the High Vinnells building. Its design has therefore been subject to review to minimise the visual impact and as a result has been amended so it is of a low profile small scale linked elements comprising timber shingles linked by glazing. Their character given their low profile, form and use of timber shingles is now considered appropriate for this location.

It is accepted that there will be glimpses of the building in the wider landscape, particularly in the winter months and the building will have a series of glazed linking elements. In order to reduce the impact from artificial lighting in the winter months, which would lead to increased visibility, a condition will be imposed to limit the lux levels emitted from the building.

Given the low key appearance of the building, which appears as a series of small, wooden buildings, and the use of conditions to control the lighting levels, it will not appear prominently on the hillside. In view of this, it will retain the dark appearance on hillside in low light conditions. As a result, the setting of the World Heritage Site and the adjacent listed buildings will be preserved. Furthermore, it will preserve the character and appearance of the conservation area.

Concerns have been raised that the proposed nursery will be harmful to the avenue of beech trees and may lead to pressure for their future removal. It is acknowledged that these trees are an important feature in the skyline and that, due to the access road, the root protection area is likely to be skewed into the site. Following discussions with the Senior Arboricultural Officer, the avenue is considered potentially vulnerable to environmental and man made changes by virtue of their maturity, species and location. Tree protection measures during construction are therefore essential and the revisions submitted increase the area available which can be protected by fencing throughout the build. Advanced planting of successors to these trees is paramount. The comments of the Landscape Architect are noted, but Officers consider that this application represents an opportunity for the provision of future proofing this avenue. It is unlikely that planting between the trees would be successful and as such, it has been proposed to plant a new avenue of trees on the west side of the access road to provide some future proofing. These would be secured through the use of Grampian conditions. The applicants have provided assurances in terms of the drainage strategy and a no-dig foundation solution, in order to protect the existing trees. Conditions will be imposed to ensure that appropriate tree protection measures are implemented and that any proposed replacement planting is appropriate.

The proposed prep school building is set further into the site. Due to its location, it is not considered that it will be visible in the long range views. It will be constructed of timber shingle, which is appropriate to its woodland setting.

Representations have made reference to the potential impact on the setting of Blaine's Folly, which is grade II listed. The site is approx. 100m from the tower and is on lower ground than the tower. In view of this relationship, it is not considered that there will be any adverse impacts on the setting of the listed building.

The comments of Historic England are noted. It is not considered that the proposed development will cause substantial harm to the heritage assets and as such, paragraph 134 becomes engaged. This states that were less than substantial harm will be caused, it should be weighed against the public benefits of the proposal. Paragraph 72 states that local authorities should give "great weight to the need to create, expand or alter schools" Whilst it is acknowledged that Kingswood is a private school, the NPPF makes no distinction between schools within and outside the control of the local authority. The nursery building will also provide education to children in reception, which is within a formal education setting. In view of this, Officers are satisfied that, when the duty under paragraph 72 is balanced against the impact on the heritage assets (which is detailed in the previous section), and the future proofing of the site with the additional planting, the proposed development is acceptable.

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.' Under Section 72 of the same Act it is the Council's duty to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. It is considered that full consideration has been given to these duties in reaching the decision to grant consent for the proposed works and also to an impact on the setting of the World Heritage Site.

Impact on the Green Belt and the AONB

The site is adjacent to the Green Belt and the AONB. The visual impact on the openness of the Green Belt is an important consideration. As stated in the previous section, the site is located to the edge of the built form. The proposed nursery buildings will be the closest element of the scheme to the Green Belt. This building will have the appearance of four low key, wooden buildings as the massing is broken down by the introduction of the glazed linkages and it is approx 14m from the site boundary. In view of this, it is not considered that this element of the building will be harmful to the visual amenities or openness of the Green Belt.

The proposed prep building is located to the east of the site, and there will only be limited visibility from the Green Belt. Notwithstanding this, it would be viewed in the context of the existing built form of both the adjacent school buildings and the residential properties beyond, so it is not considered to be harmful to the visual amenities or openness of the Green Belt.

The site is heavily treed and a number of these trees have a great significance in terms of their location within the skyline. The previous section discusses the mitigation measures and future proofing of the site, particularly in terms of the beech avenue. As a result of the measures outlined above, it is considered that the proposed development will not result in harm to the trees. In view of this, it is not considered that there will be a detrimental impact on the natural beauty of the AONB.

Impact on residential amenity

The nearest adjacent neighbour is sited to the east of the site at Thorn Barton. The boundary between the sites is marked by a 2m high wall with deciduous trees on the school side. The school site is set higher than Thorn Barton. There is approx. 40m between the nearest point of the new building and the rear of Thorn Barton. The element closest to the boundary is proposed to be a sports hall and as such, it will be double height as there will be no floor at first floor level. There are windows in the first floor level of the other element of the building, which is proposed to be used as classroom space. This is set a further 12m back from the boundary, resulting in a distance of approx. 45m. Given the nature of classroom use and the relationship with this neighbour, it is not considered that this will result in a significant loss of privacy to the private amenity space of Thorn Barton.

The proposed building will be sited to the west of Thorn Barton. It will have a total height of approx. 8m at its highest point. It is acknowledged that there may be some

overshadowing in the evening but, due to the relationship, it is not considered that this will be significant enough to sustain a refusal.

No other neighbouring properties will be affected by overbearing or loss of privacy, due to their relationship with the proposed building.

The site is currently used by the school in its normal activities. It is acknowledged that the buildings will result in an intensification of the use of the site and a change to the type of use, albeit very similar in nature to the existing use. However, this will be primarily confined to the normal school hours. In view of this, it is not considered that there will be a significant noise nuisance to surrounding neighbours.

Concerns have been raised regarding impact on residents from construction. It is acknowledged that there may be some disruption to nearby neighbours during the construction phase but it is considered that a condition requiring a construction management plan will mitigate this impact, as will the temporary nature of construction.

In view of this, it is not considered that there will be any significant adverse impacts on residential amenity as a result of this proposal.

Impact on highway safety

There is access to the site from College Road/Hamilton Road, as well as through the school itself. College Road and Hamilton Road are both private roads that are maintained by the residents of these streets. The applicants have submitted a Transport Assessment, which considers that there is unlikely to be a significant impact on the wider highway network, and this is considered to be acceptable. A condition requiring a construction management plan will also be imposed to ensure that the safe operation of the highway can continue during the construction phase. Concerns have been raised about the potential impact on the condition of College Road and Hamilton Road due to the construction of the buildings. Given that these are privately owned and outside the control of the Local Authority, it is not considered to be appropriate for the Local Authority to comment on the ongoing maintenance. The applicants have a right of access over the roads and matters relating to maintenance is a civil matter between the parties.

The application proposes an increase of 89 pupils, 49 of which will be of pre-prep age, when pick up and drop off will not necessarily align with the school day. The application shows facilities for parents to pick up and drop off the children and these are considered to be sufficient to accommodate the increase in students, particularly given that over 50% will be outside of traditional school times. The applicants have provided a preliminary Travel Plan, which indicates how access can be improved. A condition will be imposed for a full Travel Plan and there will be an onus on the school for its enforcement.

Given that the roads are privately owned, there will need to be engagement by the applicant with the adjacent neighbours to ensure any improvements can be achieved and the submitted Travel Plan will need to demonstrate how this will be undertaken.

It has been calculated that there is a shortfall of 20 staff parking spaces. Additional parking has been provided via the High Vinnells access and elsewhere on the site. Whilst

it is not within the red line boundary, this area is owned by the school and as such, Grampian conditions could be used to secure additional parking.

In view of this above, it is not considered the proposed development would be prejudicial to highway safety.

Impact on trees

The potential impact of the development on the trees has been discussed in the previous sections, with regards to the impact on the landscape.

The nursery building has been moved further away from the trees than the previous submission. This has helped to mitigate the impact on the trees in terms of the impact of development. Concerns have been raised about the potential impact of the development on the adjacent trees. Further details of drainage and foundations will be required by conditions, though it has been confirmed that these are achievable without harm to trees. The information submitted does not entirely remove Arboricultural concerns. However subject to the use of conditions to address details the concerns are not considered to be such that a reason for refusal could be sustained.

Impact on ecology

No significant ecological constraints have been identified on the site. The applicants have submitted an ecological survey and the recommendations of this include measures for enhancement to existing habitats. Conditions will be imposed to ensure that these are implemented. A lighting analysis has also been submitted. As stated previously, conditions will be imposed to limit the emission of light from the building and to ensure the lighting erected is not harmful to wildlife. In view of this, it is not considered that there will be any adverse impact on protected species as a result of this proposal.

Impact on recreational space

The site is currently used informally for recreation and sports. It is a sloping site and this has limited its use in the past for sports. There are some poor quality cricket nets on the north western part of the site, which will be lost as a result of the proposal. The proposed development will provide a multi-use games area and a sports hall. Furthermore, the school owns additional sports and recreational facilities, both elsewhere on the site and off site. Paragraph 74 of the NPPF requires that recreational space should not be built on unless an assessment has been undertaken that shows that the land is surplus to requirements. The applicants have submitted an assessment detailing the history of the site, which has never been formally used by the school for sports or physical education lessons, and the additional recreation/sports facilities available elsewhere on the site. In view of this, Officers are satisfied that the proposed development meets the tests required under paragraph 74 of the NPPF and there will be no loss of formal, useable sports facilities.

Drainage and Flood Risk

Concerns have been raised that the proposed development will increase flooding due to increased surface water run off. The applicant has provided full drainage details, which

will be adequate for a 1 in 30 year flood event. A condition will be imposed to ensure that adequate drainage is provided to ensure that surface water for a 1 in 100 year flood event will not increase the flood risk to nearby properties.

Other issues

Concerns have been raised regarding the pre-application consultation by the school and the timing of the application submission. There is disagreement between the applicant and the adjoining residents regarding the level of pre-application consultation. The applicants have asserted that they have met with a number of local residents, which they were informed were representative of a wider group of residents, and the residents do not agree with this statement. The Local Planning Authority has advertised the application in accordance with its statutory obligations. Whilst it is unfortunate that the timing of the application coincided with the summer holidays, interested parties have had two further consultation opportunities and it is considered that adequate time has been provided for interested parties to comment on the application.

The representations have made reference to a previous refusal of planning permission and subsequent dismissed appeal for 3 dwellings in 1996. It should first be noted that there has been a change to the policy context since the submission of this application. Furthermore, the current application is for buildings to be used in association with the school use and not a separate use as individual dwellings. This is a key material difference between the previous scheme and this scheme. Also, the way in which the site would be used will be different to the use pattern associated with dwellings. In view of this, it is reasonable for this scheme to be assessed on its own merits and in the context of the current policy framework.

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 above ground development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the details so approved.

Reason: In the interests of the appearance of the development and the surrounding area.

3 No development shall take place until a Detailed Arboricultural Method Statement with revised Tree Protection Plan following the recommendations contained within BS 5837:2012 has been submitted to and approved in writing by the Local Planning Authority

and details within the approved document implemented as appropriate. The final method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and certificates of completion to the local planning authority. The statement should also include the control of potentially harmful operations such as the storage, handling and mixing of materials on site, location of site office, service run locations including soakaway locations and associated excavations and movement of people and machinery.

Reason: To ensure that the protected trees to be retained are not adversely affected by the development proposals.

4 No development or other operations shall commence on site until a time and date has been agreed with the Local Authority Senior Arboricultural Officer for a pre-commencement site meeting with the Site Manager and Project Arboriculturalist.

Reason: To ensure that the contents of the Detailed Arboricultural Method Statement and revised Tree Protection Plan is understood and complied with by all parties.

5 No development or other operations shall take place except in complete accordance with the approved Detailed Arboricultural Method Statement. A signed certificate of compliance shall be provided by the appointed arboriculturalist to the local planning authority on completion and prior to the first occupation of the buildings.

Reason: To ensure that the approved method statement is complied with for the duration of the development.

6 Prior to occupation of the development hereby approved, a hard and soft landscape scheme has been first submitted to and approved in writing by the Local Planning Authority, such a scheme shall include details of all walls, fences, trees, hedgerows and other planting which are to be retained; details of all new walls, fences and other boundary treatment and finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs; details of the surface treatment of the open parts of the site; and a programme of implementation. This shall include full details of the replacement planting indicated on drawing numbered 1465.P.100 rev C.

Reason: To ensure the provision of an appropriate landscape setting to the development.

7 All hard and/or soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason: To ensure that the landscape scheme is implemented and maintained.

8 Prior to occupation of the nursery building hereby approved, details of the levels of lighting from the building shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the lux levels and methods for their limitations. They shall be retained and operated as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: to provide sensitive lighting with minimal impacts on bats and other wildlife and to preserve the setting of the World Heritage Site, conservation area and Green Belt.

9 The development and all new lighting shall be implemented in accordance with the predicted light levels and lighting design details as contained in the approved Light Level Survey report by Buro Happold dated July 2015, and shall be retained and operated as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: to provide sensitive lighting with minimal impacts on bats and other wildlife

10 The development hereby permitted shall be carried out only in accordance with ecological mitigation proposals and recommendations of the approved Extended Phase 1 Habitat Survey Report dated July 2015 by Nicholas Pearsons. A report confirming and demonstrating implementation of the recommendations shall be submitted to the local planning authority and approved in writing prior to occupation of the development.

Reason: to avoid harm to ecology

11 The areas allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of amenity and highway safety.

12 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), contractor parking, traffic management.

Reason: To ensure the safe operation of the highway and the amenity of adjoining neighbours

13 Prior to the occupation of the development, an updated Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with the Travel Plan.

Reason: In the interests of sustainable development.

14 Prior to the commencement of development, detailed drainage design to illustrate how flood flows and exceedance routes are managed on site for all storm durations up to the 1:100 year event including an allowance for climate change. All surface water for up to the 1:100 year event +CC must be managed on site and is not permitted to flow onto adjacent land. The development shall thereafter be carried out in accordance with the details so approved.

Reason: In the interest of flood risk management for neighbouring land and properties

15 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:

This decision relates to the following drawings -

NURSERY DRAWINGS

Existing:

- 1480/P/001 - Location Plan
- 1480/P/005 - Existing Site Plan

Proposed:

- 1480/P/102 A - Proposed Site Plan
- 1480/P/110 D - Proposed Ground Floor Plan (rec'd 27 May 2016)
- 1480/P/111 D - Proposed Roof Plan (rec'd 27 May 2016)
- 1480/P/140 A - Proposed Floor Finishes
- 1480/P/150 A - Proposed Reflected Ceiling Plan
- 1480/P/160 A - Proposed Ground/Site Works Plan
- 1480/P/170 C - Proposed Wall Type Plan
- 1480/P/200 C - Proposed South Elevation (rec'd 27 May 2016)
- 1480/P/201 C - Proposed North Elevation (rec'd 27 May 2016)
- 1480/P/202 D - Proposed West Elevation (rec'd 27 May 2016)
- 1480/P/203 C - Proposed East Elevation (rec'd 27 May 2016)
- 1480/P/204 C - Proposed South Elevation Entrance (rec'd 27 May 2016)
- 1480/P/205 - Proposed North Elevation Reception Entrance (rec'd 27 May 2016)
- 1480/P/305 D - Proposed Section A 1 (rec'd 27 May 2016)
- 1480/P/306 D - Proposed Section A 2 (rec'd 27 May 2016)
- 1480/P/307 D - Proposed Section B 1 (rec'd 27 May 2016)
- 1480/P/308 D - Proposed Section B 2 (rec'd 27 May 2016)
- 1480/P/320 D - Proposed Section C (rec'd 27 May 2016)
- 1480/P/321 D - Proposed Section D (rec'd 27 May 2016)
- 1480/P/322 D - Proposed Section E (rec'd 27 May 2016)
- 1480/P/323 D - Proposed Section F (rec'd 27 May 2016)
- 1480/P/324 D - Proposed Section G (rec'd 27 May 2016)
- 1480/P/325 D - Proposed Section H (rec'd 27 May 2016)
- 1480/P/326 D - Proposed Section J (rec'd 27 May 2016)
- 1480/P/330 A - Section Detail Study
- 1465_SCH_10_Room Area A - Schedule Room Area Schedule

PREP SCHOOL DRAWINGS

Existing:

- 1465/P/001 A - Existing Location Plan
- 1465/P/002 A - Existing Site Plan
- 1465/P/003 A - Existing Site Plan

Proposed:

- 1465/P/100 D - Proposed Site Plan (rec'd 27 May 2016)
- 1465/P/105 B - Tree Survey Plan (rec'd 12 November 2015)
- 1465/P/110 B - Proposed Ground Floor Plan (rec'd 12 November 2015)
- 1465/P/111 B - Proposed First Floor Plan (rec'd 12 November 2015)
- 1465/P/112 B - Proposed Roof Plan (rec'd 12 November 2015)
- 1465/P/140 A - Proposed Floor Finishes Ground Floor
- 1465/P/141 A - Proposed Floor Finishes First Floor
- 1465/P/150 A - Proposed Reflected Ceiling Plan Ground Floor
- 1465/P/151 A - Proposed Reflected Ceiling Plan First Floor
- 1465/P/160 A - Proposed Ground/Site Works Plan
- 1465/P/170 C - Proposed Wall Type Ground Floor
- 1465/P/171 C - Proposed Wall Type First Floor
- 1465/P/200 B - Proposed Elevations North (rec'd 12 November 2015)
- 1465/P/201 B - Proposed Elevations East (rec'd 12 November 2015)
- 1465/P/202 B - Proposed Elevations South (rec'd 12 November 2015)
- 1465/P/203 B - Proposed Elevations West (rec'd 12 November 2015)
- 1465/P/220 A - Stair Study
- 1465/P/300 B - Proposed Section A (rec'd 12 November 2015)
- 1465/P/301 B - Proposed Section B (rec'd 12 November 2015)
- 1465/P/302 B - Proposed Section C (rec'd 12 November 2015)
- 1465/P/303 B - Proposed Section D (rec'd 12 November 2015)
- 1465/P/304 B - Proposed Section E (rec'd 12 November 2015)
- 1465/P/305 B - Proposed Section F (rec'd 12 November 2015)
- 1465/P/306 B - Proposed Section G (rec'd 12 November 2015)
- 1465/P/320 A - Section Detail Study
- 1465_SCH_10_Room Area A - Schedule Room Area Schedule

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.

ADVICE NOTE:

Where a request is made to a Local Planning Authority for written confirmation of compliance with a condition or conditions attached to a planning permission or where a request to discharge conditions is submitted a fee shall be paid to that authority. Details of the fee can be found on the "what happens after permission" pages of the Council's Website. Please send your requests to the Registration Team, Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG. Requests can be made using the 1APP standard form which is available from the Planning Portal at www.planningportal.gov.uk.

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

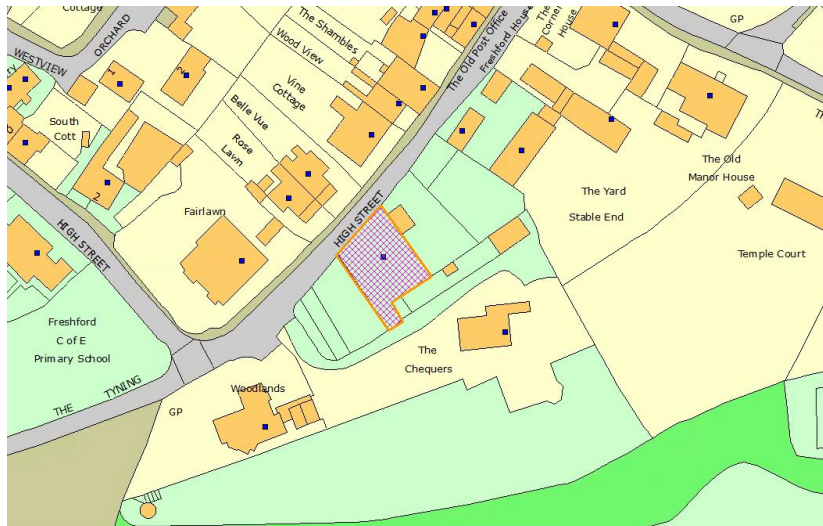
This permission does not convey or imply any civil or legal consents required to undertake the works.

New water supply and waste water connections will be required from Wessex water to serve this proposed development. Application forms and guidance information is available from the Developer Services web-pages at the website www.wessexwater.co.uk.

Further information can be obtained from the New Connections Team by telephoning 01225 526222 for Water Supply and 01225 526333 for Waste Water.

Please refer to Wessex Water's website for a Section 106 connection application and guidance.

Item No: 002
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. Consideration of this application was deferred at the last meeting of the Committee to allow Members to visit the site.

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

Detail Plan, Ref E

and the Proposed Block Plan, Ref D dated as received 27 May 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 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.