

Mr Peter Fear
35, Albert Road
Trowbridge,
Wilts
BA14 7LP

Date: 10th April 2015
Our Ref: 15/01149/PREAPP
Your Ref:
Direct line: 01225 477513
E Mail: Alice_barnes@bathnes.co.uk

Dear Mr Fear

RE: Proposed re development of Batheaston Car Park

Please find attached your Pre-Application Advice Report 15/01149/PREAPP in respect of your enquiry of the 11th March 2015. I trust that this advice is of assistance to you.

Please note that the views expressed in this report represent an officer's informal opinion only based on the information supplied and without consultation with statutory consultees or third parties. This advice is not binding on any future decisions made by elected members of the council or under powers delegated to other officers.

I trust this is clear but should you require anything further, please do not hesitate to contact me.

Please note that an invoice for the above response will be sent under separate cover in line with the Council's charging policy. The fee charge for this response is £100 plus VAT for 2 hours work including a site visit.

Your proposed works may need building regulation consent and should you choose to proceed you are advised to contact the Building Control section on tel: 01225 477517 or email: building_control@bathnes.gov.uk so that they can advise you on this. This initial advice is provided free of charge for our customers.

Yours sincerely

Alice Barnes
Planning Officer
Development Management

West of England LPAs - Pre Application Advice Report

1	<p>Council: Bath and North East Somerset</p>	<p>Site Address: Car Park London Road Car Park Batheaston Bath BA1 7NB</p>	<p>Ref No: 15/01149/PREAPP</p>
2	<p>We understand your proposal to be:</p> <p>The redevelopment of Batheaston Car Park, including the possible extension to the existing toilet block, provision of a café and extension to the car park.</p>		
3	<p>Things that you need to be aware of:</p> <p>The application site is located within the Green Belt and Floodzone 3. The adjacent secret gardens are Grade II listed. The adjacent High Street is located within the Conservation Area.</p> <p>Summary</p> <p>The construction of new buildings within the green belt is considered to be inappropriate development.</p> <p>Community Infrastructure Levy:</p> <p>Please be aware that since the 6th April B&NES has implemented the Community Infrastructure Levy therefore any application that creates floor space may be CIL liable.</p>		
4	<p>Planning Policies that you need to be aware of:</p> <p>The main planning policies that will be considered relevant to your proposal are listed below. Please be aware that the policies listed below are a guide and are based on the information you have submitted, additional policies may become relevant depending on any additional material submitted.</p> <p>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:</p>		

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

The following B&NES Core Strategy policies should be considered:

CP6 – Environmental Quality
 CP8 – Green Belt

The following B&NES Local Plan policies remain saved and will be considered:

D.2: General design and public realm considerations
 D.4: Townscape considerations
 Bh.6: Development within or affecting Conservation Areas.
 GB.2: Visual Amenities of the Green Belt
 T.24: General Development Control and Access Policy
 S.4: Retail development proposals outside the identified shopping centres
 Ne.14 Flood risk
 Bh.2: Listed buildings and their settings

Consideration will be given to the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG)

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 of the surrounding conservation area.

5 Our initial headline views about your proposal...

Principle of development

The proposed development would include the provision of a café adjacent to the existing local shopping centres. Current policies seek to retain the existing local centre within Batheaston High Street and any development outside of this centre should not prejudice the vitality and viability of the local shopping centre. You would need to provide a justification as to why the proposed café could not be located within any of the existing shops within the local centre.

Green Belt

The application site is located within the green belt. Paragraph 89 of the NPPF

states that the construction of new buildings within the green belt is considered to be inappropriate development. This paragraph then goes on to list the exceptions to this which include development such as agricultural buildings or building for sport and recreation. The provision of a café would not fall within this criteria and therefore would be considered to be inappropriate development within the green belt.

Paragraph 89 does allow for the limited extension of buildings provided that it does not result in the disproportionate additions over and above the size of the original building. Therefore as discussed there may be some scope to extend the existing toilet block but this could not be a disproportionate addition. For example if an extension would double the size of the existing building it may be considered to be disproportionate. The acceptability of any extension would be dependent on its size and design.

Development in the green belt is not judged on volume increase alone. The impact of the development will be assessed on the impact of the visual amenity of the surrounding green belt. In this instance you are proposing to move the location of the car park into the open green space. I would advise against siting the car park in the green space but the impact of this could be reduced if the existing car park could then be given over to open green space. However I would advise that any expansion of the car would be considered to be harmful to the openness of the green belt and would not receive officer support.

Highways

The highways officer has advised that there is no significant objection to the application but more detailed discussions with the highways authority would be required at the design stage. In particular further information would be required with regards to the detail of the improved pedestrian crossing and the bus stop repositioning will need to be considered.

As the car park will be reconfigured you would need to review whether the proposed parking numbers are appropriate. The submitted information suggests that there is a possible option to take another vehicular access from the Five Ways junction. However, due to the complex nature of the existing junction, this option would not be supported by the highway authority.

Flood risk

The application site is located within floodzone 3 and has recently been flooded.

The proposed development would result in an extension to the existing building. Any application would need to address the possibility of flooding and would need to be accompanied by a site specific flood risk assessment.

Current guidance contained within the National Planning Policy Framework states

that development should not be located in areas at risk of flooding. Local authorities are required to apply a sequential test to steer development to areas with the lowest possibility of flooding. If it is not possible to steer development elsewhere then the exception test should be applied.

As detailed within the National Planning Policy Framework for the exception test to be passed it must be demonstrated that the development provides wider sustainable benefits to the community than outweighs flood risk. A site specific flood risk assessment must demonstrate that the development will be safe for its lifetime without increasing flood risk elsewhere.

Heritage

The proposed development would include the removal of the existing boundary wall. This wall borders the existing conservation area and its removal would impact negatively on the appearance of the high street within the conservation area and I would recommend that this is removed from the scheme.

I note that you are proposing to site play equipment within the secret garden. The existing garden walls are Grade II listed. Therefore any structure which would be fixed to the garden wall would require listed building consent. Any play equipment sited within the garden but not attached to the walls may need planning permission as it is sited within the setting of the listed structure. Whether consent is required would depend on the nature of the equipment proposed. An assessment of the proposed equipment would need to be made in consultation with the conservation officer to ascertain if the provision of play equipment would harm the setting of the listed garden.

Arboricultural

Part of the site is within the conservation area of Batheaston. The arboricultural officer has advised that the trees within the car park do contribute significantly to the local amenity and wildlife. The hornbeam by the entrance and the Sycamores to the east are quite prominent from the roadside, plus the riverside trees contribute to the wildlife corridor along the river.

The proposed site layout shows that the existing mature and semi mature trees are to be retained which is welcomed. Information will be required with a full application to demonstrate how the retained trees are to be protected from the construction activities that could potentially damage these trees above and below ground level if they are not adequately protected.

A tree report including an Arboricultural Impact Assessment, Tree Protection Plan and Arboricultural Method Statement will need to be submitted with a full application. A soft landscaping scheme will need to be submitted as the proposals do show alterations to the area that has had trees planted recently so any losses here will need to be mitigated.

	<p>Other Matters</p> <p>The existing river provides a dark corridor for bats and any external lighting may harm the nearby bat habitat.</p> <p>In a further email you have proposed siting a mobile van within the car park for the sale of coffee and cake. Whilst the siting of a van is not considered to be operational development it is my view that this would constitute the change of use of the land and therefore would require planning permission.</p> <p>If an advertisement was sited within the car park then you would need to make an application for advertisement consent.</p>
6	<p>Things we recommend you do...</p> <p>The construction of new buildings within the green belt is considered to be inappropriate development and therefore the proposed development would not receive officer support.</p>
7	<p>I hope that this advice is of assistance to you. Please note that the views expressed in this letter represent an officer's informal opinion only based on the information supplied and without consultation with statutory consultees or third parties. This advice is not binding on any future decisions made by elected members of the council or under powers delegated to other officers. I trust this is clear but should you require anything further, please do not hesitate to contact me. Please note that an invoice for the above response will be sent under separate cover in line with the Council's charging policy. The fee charge for this response is £100 plus VAT.</p>
	<p>Case Officer: 10th April 2015</p> <p>Date: Alice Barnes</p>