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BATH AND NORTH EAST SOMERSET

MINUTES OF DEVELOPMENT CONTROL COMMITTEE

Wednesday, 13th April, 2011

Present:- Councillor Les Kew in the Chair
Councillors Rob Appleyard (In place of John Bull), Sharon Ball, Nicholas Coombes,
Paul Crossley (In place of Colin Darracott), Gerry Curran, Eleanor Jackson, Bryan Organ,
Martin Veal (In place of Malcolm Lees), Brian Webber and Stephen Willcox

131 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the procedure.

132 ELECTION OF VICE CHAIRMAN (IF DESIRED)

RESOLVED that a Vice-Chair was not required on this occasion.

133 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies were received from Councillor John Bull (substituted by Councillor Rob Appleyard), Councillor Colin Darracott (substituted by Councillor Paul Crossley) and Councillor Malcolm Lees (substituted by Councillor Martin Veal).

134 DECLARATIONS OF INTEREST

There were none.

135 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was none.

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

There were none.

137 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

There were none.

138 MINUTES: 16 MARCH 2011

These were approved as a correct record and signed by the Chair, subject to the amendment of the attendance list to show that Councillor Jackson was present and that Councillor Appleyard was substituting for Councillor Bull, not Councillor Jackson.

139 MAJOR DEVELOPMENTS

The Senior Professional Major Developments said that he nothing specific to report, but he would be happy to answer any questions from Members.

140 MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE

The Committee considered

- The report of the Development Manager on the applications
- Oral statements by members of the public, the Speakers List being attached as Appendix 2 to these Minutes
- The update report by the Development Manager, attached as Appendix 3 to these Minutes

RESOLVED that, in accordance with their delegated powers, the planning applications be determined as set out in the Decisions List attached as *Appendix 4* to these Minutes.

NOTES: Decisions were made by the Committee as per the Officers' recommendations set out in the Report with the Agenda, and were carried unanimously or without dissension unless stated otherwise. Where the Officer's recommendation was overturned, or there were amendments whether lost or carried, or there were decisions on matters other than on planning applications, these are listed below.

Item 1, Street Record, Bath Spa University Campus, Newton St Loe, Bath (10/04747/EFUL) – the Senior Professional Major Developments informed Members that the application had been withdrawn from the agenda.

Item 2, 38 High Street, Keynsham, BS31 1DX (11/00407/FUL) – the case officer made a presentation on the application and the recommendation to refuse. The public speakers were heard. Councillor Organ said that he could not accept the officer's recommendation to refuse. He did not believe suitable alternative premises were available on the High Street. The application premises had been vacant for eighteen months, so that occupation by the applicant would improve the appearance of the area. The applicant had occupied its present premises for forty years and had been a good tenant of the Council. Since the applicant proposed merely to move from one retail unit to another, there would be no net reduction in the number of retail units. He moved to permit the application. This was seconded by Councillor Veal. Councillor Curran asked officers to comment on the argument put forward by the applicant's agent that PPS4 would allow flexibility in the application of local plan policy S5. The Team Leader, Development Management said that the view of officers remained as set out on pages 54-55 of the agenda. Councillor Willcox said that although there were concerns about the loss of high street shops, there were estate agents mixed in with retailers on many high streets. He felt that it was necessary to accept changing economic conditions. Councillor Jackson noted that there was already an estate agency offering financial services nearby and that the post office offered financial services. The units on one long section of the High Street were occupied by charity shops. She could see no reason to refuse the application. Councillor Organ observed that there was also a building society not far from the post office. The Team Leader, Development Management advised that if the application were permitted it would have to be advertised as a departure from the

development plan and if any objections were received that raised new issues, the application would be brought back to Committee. Councillor Organ said that he would therefore amend his motion from “permit” to “delegate to permit subject to appropriate conditions and no new issues being raised as a result of the advertising process”. The motion was put and it was **RESOLVED** by 8 votes in favour, 2 against with 1 abstention to delegate to permit the application as above.

REASONS

The applicant is an established local business. The application premises have been empty for eighteen months and currently detract from the appearance of the High Street. The change of use will not result in a net reduction of retail units in Keynsham town centre and would improve the appearance of the area.

Item 3, Council Depot, Upper Bristol Road, Clutton (10/04904/REG04) – the case officer made a presentation on the application and the recommendation to permit. The public speaker was heard. Councillor Willcox, ward Member for Clutton, said that he currently had difficulties in his relationship with Clutton Parish Council and felt unable to comment on the application as he had not been asked by the Parish Council to support their objection. Councillor Veal asked officers whether it was correct, as stated by the public speaker, that 100 people had signed a petition opposing the application and, if so, whether they all lived locally. The case officer said that a petition had indeed been received, which had been signed by local residents and by people from surrounding villages. Councillor Crossley said that he was concerned that the development, if permitted, would lead to a change of use of the site to a waste processing facility. He was concerned that there would be an increase in the intensity of the use of the site, which would be detrimental to local residents, some of whom lived immediately opposite. He moved to refuse the application. This was seconded by Councillor Coombes, who did not agree that effluent from gulleys would not smell when left out to dry and this would be detrimental to the amenity of nearby residents. What was envisaged was clearly processing. Councillor Jackson was also concerned about the proximity of the site to residential properties. If the application was permitted, she thought that the trees adjacent to the site would eventually die. She feared that odours from drying waste would cause nuisance to local residents, particularly in the summer. Councillor Webber accepted the advice given by the Environmental Health Officer that the potential for nuisance from odour was minimal; the material would be left to dry for one or two days and then removed, not left to ferment. He also considered that the proposal for the site was an efficient way of avoiding extra road journeys. Councillor Coombes thought there was no evidence that the waste would dry out within a day or two. Councillor Curran thought that a waste services officer should have attended to provide further explanation. The motion was put, and it was **RESOLVED** by 6 votes in favour, 3 against with 3 abstentions to refuse the application.

REASONS

The Committee considered that the proposed development could lead to a more intensive use of the site to the detriment of residential amenity. The development would also have a detrimental impact on local residents by reason of odour from the drying bays.

Item 4, Church View, Packhorse Lane, South Stoke, Bath BA2 7DW (10/04317/FUL) – the case officer made a presentation on the application and the recommendation to permit. The public speakers were heard. The Chair moved that the application be deferred for a site visit. This was seconded by Councillor Veal. The motion was put and it was resolved by 8 votes in favour, 2 against with 2 abstentions to defer the application for a site visit to assess the impact of the proposal on the conservation area and on neighbouring residents.

Item 5, 36 Farmborough Lane, Priston, Bath BA2 9EH (11/00229/FUL) – the case officer made a presentation on the application and the recommendation to refuse. The public speakers were heard. Councillor Coombes noted that there was no agricultural tie on these dwellings. The Team Leader, Development Management responded that officers had not suggested to the applicant that he should accept an agricultural tie because the application was being recommended for refusal. He added that any application to construct a new dwelling with an agricultural tie in the Green Belt would be considered on its merits, though it would be proper to take into consideration any other properties in the area that were in the possession of the applicant. Councillor Willcox said that he thought agriculture in the Green Belt should be supported and that dwellings should have living space that was adequate by contemporary standards. He felt that these factors amounted to very special circumstances and moved to permit the application. This was seconded by Councillor Veal. Councillor Crossley said that account must be taken of the era in which the buildings were constructed. He believed that the removal of the existing lean to at the rear of the building would significantly improve its appearance and this would be a benefit to the Green Belt. He also felt that enabling agricultural workers to live near their place of work would benefit the rural economy. He believed these were sufficient reasons for departing from Green Belt policy in this case. He asked whether it would be possible to make the dwellings subject to an agricultural tie. The Team Leader, Development Management replied that officers would discuss this with the applicant, if the motion were amended from permit to delegate to permit with appropriate conditions. The proposer and seconder accepted this amendment. The motion was put and it was **RESOLVED** by 11 votes in favour with 1 abstention to delegate to permit the application with appropriate conditions.

REASONS

The Committee considered that the agricultural need for the development and the improvements to the appearance of the building amounted to very special circumstances which clearly outweighed the harm to the Green Belt and any other harm. The proposal would allow farm workers to live on site in modern conditions which would be beneficial to the rural economy.

Item 6, 4 Ellsbridge Close, Keynsham, Bristol BS31 1TB (11/00668/FUL) – the case officer made a presentation on the application and the recommendation to permit. Additional information was tabled, a copy of which is attached to these minutes as Appendix 1. Councillor Organ moved to follow the officer's recommendation and permit the application. This was seconded by Councillor Veal. The motion was put and it was **RESOLVED** by 11 votes in favour with 1 abstention to permit the application.

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

RESOLVED to note the report.

**Appendix 1: additional information: agenda item 140, application 6, 4
Ellsbridge Close, Keynsham**

Appendix 2: speakers' list

Appendix 3: update report

Appendix 4: decision list

The meeting ended at 3.35 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

Additional information

Planning application 11/00668/FUL

4 Ellsbridge Close, Keynsham

The applicant has explained why he has submitted this application following the granting of the previous planning permission. The extension has been reduced in size due to concerns of the neighbouring occupiers. The applicant states that they hope that this is a satisfactory solution but if the proposal is not successful, they will of course continue with the previously approved extension.

Although the extension is considered to be a disproportionate addition to the original dwelling and is therefore by definition inappropriate development in the Green Belt, officers consider that significant weight should be given to the fall back position cited above. There is considered to be no harm to the adjoining residents and the Committee has previously considered an extension like the proposed to enhance the appearance of the building. On balance, this, coupled with the fall back position is considered to represent very special circumstances to outweigh the harm by reason of inappropriateness.

**SPEAKERS LIST
BATH AND NORTH EAST SOMERSET COUNCIL
DEVELOPMENT CONTROL COMMITTEE**

**MEMBERS OF THE PUBLIC ETC WISHING TO MAKE A STATEMENT AT
DEVELOPMENT CONTROL COMMITTEE AT ITS MEETING ON
WEDNESDAY 14TH APRIL 2011**

ITEM 10: MAIN PLANS LIST		
SITE	NAME/REPRESENTING	FOR/AGAINST
38 High Street, Keynsham (Item 2, pages 51-57)	Cllr Tony Crouch (Keynsham Town Council)	Against
	Amanda Sanders (Alpha Planning)	For
Council Depot, Upper Bristol Road (Item 3, pages 57-61)	Clive English	Against
Church View, Packhorse Lane, South Stoke (Item 4, pages 62-69)	Robert Hellard (Vice-Chair, South Stoke Parish Council)	Against
	Geoffrey Davis	Against
	Mrs Dhalivaal-Elmes	For
36 Farmborough Lane, Priston (Item 5, pages 70-74)	Matthew Barden (representing applicant)	For
	Councillor Vic Clarke	For

Planning Application Ref: 10/04747/EFUL Bath Spa University

Bath and North East Somerset Council

Development Control Committee 13th April 2011

Agenda Item 10 - Item 01 – Planning Application Ref: 10/04747/EFUL

Bath Spa University Campus, Newton St Loe, Bath

CONTINUATION REPORT

[NB: This Continuation Report was initially intended to be read in conjunction with the first part of the officer Report on this item which is included within the main Agenda. However, it has come to your Officers' attention that in the preparation of the main Agenda papers, a section of the initial Report has unfortunately been omitted. Accordingly, and for the convenience of Members and other interested parties, the entire Report is now presented below in its intended form. Members should disregard the incorrect version in the main Agenda papers.]

Corrections / Updates

1. The description of the development given in the main Agenda Report is incorrect. Members should note that the correct wording is as follows:

“Demolition of existing residential (C2) and education (D1) buildings and redevelopment of part of Newton Park for educational purposes as Phase 1 of the campus master plan to provide a two/three storey academic building (approximately 8,528.7 sq m) together with associated access, landscaping, car parking and infrastructure, in addition to temporary extension to main car park south of campus.”

An Objection comment received from the **Bath Preservation Trust** was inadvertently omitted from the main Agenda Report and is inserted below as intended

2. **Newton St Loe Parish Council** had intended to comment on this application, but submitted their letter of support under another application reference. Their comments are now incorporated into the report that follows.

REPORT OF THE DEVELOPMENT MANAGER OF PLANNING AND TRANSPORT DEVELOPMENT ON APPLICATIONS FOR DEVELOPMENT

Item No: 01

Application No: 10/04747/EFUL

Site Location: Street Record, Bath Spa University Campus, Newton St. Loe, Bath

Ward: Bathavon West **Parish:** Newton St. Loe **LB Grade:** N/A

Ward Members: Councillor Victor Clarke

Application Type: Full Application with an EIA attached

Proposal: Demolition of existing residential (C2) and education (D1) buildings and redevelopment of part of Newton Park for educational purposes as Phase 1 of the campus master plan to provide a two/three storey academic building (approximately 8,528.7 sq m gea) together with associated access, landscaping, car parking and infrastructure, in addition to temporary extension to main car park south of campus.

Constraints: Agric Land Class 1,2,3a, Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Coal fields, Cycle Route, Forest of Avon, Greenbelt, Major Existing Dev Site,

Applicant: Bath Spa University

Expiry Date: 11th March 2011

Case Officer: Geoff Webber

REPORT

Reason for Reporting Application to Committee

This application represents the initial phase of a major regeneration programme proposed by Bath Spa University. The scheme as a whole has strategic significance because of the importance of the higher educational sector to the economy of the area, and because of the location of the university campus at Newton Park, which is a sensitive historic park environment within the Green Belt. The proposed MasterPlan is intended to underpin the university's development for the foreseeable future.

The Proposed Development and its Context

Bath Spa University has occupied Newton Park at Newton St Loe as its principal site for many years, and it has long been recognised that the historic park is both a major asset to the university and a significant constraint to development. As the university has grown, so it has become increasingly clear that a piecemeal approach to development is unsuitable for taking the university through what now emerges as a major programme of regeneration during the next two decades or so.

In discussion with your Officers, and with other key stakeholders including English Heritage ("EH") and the Duchy of Cornwall ("the Duchy"), the university has agreed that it will bring future development forward on a master planned basis, so that each individual scheme can be understood and evaluated both in the context of the

historic parkland setting and in terms of its contribution towards the university's overall ambitions.

Members are advised that within the educational framework that now exists in the UK, any university must be viewed as a commercial enterprise in so far as it has to compete for funding and for students alongside a wide range of other institutions. As a result, Bath Spa University considers that it is essential in 2011 to provide an ever-improving range of academic, leisure, social and residential opportunities for students and staff which enable it to remain competitive with other universities which offer similar courses. It is no longer enough for the university to rely upon the "wow factor" of its wonderful setting to attract the most able students and staff, and some of the facilities at the university are looking tired and increasingly insufficiently attractive.

Accordingly, over a two year period, the university has appointed a team of consultants who have been advising on all aspects of the emerging proposals. The university has produced a Draft MasterPlan which is intended to operate on a "living document" basis, allowing revisions and updates to be incorporated whenever necessary in order to ensure that the university can respond to changes in national educational policy, or to other equally unpredictable factors such as unexpected fluctuations in the availability of funds. The MasterPlan has been submitted alongside the current application, but remains the subject of detailed discussion and negotiation, and will therefore be presented to the Committee in due course, once the university is satisfied that it has taken adequate account of the views of all its key stakeholders. That is likely to be in association with the next significant proposal for development which is expected to be submitted during the summer of 2011.

Meanwhile, your officers have satisfied themselves that the initial redevelopment phase represented by the current application can in principle be determined in advance of concluding the work on the MasterPlan, and the university has sought the earliest possible approval of the Phase 1 academic building, in order that the proposed building can be made available for use as soon as possible.

Prior to the committee meeting, Members will have had an opportunity to visit Newton Park, and to see for themselves the manner in which the university buildings sit within the historic landscape. An awareness of the benefits and sensitivities of this parkland setting is an essential prerequisite to coming to terms with the implications of the development programme upon which the university is embarking. However, Members must also bear in mind that the university is not based just at Newton Park. Many of its students occupy student accommodation in Bath, both in purpose-built developments such as Waterside Court (in Lower Bristol Road) and in smaller residential properties in various locations across the city. In addition, the university itself occupies a number of sites within and around Bath for academic purposes, and the site at Sion Hill is perhaps the most significant of these within the city. The operational and functional inefficiency of this multi-location character is a major factor in the university's decision to progress a master planned approach to its future, and underpinning the emerging MasterPlan is a strategic decision to focus future development at Newton Park, and to create opportunities for as many students as possible – certainly all first-year students – to be housed on the Newton Park campus.

Your Officers recognise the significant benefits that will arise from reducing the need for students to shuttle back and forth between Bath and Newton Park, and also understand that from the university perspective increasing the academic punching power of the campus is key to the future success of the university. However, all this needs to be balanced against the need to safeguard the special character and qualities of Newton Park as a historic setting, and it is believed that this can only be achieved through the application of the MasterPlan. Your Officers have encouraged the University, through its master planning work, to seek to establish where there are “ceilings” on development at Newton Park, in order that the most effective use can be made of the campus, without prejudicing the historic environment. Members will see from the consultation responses set out in detail below that it would seem that the university is generally considered to have set its MasterPlan sights a little too high in terms of the Park’s capacity to absorb additional development. As a result, and in response to the comments from EH in particular, the university has in the last few days indicated an intention to review its MasterPlan proposals for the later phases of development. In a recent email, the university has stated that it is

“... committed to the Masterplan process for identifying and providing guidance on the future development of the Newton Park Campus. The current Masterplan that has evolved over a two year period has identified and established the principle of development on particular sites within the Newton Park Campus, specifically these have been identified as development in the vicinity of the walled garden, existing main car park and ground maintenance area and the northern area of the campus currently utilised as student accommodation. The Masterplan has also identified opportunities to ‘undevelop’ parts of the existing campus and continue restoration of the historic landscape.

The University’s Design Team has established the maximum capacity of these areas in the light of the environmental and historic constraints. It has always been agreed with you that the Masterplan is a living document. It is the intention of the University to produce further iterations of the Masterplan as agreed with B&NES early in the pre-application process. The University will consult further with English Heritage, B&NES and other key stakeholders in order to refine the proposals for the identified development areas in the Masterplan.

The University is not requesting B&NES to ratify or adopt the Masterplan in its current form. Rather, it is requesting that B&NES endorse the process to date and commit to a process of further consultation in advance of the Phase II residential proposals coming forward.”

At the meeting Members will be given an introduction to the concepts set out in the MasterPlan, and this will include not only the proposed development programme, but also indications of where the approach has identified that “undevelopment” can take place in order to enhance the Park’s special qualities. The end result is intended to be a balanced approach to the redevelopment of the university, and the MasterPlan should in due course form a key foundation for the consideration of all future significant applications for planning permission on this important site.

The initial phases of the development programme involve the shuffling of various uses around between different parts of the campus, and the Officer presentation to Members will explain how this concept will work. During this time, the university has indicated that there will be no growth in student numbers as the programme requires there to be sufficient “wriggle room” to allow development to proceed whilst the university continues to operate. Overall, it is anticipated that the programme of redevelopment will increase the size of the university’s operation at Newton Park, and increase the proportion of students that will be accommodated on the campus. In turn, this is expected to reduce demand for students to move between Newton

Park and Bath, enhancing the sustainability of the university's activities. In order to secure government funds, the university is required to substantially decrease the energy footprint of its operations, and this is an element which will be a key consideration at every stage of the development programme.

In short, the underlying concept of a master planned approach to the redevelopment and regeneration of Bath Spa University is recognised by your Officers as being a major positive consideration in the evaluation of the various development proposals that will be submitted. Not all these proposals will be brought to this Committee for determination, but the university's representatives have made it clear to your Officers that they consider it crucial to the university that the Committee endorses the general approach.

The Current Application

The current application is accompanied by an Environmental Impact Assessment, and seeks permission for a substantial new two/three-storey academic building in place of three existing buildings which are to be demolished. The building will have a floorspace of just over 8500 sq metres. In addition, the current application includes a proposal for temporary car parking, and also for the landscaping of the area around the new building. The proposal demonstrates many of the characteristics that will be seen in other applications that will be submitted in the future. Outmoded buildings are to be removed, whilst other buildings that are either of historic significance or which remain valuable assets will be retained and enhanced. In some cases, demolished buildings will be replaced – as here – by new development, and in other cases, the demolition will offer an important opportunity to restore or enhance the visual qualities of the Park. The demolition of specific buildings has been an integral part of the scheme from the outset, and the EIA and the Draft MasterPlan both take account of the relative significance of demolitions and of the benefits to the Park that can flow from the removal of some of the less attractive existing structures.

The ground and first floors of the proposed Phase 1 academic building mainly comprise teaching rooms, whilst the second floor is mainly for staff and academic use. The building will also house an “e library” and digital and media suites, along with a central atrium that separates the two more solid elements of the structure. The development has been designed to be of a scale that sits well in relation to the Listed “Main House”, and to avoid the introduction of development that introduces new and undesirable visual impacts upon the parkland setting.

The Officer presentation at the meeting will describe the principal characteristics of the building, and it is anticipated that having previously viewed the site, Members will be readily able to assess the extent to which the architects employed by the university have achieved their aims. The proposals will speak for themselves, and there is therefore no need to describe the scheme in detail here.

However, this report sets out the key considerations, and your Officers' comments and advice regarding those matters. Essentially, there are seven principal areas to which Members' attention is drawn in this report. These are:

1. The correctness of the EIA approach adopted by the university.
2. The acceptability of the Draft MasterPlan.

3. The appropriateness of the proposed development within the Green Belt.
4. The impact of the proposed development upon the special character of the historic parkland setting.
5. The impact of the proposed development upon the special character and setting of the Listed Buildings at Newton Park.
6. The impact of the proposed development upon the ecology of the Park.
7. The “knock on” impacts of the proposed development in terms of the need to relocate functions elsewhere within the campus and the on and off-campus implications of the development.

Statutory Consultation Responses and Internal Comments

As indicated above, the current proposals are the result of a lengthy and highly effective consultation process organised by the university. This has taken the form of workshops and exhibitions that have been intended to offer the widest possible range of opportunities for interested organisations and individuals to express views and thus to influence the emerging designs.

Newton St Loe Parish Council has submitted a general comment about the impact of the university upon the village. They make no comments about the design or appearance of the currently proposed development (save to say that they are sure that it “will be done beautifully”), but seek the closure of the access into the university via Newton St Loe, and express concern about noise from events on the campus. They are also concerned about the impact of the illumination of the campus.

Corston Parish Council has simply commented that “The proposals ... have the full support of Corston Parish Council.”

English Heritage have been closely involved in every stage of the evolution of the current proposals, and in response to your Officers’ statutory consultation, EH’s Regional Landscape Architect has in the last few days submitted an extremely detailed commentary on the proposals, which is reproduced below in full:

“The application is for the redevelopment of part of the campus of Bath Spa University, being Phase 1 of a campus masterplan, to provide a three storey academic building with associated access, landscaping and related infrastructure. English Heritage’s interest arises from the fact that the whole of the area covered by the masterplan lies within a site that is included on our Register of Parks and Gardens at grade II*. Additionally, the masterplan area encompasses a number of listed buildings, including the main house which is listed grade I, and a scheduled monument, St Loe’s Castle.

Summary

Subject to a number of comments, set out below, English Heritage does not wish to object to Phase 1 of the masterplan. However, we do have concerns about the location, scale and mass of development proposed as part of Phase 2 and 3 of the masterplan, and would advise your authority that this needs further consideration.

English Heritage Advice

Newton Park, as it survives today, is largely the creation of the 18th century, when Stiff Leadbetter was commissioned to design the house and 'Capability' Brown to lay out the grounds. The site incorporated earlier elements, including a fortified manor house and a probably 17th century park. On the death of the last private owner, Lord Temple, in the 1940s, the estate was purchased by the Duchy of Cornwall, who remain the owners. The Duchy leased the site to the city council for educational use. During the second half of the twentieth century there has been a continuous expansion of education facilities on the site. The status of the institution has grown and Newton Park is now the home of Bath Spa University. This has changed the site from a country house set within its

designed landscape to a busy university campus.

The university has identified a need to improve and, in some cases, replace existing academic and residential buildings, many of which date from the mid-twentieth century. We understand that your authority has been actively encouraging the university to provide more campus-based residential accommodation and, consequently, the university is proposing to accommodate all first year students on site. The scale of the proposals is substantial and the university has initiated a period of pre-application discussions and workshops to inform and develop the overall masterplan and initial phases of the development.

The masterplan: general

The masterplan approach was deemed necessary in order to demonstrate the university's long-term vision, and to provide an overview and context within which to judge each individual phase of the scheme. The masterplan would show where buildings were proposed to be demolished, where new buildings were to be constructed, and the position of roads, car parking and other infrastructure and the nature of landscape proposals including opportunities for historic landscape restoration. It would, for our purposes, enable a clearer assessment of the positive and negative impacts of the proposals on the significance of the site, as expressed in the heritage assets described above.

Throughout the development of the masterplan we have expressed concern about the capacity of the site and the fact that the masterplan is a plan and does not allow any appreciation of 3-D massing. In order to be able to offer an informed assessment of the impact of the proposals on the historic environment, this information is critical. The information supplied about proposed storey heights (figure 22 of the masterplan document) is welcome but is not sufficient to judge mass. The main focus of our pre-application discussions has been Phase 1 (see below) and Phase 2. The location, scale, mass and form of Phase 2 (residential accommodation) has changed significantly. An earlier iteration showed the proposed accommodation aggregated around the walled garden; the current masterplan shows it relocated to the car park at the south end of the site. We need further material to be submitted, including sections and photomontages, as appropriate, to inform our comments. However, in pre-application discussion with the applicant we have already expressed concerns about the mass and form of the proposed Phase 2 development, which is now proposed as a large quadrangle at the south end of the campus. The site selected is outside the MEDS (Major Existing Development Site) that provides one of the exceptions to Green Belt policy in the local plan and would therefore appear to be contrary to policy.

Phase 3 of the masterplan relates, primarily, to the north end of the site, adjacent to the Corston (approach) drive, where it is proposed to demolish existing student accommodation and replace it with accommodation blocks of larger footprint arranged around a courtyard or quadrangle. There has been little discussion regarding Phase 3. Earlier versions of the masterplan appeared to show buildings removed from this location, which was considered to be advantageous as the buildings would no longer be visible on the hillside on the approach. In the submitted masterplan, however, new academic as well as residential buildings have appeared, each of which has a much larger footprint than any building they replace. We have limited information to assess this aspect of the masterplan but the quantum of development, its location in relation to topography and its inferred mass, are all of concern. The impression is given that the 'exception' of a building of the scale of Phase 1 has been taken as 'the norm' for Phases 2 and 3. Worryingly, the use of Phase 1 as a benchmark is already apparent in the LVIA; when assessing the visual impact of Phase 3 from Viewpoint 17, it is stated that the impact will be neutral because 'development will be perceived at a comparative height to Phase 1'. We have reservations about the introduction of so many buildings of greater footprint (and, we assume, greater mass) than those that typify the campus at present. The cumulative effect could, in our view, be harmful to the significance of the heritage assets and change the relationship to the main house with its landscape park.

Car parking is an ongoing issue and the masterplan shows a considerable quantum of car parking provision. We hoped that there would be a greater reduction in car movements by the end of the process. We suggest that more work is undertaken to enhance the routes and facilities to increase usage of other modes of transport.

Masterplan: mitigation and restoration

Unfortunately most of the benefits in terms of removal of buildings which at present block key views are not going to be implemented until Phase 3. The funding for this phase is not yet in place. We would therefore ask if there is a mechanism by which the Local Planning Authority can ensure these benefits are delivered? In the LVIA supporting this application it is regularly stated that 'architectural design, materials and finishes' will assist integration. This is unsubstantiated by the level of detail provided. Mitigation relies heavily on tree planting, some of it by transplanting existing trees. Establishment after transplanting is difficult to achieve and all planting needs to be covered by a condition requiring successful establishment. A landscape maintenance plan may also be required.

Section 2.5 of the LVIA identifies a series of landscape proposals for the wider park which influence the assessment of visual impact from a number of viewpoints. We support these proposals and consider their implementation will enhance the historic environment. In the main, these proposals for historic landscape restoration are to be delivered by an agri-environment scheme (HLS). HLS rules prohibit funding of landscape restoration required by condition or legal agreement. At the same time, funding from HLS for future landscape restoration cannot be taken as certain. The Local Planning Authority should consider if it is satisfied that the landscape restoration offered in mitigation with this application should be delivered by external funding.

It should be noted that the LVIA is descriptive and no attempt has been made to indicate in the photographed viewpoints the approximate dimensions of the build in phases 2 and 3. Additionally the viewpoints are summer views with vegetation in full leaf. Winter views would offer a different perspective.

Phase 1

The proposals for Phase 1 involve the demolition of three existing buildings: Nevill; Hungerford; and Doynton. It is accepted that these buildings have little or no architectural merit and their demolition is uncontentious.

The main issue to address is the acceptability of the new academic building and associated landscaping in terms of the impact on the registered landscape and the setting of listed buildings. The proposals need to comply with the following policies in PPS5.

HE10.1 When considering applications for development that affects the setting of a heritage asset, local planning authorities should treat favourably applications that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset.

HE9.4 Where a proposal has a harmful impact on the significance of a designated heritage asset which is less than substantial harm, in all cases local planning authorities should: (i) weigh the public benefit of the proposal (for example that it helps to secure the optimum viable use of the heritage asset in the interests of its long-term conservation) against the harm; and (ii) recognise that the greater the harm to the significance of the heritage asset the greater the justification needed for any loss.

HE7.5 Local planning authorities should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials and use.

Originally the house would have been set within a designed landscape unencumbered by ancillary buildings, especially on its approach from the main drive. However, the long-established development of the site for educational purposes has compromised its approach and setting. The location of the proposed Phase 1 building is already developed, albeit at a lower density. The principle of redevelopment in this location is considered to be acceptable. The key issue is the height, mass, scale and materials of the proposed new building.

In the initial stages of the evolution of the scheme and masterplan the option of a quadrangle was proposed. However, this entailed locating the building closer to the landscape boundary. When this footprint was drawn in three dimensions it was concluded that the structure would have a significantly adverse visual impact from a number of viewpoints, particularly from the Corston and Newton drives. The preferred option was to set back the proposed building within the existing built form. This creates the opportunity, with the removal of Doynton, to extend the landscape over the ridge from the historic pleasure grounds. In addition, it provides a zone within which effective landscaping can be established on Corston Drive.

It is recognised that the new academic block, as proposed, has significant mass and bulk. The impact of this form will, in our judgement, be most apparent in near views within the academic area of the site. It is only in more distant views (for example Clay Lane) that the new academic block will be perceived in conjunction with the main house. Having considered the evidence of the LVIA, we consider there is sufficient physical distance between the main house and Phase 1 to enable the house to retain its primacy within the landscape. The increase in visual presence of this building needs to be weighed against the overall public benefit of the proposals. We are also mindful of the fact that no new development is proposed in the vicinity of the house and that the historic drives and planting (including further restoration planting proposed in the masterplan) reinforce the concept of a country house set in its landscape park. If, alternatively, Phase 1 was split into smaller buildings the overall footprint within the campus would be much higher. Again, whilst it is acknowledged that the proposed finishes of the new building are not, like the main house, Bath stone and slate, the colour palette is not dissimilar. The proposal, in our view, has architectural integrity as a building clearly of the 21st century to provide [a] hi-tech academic centre.

Recommendation

This application relates to the phase 1 academic building and for the reasons set out above English Heritage does not wish to raise an objection to this aspect of the proposals. We suggest you consider the issues set out above and recommend that the application be determined in accordance with national and local policy guidance and on the basis of your own specialist conservation and landscape advice.

We consider that further information and discussion is required regarding the extent, location and form of development for phase 2 and 3. We are happy to continue discussions with the Local Planning Authority, the applicant and their agents in order to inform the evolving scheme for the later phases of the masterplan.

We would welcome the opportunity of advising further. Please consult us again if any additional information or amendments are submitted. If, notwithstanding our advice, you propose to approve the scheme in its present form, please advise us of the date of the committee and send us a copy of your report at the earliest opportunity.”

The Senior Conservation Officer has commented that:

“The English Heritage letter does a very good job of dissecting the application and I am happy to endorse their comments. In summary;

- There is sufficient distance between the main house and the academic block to preserve the setting of the listed building.
- The extent and location of new development indicated in the master plan for phases 2 and 3 is likely to impact adversely on the setting of the listed buildings and the wider landscape and further discussion and revision is therefore required.”

Natural England has submitted a holding Objection to the scheme, focussing principally upon the lighting of the development and its impact upon bats, but indicated from the outset that its objections are capable of being addressed by the applicants. Indeed, Members are advised that discussions have progressed between the university and Natural England (“NE”), and NE have very recently contacted your Officers to advise that they expect to be able to withdraw their objections by the time of the Committee meeting. Members will be updated on this

matter prior to (or at) the meeting, and it is likely that a number of Conditions will be necessary in order to address the issues raised by NE.

The **Environment Agency** has raised no objections to the development, subject to the imposition of appropriate Conditions.

The **Highways Development Control** Officer has made detailed comments on both the first phase development and the Draft MasterPlan which are as follows:

“The proposal involves the demolition of three existing buildings (Hungerford and Nevill student accommodation and the Doynton office building) and the loss of a car park next to the Michael Tippett Centre, in order to enable the construction of a two/three storey academic building as Phase 1 of a longer term development plan.

The Phase 2 development is intended to include the provision of up to 600 bed spaces of student accommodation around the walled garden and adjacent to the existing stables and workshops by 2015. Phase 3 is intended to provide further academic facilities to the north of the Phase 1 development and the redevelopment of existing student accommodation in this area, together with further student accommodation to achieve a total of approximately 1,000 bed spaces between 2015-2030.

The proposed Academic Building, as part of the Phase 1 works, is intended to provide digital teaching spaces, a new e-library, reception/support services, Learning Commons (social areas for students), teaching spaces and Staff Commons.

The application form states that 2,337m² of C2 floorspace will be demolished and 7,917m² will be constructed, giving an increase in overall floorspace of 5,580m² for *[educational]* use. This proposal would result in the loss of 82 bedrooms, but 312 bed spaces will be retained in the existing accommodation to the north of the Phase 1 development. The application form also states the existing parking levels to be 137 car spaces and 32 cycle spaces, with only 13 car spaces being retained (6 for disabled use), but an additional 8 cycle spaces being provided.

The proposal includes for the footway adjacent to the Corston Drive to be replaced by safe pedestrian routes across the site, and also includes a new bus drop off point in front of the academic building.

Parking

The level of car parking is stated as having been reduced from 844 in 2007 to 776 (including 35 disabled spaces) in 2010, as a result of the University Travel Plan. The parking levels currently accommodate 610 staff (420 FTE) and 5,258 students (4,650 FTE) at Newton Park.

Whilst the surveys from the Travel Plan have indicated the reduction in the daily flows, the peak parking demand has remained constant. For this reason, the University would maintain a level of 776 spaces for Phases 1 and 2 of the development, with reductions being considered to 650 spaces for Phase 3.

There appears to be some discrepancy/confusion in the supporting documents on the level of car parking. It is mentioned that the Phase 1 proposals would seek to increase the car parking provision from 380 spaces to 515, through a temporary extension to the main car park. The provision of 124 spaces has been mentioned in the Environmental Statement, to replace those lost due to the location of the proposed Academic Building, but this does not equate to the 515 spaces overall that has been stated. A further 13 spaces are proposed elsewhere, but this still does not correlate to the 515.

The Transport Assessment sets out the current level of parking to be 776 spaces which are provided outside Michael Tippett Centre, in front of the main house, adjacent to Newton and the main car park at the south-western end of the campus on the former hockey pitch. It goes on to say that the loss of 137 parking spaces is to be replaced as an extension of Hockey Pitch Car Park, with 13 parking spaces being provided with the Academic Building.

It is mentioned that to address the loss of car parking from adjacent to the Michael Tippett building, there will be a re-arrangement and extension of the car parking to the south of the Stable Block, through the removal of grass areas and drainage ditches. This presumed to be the 137 spaces, however, there are no details of the layout of the car parking to confirm that this level can be achieved, and the impact this may have on the drainage ditches. Furthermore, there are no details to indicate the car parking areas will be formally marked out, which will ensure maximum occupancy levels are achieved, however, it is noted that the surfacing is suggested as granular material and therefore it would not appear that any marking of spaces is anticipated.

Plans showing all the proposed parking areas with the marking of the bays should be submitted to ensure that all the intended number of spaces can be accommodated, together with sufficient room between spaces for manoeuvring. The relocated parking bays should also ensure the same level of disabled parking bays is maintained, and that their location are easily accessible.

Cycle Parking

Covered cycle parking is proposed in two areas close to the academic building and some existing uncovered cycle parking close to the Michael Tippett Centre is to be retained. It is understood that the Campus currently has 116 cycle parking spaces (comprising 47 uncovered and 69 covered spaces), and this will be increased by the proposed 40 spaces as part of the development. However, the loss of the existing student accommodation blocks to enable the Phase 1 development will also result in the loss of 32 cycle stands, although in the Transport Assessment this is referred to as 32 spaces. These 32 spaces are also suggested as being replaced with the development of new residential development on the campus (later phase), but there is no interim provision.

The MasterPlan document seems to contradict the cycle parking level detailed in other documents stating 166 cycle spaces, and there needs to be some clarity of the number of stands or the corresponding number of spaces. There should also be some interim replacement cycle parking. Whilst it is accepted that the current overall provision is under-utilised, it has been suggested that the one area around the accommodation in Langdon Court is always fully utilised, and therefore additional provision should be considered in this location.

I understand that there are shower and changing facilities in the sports block, and university theatre, together with a shower in the female WC in the main house, but no drying rooms or lockers on campus. Appropriate consideration should be given to providing facilities for lockers and a drying room, which could encourage more cycle use, and also consideration for cycle parking facilities at the bottom of Corston Drive, where cyclist could park their bicycles and get a lift up into the Campus.

Student Accommodation

The University seeks to accommodate all first year students requiring residential accommodation on the campus, and out of 1,900 first year students at Bath Spa University, 1,000 are based at Newton Park Campus. The long term vision to provide 1,000 bedspaces by 2030 is intended to meet this demand. This would also aim to address the shortfall in housing stock in and around the city, where currently there is a high level of accommodation being used as student lets.

The Strategic Framework document sets out details of the student accommodation currently available for the University as 587 bed spaces off-site within purpose built accommodation at Bankside (43), Waterside Court (316) and Charlton Court (228) (although the provision of only 129 bed spaces at Charlton Court is also referred to in the same document!), and 394 bed spaces being available on the Newton Park Campus. The level of student bed spaces is further contradicted in the Environmental Statement which details approximately 885 bed spaces (394 at Newton Park and 488 in purpose built accommodation).

The Transport Assessment sets out the level of accommodation as 394 bed spaces on site and 316 bed spaces off-site at Waterside Court, 129 bed spaces at Charlton Court and 43 bed spaces at Bankside, and this is backed up at 11.3.14 of the Environmental Statement. It is assumed that this is the correct level, but having regard to some inconsistency, clarification of the actual number is required. All students residing in university accommodation are not permitted to keep cars or use them for travel to and from the university, and therefore the applicants consider the loss of on-site accommodation is unlikely to result in increased car travel, with the bus being the likely mode of

travel. However, this would not be the case for students residing in non-university controlled accommodation.

The Planning Supporting Statement states, at 7.3.43 that “there is a high level of student car ownership and despite an overall reduction in vehicular movements to and from the campus, achieved as a result of the existing Travel Plan, there has been no change to vehicular movements at peak times.” The increased residential accommodation at Newton Park is seen as a method to reduce the need for student car ownership, and consequent car movements to and from the university. The on-site residential accommodation could achieve this through parking being restricted on campus for resident students, through the Travel Plan.

The Environmental Statement (Non Technical Summary) at Section 11. indicates that it is proposed to re-provide the 82 bed spaces, lost as a consequence of the development, within University controlled accommodation in Bath, with students not being permitted to keep cars or use them to travel to and from the University.

The Design and Access Statement, at 9.2, states that “the proposed Phase 1 Academic Development will not affect the number of students and staff travelling to and from the campus, but it will change on-site movement, ...”. However, as the proposal will result in the loss of on-site student accommodation, there will clearly be a need for students to travel more frequently to the campus.

The Planning Supporting Statement states that “the loss of 82 residential units is expected to result in an increase of 7.6% movements and the travel surveys have revealed that there is sufficient bus capacity to accommodate this without the need for improvements.” It is therefore suggested that the relocation of students will increase bus usage.

However, whilst all indications seem to suggest the loss of the 82 bed spaces would be reprovided in University controlled accommodation, there has been no detail of any additional accommodation having been secured, and the current accommodation within the purpose built facilities are presumed to be fully occupied. Therefore, it is clear to me that there will be a displacement of 82 resident students elsewhere, and this could be anywhere in and around the City, and in locations where the University may not be able to control car ownership or usage by students.

The ES (11.4.3) states that “the University’s Strategic Framework and Campus Masterplan assume no growth in staff or student number over the next 10 years based on current policies.” This suggests that there will be no increase in staff or students until 2020, but I would be grateful for clarification of the policies that restrict the number of student intake, and whether this relates to both UK and overseas students.

Traffic Impact

The Transport Assessment indicates that Newton Drive carries around 15% of daily traffic, with the majority of the traffic using the Corston Drive onto the A39. The University has carried out some widening works to the A39 end of the driveway in order to improve access for buses, pedestrians and cyclists on a section which was quite narrow for all shared users. The University would like to improve the remainder of the driveway, subject to approval, which would then enable them to close the Newton Drive to daily traffic.

This would result in a material increase in the use of the Corston Drive junction with the A39, which has a shortfall in visibility, and may require some improvement to the access, at that time.

The split of mode of travel to and from the campus has been surveyed as 53% by car and 44% by bus. The proposed loss of 82 on-site bed spaces for the temporary period will result in some increase in travel to and from the campus, and whilst the applicants consider this will be achieved by bus, the lack of clarity on the location of the alternative accommodation does not give me comfort that this will necessarily be the case.

The Planning Supporting Statement indicates that the proposed Academic Development would not result in an increase in student numbers, and therefore does not result in any change to the impact on the highway network and the traffic generated by the site. It also refers to the contribution secured for the development of performing arts theatre towards improvements to pedestrian/cycle facilities between the campus and the City Centre, and considers no further contributions are necessary.

Whilst the University states that the proposed Academic Development is not intended to result in an increase in staff and student numbers, the additional facilities would allow for additional capacity, when the policies referred to allow for such increases.

As part of the proposal to construct the performing arts centre, the University is committed to contribute towards improvements to cycle and pedestrian facilities between the Newton Park Campus and the City Centre, and to achieve a modal shift away from the car. The Council is currently considering options to improve the cycle and pedestrian routes from Corston Drive, across Pennyquick and the A4 dual carriageway and into the City. The improvements would also seek to improve access to public transport facilities on the A4 dual carriageway, which would benefit staff and students using other bus services.

The current proposal and the future phases identified will have a significant effect on the way students travel to and from the campus, with the pattern of movement changing in favour of shopping and leisure trips away from the campus, rather than travelling to the campus for study purposes, and this may have implications for the capacity of buses, which will need to be addressed at that time.

Construction Management

The Environmental Statement refers to a construction programme in Chapter 4. At 4.5.9 of the ES, it states that the existing footpath along Corston Drive would be relocated to a temporary footpath route behind the trees along the east side of Corston Drive, and all other footpath routes through the construction site would be suspended during the works. At 4.5.11 it identifies the proposal for contractors to identify an off-site park & ride facility for construction operatives, and encourage the use of public transport.

The construction programme would last for almost 2 years, and there needs to be careful management of site traffic and deliveries to ensure there is minimal disruption to University traffic, in terms of vehicular, pedestrian and cyclists. At 4.5.17, the ES identifies the need for the Construction Management Plan to be agreed with the Client for each phase of development, and this Plan would set out details of routing, timing and management of construction traffic. These details would clearly need to be agreed with the Local Planning and Highway Authority to ensure that any impact on the use of the highway, pedestrian routes and site accesses are minimised and properly managed, particularly having regard to the restricted nature of Corston Drive and the need to maintain regular bus access.

Travel Plan

The application details refer to the existing University Travel Plan, and I am aware of considerable work being undertaken, in consultation with Transportation Planning colleagues, with regard to updating the Travel Plan and addressing the implications of the future proposals. I am happy that the University is committed to updating the Travel Plan to address the changes in travel habits and needs resulting from the development, and to achieve a reduction in car usage etc. I do not therefore feel any condition is required, as a consequence of this proposal, to secure any updated Travel Plan document.

Land Drainage

The Land Drainage Engineer has provided *[detailed]* comments, and these should be given appropriate consideration in the determination of the application.

Public Rights of Way

The Public Rights of Way Team has made the following comments on the proposal:-
Public Footpath BA17/17 crosses the access road to the University Campus. The public's use of the path must not be restricted during the construction works or by any increase of use of the access road caused by the new development. Public Footpath BA17/14 crosses the line of the existing car park. The route of the footpath shown in the proposal documents is not the definitive line. Please see the attached plan which shows the correct line. In order to develop the car park site, a diversion order is required to move the footpath from its current legal line. However, the PROW Team is not currently processing Diversion Orders. The proposals do not appear to affect public footpath BA17/15. The public's use of the path must not be affected during or after the construction works.

I have, however, discussed the issue of the Rights of Ways and it was agreed that the route of the Public Footpath would not be affected by the car park extension works, although the route is adjacent to it, and users rights need to be maintained.

Having regard to my comments above, I feel there is a lack of clarity on the provision of replacement student accommodation, and the impact such locations of accommodation may have on the travel demand by students to and from the campus. Furthermore, there is insufficient information regarding the replacement car parking provision, and details of the layout of the parking facilities need to be submitted for confirmation that the same level of parking can be maintained on the site during the Phase 1 works.

I would also be grateful for some clarity on the number of existing and proposed cycle parking spaces, as there is both reference to spaces and stands, and I need to establish the actual number of cycles that are, and can be, accommodated.

Depending on the information provided regarding the relocation of student accommodation, there may be some requirement for contributions to support improvements to modes of travel. Subject to the receipt of satisfactory information for the above, I am likely to recommend that no highway objection is raised subject to [appropriate] conditions being attached to any permission granted.

The issue of any appropriate contributions will need to be considered in light of any additional information received.”

The Archaeological Officer has commented that:

“Newton Park Campus has been the subject of a desk-based archaeological assessment, which outlines significant evidence of human occupation on the site from the Iron Age through to the present day. The current applications (phase 1) involve the redevelopment of existing academic buildings with new energy centres to the north of the historic house and castle site, and has recently been archaeologically evaluated with test pit survey by AC Archaeology.

This survey revealed that the development area has been extensively terraced with a thin layer of top soil over the underlying bedrock. Nevertheless, there is still the possibility that pockets of significant archaeology may survive within the phase 1 area. I would therefore recommend that [appropriate] conditions are attached to any planning consents.”

The Arboricultural Officer has confirmed that she has No Objections, subject to the imposition of appropriate Conditions.

The Senior Landscape Officer has commented that he supports the proposed building in principle, but has serious reservations regarding the MasterPlan and also identifies the proposed car park extension as a specific area of concern. His comments in full are as follows:

“The site falls within the Newton St. Loe Grade II* Park and Garden of Historic Importance and is also within the Bristol – Bath Green Belt. The historic character of the site and its surroundings provide a strong sense of place which needs to be conserved by any interventions. This is a requirement of local plan policy BH.9. The local plan includes two Major Existing Developed Sites which under Policy GB.3 allows for ‘limited infilling and redevelopment’ subject to a number of requirements relating to Green Belt requirements, height and footprint. The phase 1 proposal, which these comments primarily refer to, falls within the northernmost one.

The site currently contains two blocks of 2 storey domestic scale buildings each arranged around a rectangular courtyard with a car park containing and fronted by well-established trees which make an important contribution to views.

The general character of the area around the site is of domestic scale buildings set within a well-treed landscape. The proposed building in contrast is more monumental in appearance occupying a large footprint. The proposals eat into the well-treed character and introduce a large scale building which will break the skyline from some parkland views such as from Newton Drive. The proposed building would be large in scale emphasised by the unbroken roofline particularly seen from the key views to

the east. The site is widely visible from a number of viewpoints where the full scale of the proposed building will be evident. Views from Clay Lane to the south-east and the southern edges of Corston and Newton St Loe are particularly significant.

The design of the building appears to respond to the needs of the university however I question some aspects such as the provision of storage spaces on the ground floor providing an unsatisfactory façade seen from the important public space in front of the building. There would be no visual connection between the inside of the building and the outside at this point which would be further diminished by hedging shown against the front of the building. A similar issue arises on the north side of the proposed building.

The proposals include removal of a building called Doynton which enables restoration of the parkland character and of the open setting of the Main House at this location.

There are no trees east of the drive for most of the length of the proposed building. The retention of existing trees west of the drive is therefore welcomed but it should be noted that even with the proposed new planting this would provide only a relatively narrow belt given the bulk of the proposed building.

Lighting

The large expanse of glass particularly the glazed atrium will intrude into night-time views where because of the context needs to remain dark and where lighting needs to be carefully directed such as onto paths. It is hard to see how the lighting from the building can be adequately controlled. The Environmental Statement and Design and Access Statement gives aspirations for directional lighting and reducing spillage and particular care will be required in developing an appropriate lighting scheme.

Car Parking

The proposed car park extension will considerably increase the impact of what is already a large expanse of parking within a key part of the historic park and within the setting of listed buildings. The masterplan does not adequately address the very significant impact of parking on the site.

Landscape objectives

I am generally supportive of the landscape approach outlined in the Environmental Statement and the proposed green roof is welcomed. I am not clear however how surface water run-off from the building and associated paved areas is being addressed. I encourage the proposal to relocate existing trees and look forward to receiving further details in due course. The success of relocating trees will be dependent on careful preparation in advance, timing of the move and ongoing maintenance.

Other considerations

The details show the amphitheatre steps as stone. These are intended for seating and finishing with timber may be more comfortable and encourage more use.

Newton Park Masterplan

The masterplan includes a number of beneficial elements for the environment including removal of a number of low quality buildings and implementation of aspects of the management plan. However it is noted that:

- a major part of the development is proposed outside the Major Existing Developed Sites,
- the masterplan doesn't seem to adequately address the very significant impact of parking on the site and
- the proposals would have a major impact on the walled garden which is an integral part of the historic park and garden and is an important part of the historic workings of the estate. The proposals severely impact on the relationships between the walled garden and the Main House and parkland.

Conclusion

In conclusion while I support the proposals in principle I have significant misgivings referred to above and in particular I cannot support the masterplan in its current form which I consider if implemented would be contrary to BH9.

If the application is likely to be approved the following conditions need to be included.

- Landscape design (hard and soft) LND01
- Landscape design implementation LND02
- Lighting details

I am assuming tree protection issues have been addressed by the arboricultural officer.”

Other Representations

The **Duchy of Cornwall** has been one of the key stakeholders involved most closely by the university in the evolution of its current proposals and its Draft MasterPlan, Members may well be aware that Bath Spa University occupy Newton Park under the terms of a long lease granted by the Duchy as owner of the site. Members will also be aware that issues relating to the relationship between a lessee and their landlord are typically not material to the consideration of a planning application by the LPA.

In this case, the Duchy has submitted very lengthy and detailed Objections to the LPA in respect of the current proposals, supported by extensive technical documentation. The Duchy objects on the grounds that the overall scale of the proposals – both for Phase 1 and for the campus as a whole – is excessive, and that it will harm the special character of the Park’s sensitive historic landscape. The Duchy expresses dissatisfaction that the university’s submitted scheme does not comply with a design code document produced by the Duchy [*which, Members are advised, has no formal Planning status and has not been endorsed in any way by the Council*]. The Duchy’s correspondence states that the design code document was produced at the university’s request (although the university has subsequently made it clear in writing to your Officers and the Duchy that that was not the case).

Additionally, the Duchy has submitted a detailed technical and legal argument to the effect that the EIA approach adopted by the university does not comply with statutory requirements, and argues that it does not provide an adequately comprehensive assessment of all the environmental effects of the full range of development that is envisaged in the MasterPlan.

Finally, solicitors acting on behalf of the Duchy have indicated that the university has included development proposals on parts of the Duchy’s land over which the university has no control. The elements of the site affected are small in relative terms, but in any case this is not a material Planning consideration as it is a matter for the applicants in any particular case to secure any property rights that they need in order to implement their proposed development.

Members will be aware that a Planning application can be lawfully submitted even in a case where the applicant has no legal interest in any part of the site.

The EIA issue raised by the Duchy is of significance to the LPA’s determination of this application and is dealt with further later in this Report, but Members should be cautious in attaching any significant weight to issues that are principally between the university and its landlord. The Duchy has requested meetings with the LPA in order to promote what can be described as an alternative approach to the design of the university premises. However, the LPA’s position is clear – the Council is required to consider the application that has been submitted by the university as applicant. As a result no discussions have been held with the Duchy.

Your Officers have sought clarification from the university and have been informed that the university wishes to proceed with its own proposals, notwithstanding the objections raised by the Duchy. Alternative approaches or proposals suggested by the Duchy have no status whatsoever within the Planning system as the Duchy are not the applicants, and their suggestions have not been formally endorsed by the Council. The Duchy's design suggestions are thus not material to the consideration of the current application, will not be reported here, and should not be given significant weight by Committee Members.

The **Bath Preservation Trust** has Objected on the grounds that considers that the scale of the proposed building is too great and that as a result and because of its design characteristics, the proposal will detract from the setting of listed buildings in the Park within close and more distant proximity and would have a detrimental impact on the character and historic interest of the registered parkland.

The **South West Design Review Panel of CABE** is not a formal consultee, but was asked by the university to assess the submitted scheme, and has provided your Officers with a copy of its response letter, in which CABE makes a number of constructive comments about elements of the design, and advises that:

"The large block you propose is acceptable, as the case for digital arts with all the uses housed in one building is strong and as you have reduced the height of the building since we last saw the scheme. ... The architectural language ... we want to encourage. You have skilfully derived a rhythm and proportion from the mansion that is just what we would want to see in a campus in the park of a Palladian mansion in the hinterland of Bath. ... We support the concept of views through the hall (although they may not be evident at all times of the day. ... We wish you well with this important scheme. The campus has a powerful heritage to which the mid-20th century was not very kind and we hope to see your scheme become a fine and contemporary 21st century addition."

Planning Considerations

Members are reminded that there are seven principal areas to be covered in this report. These are:

- 1 The correctness of the EIA approach adopted by the university.
- 2 The acceptability of the Draft MasterPlan.
- 3 The appropriateness of the proposed development within the Green Belt.
- 4 The impact of the proposed development upon the special character of the historic parkland setting.
- 5 The impact of the proposed development upon the special character and setting of the Listed Buildings at Newton Park.
- 6 The impact of the proposed development upon the ecology of the Park.
- 7 The "knock on" impacts of the proposed development in terms of the need to relocate functions elsewhere within the campus and the on and off-campus implications of the development.

All these must be considered in the light of the relevant Planning Policy background, and so, before continuing with an assessment of the Planning Considerations in this case, it is important to set out the range of Policies which are relevant to the proposals.

Section 38(6) of the **Planning and Compulsory Purchase Act 2004** states that for the purposes of making decisions under the Town and Country Planning Acts, the decision should be made in accordance with the Development Plan for the area,

unless other material considerations indicate otherwise. Accordingly, the Planning Policy starting points for the consideration of the Bath Spa University proposals are the provisions of the **Development Plan** which comprises:

- The Joint Replacement Structure Plan (Adopted September 2002);
- The Draft Core Strategy and the emerging Bath & NE Somerset Local Development Framework (LDF)
- The saved policies in the Bath and North East Somerset Local Plan (Adopted October 2007).

The **Joint Replacement Structure Plan** originally had an expiry date of 2011. The majority of policies were saved by the former Secretary of State and will remain relevant in the assessment of planning applications until the Core Strategy is adopted. However, the document is of only limited direct relevance to the consideration of individual planning applications.

In December 2010 the Council published its **Draft Core Strategy** for further consultation, and the document includes Proposed Policy B5, which refers specifically to University Development. The document can still be given only limited weight, and in most respects the Local Plan policies retain the highest level of significance in determining the current application. However, unlike the Local Plan the Draft Core strategy includes a policy (B5) specifically relevant to the Universities.

In respect of Newton Park, Policy B5 seeks "... the redevelopment and intensification of the Newton Park campus to provide additional study bedrooms and academic space. Proposals should seek to optimise opportunities within the Major Existing Developed Site in the Green Belt Designation (MEDS) and in accordance with Policy GB.3 of the B&NES Local Plan before seeking to justify very special circumstances for development beyond it."

In addition, Policy B5 indicates that off-campus student accommodation will be refused where it "... would adversely affect the realisation of other aspects of the vision and spatial strategy for the city."

The **Bath and North East Somerset Local Plan** was adopted in October 2007. The majority of its policies have been saved by the Secretary of State, and the saved policies will remain relevant in the assessment and determination of planning applications until the Core Strategy and any other Development Plan Documents are adopted.

The Local Plan includes no policies specifically relevant to the Universities or Educational establishments, but a substantial number of Local Plan policies are relevant to a complex proposal such as this. The saved Local Plan policies that are relevant to the current case are listed below:

- IMP.1** Planning obligations
- D.2** General design & public realm considerations
- ES.1** Renewable energy proposals
- ES.2** Energy conservation and protection of environmental resources
- ES.5** Foul and surface water drainage
- ES.9** Pollution and nuisance
- ES.10** Air quality
- ES.12** Noise and vibration
- HG.17** Purpose built student accommodation
- GB.1** Control of development in the Green Belt
- GB.2** Visual amenities of the Green Belt
- GB.3** Major Existing Developed Sites
- NE.1** Landscape character
- NE.10** Nationally important species and habitats
- NE.11** Locally important species & habitats
- NE.12** Natural features: retention, new provision and management
- NE.15** Character, amenity and wildlife value of water courses
- BH.2** Listed buildings and their settings
- BH.9** Parks and Gardens of Special Historic Interest
- BH.11** Scheduled Ancient Monuments & other sites of national importance
- BH.12** Important archaeological remains
- T.1** Overarching access policy
- T.3** Promotion of walking and use of public transport
- T.5** Cycling Strategy: improved facilities
- T.6** Cycling Strategy: cycle parking
- T.8** Bus strategy: facilities & traffic management to improve efficiency & reliability of bus operations
- T.24** General development control and access policy
- T.25** Transport assessments and travel plans
- T.26** On-site parking and servicing provision

Supplementary Planning Documents (SPDs)

The following SPDs are applicable to the proposal:

Planning Obligations SPD (2009);
 Rural Landscapes of Bath and North East Somerset: A Landscape Character
 Assessment SPG (2003); and
 Archaeology in Bath and North East Somerset (2004)

National Planning Policy

National planning policies relevant to the assessment of the planning application are:

PPS 1: Delivering Sustainable Development (2006)
 Planning and Climate Change – Supplement to PPS 1
 PPG 2: Green Belts
 PPS 4: Planning for Sustainable Economic Growth (December 2009)
 PPS 5: Planning for the Historic Environment (March 2010) *[NB: Members are referred to the comments on this application from English Heritage, set out earlier in this report, which address the relevant parts of PPS 5 in some detail]*
 PPS 7: Sustainable Development in Rural Areas (2004)
 PPS 9: Biodiversity and Geological Conservation (2005)
 PPG 13: Transport (March 2001).
 PPS 23: Planning and Pollution Control (2005)
 PPG 24: Planning and Noise (September 1994)
 PPS 25: Development and Flood Risk (December 2006)

Regional Planning Policy

Regional planning policy is contained within Regional Planning Guidance for the South West (RPG 10, September 2001), which looks ahead to 2016. RPG 10 is now out-of-date and should therefore be given minimal weight in the determination of planning applications.

Planning Considerations 1 – the Scope of the Submitted EIA

Mention has already been made of the approach adopted by the university, in line with the conclusions reached in discussions with your Officers, to the preparation of its Environmental Impact Assessment. The proposed redevelopment of the campus at Newton Park represents a major programme of development over a lengthy period, and is of a scale that is inevitably likely to have significant environmental impacts within this very special and sensitive parkland environment. Accordingly, your Officers advised the university that an EIA would be necessary, and the scoping of the assessment was the subject of further detailed discussions.

Case law and guidance on the scoping of EIAs has established that a large development scheme which requires an EIA cannot legitimately be fragmented in order to create a patchwork of smaller schemes which, individually, fall beneath the thresholds that trigger a need for an EIA. With this in mind, your Officers have sought, in discussion with the university, to secure an approach that provides a level of assessment such as to satisfy the requirements of the relevant Regulations, but which does not unreasonably constrain the university's desire to undertake a phased design, demolition and construction process.

As a result, the university has undertaken a campus-wide EIA aimed at establishing key base-line information regarding the likely environmental impacts of the overall scheme, but has limited its assessment to a relatively high-level overview of these issues where they are dependent upon detailed design considerations. This overarching EIA will be reviewed as appropriate but will underpin all the future detailed Planning submissions for demolition and development on the campus. In tandem with this document, the university intends to bring forward a focussed additional (and complementary) EIA document related to each element of the proposed development, to be submitted on an application by application basis.

Thus, at each stage of the development programme, the LPA and its statutory consultees will be able to assess the environmental impact that will be generated by the development under consideration, whilst also having the ability to consider the wider implications of the full development programme including the cumulative impacts of the various individual schemes. This means that the EIAs do not have to be prepared on the basis of guesswork as to what each individual phase will look like, and the university is able to review and refine its detailed proposals so that each one is genuinely able to respond to contemporary functional requirements and financial opportunities. After consideration of the provisions of the relevant Regulations, this approach was agreed by your Officers, because it was considered that for a development programme of this duration and complexity, it would not be reasonable to expect the university in 2011 to design every part of its development programme in full detail so that the whole could be considered together as one exercise.

In the past, in a situation like this, an applicant could have been expected to submit an Outline planning application for the development as set out in the MasterPlan, with the details of individual buildings coming forward on a step by step basis as Reserved Matters. However, whilst there is in theory still an opportunity to submit an Outline application, the current requirements of the Planning system effectively preclude this approach, as every Planning application must now be accompanied by a Design and Access Statement detailing how the development has been designed with appropriate regard to its surroundings. In the case – as here – of a site that includes important Listed buildings, the LPA must consider the impact of the proposed development on the special character and setting of the Listed buildings, and this would not be possible with an Outline application. As a result any Outline application without extensive design details would be likely to be rejected by the LPA as inadequate to facilitate the necessary level of scrutiny.

Accordingly, if the current “staged approach” had not been acceptable, then the only alternative would be for the LPA to have required a fully-detailed set of development proposals for the entire campus. That would be a massive task that would severely prejudice the ability of the university to proceed with any proposals at all, and in such circumstances your Officers consider that the university would be unlikely to be able to implement its regeneration plans.

However, that is in effect what the Duchy is promoting in making its objection to the current proposals and to their supporting EIA documents. If the Duchy is correct, then it would be unwise for the university to pursue its proposals in the current fashion, and any Planning permission granted by the Council might provide an opportunity for legal challenge.

In response to the Duchy objections, the university has sought legal advice and have provided your Officers with a copy of a joint opinion from experienced Planning Counsel Timothy Fancourt QC and David Forsdick. That opinion is to the effect that the approach adopted by the university is sound and that the LPA can determine the application, subject to the normal procedural requirements associated with EIA matters. On that basis the university has elected to proceed with its proposals in their current form.

Your Officers have considered the university’s legal advice, alongside the contrary views expressed by the Duchy, and have concluded that there is no in-principle EIA-related reason why the current application cannot now be determined.

However, the comments received from EH within the last few days, in association with those already received from other sources, made it necessary for your Officers to review the appropriateness of the Draft MasterPlan and this had not been possible in the very limited time available before the preparation of the Committee Agenda. Responding to the EH comments, the university has also just given an indication (set out above) of its intention to further review the MasterPlan, and again the implications of this position needed to be considered by your Officers.

Members are now advised that the original Environmental Impact Analysis prepared by the university has been supplemented by an Addendum EIA which reviews and amends the original documentation in the light of emerging alternative proposals for the second phase of the proposed development programme. Although this second phase is not part of the current application, the proposals before the Committee have

regard to and rely upon the EIA. The Addendum EIA is the subject of statutory publicity at present, and as a result, the Officer recommendation on this application must address the potential for new material Objections to be submitted within the stated response time.

Your Officers recognise the importance of the EIA in the consideration of the current application, and have given consideration to the procedural objections raised by the Duchy. The Duchy argues that the EIA is inadequate and does not meet the relevant statutory requirements because it does not address the full details of the later phases of the development.

As indicated earlier, the university has obtained Counsels' opinion to the effect that the procedure adopted by the university, and scoped and agreed with your Officers, is acceptable. The fact that the EIA has been supplemented by the Addendum documentation serves to demonstrate how the university's approach to the EIA adequately addresses the cumulative impacts of the development programme as a whole, and how the overall documentation can be expected to be refreshed and updated as more details of the proposed design and layout of the later phases emerge. It is of note that the university has recently submitted a Scoping Request for further EIA work that is intended to cover the future applications for Phase 2 of the development programme.

The statutory consultees on the current planning application include English Heritage and Natural England. Your Officers are satisfied, based upon the comments received from the various consultees, that the university's EIA (which must be considered in tandem with the Draft masterplan for the campus) adequately addresses the anticipated cumulative impact of the proposed development programme including, where appropriate, building demolitions, and has allowed the consultees to demonstrate an acceptance of the principles of the overall programme, whilst making comments and expressing reservations about the detailed configuration of the later phases of the scheme. The university has committed to bringing forward updated detailed versions of the EIA as design work progresses, meaning that whenever the LPA is called upon to determine a planning application, it will be able to do so with the benefit of a fully detailed EIA assessment of the development under consideration, in the context of an over-arching EIA addressing the cumulative impacts of the development programme as a whole.

Your Officers can advise members that this approach meets the requirements of the relevant Regulations, and in particular that the documentation submitted to date has allowed an understanding of the likely environmental effects of the current application development, **and of the cumulative effects of the development programme as a whole**. The Addendum EIA does not alter the assessment of the impacts of the current application, but rather builds in further details of the university's emerging proposals for Phase 2, as incorporated into the latest revision of the Draft MasterPlan. It is considered unlikely that new comments will be made in response to the Addendum EIA that materially impact upon the consideration of the current application, but any such comments will be given consideration before any final decision is made on the application.

However, the Duchy has also raised concerns regarding the adequacy of the Environmental Statement submitted in connection with Phase 1 generally. That document is criticised in some detail in the “*Review of Historic Landscape and Heritage Issues*” prepared on behalf of the Duchy Estate by the Environmental Dimension Partnership. In particular, Section 4 of the Review contains criticisms of the methodology employed and conclusions reached in the part of the Environmental Statement dealing with “*Landscape and Visual Impacts, including Historic Landscape and Architectural Heritage*”, while section 5 contains criticisms of the way in which the developers’ consultants have dealt with heritage issues.

Your Officers have assessed the Duchy’s concerns, but have also had regard to the extremely detailed comments received from English Heritage and other consultees, and to our own assessment of the level of information available to the LPA. Members are advised that the EIA documentation has been prepared by a highly experienced locally-based Consultancy, and that your Officers are of the view that whilst it is always possible to suggest alternative approaches or to criticise the methodology adopted by Consultants, ultimately, it is necessary only for the LPA to be satisfied that all the relevant environmental impacts (both specific and cumulative) have been assessed adequately in order to inform the determination of the current application. The landscape analysis and historic environment assessments undertaken for the university are considered to be satisfactory, and it is evident too that EH is satisfied that the analysis of likely impacts is adequate in connection with the current application. Further detailed analysis will follow as later phases come through the Planning process and the healthy debate now under way regarding the design details of Phase 2 will form a platform for the submission and assessment – on its own merits – of the detailed planning application for that phase.

In summary, the university is aware (and Members are now reminded) that any approval of the currently proposed Phase 1 of the development does not imply that future proposals will also be approved, and legally there can be no guarantee of LPA approval for future applications in respect of later phases of the scheme. Each planning application must be determined on its merits having regard to all material considerations, and at each stage, the extent to which the LPA is satisfied that there has been an adequate EIA analysis will be one of those material considerations. Notwithstanding the objections raised by the Duchy, Officers are satisfied that the current application can be determined.

Planning Considerations 2 – the Draft MasterPlan

The Draft MasterPlan has been submitted by the university as a supporting document, and does not form a formal part of the application under consideration. However, the existence of the MasterPlan, and the understanding that it brings of the strategic approach to development to which the university is now committed, are crucial elements in the assessment and determination of the current application. It is evident from the comments and objections received in connection with the current application that the Draft MasterPlan is proving to be an invaluable tool in the ongoing discussions regarding the detailed form and layout of later phases of the development programme. The university has committed itself to the review of the Draft MasterPlan as may become appropriate in the light of continuing liaison with EH and other key stakeholders, and it must be emphasised that the MasterPlan is

seen by all parties as a “living document” that allows significant changes in circumstances to be fully reflected in the university’s programme and avoids the otherwise almost inevitable obsolescence from which a more rigid MasterPlan would suffer.

In terms of the current application, the proposed new academic building will displace existing student accommodation and car parking facilities, and the Draft MasterPlan is critical in understanding the extent to which the University is facing up to the challenges posed by its need to remain functional as its development programme proceeds. In the next section of this report, the issues raised by Green Belt policy will be considered, but it can be made clear here that the existence of the MasterPlan (albeit in a Draft form subject to review and potential revision) is an important element in the case being made for the development by the university.

Your Officers welcome the university’s commitment to a master planned approach to the future development of the Newton park campus, and can advise members that the current Draft MasterPlan has emerged from detailed workshop-based negotiations between the university, the LPA, and other key stakeholders (including EH and the Duchy). The MasterPlan facilitates an understanding of the form and general location of the elements of the university’s programme, and also allows due recognition to be given to the demonstrable environmental benefits to the historic Park. Whilst there will be substantial new development, this will be designed and located in order to minimise the visual intrusion of the buildings into the historic setting, and wherever possible existing buildings that are unattractive and/or intrusive are to be removed as an integral part of the university’s proposals. Not only will the open Park character be safeguarded, but the appearance of the park will be enhanced by what the university has called “undevelopment”.

It is clear that EH in particular, recognises the benefits that will flow from the one-off strategic opportunity afforded by the MasterPlan, in moving away from the challenging (and ultimately flawed) piecemeal approach adopted in the past. By negotiating and then implementing a comprehensive strategy for Newton Park, EH and your Officers have agreed in principle that the benefits of the current proposals are such as to justify the granting of planning permission for the first phase of the development programme. This conclusion could not have been reached in the absence of a MasterPlan. In addition, the extension of the master planned approach to encompass the university as a whole is a further benefit, bringing an opportunity to work with the university in respect of its off-campus impacts. These are principally focussed upon the location of student accommodation, and the implications of student movements between Bath and the Newton Park campus.

Thus, Members are advised that the current Draft MasterPlan remains the subject of ongoing discussion. It is anticipated that this document will be ready for more detailed consideration by Members when the Phase 2 planning application emerges during the summer of 2011. In the meantime, the existence of the document and the university’s commitment to the approach are important positive material considerations in connection with the current application.

It must be noted here that EH has raised a significant concern regarding the manner in which the Draft MasterPlan currently uses the scale of the proposed Phase 1

academic building as a pointer towards acceptable scale elsewhere on the campus. That approach is also rejected by your Officers, and Members are advised that the university has committed to holding further discussions with the key stakeholders on all unresolved elements of the Draft MasterPlan. The approval of the current application would not imply that a similar scale of development is acceptable elsewhere and it will be necessary for the university to undertake further visual analysis in order to facilitate the necessary discussions on this point, and future applications will succeed only if the university is able to put forward convincing arguments in support, including demonstrating to the satisfaction of the LPA that the scale of each proposal is appropriate in its specific setting.

Planning Considerations 3 – Green Belt Policy

Members will be familiar with the saved Green Belt policies set out in the Local Plan, which are themselves closely related to the National guidance contained in PPG 2. The entire Newton Park campus lies within the designated Green Belt, and the university benefits from two Major Existing Developed Sites (MEDS), also designated in the Local Plan, which cover the two principal groups of existing buildings on the campus. The Green Belt and the MEDS are also referenced in Draft Core Strategy Policy B5 (see above). The currently proposed academic building sits entirely within the more northerly of the two MEDS on the campus.

In essence, the university is able to undertake limited infill and redevelopment within the MEDS sites, under the provisions of Local Plan Policy GB.3, but any other substantive development proposals on the campus are to be regarded as Inappropriate Development within the Green Belt that should be refused under the provisions of Policies GB.1 and GB.2 , **unless the university is able to demonstrate that very special circumstances exist such as to justify the granting of planning permission on an exceptional basis.**

Your Officers have assessed the current proposal against the provisions of Policy GB.3, and conclude that whilst the proposed building meets most of the stated criteria, the building represents a significant increase in footprint size when compared with the buildings to be demolished. On that basis the current proposals do not fall within the scope of this Policy, and accordingly, they have to be regarded in principle as Inappropriate Development in the Green Belt. However, the location of the proposed building within the MEDS must be recognised, as must the environmental benefits to the MEDS that will flow from the replacement of existing buildings with a new structure that sits further away from the edges of the MEDS and which will be well-landscaped, and also the university's design that limits the height of the structure so that it sits comfortably within the group of existing buildings that will remain.

In its Draft MasterPlan and in the other supporting documentation with this application, the university has put forward a compelling argument in favour of a strategic approach to the future development of the campus. That argument demonstrates why only some of the university's proposals can be accommodated within the MEDS on the site, and also seeks to establish the principle that new use-based zones of development should be established within the campus in order to enable the university to optimise the efficiency of its site, to enhance the character

and amenity of this historic parkland setting, and to provide the best possible facilities for staff and students in the future.

The principles incorporated into the Draft MasterPlan have been the subject of the closest scrutiny through a prolonged pre-application consultation phase, and the comments received from the primary statutory consultees demonstrate the support that has been earned through that approach. Whilst there will clearly need to be further discussions regarding the design details of the later phases of the university's programme, the principles established by the Draft MasterPlan are generally welcomed and are seen as an invaluable platform for the consideration of development proposals. The whole exercise gains additional credibility through its foundation upon the results of the university's EIA.

Members are referred to Draft Core Strategy B.5, which indicates that whilst development should first be focussed on the MEDS, the principle of development outside the MEDS is not ruled out. The currently-proposed building is within one of the MEDS on the campus, and the Draft MasterPlan sets out the basis upon which later parts of the development will be located.

Having regard to all the submitted documents, together with all the material comments submitted by interested parties, your Officers are satisfied that the university has demonstrated the most robust set of very special circumstances to justify not only the currently proposed academic building, but also the principles for the other phases of the development programme, as set out in the Draft MasterPlan.

Members are advised that the currently proposed building can be approved within the terms of the Local Plan's saved Green Belt policies, and does not fall to be considered as a Departure from the Development Plan. The proposed temporary car park extension is seen as a stop-gap arrangement only, and because of its temporary nature and limited impact upon the openness of the Green Belt is not considered to be Inappropriate Development. A Condition will be necessary in order to secure the reinstatement of the land affected by the temporary car park at the end of the temporary period, which (in the light of the university's stated intentions regarding Phase 2) should not exceed 3 years.

It is likely that the temporary car park will, within three years, be superseded by permanent parking proposals as part of Phase 2. However, and for clarity, Members are advised that whilst it is appropriate for the decision on the current application to indicate a level of agreement with the principles set out in the Draft MasterPlan, there can be no real or implied indication of pre-determination in respect of future planning applications. The applications that will in due course be submitted in respect of Phases 2 and 3 of the university's development programme must each be considered on their own planning merits, having regard to all material considerations. Acceptance of principles now does not lead directly to approval of details in the future, and the university will need, where appropriate, to make further very special circumstances arguments in support of each individual application.

Planning Considerations 4 and 5 – the impacts of the proposed development on the special character and appearance of the historic parkland and the special character and setting of the Listed buildings at Newton Park

Bath Spa University occupies the “Main House” at Newton Park as its administrative core, and the visual and functional primacy of the building has been safeguarded as the university complex has grown over the years. The site is included on EH’s Register of Parks and Gardens at grade II*, and additionally, the masterplan area encompasses a number of listed buildings, including the main house which is listed grade I, and a scheduled monument, St Loe’s Castle.

EH has made detailed comments on the current proposal, and these have been set out in full earlier in this report. Your Officers advise that as the EH comments are so comprehensive, and as their conclusions are supported in full by the Council’s Senior Conservation Officer, there is no additional need to set out the historic environment issues associated with the site and with the current scheme. EH conclude that they have no objections to the current proposal, and recognise that the proposed academic building “...has significant mass and bulk. The impact of this form will, in our judgement, be most apparent in near views within the academic area of the site. It is only in more distant views (for example Clay Lane) that the new academic block will be perceived in conjunction with the main house. Having considered the evidence ... we consider there is sufficient physical distance between the main house and Phase 1 to enable the house to retain its primacy within the landscape. The increase in visual presence of this building needs to be weighed against the overall public benefit of the proposals. We are also mindful of the fact that no new development is proposed in the vicinity of the house and that the historic drives and planting (including further restoration planting proposed in the masterplan) reinforce the concept of a country house set in its landscape park. ... whilst it is acknowledged that the proposed finishes of the new building are not, like the main house, Bath stone and slate, the colour palette is not dissimilar. The proposal, in our view, has architectural integrity as a building clearly of the 21st century to provide [a] hi-tech academic centre.”

Your officers have had regard to the detailed advice from EH, as well as to the provisions of PPS 5, and have also taken account of the contrary views expressed by the Duchy and by the Bath Preservation Trust. However, on balance, and noting the visual benefits that will flow from the removal of some of the existing buildings on this part of the campus, your Officers conclude that the proposed academic block will not harm the character or appearance of the historic park, and that we support EH’s conclusion that the proposed building is far enough away from the Main House to avoid any significant threat to the Listed building’s special character, including its historic primacy in the landscape. The comments made by CABE were based more upon the architectural qualities of the submitted scheme, but it is evident from these comments as well as those from EH (quoted in the preceding paragraph) that there is a consensus within these organisations, again accepted by your Officers, that the design and materials proposed are appropriate in this sensitive location.

In contrast, the proposed car park is not considered to be acceptable in either its location or its visual appearance, and would be recommended for refusal were it a permanent proposal. However, as has already been observed in this report, the

imminent proposals for Phase 2 of the university development programme will be focussed on the same part of the site, and members are advised that the need for a temporary parking solution outweighs the limited harm that would be caused by the implementation of the car park extension **on a strictly temporary basis for a period of not more than three years**. Appropriate conditions to control this are essential.

Planning Considerations 6 – The impacts of the proposed development on the ecology of the campus

As with EH and the historic environment issues, the LPA attaches great significance to the views of Natural England, who are the statutory consultees in respect of ecological issues associated with development proposals.

At the time of completing this report, Natural England has indicated an intention to withdraw their earlier objection, subject to the imposition of appropriate Conditions to address Biodiversity and Nature Conservation issues. However, their confirmatory letter had not arrived at the time of drafting this report, and Members will be advised at or before the meeting if the current position changes. In essence, it is anticipated that Natural England's views can be supported, but it is essential that proper consideration is given to their final comments before the formal determination of this application.

Planning Considerations 7 – The “knock on” impacts of the proposed development in terms of the need to relocate functions elsewhere within the campus and the on and off-campus implications of the development

Members will by now understand that the university's redevelopment programme is predicated upon the ability to move various functions around within the campus as a whole. Thus the Phase 1 academic building is dependent upon the university being able to relocate the student accommodation that will be demolished in order to create the Phase 1 opportunity for new development.

This is the primary function of the Draft MasterPlan – to facilitate an understanding of how the various component proposals come together strategically, and to overcome the difficulties associated with piecemeal development.

There are a number of other matters that need to be addressed here that are associated with the development programme in a wider sense.

Access and Parking

Members are referred to the comprehensive comments made by the Senior Highways Development Control Officer. Since those comments were made, discussions have taken place with the university's highways consultant, and it is anticipated that further highways comments will be provided shortly which confirm that the uncertainties expressed previously have been resolved to the point where any remaining outstanding matters can be addressed by the imposition of appropriate Conditions.

Members are reminded that the current application is in many ways a provisional proposal in access and parking terms, and that both the first phase academic building and the second phase replacement/additional student accommodation proposals will need in many respects to be implemented in tandem in order to deliver the strategy set out in the emerging MasterPlan. As a result, the second phase planning application can be seen as an imminent second opportunity to address access and parking detail, but within a planning application that includes the proposals for the permanent parking and access arrangements.

Newton St Loe Parish Council has expressed concern regarding the future use of the drive access to the university from the village, and Members are advised that the university's MasterPlan is proposing the closure of that access to vehicles (other than for emergency use) as part of its strategic development programme. That can only happen following the widening of the main entrance drive, and that is the subject of separate discussions with your Officers.

Further advice on access and parking issues will be available to the Committee at the meeting, but in a general sense Members are advised that in a complex redevelopment programme such as this it is typically necessary to accept that at various stages in the project, temporary solutions may be needed, the acceptance of which does not imply that they would be acceptable on a permanent basis. We are satisfied that the university's strategic approach is sound, but we are continuing to negotiate regarding the implications in access and parking terms of the phasing of the programme's implementation.

The university's general strategy is to move a greater proportion of students on to the campus, thereby reducing the need for frequent student travel between Newton Park and Bath. As more details of these matters become fixed, your Officers will be seeking to secure a commitment by the university to the preparation and implementation of a Travel Plan. For the reasons stated above, that would seem to be more closely related to the Phase 2 student accommodation proposals which will emerge later this year.

Noise and Lighting

Newton St Loe Parish Council has expressed concern regarding the potential for noise from events at the university. Members are advised that the Phase 1 academic building does not seem likely to either improve or worsen the existing situation, and does not provide a legitimate opportunity to impose controls over the use of other buildings on the campus. Any significant noise disturbance from the campus generally is more readily controllable using the Council's Environmental Health powers.

An exception to this is the external amphitheatre area proposed as part of this application, and which is potentially to be used for outdoor performances. It is likely that Natural England will recommend Conditions to address the potential for the use of this area to impact upon wildlife, especially bats. However, it is appropriate for a Condition to be imposed requiring the submission and approval of an Operational Statement detailing the manner in which the amphitheatre is to be used, addressing the noise potential associated with each proposed use, and setting out what actions will be taken in order to control potential noise nuisance. This will enable the

concerns expressed by the Parish Council to be addressed insofar as they relate to the current application.

A lighting strategy for the campus has been prepared by the university, which includes an analysis of the impacts of the various lighting regimes within the site at present. That document is under consideration as part of the Draft MasterPlan and it is likely that following discussions with the university, a means of securing its proposals will be brought forward in conjunction with the Phase 2 student accommodation proposals.

However, the details of the illumination of the Phase 1 site are also of concern from an ecological point of view, and again it is likely that Natural England will recommend the imposition of Conditions. Again the potential for light nuisance can be addressed by appropriate Conditions and again this will enable the concerns expressed by the Parish Council to be addressed insofar as they relate to the current application.

Energy and Waste Management

As mentioned above, the university is aiming to achieve a significant improvement in its energy self-sufficiency, both because it recognises the importance of this from an economic and environmental perspective, and because it is a Government requirement associated with the availability of project funding.

Your Officers are currently dealing with a parallel Planning application for (inter alia) an Energy Centre, which is designed to house a biomass boiler as a major step in this direction. The university seeks to achieve "Excellent" BREEAM ratings for its new building, and is to be commended for this.

The university has adopted a Site Waste Management Plan aimed at identifying waste streams and addressing them within the development programme.

Air Quality

The university has indicated that the proposed development programme will not have a significant impact upon air quality as a result of traffic as there will be no increase in traffic on and around the campus.

Biomass boiler emissions will be monitored and controlled and again the university has confirmed that no significant impact on air quality is likely.

Archaeology

Members will note that the Council's Archaeologist has confirmed that following an expert assessment on behalf of the university the Park is not seen as a likely source of important archaeological remains. However, he has recommended that any permission should have appropriate Conditions attached in order to address any unexpected finds during construction.

Conclusions

Your officers have considered the submitted proposals, along with all the supporting information, including the EIA documentation and the university's Draft MasterPlan (which does not form part of the current application). Consideration has also been given to the various matters raised by the Statutory Consultees and by other interested parties.

It is accepted that although the Draft MasterPlan provides an important strategic view of the university's proposals and so establishes *principles* with some clarity, it currently includes some *details* that are still the subject of negotiations between the university and your Officers. Accordingly, whilst your Officers have concluded that the document provides sufficient weight to enable the current application to be recommended for approval, the Draft Masterplan is not fully acceptable in its current form.

Having regard to all these matters, your Officers have formed the view that in principle the Phase 1 proposals can be supported. However, the statutory publicity for the university's Addendum EIA is still running, and a formal decision on the application cannot be taken until the response period ends on the 28th April. The Committee is therefore recommended to delegate the determination of this application to Officers, subject to there being no new material objections about the amendments incorporated into the Addendum EIA, subject to Natural England formally withdrawing its earlier objections, and subject to appropriate Conditions.

Recommendation

That the Development Manager be delegated to PERMIT, subject to:

1. no new material objections being received in respect of the Addendum EIA;
2. Natural England formally withdrawing its earlier objections; and
3. such appropriate Conditions as the Development Manager may determine, but including Conditions limiting the life of the temporary car parking area to a maximum of three years; securing a high standard of landscaping and planting around the new building; requiring the submission and approval of an Operational Statement in connection with the future use of the proposed external amphitheatre; and addressing any requirements from Natural England.

BATH AND NORTH EAST SOMERSET COUNCIL
DEVELOPMENT CONTROL COMMITTEE

13th April 2011

DECISIONS

Item No:	01
Application No:	10/04747/EFUL
Site Location:	Street Record, Bath Spa University Campus, Newton St. Loe, Bath
Ward: Bathavon West	Parish: Newton St. Loe LB Grade: N/A
Application Type:	Full Application with an EIA attached
Proposal:	Demolition of existing residential (C2) and education (D1) buildings and redevelopment of part of Newton Park for educational purposes as Phase 1 of the campus master plan to provide a two/three storey academic building (approximately 8,528.7 sq m) together with associated access, landscaping, car parking and infrastructure, in addition to temporary extension to main car park south of campus
Constraints:	Agric Land Class 1,2,3a, Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Coal fields, Cycle Route, Forest of Avon, Greenbelt, Major Existing Dev Site,
Applicant:	Bath Spa University
Expiry Date:	11th March 2011
Case Officer:	Geoff Webber

DECISION Defer

Defer consideration to seek legal advice.

Item No:	02
Application No:	11/00407/FUL
Site Location:	38 High Street, Keynsham, Bristol, Bath And North East Somerset
Ward: Keynsham North	Parish: Keynsham Town Council LB Grade: N/A
Application Type:	Full Application
Proposal:	Change of Use from Use Class A1 (Retail) to Use Class A2 (Financial and Professional Services)
Constraints:	Agric Land Class 3b,4,5, City/Town Centre Shopping Areas, Conservation Area, Forest of Avon, Housing Development Boundary, Prime Shop Front,
Applicant:	Stroud And Swindon Building Society
Expiry Date:	28th March 2011
Case Officer:	Andrew Strange

DECISION Defer

Defer consideration to allow the application to be advertised as a departure and subject to no new issues being revised. Authorise the Development Manager to PERMIT with appropriate conditions.

Item No:	03	
Application No:	10/04904/REG04	
Site Location:	Council Depot, Upper Bristol Road, Clutton, Bristol	
Ward: Clutton	Parish: Clutton	LB Grade: N/A
Application Type:	Regulation 4 Application	
Proposal:	Construction of drying/storage bays	
Constraints:	Agric Land Class 1,2,3a, Coal fields, Forest of Avon,	
Applicant:	Bath & North East Somerset Council	
Expiry Date:	14th March 2011	
Case Officer:	Alice Barnes	

DECISION REFUSE for the following reasons

1 The applicant has not demonstrated that the use of the proposed bays would not result in a more intensive use of the existing depot or that their use would not give rise to unacceptable levels of odour to the detriment of the amenity of the surrounding residential occupiers. The proposed development is therefore contrary to policies D.2, ES.10 and ES.12 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007.

PLANS LIST:

Site Location Plan, date stamped 15th July 2010

Block Plan, date stamped 31st December 2010

Proposed Elevations, date stamped 17th January 2010

Item No:	04
Application No:	10/04317/FUL
Site Location:	Church View, Packhorse Lane, South Stoke, Bath
Ward: Bathavon South	Parish: South Stoke LB Grade: N/A
Application Type:	Full Application
Proposal:	Erection of 2no gable ends to south elevation, replacement of existing windows to the front with French doors opening onto a veranda, demolish existing steps to front, move existing door on east elevation and erection of cantilevered porch over and provision of larger window to side, erection of dormer to north elevation, provision of first floor window on west elevation and landscaping
Constraints:	Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Area of Outstanding Natural Beauty, Conservation Area, Greenbelt, Housing Development Boundary,
Applicant:	Mr And Mrs Elms
Expiry Date:	14th December 2010
Case Officer:	Victoria Griffin

DECISION Defer

Defer consideration to allow Members to visit the site.

Reason: To view the site in the context of its surroundings.

Item No:	05
Application No:	11/00229/FUL
Site Location:	36 Farmborough Lane, Priston, Bath, Bath And North East Somerset
Ward: Bathavon West	Parish: Priston LB Grade: N/A
Application Type:	Full Application
Proposal:	Erection of 2-storey extensions at 36 & 37 Priston following demolition of lean-to
Constraints:	Agric Land Class 1,2,3a, Coal fields, Forest of Avon, Greenbelt,
Applicant:	Duchy Of Cornwall
Expiry Date:	7th March 2011
Case Officer:	Rachel Le Huray

DECISION Delegate to PERMIT

Authorise the Development Manager to PERMIT subject to the applicant entering into an agreement to have agricultural ties on both properties and appropriate conditions.

Item No:	06
Application No:	11/00668/FUL
Site Location:	4 Ellsbridge Close, Keynsham, Bristol, Bath And North East Somerset
Ward: Keynsham East	Parish: Keynsham Town Council LB Grade: N/A
Application Type:	Full Application
Proposal:	Erection of a first floor side extension (Resubmission)
Constraints:	Agric Land Class 3b,4,5, Forest of Avon, Greenbelt,
Applicant:	Mr Andrew Jones
Expiry Date:	4th April 2011
Case Officer:	Tessa Hampden

DECISION PERMIT with the following 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 All external walling and roofing materials to be used shall match those of the existing building in respect of type, size, colour, pointing, coursing, jointing, profile and texture.

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

3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no windows, roof lights or openings, other than those shown on the plans hereby approved, shall be formed in the east elevation of the extension hereby approved at any time unless a further planning permission has been granted.

Reason: To safeguard the amenities of adjoining occupiers from overlooking and loss of privacy.

4 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 plans, site location plan and 2008/1A and 2008/2 A date stamped 7th February 2011

REASONS FOR GRANTING APPROVAL:

1. The decision to grant approval has taken account of the Development Plan, relevant emerging Local Plans and approved Supplementary Planning Guidance. This is in accordance with the Policies set out below at A.

A. Bath and North East Somerset Local Plan (including minerals and wastes) adopted October, D2, D4, NE5, HG15, GB1, GB2

2. The proposed extension is considered to be a disproportionate addition to the host dwelling and as such is considered to be inappropriate development in the Green Belt. However, given the extant planning permission, and the fact that there will be no harm to the amenity of the neighbouring occupiers and the proposal is considered to improve the appearance of the street scene, these are considered to be very special circumstances which outweigh the harm by reason of its inappropriateness.

