

Appeal Decision

Inquiry sitting days between 6-9 December 2016

Site visit made on 5 December 2016

by Neil Pope BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 January 2017

Appeal Ref: APP/F0114/W/15/3138529

University of Bath Campus, Claverton Down, Bath, BA2 7AY.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Martyn Whalley of the Department of Estates for the University of Bath (UoB) against the decision of Bath & North East Somerset Council.
 - The application Ref. 14/05793/FUL, dated 19 December 2014, was refused by notice dated 29 May 2015.
 - The development proposed is the construction of a new surface level car park with associated access road and landscaping works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following the receipt of Closing Submissions, the Inquiry was closed in writing on 13 December 2016.

Main Issues

3. The three main issues are: the effect of the proposed development upon the setting and significance of the Scheduled Monument (SM) known as Bathampton Camp; the effect upon the character and appearance of the area and; whether any harm arising from the first two main issues would be outweighed by any public benefits arising from the development.

Reasons

Planning Policy / Other Planning Documents

4. The development plan includes the 'saved' policies of the Bath and North East Somerset Local Plan (LP) adopted 2007 and the Bath and North East Somerset Core Strategy (CS) adopted in 2014.
5. The most relevant development plan policies to the determination of this appeal are: LP policy GDS.1(B11) [development requirements for the UoB campus at Claverton Down]; LP policy NE.1 [landscape character]; LP policy NE.4 [trees and woodland]; LP policy BH.11¹ [Scheduled Monuments]; CS policy B1 [Bath spatial strategy] CS policy B5 [strategic policy for universities]; CS policy CP6 [environmental quality] and CS policy CP7 [green infrastructure].

¹ This policy pre-dates the National Planning Policy Framework (the Framework) and does not include a requirement to weigh any harm to the significance of a SM against any public benefits.

6. In December 2015, the Council published the Bath and North East Somerset Place Making Plan (PMP). An Examination into the PMP took place in September 2016 and the Inspector's Interim Findings² were issued in November 2016. I understand that the Inspector's Main Modifications are due in December 2016 and the Final Report expected in February 2017. There are outstanding objections to the PMP. I agree with both main parties that at this stage the provisions of this Plan carry limited weight.
7. The most relevant policies in the PMP to the determination of this appeal are: HE1 [historic environment]; NE2 [landscape character]; NE6 [trees and woodland] and; policy SB19 [UoB at Claverton Down].
8. LP policy GDS.1 B(11) 1 specifies that the UoB's development requirements are to be expressed within a masterplan³. In this regard, the appellant undertook a process of stakeholder consultation on the University of Bath: Masterplan 2009-2020 (MP) in 2008-09. Updates to the MP, rolling it forward to 2026, were published by the UoB in 2012 and 2014.
9. Amongst other things, the MP includes a transport and parking strategy. It shows the appeal site within an area identified for "*Development Opportunities*" with the intention to use part of the site as a car park. Elsewhere, the MP acknowledges that the campus landscape and the wider landscape setting are viewed as a significant asset by staff, students and visitors to the campus.
10. The MP is not part of the development plan or emerging PMP, does not comprise planning policy and has not been formally approved⁴ by the Council. Nevertheless, the MP provides a helpful context to considering applications on the campus and is necessary for applying LP policy GDS.1 B(11).
11. The MP relies, amongst other things, on an Environmental Development Capacity Report (EDCR)⁵ and an archaeological desk-based assessment⁶. Neither of these reports considered development on the appeal site. There are also differences between the MP and the UoB's current development aspirations as identified in its 2016 Campus Capacity Assessment submitted to the PMP Examination. The MP and its updates carry moderate weight in this appeal.
12. The UoB has also published a Strategic Landscape and Ecology Management Plan (LEMP) pursuant to the provisions of a planning obligation⁷ under the provisions of section 106 of the above Act. Amongst other things, this shows part of the appeal site developed as a car park with the remainder forming part of a secondary wildlife network⁸ and existing green space. Some of the site is also identified within the 'campus residences' character area.

² I note the Inspector's suggestion that the Council re-consider its approach to the changing circumstances of the universities in Bath and defer considerations of how these requirements should be addressed to the forthcoming review of the CS.

³ Masterplans have been produced for the campus since 1965.

⁴ The MP has been used in support of numerous planning applications for development on the campus and officers have informed members of various iterations of this document. The Council has been aware of the UoB intentions for the appeal site for several years and financial contributions, through a planning obligation, have been made in respect of a transport strategy that includes a car park on part of the appeal site. It is unfortunate therefore that the Council did not convey its concerns to the appellant regarding this aspect of MP at an earlier stage.

⁵ The Final report is dated 2001.

⁶ Dated 2008.

⁷ The obligation is dated 21 December 2012 and was submitted in connection with a planning application (ref. 12/02626/FUL) for a new academic building (general teaching accommodation) on the campus.

⁸ The proposed access road in the 2009 MP would run through a primary wildlife corridor and vegetation network.

13. The aims of the LEMP include developing the perimeter landscape as a 'green ribbon'. The key objectives include providing and maintaining informal recreational opportunities for students, staff and visitors to the campus. For the above noted character area, the provision of high quality robust areas for students to enjoy as part of the campus environment is to be sought.
14. Whilst the scoping report for the LEMP was agreed by the Council's officers I understand that the LEMP itself has not been formally approved in writing by the Council. This other planning document is another material consideration. It carries limited weight in the determination of this appeal.

Setting / Significance of the SM

15. The development plan and the Framework attach considerable importance to conserving the significance of designated heritage assets. Scheduled monuments are identified in the Framework as forming part of a group of designated heritage assets of the highest significance.
16. Unlike listed buildings, there is no statutory duty regarding the settings of SMs. Nevertheless, it is important to consider the potential impact of any development upon significance derived from the setting of such assets. In determining the appeal I have had regard to various legal judgements drawn to my attention, including Palmer v Herefordshire Council [2016] EWCA Civ 1061.
17. The appeal site is adjacent to the south western corner of Bathampton Camp SM⁹. This designated heritage asset includes a univallate hillfort situated on the summit of Bathampton Down, overlooking the valley of the River Avon. Within and surrounding the hillfort are remnants of an agricultural landscape in the form of low linear banks forming field boundaries.
18. The SM is a rare survival of an Early Iron Age hillfort and is important in understanding the transition from the Bronze Age to the Iron Age. There are several Bronze Age bowl barrows in the SM and over the years a number of Neolithic and Bronze Age flint finds have been made.
19. As explained by Historic England (HE), this hillfort was a deliberate attempt to control the landscape and the people within the landscape. It would have provided protection and a focal point to the local population and/or their cattle in time of unrest or for trading and festivals.
20. A bridleway runs north-south through the hillfort, crossing the rampart through openings in the north and south bank¹⁰. There are no other breaks in the earthwork strongly suggesting that these were the original entrances. HE and the appellant agree that, due to topography, the main approach to the SM was likely to have been from the south¹¹. This adds to the rarity of the monument.
21. Notwithstanding the current use of the SM as a golf course and previous quarry workings, it is still a readable monument in the landscape and provides part of the understanding of the early development of Bath. Views to and from the hillfort would have been important in revealing its dominating presence in the landscape and in controlling access to the enclosure. The views to the south have been greatly reduced with the building of the UoB's Claverton Campus.

⁹ On behalf of the appellant, it has been calculated that this SM extends to about 31 ha.

¹⁰ This right of way runs around the edge of a mid-20th century covered reservoir in the middle of the hillfort.

¹¹ This has been lost with the building of the campus.

22. The significance of this SM is derived primarily from its archaeological interest, including its rampart, bank and ditch, entrances and bowl barrows. However, the landscape context of Bathampton Camp is also of value/significance to this designated heritage asset and contributes to its historic interest.
23. To varying degrees, elements of the golf course, quarry workings, reservoir and the buildings on the neighbouring campus detract¹² from an appreciation of the heritage interest of Bathampton Camp. Nevertheless, the areas of green open land and spaces within and around the SM and the general sense of calmness that pervades evoke some semblance of the original landscape setting/context of the monument.
24. The appeal site forms part of the wide surroundings in which Bathampton Camp can be experienced. I concur with both main parties that it comprises part of the setting of this SM. The site does not form part of the views to and from the Avon Valley and notwithstanding glimpses through the vegetation along the southern boundary of the SM most people using the appeal site are unlikely to be aware of Bathampton Camp. However, that does not mean the site is unimportant to the significance of this monument.
25. Those who are aware of Bathampton Camp and who understand its heritage interest/value would be able to discern the relationship between this monument and the grassed area that comprises the appeal site. In particular, the green open qualities of the site and its restful character assist in appreciating the historic landscape setting/context of the SM on the southern side of this designated heritage asset. It also provides a pleasing approach to Bathampton Camp from the south west. Whilst the main parties disagree as to whether or not the site contributes the significance of this asset, with the evidence now tested, I find the argument made by the Government's statutory advisor on the historic environment to be more convincing on this matter.
26. The appeal site forms a very small part of the overall landscape setting/context to the monument and existing development within the Claverton Campus has an unmistakable presence when standing on the site. Nevertheless, this sward forms part of the historic interest to Bathampton Camp and makes a positive contribution to its setting. I agree with HE that the appellant has underestimated the contribution the site makes to the significance of this SM.
27. I note the extracts from an Inspector's report (and the Secretary of State's decision) regarding an appeal for an energy from waste facility within the setting of a hillfort in Gloucestershire (ref. APP/T1600/A/13/2200210). However, significance derived through setting will be specific to a particular heritage asset. I also note that unlike the appeal before me, HE (formerly English Heritage) did not appear at that Inquiry and its stance was "*not supported by any evidence*". The circumstances are materially different.
28. In the case before me, the proposed 136 space car park and access road would occupy much of the 0.97 ha appeal site. Notwithstanding some replacement tree planting, which would be undertaken on some limited areas of grass to be retained around the edges of the car park, the proposed hard surfaced areas, lighting columns, pay and display machines and vehicular activity would all but obliterate the above noted qualities of the site which contribute to the significance of the SM. These aspects of the proposal would erode the heritage

¹² These elements would have been known at the time of the scheduling of this monument.

(historic) interest of Bathampton Camp. I note from the EDCR that "*any development close to this feature is likely to be detrimental to its setting.*"

29. In assessing the extent of the adverse impact, I have noted above that this SM derives its significance primarily from its archaeological rather than historic interest and that the appeal site forms part of its wide setting. In addition, the proposals include the provision of interpretation boards and an interactive web based interpretation facility intended to facilitate public awareness and appreciation of Bathampton Camp.
30. Provided the interpretation boards were appropriately designed/sited they could assist in revealing the existence of the monument to those currently unaware of it and/or be informative to others who may have some limited understanding of its importance. This, to a limited extent, weighs in favour of the appellant's argument for approving the appeal scheme. However, it would be most unfortunate if the heritage interest of a high category asset was to be eroded to facilitate awareness and appreciation of its remaining significance.
31. I attach less weight to the appellant's argument that the proposed car park would be 'theoretically reversible'. Permission has not been sought for a temporary period. Given the predicted 20-25 year life-span of the proposed hard surfaced areas, the harm that I have identified to the significance of the SM would endure for a considerable period of time. Whilst this may be somewhat short-term in the context of the longevity of the SM, there is nothing to indicate that the site would revert back to a sward in the future. Repairs to what appears to be a Victorian stone wall around part of the southern boundary of the monument would not provide any meaningful public benefit and appears to be more of an estate management issue¹³ for the appellant.
32. Given the above, I find that the proposed development would result in less than substantial harm to the significance of Bathampton Camp. This category of injurious effects can encompass a wide spectrum of harm. Whilst there is no formal categorisation, this could range from limited harm towards the lower end of the spectrum to considerable harm at the upper end. In describing the less than substantial harm to the significance of Bathampton Camp as "*considerable*" I am of the opinion that HE has not given due regard to the 'secondary' nature of the asset's historic interest or the extent of its setting.
33. I find that within the category of less than substantial harm the effect of the proposal would be towards the lower end of the spectrum. However, this does not mean that this carries limited weight in the planning balance. As set out in the Framework, great weight should be given to an asset's conservation. The more important the asset, the greater the weight should be. I shall have regard to this when undertaking the balancing exercise required by paragraph 134 of the Framework and after considering any other public benefits. The adverse effect to the setting of the SM conflicts with LP policy BH.11.

Character and Appearance

34. The appeal site lies at the northern edge of the Claverton Campus. It is part of the campus landscaping and amenity¹⁴ grass land for the adjacent halls of residence known as Polden Court, Quarry, Mendip and Conygre. The site is

¹³ The ECDR states that there is a rolling programme of restoration for boundary walls on this part of the campus.

¹⁴ I note from the representations that this sward is well used and valued by students and others, including the neighbouring Westwood Nursery school.

- separated from the SM by a public right of way¹⁵ with hedgerow and hedgerow trees growing along the common boundary with golf course. This forms a mature woodland edge to this part of the campus.
35. There are a number of early mature trees growing within the site, many¹⁶ of which are the subject of an area Tree Preservation Order. These include some Scots pine trees and a common beech at the western end of the site, as well as groups of whitebeam and Corsican pine trees in the eastern part of the site. Most of these are identified as 'Category B'¹⁷ trees within the arboricultural report submitted with the application. They add to the sylvan qualities of this part of the campus and assist in softening the visual impact of the halls of residences. These trees contribute to the pleasing green attributes of the site.
36. The site and the campus boundary vegetation form part of a green corridor along this edge of the campus. I concur with the appellant's landscape witness that the site also forms part of the attractive setting to the University buildings. It assists in assimilating the buildings into the landscape and provides an attractive soft edge to the campus. The site makes a positive contribution to the character and appearance of the area. I note from the MP that the landscape within and around the campus is "*outstanding*" and "*viewed as a significant asset by staff, students and visitors to the campus*"¹⁸. This is also reflected in some of the representations made by interested parties.
37. My attention has been drawn to various national and local landscape character assessments. Given the scale of the proposed development, the most relevant assessment to the determination of this appeal is the more recent local-level Bath City-Wide Character Appraisal (CA) dated 2005.
38. The appeal site lies within the Bathampton Down and Claverton Down Area as defined in the CA. Amongst other things, the University is identified as the most dominant cluster of buildings concentrated towards the northern end of the area. This is also a "*tranquil area*" with a "*most lively feeling*" associated with students commuting to university and participating in recreational and sporting activities¹⁹. I have noted above the site's restful character.
39. Having considered the landscape evidence and walked extensively around the area, the site is within an area of transition between the campus buildings to the south and the largely unspoilt open qualities of the countryside to the north. Whether it is semi-urban or semi-rural in context, given the site's use as amenity grass for the UoB, it is more characteristic of the campus than the countryside. However, this does not mean it is suitable for development.
40. Whilst the EDCR no longer reflects the appellant's aspirations for growth, it is a soundly based report which included a thorough environmental assessment of the relationship between Claverton Campus and the surrounding landscape. Much of the appeal site is identified within that document as forming part of a highly sensitive area with no development capacity. The LEMP also shows

¹⁵ At the eastern end of the site this bridleway turns north and connects with another bridleway that heads east along the edge of the golf course. A permissive path continues around the perimeter of the campus. These public rights of way and permissive paths are popular with local residents, students and visitors.

¹⁶ The Council has informed me that a group of three Hawthorn trees (identified as G7 in the appellant's arboricultural reports) are not covered by the Tree Preservation Order (TPO).

¹⁷ As defined in Table 1 of BS 5837:2012 'Trees in relation to design, demolition and construction – Recommendations'.

¹⁸ This comment is repeated within the 2014 MP Summary Update.

¹⁹ The University's Sports Training Village is located away from the appeal site on the eastern side of the campus.

parts of the site having important functions for amenity and wildlife. There is no cogent evidence to indicate that since the EDCR was produced this part of the campus, in environmental terms, has become desensitised to development or that the site's contribution to the setting of the University buildings and the green corridor has in any way diminished.

41. The proposed development would result in the loss of much of the existing sward. Approximately 20 moderate quality trees would also be removed, including several tall Scots pine and attractive groups of whitebeam and Corsican pine. The grass and trees would be replaced by a large expanse of asphalt to accommodate the many cars that would be parked on the site and engineering works necessary to provide the vehicular and pedestrian accesses around the buildings. In addition, numerous street lights would be erected throughout the site and several ticket machines would be provided. Some replacement tree planting would take place around some edges of the car park and more replacement planting could be undertaken elsewhere on the campus.
42. The appellant accepts that the proposal would result in negative landscape effects. In the main, these have been assessed as "*Minor/Moderate*". Having regard, amongst other things, to the scale of the proposed development and the context of the site, there would be adverse effects upon the character of the local landscape. Given the amenity use of the site, the generally tranquil nature of this part of the campus and the attributes of the protected trees, I consider that the appellant has underestimated the value and sensitivity of these receptors and, as a consequence, the magnitude of change.
43. The proposal would compromise the integrity of this amenity space and introduce much vehicle noise, activity, fumes and lighting alongside the bridleway. It would dramatically change the character of the site and urbanise this section of the green corridor. The replacement tree planting would take many years to establish before making any meaningful contribution to the quality of the landscape. The magnitude of landscape change and landscape effects would be moderate (adverse).
44. The proposed development would be readily apparent from the neighbouring halls of residence and the public bridleway and the permissive path alongside. It would also be seen from sections of a public footpath and permissive path that cross the golf course, although these would be mainly filtered views. These all comprise high sensitivity receptors (residents²⁰, recreational users and visitors) where, in all likelihood, a high value would be attached to the existing views. The appellant has assessed the visual magnitude of change as "*Moderate*" or "*Minor*" and the nature of effect as "*Negative*" for all receptors.
45. In my opinion, the proposed development would cause a very substantial change in views from the halls of residence and the section of bridleway immediately to the north of the site. The car park, access road and associated paraphernalia, including lighting, would result in the loss of an important green space and trees. The proposal would contrast awkwardly with the remainder of the green corridor and substantially alter the composition of the view and the visual amenity it offers. The magnitude of visual effect would be major and the visual effect would be high. The proposed landscaping and replacement tree planting would do little, if anything, to ameliorate the impact upon these views.

²⁰ The appellant's landscape expert has ascribed "Medium/High" sensitivity to these receptors and identified the value of view as "Medium".

The proposed development would diminish the experience/quality of the green corridor around this part of the campus and markedly erode the setting of the university buildings alongside.

46. I concur with both main parties that the proposed development would not harm the natural beauty or the special landscape qualities of the adjacent Cotswold Area of Outstanding Natural Beauty (AONB) and would not harm the visual amenities of the adjacent Bristol and Bath Green Belt. There is also nothing to demonstrate that it would spoil the enjoyment of the National Trust's Bath Skyline Walk.
47. The adverse effects upon the character and appearance of the area that I have identified would conflict with the provisions of LP policies NE.1, NE.4, CP6(3), CP7²¹ and PMP policies NE2 and NE6. The erosion of the quality of the landscape around Claverton Campus and the construction of a sizeable car park within an area identified as being highly sensitive and of amenity value within the "*robust evidence base*" that underpins the MP indicates a conflict or an inconsistency within the appellant's development framework for the campus.

Public Benefits

48. The UoB is a leading provider of higher education both nationally and internationally with specialist research and sports facilities at the Claverton Campus. The appellant makes a substantial contribution to both the local and national economy, not least through the provision of learning and employment opportunities. It provides considerable public benefits. National and local policies give general support to the growth and development of universities.
49. To maintain its position within an increasingly competitive higher education market, the UoB needs to compete effectively for world class academics / researchers, academically gifted students, international funding and strategic international partners. This involves expanding its capacity and research facilities at the Claverton Campus²². Given the constrained nature of the campus, I do not underestimate the challenges this presents to the appellant and the Council in achieving an appropriate balance between meeting the needs of the University and safeguarding the quality of the environment.
50. As set out in the MP, transport and car parking are key issues for the future of the University. Adequate transport infrastructure is required to maintain operational efficiency and achieve the public benefits that would arise from an expansion in capacity/facilities. In this regard, the appellant has put considerable resources into and has been commended for developing an integrated approach to its transport needs. This has included efforts to reduce the demand for car parking, as well as support and provision for bus services.
51. The Claverton Campus is well-served by bus services from the city centre. However, not everyone working on the campus has access to a convenient bus service and some others, such as visitors, the disabled and those servicing / maintaining the campus require on-site car parking. In this regard, the Council and the appellant agree that an appropriate and sustainable level of parking provision is required to support the University's activities. To meet its

²¹ In cross-examination the appellant's landscape witness conceded that there would be conflict with this policy. It was also conceded that the proposal would not comply with LP policy GDS.1 B(11) 5.

²² The appellant has identified a need for between 57,000m² and 72,000m² GIA of new academic floor space.

- operational requirements the main parties and the Local Highway Authority agree upon a total parking requirement of approximately 2,200 spaces.
52. I was informed that this is a historically derived figure and that the level of on-site car parking fluctuates as development takes place and sometimes displaces car parking spaces until compensatory parking is made available elsewhere. I note that in the past the appellant has sought to accommodate some car parking off-campus at the Sulis Club but this proved unpopular with drivers and is no longer used to assist in meeting the UoB's parking requirement. The appellant has also provided temporary overflow car parks on the campus such as the 213 space East Car Park Overflow (ECPO) which has permission until 2018²³. I understand that at present, with all the temporary car parking in place, the above noted car parking requirement is met²⁴.
53. I appreciate that land suitable for new buildings on the campus is in short supply and I note that in the recent past some land has been released from the Green Belt in order to accommodate growth. Some development, including the above noted ECPO, has also been permitted within the AONB. As the appellant moves forward with its aspirations for additional growth the pressure to build on suitable land within and around the campus will increase.
54. The Council has suggested a number of alternative car parking options. I note the appellant's arguments to the effect that if car parking was to be provided on land suitable for buildings there would be an opportunity cost for the future delivery of the campus and alternative solutions could be disproportionately expensive. If this prevented or delayed envisaged growth it would have a bearing upon the public benefits associated with the intended expansion of the University and/or could divert resources, including public money received through Government grants, away from other University expenditure.
55. However, permission has not been sought or obtained for all the new buildings the appellant is hoping to provide. In addition, the current evidence base for this future growth is unconvincing in explaining why part of the appeal site is no longer highly sensitive and what environmental changes have occurred since the EDCR to afford it capacity for development. Moreover, as on-site car parking is considered by the appellant to be an integral part of its operational requirements and necessary for the delivery of growth, I am unconvinced by the argument relating to opportunity costs. There is also nothing before me regarding public funding/grants or the extent to which this relates to the provision of future infrastructure (including transport) on the campus.
56. The Council's suggested alternative options include decked car parking, undercroft parking and increasing the capacity of some existing car parks. It is not for me to comment upon the appropriateness of those sites where the Council has indicated that permission maybe forthcoming. If I were to do so it could prejudice the determination of any subsequent planning application.
57. However, I note that the appellant's evidence demonstrates that a considerable number of additional car parking spaces could be provided within some existing campus car parks. The Council also informed me that it may consider

²³ I informed the Inquiry that when I undertook my site visit on the afternoon of 5 December there were very few vehicles in this car park. I understand that this was a normal day for the University. I also note from the written evidence that on other occasions demand for car parking at the University is at near capacity.

²⁴ The appellant's transport witness informed me that the figure of 2,175 car parking spaces in his proof of evidence excluded 37 operational spaces.

- favourably an application to use the ECPO on a permanent basis. It seems to me that there could be merit in the two main parties discussing these suggested alternatives in more detail along with the growth needs of the UoB.
58. Whilst decked parking is rarely, if ever, a thing of beauty, if a site is suitable for building it is not beyond the skill of a competent designer to deliver a high quality scheme. In addition, I note that there is some undercroft parking on the campus. In my experience, such car parking can comprise good design²⁵.
59. I was also informed that the Council regularly enforces the parking restrictions that exist along the streets in and around the campus. In noting the Local Highway Authority's support for the proposal there is nothing of substance to demonstrate that public/highway safety would be compromised if permission was not forthcoming for the appeal scheme. The University may also be able to improve its own enforcement of on-campus parking restrictions to avoid any inappropriate car parking and enhance operational efficiency.
60. With the pressure to accommodate additional research facilities and the constraints of the campus the appellant's desire for "*commodious*" car parking may be something it can ill-afford. In this regard, the appellant's planning witness informed me that there was no evidence to demonstrate that where permission had been withheld for car parking at a university it had resulted in an adverse effect on economic growth.
61. Given my findings in respect of the first main issue above, when the other claimed public benefits of the appeal scheme are weighed in the balance I find that this does not outweigh the less than substantial harm to the significance of the SM that I have identified. The proposed development would therefore also conflict with PMP policy HE1. Furthermore, the public benefits do not outweigh the harm that I have found to the character and appearance of the area.

Other Matters

62. I concur with both main parties that the proposed development would preserve the Outstanding Universal Value/heritage significance of the City of Bath World Heritage Site. It would accord with relevant national and local planning policies that are aimed at protecting this designated heritage asset.
63. The appeal site forms part of the Bathampton Down and Woodlands Site of Nature Conservation Interest. A component of the Bath and Bradford-on-Avon Bats Special Area of Conservation²⁶ (SAC) lies about 0.7km to the north east.
64. The appellant's Extended Phase 1 Habitat Survey and separate Horseshoe Bat Activity Surveys indicate that, subject to the use of a sensitive lighting scheme and an appropriate management regime for the boundary woodland, the proposal would be unlikely to have any significant effects upon bats or other nature conservation interests. There is no cogent evidence to demonstrate that the proposal would harm wildlife or biodiversity.
65. The proposed car park and access road would be in close proximity to some habitable rooms in the neighbouring halls of residence. Whilst I understand that occupation of these rooms is limited to the academic year it is reasonable

²⁵ Undercroft parking is also one of a range of design solutions identified in Manual for Streets.

²⁶ I understand that this is of importance for an exceptionally large overwintering population of greater horseshoe bats and smaller numbers of hibernating Bechstein's bat.

to expect students to spend much time studying and relaxing in their bedrooms. It is important that all members of society have adequate living conditions²⁷. An inviting living environment is also more likely to attract students to the campus and could assist in fostering a learning environment.

66. The relationship of some of the car parking spaces and the access road to habitable rooms would be likely to result in unacceptable noise and disturbance for some students living within the halls of residence. Whilst most vehicular activity from this proposed staff car park would be limited to the peak morning and evening periods this would still diminish the living conditions for those living alongside. The outlook from some rooms onto rows of parked cars or a large expanse of tarmac would also be somewhat bleak²⁸ and uninspiring. The loss of this popular external amenity space would further diminish living conditions. The remaining areas of grass around the car park are unlikely to be inviting to students for the purposes of relaxation.
67. The effects upon the living conditions of students within the halls of residence weigh against granting planning permission. However, most students move onto other forms of accommodation after their first year at university and are unlikely to have long-term tenancies on this part of the campus. Any decline in the satisfaction of students living within these halls of residence after completion of the development would also largely fall to the appellant to address. My decision does not therefore turn on this matter.
68. I note that part of the site and some of the adjacent woodland is used by children who attend the neighbouring Westwood Nursery school. I understand that this entails a permissive right to use the site. The loss of this pleasant green space would have an adverse effect upon some activities that the nursery arranges for the children. However, this would not be so great as justify withholding permission.

Overall Conclusion

69. Whilst the objectives of the development plan support the growth and development of the UoB they also afford protection to the qualities of the local environment. The dimensions to sustainable development, as set out in the Framework, also include economic and environmental dimensions.
70. I recognise the important role of the UoB and do not set aside lightly its arguments in support of the appeal. However, given my findings in respect of the main issues, the proposed development would conflict with the provisions of LP policy GDS.1(B11), CS policies B1 and B5 and emerging PMP policy SB19. The proposal would be at odds with the provisions of the development plan as a whole and the Framework.
71. Given all of the above, I conclude that the appeal should not succeed.

Neil Pope

Inspector

²⁷ I note that the appellant's decision to not progress a proposal for a car park on another part of the campus was heavily influenced by concerns raised by neighbouring residents.

²⁸ The appellant's evidence assesses the magnitude of visual change from these rooms as "Moderate" and the effect as "Negative". In my opinion the magnitude of change would be major.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Ms H Sargent of Counsel Instructed by Ms F Smith Senior Legal Advisor to the Council

She called

Ms M Barge HND, BA (Hons) Inspector of Ancient Monuments for Historic England in the South West Region

Mr C Potterton BA, DipLA, CMLI Director, Potterton Associates Ltd

Mr C Griggs-Trevarthen BSc, Senior Planning Officer
MSc, MRTPI

FOR THE APPELLANT:

Mr R Harris QC and Mr Z Instructed by Rocke Associates
Simons of Counsel

They called

Dr C Miele IHBC, MRTPI Senior Equity Partner, Montagu Evans

Mr P Harrison BA (Hons), Dip, Director of Landscape Architecture, SLR
CMLI Consulting Ltd

Dr T S Rocke BA (Hons), PhD, Director, Rocke Associates
BTP, MRTPI

Mr I Monachino-Ayres Dip, PG Director, IMA Transport Planning Ltd

INTERESTED PERSONS:

Mrs S Purcell	Local resident
Dr J Hordern	Local resident
Dr M Barron	Local resident
Mr G Morris	Local resident
Mr M Purcell	Local resident

LIST OF DOCUMENTS SUBMITTED AT THE INQUIRY:

Document 1	The appellant's Opening Submissions
Document 2	The Council's Opening Submissions
Document 3	Dr Hordern's Statement
Document 4	Dr Barron's Statement
Document 5	Mr Morris's Statement
Document 6	Letter from Ms S Wain-Heapy
Document 7	Response from Ms Barge to Dr Miele
Document 8	Extract from LP Proposals Map

Document 9	Extract from GLVIA third edition
Document 10	Decision and extracts from Inspector's Report appeal ref. APP/T1600/A/13/2200210
Document 11	National Trust Bath Skyline Walk pamphlet
Document 12	The Council's response to the draft LEMP
Document 13	The appellant's response to Document 12
Document 14	Mr Purcell's Statement
Document 15	List of planning conditions agreed by the main parties
Document 16	Plan showing trees not covered by the TPO
Document 17	The Council's Closing Submissions
Document 18	The appellant's Closing Submissions