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## Appeal Decision

Hearing and site visit dated 1 December 2015

**by Roy Foster MA MRTPI**

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

Decision date: 22 December 2015

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**Appeal Ref: APP/F0114/W/15/3130876**

**Miland House and No 6, Rock Road, Keynsham, BS31 1BP**

- The appeal is made by Milands Properties LLP under S78 of the Town and Country Planning Act 1990 and concerns refusal of planning permission by Bath & North East Somerset Council for the erection of a building comprising a convenience store, office and 14 flats following demolition of the existing office building and detached dwelling house.
  - The application [ref 14/03163/FUL] was dated 10 July 2014 and refused by notice dated 4 March 2015.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. From all that I have read, seen and heard it is clear that the main issues in this appeal are (i) the effect of the proposal on the character and appearance of the area and (ii) whether or not the scheme would result in hazards to vehicles and/or pedestrians.

### Inspector's consideration of the issues

*Effect of the scheme on the character and appearance of the area.*

3. The appeal site is in an area immediately to the west of the main commercial area of Keynsham, centred on the High Street. Ashton Way surface car park lies immediately to the north and another such car park is on the opposite side of Rock Road to the south. To the east, on the opposite side of Ashton Way, are the rear portions of retail premises fronting Keynsham High Street. To the west, Rock Road and Mayfields are residential streets with their own settled characters, albeit very different from each other. Rock Road is an attractive rising street of re-1930 ashlar faced houses.
4. The statement of Common Ground (SoCG) recognises that the existing buildings on the appeal site have little architectural merit and that the area would suffer no harm from their demolition. The Council also accepts that, in principle, a scheme including mixed development ingredients of retail, offices and flats would be acceptable in policy terms in this second-order town centre location.
5. I saw that with the exceptions of the attractive new 4-storey Civic Centre at the junction of High Street and Rock Road (designed to represent a public

building of a landmark nature) and the highly discordant feature of the 5-storey development at Riverside (now mainly unoccupied and not surprisingly identified as a key site for regeneration/redevelopment in an emerging early version of part 2 of the Local Plan), the wider area surrounding the site is notably and almost entirely 2-storey in character. This strongly-marked characteristic includes premises fronting both sides of the High Street and the residential areas both to the west of the appeal site and much further afield. I therefore consider that the building heights of the Civic Centre and Riverside developments offer no decisive design cues or precedents for the appeal site.

6. In this context the proposed 4-storey flat-roofed building would have a very substantial presence and in my judgement would be out-of-scale and character with the surrounding area. This would be much emphasised by the structure's close proximity to all four of the site boundaries and its unusually immediate visibility from public views on all sides (that is, as seen from Ashton Way car park, the Ashton Way/Rock Road junction, Rock Road and Mayfields).
7. I can understand the appellant's wish to make a bold visual statement in this area of featureless surface car parks west of Ashton way as a contribution to revitalising the image and role of the town, recognised in the Keynsham section of the emerging draft of Part 2 of the Local Plan (the Placemaking Plan) as in need of improvement and upgrading. The scheme would provide benefits in the form of a larger retail unit of the type recognised in the plan as lacking in the town. It would also provide modern office space and additional residential accommodation, again both sought by the plan.
8. I also recognise that the company changed the original application from 5 to 4 storeys with the 'removed volume being redistributed along the length of the building'. However, this redistribution creates additional visual incongruity, stemming from the projection of the upper floors (mainly at third, but also at fourth storey level) raised upon tall columns over the 2-storey void which accommodates the parking and servicing area. I concluded from my visit that these elements of the scheme would be jarring, disruptive features in the street scene viewed from both directions going up and down Rock Road, from the car park across Rock Road, from Mayfields, and from the Ashton Way car park.
9. Seen from the latter the long north-facing elevation of the building would appear markedly out-of-keeping with the established scale of the area, exacerbated at the western end by the awkward (and different) degrees of projection of the over-sailing third and fourth storeys above the tall void at ground and first floor level. From the information presented in the early version of the Placemaking Plan the likelihood of new development near the appeal site on the car park itself appears to have reduced, in which case the northern elevation of the scheme would remain fully exposed with no views of it screened by any nearby new structure.
10. For these reasons I consider that the appeal should be dismissed as the scheme would undermine the objectives of saved Local Plan policy D4, requiring development to respond to local context in terms of appearance and reinforce or complement attractive qualities of local distinctiveness. In my view the scheme's disadvantages outweigh the benefits identified in paragraph 7 above.

11. Although the Council criticised the proposed materials to be used in the scheme I do not consider that an appropriate mix of elements such as brick, rendering and metal cladding would be inherently unsuitable for a modern building of suitable scale erected in this area.
12. I have given consideration to matters raised regarding some aspects of the consultation drafts of the Keynsham Conservation Area Appraisal and the Keynsham Conservation Area Management Plan, both dated August 2015. However, the Council did not suggest in its reasons for refusal or its statement of case that the proposal would cause specific harm to the Conservation Area itself and I share the view that the decisive issue in this case is the effect of the scheme on the character of the area as viewed from the vantage points I have identified.

*Would hazards be caused to vehicles and pedestrians?*

13. All vehicles entering the appeal site, including HGVs visiting the service bay for the intended convenience store, would do so via a new access onto Mayfields, a lightly-used residential cul-de-sac which also attracts some use by pedestrians walking to and from this direction to reach the Ashton Way car park and Charlton Road.
14. The width of Mayfields is insufficient to permit an HGV and a car to pass each other, so there would be some occasions when one or other of such vehicles had to wait in Rock Road for the other to exit. However, in view of the low traffic levels and good visibility at this junction this is likely to be a matter of infrequent, temporary inconvenience rather than a material hazard.
15. In order to enter the servicing area for the proposed store an HGV would need to reverse into it from Mayfields. The swept-path diagram indicates that this could be achieved by the creation of run-over areas within the grass verges to the north and south of the new entrance. Occasional reversing movements of this kind are not unusual at town centre sites and should not involve undue hazard if executed with proper care. Formation of the run-over areas would also involve the loss of some 2-3 street on-street parking places provided as part of a residents' parking permit scheme. I do not consider the suggested compensation for this loss (single yellow lines to permit parking outside retail servicing hours) an altogether satisfactory solution but in any event I am not convinced that the scale of reduced on-street provision is in itself sufficiently material as to warrant dismissal of the appeal.
16. 7 parking spaces would be provided for the 14 flats, including one space for disabled drivers. This falls below the 'maximum' standards contained in saved Local Plan policy T26, but the policy notes that the *standards 'will be applied flexibly and considered against accessibility criteria'*. This approach is also reflected in National Planning Policy Framework (para 39). Therefore, in view of the site's proximity to (a) the railway station and (b) bus services visiting the town centre, I consider this a reasonable level of on-site residential parking provision. People working at, or visiting, the retail unit and the first floor office could use either the same public transport or the short and long term town centre car parks.
17. Discussion took place about the extent to which cars entering or leaving the on-site parking spaces would be able to pass a parked HGV stationed at the loading doors, especially taking account of the proximity of the structural

columns on both sides. It seems to me that the ability of a resident driver to execute this manoeuvre would depend upon the exact alignment of the parked HGV on any particular occasion, the model of the car, and the level of driving skill and judgement of the car driver. The relevant drawing probably shows a 'best case scenario'; on occasions a resident could decide that a safe entrance/exit could not be made and may therefore wait or park elsewhere until the HGV had left. However, such instances of inconvenience would be infrequent; car-owning potential residents would have to decide how much weight to place upon the possibility of such an occurrence compared with the convenience of the central location and other factors.

18. Turning to the pedestrian approach to the entrance to the flats, it is not unusual to enter such dwellings from a residents' car park and a dedicated pathway would lead safely from the front door to Rock Road. The closeness of the front door to the loading area would not be an attractive feature at times when an HGV is parked there, but resident pedestrians would not have no place themselves at risk by walking into or across it rather than using the pathway.
19. As for the adequacy of cycle parking, residents' cycles would be stored within a secure 'room' within the building envelope. External racks are proposed for shoppers' and office workers' cycles which, while not shown as sheltered, could be conditioned to be so. In my view this would be an adequate arrangement.
20. I therefore conclude on issue (ii) that the scheme would not give rise to material hazards to drivers and pedestrians or undermine the objectives of saved Local Plan policies T24 and T26. Nonetheless, the appeal is dismissed for the reasons stated concerning issue (i).

*Roy Foster*

Inspector

## **PERSONS SPEAKING AT THE HEARING**

### ***For the appellants:***

Jim Tarzey, Pegasus Group

Ian Monachino-Ayres, IMA Transport Planning

Matthew Bollen, BBA Architects

### ***For the Council:***

Tessa Hampden, Senior Planning Officer

Cleo Newcombe-Jones, Senior Planning Officer

Daniel Friel, Highways Division

Cllr Brian Simmons (Ward Councillor and Town Councillor)

## **ADDITIONAL DOCUMENTS SUBMITTED AT THE HEARING**

- 1 BANES Placemaking Plan (Local Plan part 2) Draft for Cabinet meeting 2/12/15
- 2 Keynsham Conservation Area Management Plan August 2015
- 3 Rock Road: typical street elevation 1:250

Richborough Estates