



## **Planning Application: Radstock Railway Land 08/02332/RES**

Radstock Action Group wishes to object to the latest amendments to the above planning application in relation to the Radstock Railway Land.

This objection contains three sections:

1. Statement on the current application – page 1
2. Appendix 1: Radstock Action Group Objection to the previous version of this planning application – page 7
3. Appendix 2: Copy of letter to David Audsley, Planning Officer, regarding certain matters requiring clarification in relation to the planning application and process – page 32

### **SECTION 1: Statement of objection on current application**

Radstock Action group wishes to object to the current application on the following grounds. Our objections should be read in conjunction with the two appendices attached to this document.

They should also be read in conjunction with the Local Plan which is the key strategic policy document in relation to this major development.

Whilst there have been some minimal changes to the previous version of this planning application, the majority of our objections as detailed in our original objections, as reprinted in Appendix 1, have been totally ignored and these objections, therefore, still stand and form part of our objections to the current application.

Our views remain based on the indisputable value of Radstock in terms of its historic town centre and much admired built environment which is matched by its bio-diversity, its natural beauty and its potential as a centre for trade and tourism as well as sensitive housing developments.

At this point, we wish to underline some of the major issues to which we object.

1. **Lack of information to and consultation with residents and traders in Radstock, with lack of adequate time for responses**

A letter dated 6 March 2009 from Planning Services was addressed to those who had already objected to the previous version of the application. Despite requests that the authority should make suitable efforts to inform all residents and traders that the new application was open for comment, nothing has been done. There have been no announcements made by the authority in the local press which is the most effective way of communicating to the local population.

No doubt, the Authority will argue that it placed a notice in the Victoria Hall. This is not a defence as people cannot be expected to check for public notices in specific buildings. This abdication of any commitment to democratic and transparent processes is most disappointing given the repeated breaches in relation to these basic principles in previous matters relating to the 'regeneration' plans for Radstock.

We also object to the very short deadline for responses and reserve the right to continue to submit objections. The letter to Radstock Action Group was received on 9 March, thus leaving 10 working days in which to prepare a response.

We would appreciate clarification as to why the normal 21 days was not applied in this case.

2. **Lack of Acknowledgement of Flood Risk**

Since the original proposals for the 'regeneration' of the railway land, there has been a new Environment Agency Flood Risk Assessment which increased the risk of flooding to once in fifty years from once in one hundred years. However, there is not even any acknowledgement of this in the current proposals. Such a refusal to address a very clearly heightened flood risk is unacceptable, particularly as it is clear that unpredictable and extreme weather events are increasing in intensity and frequency. This coupled with the unacceptable run off arrangements for the area mean that any building is going to be at severe risk which will also have a knock on effect on adjacent areas, including in the conservation area.

3. **Financial Viability**

We are increasingly concerned about the financial viability of the whole project. With the Norton Radstock Regeneration Company being so financially unstable as to be forced to close its office, opting instead for a PO Box number (they apparently thought it was in Wells but it emerged recently that it is actually in Corsham) confidence is waning even further.

In conjunction with this, there is considerable evidence that builders are not necessarily going to be willing or able to commit to the terms of agreements made for major developments. We are unable to detect any evidence that this development will be completed with associated infrastructure, or even that the NRR will be able to make the financial gain from it that they have said they will ultimately commit to additional projects in the area.

Until such time as the public money which has already been injected into the NRR is publicly accounted for and budgets are published to confirm financial viability, the authority should, at the very least, put the whole application on hold.

#### 4. **The business case**

There is absolutely no evidence of the economic benefits that should accrue from 'regeneration' projects. The applicant has not presented a business case for the project.

The authority, prior to agreeing any development of this nature, must demand evidence that financial and economic benefits will result for the locality.

Where is the business case for this proposed 'regeneration'?

#### 5. **Lack of Infrastructure**

The basis of the outline planning permission and 106 is that housing will only be permitted where there is complementary commercial development and the assurance of development which will guarantee matching jobs for anyone living in the units<sup>1</sup>.

There is only one token piece of accommodation for an ill-defined purpose,

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<sup>1</sup> The word 'unit' is used here as most of the building will be of 'flats' which are of such minimal quality and limited size as best described only as 'units'.

other than housing, possibly retail.

This application does nothing other than reinforce our view that far from being a 'regeneration project', this is a second rate housing development without any of the required public services enhancement that are a prerequisite of gaining planning consent. Affordable housing should be built to decent specifications and is entitled to full infrastructure development.

## 6. **Balance of housing units**

Whilst the applicant has applied for planning permission for 83 units, they have also confirmed publicly that they intend building only 50. Of these, the majority will be affordable housing.

The decision to concentrate affordable housing units in a very restricted area is totally contrary to national policy requirements that such units should be 'pepper potted across mixed developments. It is also a direct contravention of the terms of the original outline planning application and 106.

## 7. **Continued breaches of agreed design codes and Local Plan**

The changes to the external appearance of some units is the only minimal attempt by the applicant to respond to public concern.

As examples of the inappropriate and incongruous current proposals, we would cite the following examples:

### **Flats E : Plots 99-103**

Staved boarding on side elevation and rear elevation. Also on front elevation rendered quoins.

### **Flats C Plots 61-72**

Too much render to front elevations. In order to blend with local architecture and design this, at the least requires flat white lias with cast stone surrounds.

### **Flats A 57-60**

To match local conservation area features, all windows and door surrounds would need to be cast stone curved to corners on front elevations to match the Victoria Hall and Fortescue House.

### **Drawing no SE.02 Revision A**

Flat D, for example, has absolutely nothing in common with any other building

in the centre of Radstock.

### **Green roofs and timber boarding**

These two 'features' still remain despite the fact that they are totally out of sympathy with the conservation area with its beautifully crafted Victorian buildings.

## **8. Environmental, Ecological and Archaeology Management**

There are no changes to the inadequate plans and alleged safeguards and mitigation proposed by the applicant. There remains a total lack of any commitment to the 106 plans for managing the environment and for safeguarding wildlife. A very considerable period has now elapsed during which it would have been possible to record the impact of such questionable tactics as translocation of species. Nothing has been done in this regard and though there have been some minor gestures in agreement to limit the number of trees cut down, it is important to note that damage through tree felling has already left a mark on the site.

In relation to the archaeology of the site, there is still no evidence of any plans to survey the archaeological record or to carry out any practical investigations.

The disregard for precious and irreplaceable assets must be curtailed now. The most effective way of starting this is to reject this tokenistic application.

## **9. Road systems**

The authority is currently undertaking some transport modelling in Radstock. The illogicality of agreeing to any development which incorporates the current proposal to run a new main road right through the middle of the conservation area and the 'regeneration' plot on the railway land, is clear.

Extensive and thorough transport modelling should have been done prior to any planning application being submitted. It is now time to consider a much more strategic approach to transport matters in Radstock and surrounding areas, all of which will be affected by any new road system in Radstock.

## **10. Sustainability of development**

The use of poor quality materials and adherence to the most minimal standards for insulation are a recipe for the breakdown of the sustainability of this project. Nothing has been done to address these issues in the most recent changes.

BANES' rhetoric about its determination to promote sustainable communities, enhance the environment and manage global warming effectively remains nothing more than rhetoric. Radstock is a particularly valuable site in terms of its natural environment and built heritage; planners must do everything possible to conserve these assets and to avoid further damage.

The current 'regeneration' proposals will impact negatively on the very things which make Radstock unique and will lead to the degeneration of the town centre, its trade and its visitor/tourism potential.

## 11. **The Section 106**

The Improvement and Development Agency for Local Government says of 106 agreements: 'Section 106 agreements can act as the main instrument for planning restrictions on the developers. They often require developers to minimise the impact on the local community and to carry out tasks that will provide community benefits'.

We regard this planning application as evidence of the continued abuse of the general function of Section 106 agreements and of the lack of any concern whatsoever for the impact that this specific 'regeneration proposal' will have on our local community.

A defence which has been produced by BANES, by NRR and by Bellway, of doing nothing has been a disingenuous assertion that it is too late to change anything. However, earlier this month, BANES considered an application to vary the terms of a 106 in Keysham – the application was discussed, thus proving that varying a 106 is not outside any set of rules.

We request that this whole matter is called in or simply abandoned in favour of proposals which reflect the needs and wishes of residents, traders and visitors to Radstock.

## **SECTION 2: Appendix 1**

### **Response to Planning Application 08/02332/RES**

#### **RADSTOCK ACTION GROUP**

##### **PART ONE: INTRODUCTION**

Our primary aim in submitting this response to 08/02332/RES is to request that it is rejected in its entirety by BANES, on the basis that it adds nothing to the outline Planning application other than a further guarantee that Radstock, its residents and businesses are not being consulted and will be positively disadvantaged by the proposals should they go ahead.

The detail contained in the Reserved Matters is confirmation of the fact that no value is ascribed by the developers to the natural and built environment, the need for economic regeneration, and the development of a sustainable future for the town. It further reveals that this is little more than a housing development; it is certainly not part of a regeneration scheme.

The application also illustrates the degree to which the developers are prepared to flout all the strategic objectives enshrined in the Local Plan, the Regional Spatial Strategy, their own declared intentions (both Bellway and NRR), whilst also ignoring best practice in relation to regeneration, stewardship of the built and natural environment, and the putting of people at the centre of successful developments.

In responding to the Planning Application 08/02332/RES, Radstock Action Group wishes to draw the attention of the Development Control Committee and all other officers and representatives of the council, to the following:

1. The processes and procedures adopted by BANES and the applicant in relation to this application lack any proper means of consultation, publicity for the application has been minimal and there has been a notable unwillingness on the part of the developers to engage in debate and consultation with local people, businesses and other stakeholders.
2. The applicant for this Reserved Matters Application is Bellway, whereas for the original outline planning application (06/02880/EOUT) it was a joint application between Bellway and NRR. We would like clarification on the reasons for this, especially as NRR blocked Bellway's agreement to allow us to have a copy of the plans relating to the application.

We also question the wisdom and professionalism of having two different agents for the Outline and Reserved Matters applications. This suggests that there is a lack of continuity in the project which may contribute to the generally casual presentation and lack of substantial content within the documentation for the application as submitted.

3. The Reserved Matters Application is so far removed from the declared proposals and objectives of the original outline Planning Application (06/02880/EOUT) as to be inconsistent with the original application, both in practical matters and in the intentions underpinning the original.
4. The Section 106, the BANES Local Plan, the Regional Spatial Strategy and all the documents submitted in support of the original outline planning application do not add up to a coherent strategic underpinning for a major development plan. In fact the Section 106 and 08/02332/RES both contradict almost all the declared objectives of the BANES Local Plan and the declared aims of the Regional Spatial Strategy (See p.55) which does not identify Radstock at all as a site of housing development within the terms of Part 4, Sub-regional Strategy Statements and Housing Distribution.

The disregard for all the strategic planning contained in the Local Plan and the Regional Spatial Strategy raises the question of why these documents exist and what their function is if they can be ignored in local particular cases. We deplore the lack of consistency in the authority's own planning decisions when strategic policies can be ignored and contradicted in relation to specific applications of major import for large numbers of people. This is in sharp contrast with the fact that non-compliance with them, (especially the Local Plan) is regularly used as a reason for rejecting smaller, usually domestic and small-scale applications.

5. We are exceptionally concerned that the whole of Radstock town centre is being redeveloped by a commercial property company and that the application amounts to nothing more than an application to build houses. We object to the Planning Application on the basis that it is not a suitable delegation of the responsibilities and powers of a planning authority or a regeneration company to delegate the future of a complete town centre to a commercial house builder.
6. The Site 2 Design and Access Statement contains a wealth of information and an appreciative account of the value of Radstock's built environment. It is, therefore, doubly disturbing to find, onlooking at the Reserved Matters detail that none of the observations in the Design and Access Statement have been respected or used to positive effect within the plans; the result of the implementation of the proposals will be to negate all that which we value and which is recognised in the Design and Access Statement. The local distinctiveness and identity of Radstock will be replaced by a poor quality, crowded housing estate with its accompanying mainroad.

Unfortunately, the descriptions of the natural worth of the railway land are less encouraging and less accurate. 'Overgrown with scrub and tree planting' bears no relation to the wealth of animal and plant life, much of it rare and valuable, which is currently under threat from the proposals.

6. Our response includes references to the new road. We suspect that these might be regarded as out of order, since the plans do not make specific detailed reference to this road. However, given the fact that we were prohibited from making reference to the road in a presentation to the Development Control Committee on



the basis that the road has something to do with the current application, we reserve our right to comment on the road at this point. In illustration of this situation we cite mail from David Taylor, 5 August: 'Regarding the reasons for omitting Nos 4&5 of your statement, I understand that the new road forms part of the original application/proposals for Radstock. The reserved matters application stemming from those proposals has yet to be determined'. Full correspondence available on request)

7. Since the submission of the Outline Planning permission, there has been further deliberation at local authority level on Flood Risk<sup>2</sup> but it has proved impossible to locate the outcome of this work, and we note that there is no further mention of it in the Reserved Matters. Before any further permissions are granted in relation to this site, it is important that the apparently enhanced flood risk is taken fully into account.
8. Clearly a new road on the scale proposed will increase all forms of pollution. Despite requests, BANES has been unable to provide any readings for current pollution levels on Frome Road, traffic from which would be running straight through the centre of Radstock. We propose that proper surveys of air and noise pollution are undertaken and that they should form part of any planning process, and should be of the roads currently in use which would be feeding into the new proposed road system.
9. We feel particularly strongly about this whole proposal because it is, if implemented, totally irreversible and will change the character of Radstock permanently. It puts everything that is valuable about Radstock at risk, the relatively fragile Victorian buildings not designed to withstand articulated and other heavy vehicles, the character of the centre, defined as the best –preserved mining town centre in the country, the special natural environments which host rare and valuable species of plants and animals, and a certain end to any chance of re-establishing a rail link to the town. This is not a peripheral or tangential development, this is something that will, by its scale and nature, destroy Radstock's historical, social, environmental and economic worth and potential all round.
10. We also object to the fact that there appears to be a very considerable cross over in activities between NRR and BANES and would question the legitimacy and correctness of a planning authority of a local authority (in this case BANES) being the final arbiter in a planning application from a company (Bellway) which is closely linked (allegedly as a joint developer) with a regeneration company that appears to be indistinguishable from the local planning authority. If in doubt, we would cite, for example, the fact that NRR letters are franked by BANES and the organisation is hosted in buildings belonging to the council.

It is incumbent on BANES, at this point in the planning application process, to

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<sup>2</sup> See

<http://www.bathnes.gov.uk/BathNES/advicebenefits/Emergencies/floods/Flood+Awariness+Day+2008.htm>

explain clearly what the relationship of the council is with NRR; and, furthermore, to explain fully the relationship between NRR and Bellway, especially in relation to financial dealings over a piece of land which is central to the future of Radstock – namely the railway land.

11. Our principal contention is that this application reveals the depth of the inappropriateness of the current proposals, as well as altering them very considerably in relation to the outline planning application to which they refer. We, therefore, wish to request that this planning application is rejected entirely and that the whole project to which it relates should be called in and reconsidered.
12. We wish to make it clear that we are not opposed to the building of 'affordable housing' – we regard it as essential to the future wellbeing of Radstock, its development and sustainability. Similarly, we fully support initiatives designed to enhance environmental well-being. Our objections in both these areas stem from concerns that the proposals are driven by the need to preserve a profit for the developer, in the case of the affordable housing, and by a tokenistic and ill-informed gesture in the case of the 'green roofs'.
13. Whilst this response aims to highlight certain major problems and objections, it is not an exhaustive look at every single detail as this would require more time than is available. We have chosen instead to identify some areas of concern and apply tests to them in order to illustrate that the application does nothing to ensure that Radstock is dealt with sensitively, taking into account the needs and expressed wishes of businesses and residences.
14. The detailed comments are indicative rather than exhaustive and are made on the basis that we, above all, request the withdrawal of this application. Such comments support this request but should also be considered if the request for the application to be rejected totally is not immediately agreed.
15. A copy of a recent Radstock Action Group Open Letter to NRR and Bellway is attached to this application as Appendix A, since it reflects many major concerns. At the time of submission of this response, Radstock Action Group had not received any responses to the letter

## PART TWO: SOME KEY POLICY STATEMENTS

This section contains some examples from key relevant policy and strategy publications which the current Planning Application ignores and highlights divergence between the application and the publications.

Source	Page/Section	Relevance to 08/02332/RES <sup>3</sup>
LP <sup>4</sup>	<p><b>P.2 Why the Local Plan has been prepared</b>            The Local Plan will also help protect and enhance the character of places that are locally valued and identify areas which would benefit from improvement. It is the vehicle for communities to pursue locally needed development such as affordable homes, better cycling facilities or a meeting hall. It also provides the opportunity to identify and conserve what local communities think is important in the area, such as a landscape feature or open space. Assessing community needs will also help to identify social concerns and encourage everyone to benefit.</p>	<ol style="list-style-type: none"> <li>1. The application will result not in the enhancement of the character of Radstock as suggested by the Local Plan – it will destroy the very character which local people wish to preserve and enhance, through overcrowding, unsympathetic development of housing.</li> <li>2. People in Radstock regularly cite the current conservation/town centre area as valuable – the impact of the new development, including a main road will jeopardise this centre and the structural integrity of its buildings</li> <li>3. People also value the natural environment and the habitats of the area – all of which are currently under threat from the development</li> <li>4. Community needs have been ignored not assessed.</li> </ol>

<sup>3</sup> All references to 'the application' in this column refer to Application 08/02332/RES

<sup>4</sup> LP = BANES LOCAL PLAN 2007

<b>Source</b>	<b>Page/Section</b>	<b>Relevance to 08/02332/RES</b>
LP	A1.10 These towns (Radstock and Midsomer Norton) lie at the centre of the former Somerset Coalfield and the rich legacy of the coal mining industry has considerably influenced local character. Many of the spoil heaps have been transformed with remoulding and vegetation growth and are distinctive local landscape features. The former railway lines provide existing and potential recreational routes	<ol style="list-style-type: none"> <li>1. We value the rich legacy of the coal mining industry and oppose this application since it entirely ignores it. Already, parts of the railway infrastructure have been removed and the site changed, thus eliminating their part in the 'local character'.</li> <li>2. We support the principles of the former railway lines providing potential recreational routes and suggest that the most obvious and logical application of this is to reinstate the railway, not just for recreational but for public transport purposes as well. The construction of houses over the railway site will permanently eradicate any development of this option.</li> </ol>

Source	Page/Section	Relevance to 08/02332/RES
LP	<p><b>p.28 Policy D2</b> Development will only be permitted if:</p> <p>a) schemes are well connected to their surroundings and, where appropriate, it is easy and safe to move through the development site;</p> <p>b) the character of the public realm is maintained or enhanced and the development is of high quality design;</p> <p>c) buildings relate positively to the public realm, and a clear distinction is made between the public realm and private space;</p> <p>d) car parking and access roads do not dictate the design of the development, nor dominate the quality of the public realm;</p> <p>e) safe and secure environments are created for all users of the public realm, where natural surveillance is of a high level; and</p> <p>f) the proposed development will not cause significant harm to the amenities of existing or proposed occupiers of, or visitors to, residential or other sensitive premises by reason of loss of light, or increased overlooking, noise, smell, traffic or other disturbance.</p> <p>g) it provides for public art or otherwise contributes to a public realm which is attractive,</p>	<ol style="list-style-type: none"> <li>1. The current application which reveals the detail of the outline planning application contradicts most if not all of these conditions</li> <li>2. (a) This scheme divides a community in two, a major new road onto which small dwellings will border directly will cause a risk to all dwellers and users of the town centre</li> <li>3. (b) The character of the public realm will be diminished, if not totally destroyed – first by a set of housing which is totally out of sympathy with the aesthetic of the conservation area; secondly, in physical terms, by the main road which through vibration and additional pollution will endanger the continued viability of the buildings that make the town centre</li> <li>4. (c) There will be no clear distinction between the public and private realm as the reality of the housing layout and the design/planting in the Reserved Matters will have the opposite impact</li> <li>5. (d) The design of the development is predicated on/dictated by the building of a new road, which as already stated, will transform negatively and dominate the character of the public realm.</li> <li>6. (e) Natural surveillance is not at the forefront of the designs as many entrances will be away from publicly viewed spaces, thus limiting natural surveillance; safety, as already stated, is compromised by the new road which will bring heavy through traffic into close proximity with residents, shoppers and visitors to the town and will cause a health problem through air and noise pollution levels</li> <li>7. (f) Clear breaches include all the items listed in this clause; visitors include shoppers; amenity will be</li> </ol>

Source	Page/Section	Relevance to 08/02332/RES
LP	<p><b>POLICY D.4 p.31</b> Development will be permitted only where:</p> <p>a) it responds to the local context in terms of appearance, materials, siting, spacing and layout; reinforces or complements attractive qualities of local distinctiveness; or improves areas of poor design and layout;</p> <p>b) landscaping enhances the development and complements its surroundings;</p> <p>c) buildings and layouts are capable of adaptation;</p> <p>d) the appearance of extensions respect and complement their host building.</p>	<p>1. As is made clear elsewhere in our response, the details contained in the application, does not meet these criteria.</p> <p>Unsuitable materials have been chosen and do not complement or match the local materials used throughout the town centre; there will be no room for adaptation of layout or buildings as the cramped nature of the design leaves no room for manoeuvre; the new buildings will not respect and complement the host buildings, that is the Victoria Hall and the conservation area in the centre, all of which will be dominated by these proposed new buildings in close proximity, even though technically not 'host/hosted' relationship.</p>

Source	Page/Section	Relevance to 08/02332/RES
LP	<p><b>POLICY BH.6 p.180</b></p> <p>Development within or affecting a Conservation Area will only be permitted where it preserves or enhances the character or appearance of the area, in terms of size, scale, form, massing, position, suitability of external materials, design and detailing. Particular attention will be given to:</p> <p>i) the retention of buildings, groups of buildings, existing street patterns, historic grain, spaces, building lines and ground surfaces which contribute to the character or appearance of the Conservation Area;</p> <p>ii) the retention of architectural features which contribute to the character of the area, including boundary walls;</p> <p>iii) the impact of the proposed development on the townscape, roofscapes, their scale, massing and relative scale and importance of buildings in the area;</p> <p>iv) the relationship of buildings to open space and historic grain;</p> <p>v) the need to protect existing trees and landscape which contribute to the character or appearance of the Conservation Area; and</p> <p>vi) the removal of unsightly and inappropriate</p>	<ol style="list-style-type: none"> <li>1. This application clearly breaches many of these conditions. This development, if agreed, will have a major impact on the conservation area, in all the ways mentioned in the opening paragraph.</li> <li>2. As mentioned elsewhere, existing street patterns will be severely affected by this development as the function of the town centre streets will change from hosting the local community as shoppers and in other leisure senses, plus as patients to the doctor, visitors to the town council offices in the Victoria Hall and many other activities</li> <li>3. The new buildings with such features as their unusual heights and roof shapes, their 'green roofs', the intense development of a very large number of homes in a small area, will all impact negatively on the scale and importance of current buildings in the area.</li> <li>4. Healthy trees have already been felled in considerable numbers detracting from the conservation area and with no apparent justification. We understand from the proposals that there will be more tree felling.</li> <li>5. There is nothing unsightly to be removed. However, in proposing to put a sub-station in the middle of the new development, the developer is introducing something which will be both unsightly and a potential health hazard.</li> </ol>

Source	Page/Section	Relevance to 08/02332/RES
LP	<p><b>C3.40 p.180</b>  It may be inappropriate to grant outline planning permission in a Conservation Area without full details with which to assess the extent to which the proposed development will preserve or enhance its character or appearance. Where it appears that the impact of a development proposal is likely to be particularly significant, or if it is not possible to assess its impact from the details submitted, a full application including detailed plans will be required.</p>	<ol style="list-style-type: none"> <li>1. The requirement for full details with which to assess 'the extent to which the proposed development will preserve or enhance ....' should certainly have been applied in this case.</li> <li>2. The Outline Planning permission was granted with inadequate consultation and investigation and thus, renders the current application null and void.</li> </ol>



Source	Page/Section	Relevance to 08/02332/RES
NRR/B <sup>5</sup>	<p><b>4.4 Housing</b></p> <p>4.4.1 The scheme will provide 210 new homes in Radstock by 2011, comprising 142 apartments and 67 houses. The B&amp;NES area is faced with challenging housing targets, with housing completions having averaged no more than 300 dwellings per annum – this compares with the Local Plan which sets a target of nearly 400 per annum and the Regional Spatial Strategy (RSS) which sets a strategic Framework to 2026 that envisages delivery of 780 per annum. This project would make a significant contribution equating to around 17% of the Local Plan annual target and 9% of the RSS target over a three year build period.</p>	<ol style="list-style-type: none"> <li>1. Clearly the developers responsible for this application have not understood the Regional Spatial Strategy<sup>6</sup> which does not identify Radstock as a focus for housing development.</li> <li>2. We propose that, in the light of the details contained in this application, the developers be requested to bring their application in line with the Regional Spatial Strategy objectives.</li> </ol>

<sup>5</sup> Former Railway Land Radstock – Regeneration Case, Norton Radstock Regeneration Company and Bellway Homes Ltd, 4 February 2007

<sup>6</sup> See section 4 Sub-regional Strategy Statements and Housing Distribution [www.southwest-ra.gov.uk](http://www.southwest-ra.gov.uk)

Source	Page/Section	Relevance to 08/02332/RES
RSS <sup>7</sup>	<p><b>ENV1 Protecting and Enhancing the Region's Natural and Historic Environment p.144</b></p> <p>The quality, character, diversity and local distinctiveness of the natural and historic environment in the South West will be protected and enhanced, and developments which support their positive management will be encouraged. Where development and changes in land use are planned which would affect these assets, local authorities will first seek to avoid loss of or damage to the assets, then mitigate any unavoidable damage, and compensate for loss or damage through offsetting actions. Priority will be given to preserving and enhancing sites of international or national landscape, nature conservation, geological, archaeological or historic importance. Tools such as characterisation and surveys will be used to enhance local sites, features and distinctiveness through development, including the setting of settlements and buildings within the landscape and contributing to the regeneration and restoration of the area.</p>	<ol style="list-style-type: none"> <li>1. There is absolutely no evidence that the local authority has sought to avoid loss of or damage to the assets (of the natural and historic environment). The reserved Matters give the lie to any attempts to give any impression to the contrary.</li> <li>2. Since the Outline Planning was approved it has become apparent that the mitigation strategy is limited and not working in relation to the natural environment</li> <li>3. There is still no evidence of archaeological survey</li> <li>4. There is no acknowledgement in the application of the value of the town and its setting and the reserved Matters do nothing to remedy this position, thus leaving the application in breach of the RSS in another area.</li> </ol>

<sup>7</sup> RSS = Regional Spatial Strategy Draft as at [www.southwest-ra.gov.uk](http://www.southwest-ra.gov.uk)

<b>Source</b>	<b>Page/Section</b>	<b>Relevance to 08/02332/RES</b>
RSS	<p><b>ENV5 Historic Environment p.149</b>  The historic environment of the South West will be preserved and enhanced.  Local authorities and other partners will identify and assess the significance of the historic environment and its vulnerability to change, using characterisation to understand its contribution to the regional and local environment and to identify options for its sensitive management.</p>	<p>1. We propose that BANES identifies and assesses the significance of the historic environment and its vulnerability to change, in Radstock. So far, there is no substantial evidence that this has been done. Hopes that the matters would be addressed through this application have proved ill-founded.</p>

**PART THREE: EXAMINATION OF THE SUPPORTING DOCUMENTS**

Reference	Details	Comment	CONTRA-VENTIONS
Application Details	Former Gwr Railway Line Frome Road Radstock BA3 3LW	Is the agent acting on behalf of the applicant/or the person completing the first page of the on-line papers aware that this is not an application about a former railway <b>line</b> ?	
Important Dates	Neighbour consultations were sent	On what basis were these sent? Who received them? The consultations were not sent to all those who are likely to be affected should this application be agreed.	BANES Consultation and Market Research Strategy
	Last advertised on	As far as we can ascertain there have been no advertisements designed to alert the public to this application. There have been no notices in the two most read local papers – the Somerset Guardian and the Journal. It is essential for a transparent and democratic process that the local press should be used. We understand that BANES advertises in the Bath Chronicle – not a suitable or relevant place for Radstock readers.	BANES policies on consultation and transparency
	Latest site notice posted on	We are aware that three site notices were posted in Radstock on 1 August. They are A4 size and certainly not in sufficient numbers to ensure that adjacent and/or affected properties, businesses and residents can be guaranteed to be aware of them.	As above
Applicant details	All that is posted here is the name	In the case of an individual acting on behalf of an organisation, it is essential that the public knows officially who that person is acting for.	
Agent details	The name Tetlow King appears	Nowhere is it clear that the agent is acting for a particular company. This constitutes a continuing lack of transparency and raises questions about what exactly the applicant wishes to hide from the public.	
Application form front page	Details of Applicant	This is the first mention of the applicant company – the whole process shows a disregard for proper communications and the importance of making information readily available to all those with an interest	
Document Application form	DEVELOPMENT DESCRIPTION Description of Reserved Matters for which planning Radstock Action Group: 08/02332/RES	1. Residential development of 83 dwellings – this produces overcrowding in direct	LP A2.1 LP A2.2 LP.A2 14.5 21

## **APPENDIX A:**

### **OPEN LETTER TO Bellway and NRR from Radstock Action Group**

This Open Letter to NRR and Bellway is also being copied to BANES Councillors and Norton Radstock Town Council. We will make your responses public in the interests of open debate, transparency and good principles of consultation.

Many people in Radstock have recently received a full colour flyer from NRR/Bellway regarding the current planning situation.

The NRR website reminds us that the goals of the 'regeneration plan' include 'A more attractive and vibrant town centre with strong local focus' and the 'establishment of a successful pedestrian and vehicular movement framework'. But we have yet to see evidence to back up the claims we are expected to rely on.

The leaflet hides the realities of the new proposed development, which appears to have little to do with the best interests of Radstock and makes misleading suggestions which do not reflect the realities of what is going on or what local people need and want – people are not opposed to development but they would like it address their needs for a sustainable environment, affordable housing and respect for the built and natural environment, coupled with positive acknowledgement and incorporation of the substantial and valuable history and heritage of the town.

In view of this, we would like to put the following to both NRR and Bellway for their comments and look forward to receiving replies from both companies.

We have divided the questions into sections but would like to underline that we realise responses may need to overlap two or more sections; also that the sections do not reflect any order of priority but are in alphabetical order by title of section.

#### **1. Economic Benefits and Potential, including Social Impact**

- 1.1 Where is the £2 million economic boost going to come from and who will benefit? We would like to know what the economic boost will boost and the precise geographical area that will benefit. The business case for the development proposals has not been publicised and we think it's time that it was - we have yet to hear what it is.
- 1.2 How many and what 'employment opportunities' will be generated as claimed by the leaflet? Where will they be?
- 1.3 What research has been done to ascertain how existing local businesses will be affected and how the attraction of other towns will affect the social composition of Radstock should these proposals go ahead?  
All we have, at the moment, is an unsubstantiated prediction that is not

supported by data/empirical evidence.

- 1.4 We would like either NRR or Bellway or both to provide evidence of other developments Bellway has undertaken, in small semi-rural town environments where the predicted social benefits have come to fruition.

## **2. Historic Built Environment and Cultural Heritage**

- 2.1 It appears that the opportunity to make Radstock an attractive centre for tourists and visitors because of its historic buildings, railway heritage and ecological importance has not been tested. Could NRR explain whether this alternative means of regeneration was explored and if so where the evidence can be seen? If not, please could NRR explain why not?
- 2.2 There is a general presumption, stated in PPG15 (and the Listed Buildings and Conservation Areas Act) and reinforced in the courts, that development in a conservation area must 'preserve or enhance' the conservation area and this is a key principle. We would like an explanation of how this is being honoured in the current proposals.
- 2.3 Radstock town centre has been described as the best-preserved mining town centre in the country. The central conservation area includes a range of listed Victorian buildings and yet this appears to have been ignored in the proposals which will compromise the structures themselves and which are totally out of sympathy with the aesthetic of the town. What is the justification for undermining the built environment which contributes so greatly to making Radstock special in historical and mining/industrial heritage terms?

## **3. Natural Environment**

- 3.1 The leaflet refers to 18 acres of 'empty and derelict land'. In reality, the land provides a home for a valuable range of species of plants and animals and is the site of many important railway buildings which reflect the industrial heritage of the area. PPG17 (Planning Policy Guidance 17) implies that a site is well used if it is used by wildlife. We would like an explanation as to how a site can be 'empty and derelict' and at the same time, substantially be made up of four UK priority habitats (Calcareous grassland; River: Hedgerow: Open mosaic habitat on post-industrial land), hosting nationally scarce species some of which use only this site in the region.
- 3.2 The claim that ecological land is 'empty and derelict' is not new, nor is it an accurate reflection of the value of the site. The use of such terms for an ecologically valuable site is certainly misleading the public. Could you justify the use of such terminology or else reassure us that you are going to clarify the fact that, by no criteria relevant to ecological and environmental enhancement or preservation, could this site be described as either empty or derelict?
- 3.3 According to the leaflet, 48% of the land will be saved for wildlife. But this incorporates a substantial amount of the poorest habitat which will not support a high wildlife value. How does NRR/Bellway think any wildlife will

be able to survive to take advantage of this rather dubious claim? We would like the evidence to support this claim made public. It is already proven that the fine-leaved sandwort colony translocated to the mitigation area is failing and the habitat is clearly unsuitable. In the view of BANES' ecologist the benefits do not outweigh the harm. Has either the NRR or Bellway any evidence to counter this view or is there a degree of 'greenwash' in the proposals being put forward?

Could the NRR also let us know what steps will be conducted, after any development to ascertain the survival of species and then, what steps will be taken if the monitoring shows deterioration of threatened species using the site?

- 3.4 How does the alleged 'strict Ecological Plan' ensure 'protection and management of a wide range of animal and plant species'? All the evidence so far is that have a negative impact on them, upsetting the biodiversity and ecological balance of the whole area.
- 3.5 There is incontrovertible evidence of bats roosting in the Victoria Hall. There has been no more than a walkover survey which is not adequate for recording the number of species or roosts. There should be dawn and emergence surveys to ensure accurate data. For example, a walkover survey is unlikely to have discovered roosts of crevice dwellers such as the rare Nathusius' pipistrelle, which will be roosting locally (timing of recorded calls on site in 2006 confirms this). Although the bat was recorded, the information was not released before the committee decision and so it was not part of the councillors' deliberations. How do you intend dealing with the requirements to protect bats?

#### **4. Health and Safety**

- 4.1 Have the findings of the most up-to-date flood risk assessment exercise, carried out in June 2008, been taken into consideration and, if so, how?
- 4.2 The use of non-porous surfaces across the site will severely heighten the already serious flood risk to the area, increasing the flood risk and drainage/run off problems.
- 4.3 How do the developers (either NRR or Bellway) propose to deal with the potential contamination stemming from contaminants already on the land?
- 4.4 Why is it necessary to site a sub-station in the middle of a residential development and very close to actual dwellings?
- 4.5 The old Planning Office was demolished because it was deemed unsafe for human use in time of flood. What are your proposals to ensure that there is adequate sub-structure to prevent subsidence and other related problems in the case of Block F.
- 4.6 What are your proposals for safeguarding people along the river edges, given some of the risks indicated?
- 4.7 How can public safety and private householder security be ensured if low enough light levels for light-sensitive bats are to be maintained?

#### **5. Housing**



- 5.1 The overcrowding together of the homes (largely two bed flats with a limited number of houses) will be matched by significant noise and air pollution from the new road system. How does this match the claims made continuously about high quality and how does it observe the design code established in the first outline planning application?
- 5.2 The leaflet refers to the number of homes in the first stage being 50. We now know from the planning application (08/02332/RES) that the proposal is for 83. Do you intend issuing clarification on this point or will you be satisfied to continue to mislead the public about it?  
Can we expect similar rules to apply in other potential areas/sites of development?
- 5.3 How affordable and sustainable will the housing be? What do you consider to be a proper definition of affordable housing?
- 5.4 How does NRR/Bellway justify putting so many homes so close together? How will the practicalities of parking in this situation be addressed?
- 5.5 It appears that a very high proportion of the total social housing will be concentrated in one area. Please comment on the justification for this, especially in relation to the Government's requirement that 'estates' should be avoided and that there should be a mix of social and private housing across new developments.
- 5.6 Why in a proposed brand new development, allegedly promoting the best environmental practices, is there nothing in the way of substantial energy saving design and fittings? We would like to know why there is lack of energy saving devices such as solar panels/photo-voltaic devices for energy conservation, for example. How can the developers justify plans which are not up to the standards set in the Regional Spatial Strategy?

## **6. Infrastructure**

- 6.1 The leaflet claims that there will be 'improvements to the road networks'. Not exactly - the new road layout will bring all the Frome Road traffic straight past the Victoria Hall and into the Street, almost certainly leading to irreparable damage to the historic town centre buildings and to the small traders whose shops will be filled with the noise and fumes of traffic travelling in both directions.
- 6.2 How can driving a brand new main road through the centre of the town lead to 'an attractive and vibrant town centre', particularly given the fact that it will divide the current community and town centre in two?
- 6.3 How do the current plans fit with the local improvements and the wider strategies on public transport, including the Greater Bristol Bus network?
- 6.4 There is adequate evidence already that the new road system will not work, if only for the simple reason that large, articulated vehicles will be unable to negotiate the small scale of the centre of Radstock. Why are you intent on pursuing this plan?
- 6.5 How much population growth is envisaged to achieve the critical mass to trigger the provision of services for the burgeoning population posited in

the proposals? How does this match the need to make Radstock a sustainable community meeting the needs of local people and businesses?

## **7. Public Consultation**

7.1 According to the leaflet, the work now being undertaken follows 'many years of extensive discussions with interest groups and the people of Radstock about the form and content of the development' - unfortunately there is virtually no evidence that the public was widely consulted or that their views were reflected in the final plans and designs. In fact, every time that local people are asked, they express their opposition to almost every aspect of the proposals - so strongly have they felt about the matter that they voted out two key BANES councilors who had supported the NRR proposals, and elected, in their place, two others who put opposition to the plans at the centre of their election campaigns. In a parish poll organised to get a clear indication of their views, voters also made it clear that they were not in favour of the plans; on the occasions when short, hastily constructed 'consultations' have been run, there has been equally strong opposition. There is no evidence that meetings and petitions expressing other visions for Radstock have been addressed. We would like evidence that the plans are the result of the repeatedly expressed views of local people being listened to and respected.

## **8. Corporate Social Responsibility Policies**

Could both companies elaborate on how these developments reflect their Corporate Social Responsibility policies?

Overall, we cannot reconcile the proposals with the regional recommendations not to develop our area on sustainability grounds, nor with the declared aim of regenerating the area.

We look forward to receiving your replies.

End of Open Letter

## SECTION 3: Appendix 2



8 Colliers Rise, Radstock BA3 3AU

David Audsley  
Bath and North East Somerset Council  
Trimbridge House  
Trim St  
Bath BA1 2DP

7 March 2009

Dear David Audsley

### **Planning Application:**

#### **Radstock Railway Land 08/02332/RES and 06/02880/EOUT**

Radstock Action Group is increasingly concerned about the apparent breaches of the planning process in relation to the NRR activities in Radstock. We wish to raise a number of important matters.

We suggest that the current activities being proposed by the developer (Bellway and/or the NRR) are not compliant with the spirit or the actual proposals of the original planning application and the 106.

1. The only part of the original proposal which remains is the building of dwellings as defined within site 2. In other words this has become a housing development as opposed to a regeneration project
2. The current plans void the agreement as to the sequence of development on the site. This has, at the least, very grave ecological implications and shows a total disregard for any alleged previous overall plan. The order in which the development was scheduled to take place has been totally ignored

3. The current plans appear to allow the builder to construct a range of dwellings, many of which will be for social/affordable housing in a very confined area of the site, in breach of the 106 agreement and government policy of peppercotting being required
3. The only indication of any commitment to any community facilities is a token small room in one of the buildings; the room is an empty shell, whereas the plans give internal detail for the homes and indicates the tokenistic nature of this proposal
4. Since the original outline planning application was considered and agreed, there has been a new Environmental Agency flood risk assessment which has not been taken into consideration; it is totally inappropriate for any building proposals of the scale proposed to be allowed to proceed without recognition of this new flood risk assessment and without the drawing up of a revised plan which addresses these issues
5. The developer has failed to show even the slightest commitment to any infrastructure or strategic planning – according to the strategic regional planning policies, homes are only to be agreed if they are matched by additional job opportunities and have suitable infrastructure to support additional residents. The current plan, as articulated through the planning application, breaches RSS/Draft Core Strategy despite the requirement that all decisions on developments take into account strategic planning for future development, both that which is already in existence and that which is emerging
6. There has been no pre-construction archaeological work done yet. We regard this as unacceptable since there will be no possibility of returning to this site for the archaeological record, should it ever be built on
7. The ecological mitigation has not been addressed; where steps were taken they have probably failed, and they have certainly not been monitored as required. We suggest that it is the responsibility of the planning authority to ensure that there should be the required monitoring, that it is effective, and that, in the event of it not proving satisfactory, it should be readdressed
8. We are very concerned about the total disregard for the safe and responsible management of contaminated materials which exist in large quantities on the railway land. We would like to know how this situation is being monitored and dealt with
9. Landscaping according to the latest plans is definitely not equivalent to the damage and degradation caused by the removal of trees; it shows complete disregard for local, native vegetation and landscape management
10. Current requirements for 'like for like' redevelopment are being flouted, for example, in the lack of provision of replacement parking.

We would also like to request information and the views of BANES on:

1. Whether a 106 agreement has an indefinite life and how the planning authority monitors the possible departure from the original proposals over time
2. According to other planning experts, there would be nothing to stop the developer agreeing to not build the road which, we all agree, will certainly destroy the town centre. Given that BANES, the NRR and Bellway each claims that they would prefer the road not to be built but each of them also says it's up to the other party/parties, we would like to request that, as you are in contact with all parties, that you could persuade them to enter into discussions/arbitration/mediation on the topic of the road proposals
3. We have evidence that the NRR is in serious financial difficulty. What is the status of the planning application (including the 106) if the NRR ceases to exist?
4. We would like to know where the 106 for the new road proposals is. As far as we are aware, there has never been any public notice of the intention to apply for a road-building programme.

In conclusion, we believe that there is adequate evidence that the current activities of NRR/Bellway in relation to the 106, diverge so far from the original agreement that it is essential that the 'developer' is obliged to submit a new application.

We would appreciate an indication of the timescale in which you will be able to respond to this letter.

Many thanks for your help.

Yours sincerely

Amanda Leon  
Secretary, Radstock Action Group

Cc: Geoff Webber; Dan Norris MP; Lisa Bartlett