

Section 62A Planning Application: S62A/2024/0040 Promenade House Clifton Down Clifton Bristol

Representation on behalf of Mrs Rita Jelinski and Dr Dominic Hogg (drafted by Dr Dominic Hogg)

Introduction

1. I write concerning the planning application made by Stride Treglown under Section 62A Planning Application: S62A/2024/0040 Promenade House Clifton Down Clifton Bristol.
2. I have almost 30 years' experience in environmental consulting, mostly in respect of policy and strategy matters working for Governments, government agencies, Non-government Organisations, major private companies, and other bodies such as the European Commission, the European Environment Agency and the OECD. I have experience of drafting planning policy guidance as well as documents designed to inform planning policy (for example, regarding possible approaches to dealing with the responsibilities of planning authorities and the Environment Agency in the context of pollution control matters in the planning and permitting regimes).
3. I have considered the plans and documents submitted by the applicant, and have either read, or was already familiar with, the content of the supporting documents. In summary, I object to the proposal on the following grounds:
 - (a) Despite the applicant's best efforts to overlook what is set out in existing national policy and in the local plan (and the proposed revision thereof), and despite seeking to supplant these policies – which should guide decision making – in favour of its own assessment of its proposal on the matters such as heritage, the primacy of the policy remains. The decision regarding the application should normally, as the applicant itself notes, *'be determined in accordance with the development plan unless material considerations indicate otherwise.'* In the case of BCC, however, there is a compelling case to be made that the *'policies relevant to the application or relevant policies are out of date at the time of making the decision'* so that planning permission will be granted *'unless material considerations indicate otherwise taking into account whether:*
 - *Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or*
 - *Specific policies in that Framework indicate that development should be restricted.*
 - (b) The applicant gives a somewhat perfunctory view of what the NPPF (and associated documents) states regarding the matter of Design.
 - (c) The applicant overlooks what the NPPF sets out regarding climate change, which could have been given greater relevance given the applicant's repeated reference to its status as a B Corp. We highlight the relevance of this below, not least because the matter of 'Design' includes, as per the NPPF's reference through XXXX, the matter of resources.
 - (d) Reflecting my own professional in such matters, I find the application particularly wanting in terms of any evidentiary support for the claim that the sustainability credentials of the proposal exceed those of the temporary alternatives.
 - (e) It is inconsistent with BCS23 – Pollution (which addresses, inter alia, matters of noise).

4. The above points are made in no particular order of preference, and only for the stepwise logic of the relevant points. Points (d) and (e), in particular, highlight the limited nature of any benefits associated with the application, not least given that the only benefits which would not be generated using temporary structures are those which might be reliant on additional use of electricity to heat the structure throughout the year, thus confirming the surprising nature of this application given the nature of the applicant.
5. In the event that a hearing is scheduled, I would be happy to speak at the hearing subject to my availability.

Heritage Matters

6. Some of the paragraphs of the NPPF which the applicant deems relevant are set out in the document 156459-STT-XX-XX-RP-T-9075-0002 Planning Design and Access with Heritage Statement. The applicant considers matters of design and of heritage separately, though we would suggest they are intimately linked (or should be). It majors, as regards Heritage, on Section 16 of the NPPF. It cites para 203, which, as I read it, is rather damning for this proposal. In particular, it cannot be said that the proposal makes 'a positive contribution to local character and distinctiveness'.
7. The Local Plan Policy as regards Conservation and the Historic Environment (Policy BCS22) is delivered through development management policies. Policy DM26 concerns Local Character and Distinctiveness, and reads as follows:

The design of development proposals will be expected to contribute towards local character and distinctiveness by:

- i. Responding appropriately to and incorporating existing land forms, green infrastructure assets and historic assets and features; and*
- ii. Respecting, building upon or restoring the local pattern and grain of development, including the historical development of the area; and*
- iii. Responding appropriately to local patterns of movement and the scale, character and function of streets and public spaces; and*
- iv. Retaining, enhancing and creating important views into, out of and through the site; and*
- v. Making appropriate use of landmarks and focal features, and preserving or enhancing the setting of existing landmarks and focal features; and*
- vi. Responding appropriately to the height, scale, massing, shape, form and proportion of existing buildings, building lines and set-backs from the street, skylines and roofscapes; and*
- vii. Reflecting locally characteristic architectural styles, rhythms, patterns, features and themes taking account of their scale and proportion; and*
- viii. Reflecting the predominant materials, colours, textures, landscape treatments and boundary treatments in the area.*

Development will not be permitted where it would be harmful to local character and distinctiveness or where it would fail to take the opportunities available to improve the character and quality of the area and the way it functions.

8. I see little in the above to which the existing application could be seen to have responded positively. The Clifton and Hotwells Character Appraisal makes it obvious

that the proposal is inconsistent with the material palette. Although the Planning Design and Access with Heritage Statement asserts that *'the materials to be used for the structure are considered appropriate to and respond well to the external garden location'*, that is not what DM26 indicates, and I could find no reference in the Character Appraisal¹ to materials which are *'Double-layered with durable outer polymer coating'* (the description of the material from the tent-supplier's website).

9. The Character Appraisal states, vis a vis nearby Engineers House:

the Engineers House (1831) is Grade II pedimented and double-fronted villa, by Charles Dyer, in limestone ashlar. Now in office use, there are unsympathetic alterations to gateway, hedge and railings; the very poorly maintained garden provides a poor setting for this heritage asset.*

10. By contrast, it states, regarding The Promenade:

the Promenade (1830-70) has an imposing line of residential mansions, all Grade II or II, which have mainly been converted to office use. Properties have Classical facades, mainly stone-faced, set behind high laurel hedges and in well maintained gardens.*

11. Only if it is the intention to allow further 'unsympathetic alterations' should this application be approved. It should be rejected as it fails to reflect the requirements of the NPPF para 203, as given substance by Policy DM26 and the Character Appraisal for the Conservation Area.

12. Para 206 also, cited by the applicant, indicates another reason for refusal:

Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- *grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
- *assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites should be wholly exceptional*

13. Any harm requires clear and convincing justification. The justification is neither clear nor convincing. Indeed, it is difficult to see – given the existing temporary structures – what the justification is other than to replace something temporary with no electric heating, with something that could be used year-round, but would need to be heated electrically at times when the would-be users might wish to exercise their choice to be outside without suffering undue discomfort. Another part of the justification provided is a rather negative one:

'This area is currently occupied by raised timber planting beds, which have previously been used as a staff allotment. However, due to increased hybrid

¹ The material palette is: *'main facades: limestone rubble, Bathstone; ashlar; Pennant sandstone with limestone details; occasional stucco render. Boundary treatments: Pennant sandstone with Bathstone gate piers; wrought iron gates (most original wrought iron railings lost). Joinery: timber sashes and panelled doors. Roof coverings: natural slate; brick chimney stacks with clay pots.'*

working patterns and staff more frequently working from home, the planting beds are no longer utilised. The stretch tent will provide the opportunity to enhance and better utilise this area of the garden as an all-weather outdoor meeting space.'

14. This is curious logic: there are not enough staff in on a regular basis to use the raised bed staff allotment, but despite the dwindling numbers frequenting the office, there is an identified need for a permanent structure as a meeting space. This will require heating at some times of the year even though the less-then-full offices will also be being heated (presumably) to ensure those within the building are not uncomfortable. The justification for the proposal, as set out by the applicant, swings between at times indicating that there will be no change (noise, traffic, being outside), and at others, that the change is sufficiently large to justify the proposal (use for meetings when the weather would not otherwise allow it, enabling staff to have that choice, enabling them to access shade). Figure 1 of the document 16574 R01 AIA AMS BV JJ1 provides us with the reason why: the existing set up provides adequate opportunity to do this already using temporary structures, which are present as I write this. The impressive cedar of Lebanon and other trees also provide shade. What is it that the application achieves that would justify approval, given the potential impact on the heritage asset (and other matters considered below)?

15. In its heritage statement, the applicant states:

As the proposed works do not involve any physical alterations to Promenade House, the key heritage consideration is one of 'setting' and the impact the stretch tent installation would have upon the setting of the identified designated heritage assets.

16. Whilst being no legal expert, I wonder whether the implied interpretation of the extent of the heritage asset in this case is a correct one: although UK law is not always clear on this matter, it would seem that the designation applies to the area within the curtilage, not only to the physical structure.² It would follow that the approach to the Heritage Statement may be unsound, and that the argument made – that the only thing that matters is the setting for the tent - might be taking a far too narrow view because any impact on the area within the curtilage would need to be considered as having the potential to harm the asset in its own right. If the argument regarding the curtilage is correct, then it would be incorrect to state, as the applicant does:

The proposed stretch tent installation as a free-standing external structure within the garden area would have no direct impact on Promenade House as a grade II listed building. No physical alterations to Promenade House are proposed as part of the works. Any perceived impact on Promenade House as a grade II* listed building therefore relates to impact on setting.*

² The document PROMENADE HOUSE AND ATTACHED BASEMENT AREA RAILINGS AND WALLS Non Civil Parish - 1202631 Historic England states: '*Unless the List entry states otherwise, it includes both the structure itself and any object or structure fixed to it (whether inside or outside) as well as any object or structure within the curtilage of the building. For these purposes, to be included within the curtilage of the building, the object or structure must have formed part of the land since before 1st July 1948.*'

17. In this regard, it is also useful to reference again the Clifton and Hotwells Character Appraisal. Section 9 lists ‘Negative Features’. The first mentioned of these is:

Loss of traditional boundary treatments and front gardens

9.2 The loss of traditional garden plots and boundary walls, hedges or railings to infill or off-street parking is impacting on the landscape quality and biodiversity value of the area. Where original front gardens have been lost, this impacts negatively on the street scene as well as on the associated dwelling.

18. Although, therefore, the Planning Design and Access with Heritage Statement states that: ‘No specific reference is made to Promenade House or its garden’, there is reference to the buildings on the Promenade (see above), of which Promenade House is undoubtedly one, and there is reference to the loss of front gardens as a negative feature.
19. Finally, para 208 states:

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

20. The public benefits of this proposal are likely to be (net) negative.
21. It would be reasonable to conclude that the loss of front gardens at Promenade House occasioned by this proposal should be construed in a negative light.

Design

22. Not much is said concerning Design in the Planning Design and Access with Heritage Statement. Even though Government has made this a key feature of its revisions and updates to NPPF in recent years, the applicant is more focussed on Heritage matters than on those of Design. Similarly, the relevance of BCS21 is glossed over, and some of the relevant development management policies are overlooked or not fully represented.
23. The Planning Design and Access with Heritage Statement does not reference the most recent (prior to application) version of the NPPF, referencing the para 126 as it stood in the September 2023 version. The update to the NPPF has changed the relevant paragraphs on Design (it is odd, to put it mildly, that an architectural practice would not be aware of this, not least when making an application on its own behalf). Nonetheless, the broad thrust of the requirements remain as before, though the revised NPPF is clearer on the role of design codes, not least in places – such as Bristol – where no such codes exist. In that case, para 134 is clear that ‘*all guides and codes should be based on effective community engagement and reflect local aspirations for the development of their area, taking into account the guidance contained in the National Design Guide and the National Model Design Code. These national documents should be used to guide decisions on applications in the absence of locally produced design guides or design codes.*’ In the absence of local design codes, the National Design Guide and National Model Design Code are relevant.
24. Para 135 indicates that

‘Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

25. Para 139 makes clear why alignment with the requirements regarding design are significant:

139. Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design⁵⁵, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or*
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings*

26. The application fails to reflect government guidance on design: indeed, it has not considered it (as evidenced by the dated references to an old version of the NPPF).

27. Notwithstanding the lack of design codes in Bristol City Council, the preamble to BCS21 Quality Urban Design states:

4.21.6 Quality urban design has a key role to play in place shaping and enhancing the city's positive features, as well as repairing the damage caused by insensitive development in the past. Through quality urban design, development can help to create distinctive, linked, sustainable places that support social inclusion and community cohesion. This in turn engenders a sense of ownership and belonging, and can help to promote social interaction and encourage healthy lifestyles.

28. The policy states (it is only briefly summarised in the Planning Design and Access with Heritage Statement):

New development in Bristol should deliver high quality urban design. Development in Bristol will be expected to:

- *Contribute positively to an area's character and identity, creating or reinforcing local distinctiveness. [...]*
 - *Safeguard the amenity of existing development and create a high-quality environment for future occupiers. [...]*
 - *Promote diversity and choice through the delivery of a balanced mix of compatible buildings and uses.*
 - *Create buildings and spaces that are adaptable to changing social, technological, economic and environmental conditions.*
29. As regards the first bullet point, the application clearly fails, as exemplified by its failure to reflect the materials palette of the conservation area in which it falls (see above). It is an inappropriate development in its location.
30. As regards the second bullet, our own objection (and apparently, those of several others) reflects our concerns regarding the impact on the amenity of existing development (see Noise below). Whatever the impact on the occupants (and we doubt that there is much to be gained from a permanent installation that cannot be gained from the existing temporary ones, especially if the proposal is used with electric heaters that will increase demand for energy in periods when the existing building could just as easily be used), the impact on those of us living close by does not seem to have been given much consideration in the initial Planning Design and Access with Heritage Statement.
31. As regards the diversity point, the only diversity and choice that is given is the one referenced by the applicant – to give choices to staff (to work and / or have meetings outside) that it argues are not otherwise available (though it also states – see below - that there is no change in the freedom staff have to be outside). We dispute that point, not least since the same type of structure can be erected on a non-permanent basis, and not least because there are already temporary structures in place which offer the same opportunity.
32. Finally, the creation of this permanent structure is at least as damaging from the environmental perspective as it is positive. It's impact as regards the last of the above bullets is at best very marginal, whilst there are also reasons to believe that it might be negative.
33. DM21 relates to private gardens, and echoes the sentiment of the Character Appraisal:

DM21 Development of Private Gardens

Development involving the loss of gardens will not be permitted unless:

- i. The proposal would represent a more efficient use of land at a location where higher densities are appropriate; or*
- ii. The development would result in a significant improvement to the urban design of an area; or*
- iii. The proposal is an extension to an existing single dwelling and would retain an adequate area of functional garden.*

In all cases, any development of garden land should not result in harm to the character and appearance of an area.

Development involving front gardens should ensure that the character of the street is not harmed and that appropriate boundary treatments and planting are retained.

34. Accepting that not all of the garden will be lost, it remains the fact that none of i), ii) or iii) is applicable.
35. Finally, we note with irony Policy DM15: Green Infrastructure Provision, which does not concern only Trees. It also includes the following:

Local Food Growing Space

All new residential development should be designed and located to facilitate opportunities for local food growing.

Provision of statutory allotment plots on a development site will be sought when the level of residential development creates a need for 1750m² of statutory allotments, equivalent to 7 statutory allotment plots.

36. Though we appreciate this is not a residential development, it is somewhat ironic that a company allotment is to be gravelled over whilst development management policies seek, from new residential development, exactly what will be lost here.

Climate Change and Sustainability

37. The National Planning Policy Framework has an environmental objective:³
38. *8...c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*
39. *Para 154 states:*

154. New development should be planned for in ways that:.....

b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design.

40. This proposal will increase greenhouse gas emissions by virtue of the embodied emissions associated with the materials used in the fabric itself, and the ancillary materials used in the landscaping, as well as in the energy used to carry out these works. The new power socket, to allow for heating of the external space will, if (as the applicant states) there would be no influence on numbers at the site, increase energy use and associated emissions until such time as grid electricity is fully decarbonized. The incremental impact will be higher at times where the marginal carbon intensity of grid electricity is likely to be higher, relying more on dispatchable sources of power.

³ Ministry of Housing, Communities and Local Government (2021) *National Planning Policy Framework*, July 2021, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf

41. In its response to the Housing, Communities and Local Government Select Committee report that was published on 29 October 2021 following the Select Committee's inquiry into Local Government and the Path to Net Zero, a Government (DLUHC) policy paper included the following:

In July 2021 we updated the NPPF, placing a stronger emphasis on delivering sustainable development and a proactive approach to mitigating and adapting to climate change. Simultaneously, we also published the National Model Design Code which guides local authorities on measures they can include within their own design codes to create environmentally responsive and sustainable places. The National Model Design Code encourages the implementation of sustainable construction that focuses on reducing embodied energy, designing for disassembly and exploring the remodel and reuse of buildings where possible rather than rebuilding. The National Model Design Code also provides tools and guidance for local planning authorities to help ensure developments respond to the impacts of climate change, are energy efficient, embed circular economy principles and reduce carbon emissions.

42. The National Design Guide states:⁴

135. Well-designed places and buildings conserve natural resources including land, water, energy and materials. Their design responds to the impacts of climate change by being energy efficient and minimising carbon emissions to meet net zero by 2050. It identifies measures to achieve:

- *mitigation, primarily by reducing greenhouse gas emissions and minimising embodied energy; and*
- *adaptation to anticipated events, such as rising temperatures and the increasing risk of flooding. [...]*

137 Well-designed places:

- *have a layout, form and mix of uses that reduces their resource requirement, including for land, energy and water;*
- *are fit for purpose and adaptable over time, reducing the need for redevelopment and unnecessary waste;*
- *use materials and adopt technologies to minimise their environmental impact.*

43. It includes two key themes to be considered in well-designed proposals, the second of which is relates to 'Careful selection of materials and construction techniques':⁵

143 The selection of materials and the type of construction influence how energy efficient a building or place can be and how much embodied carbon it contains.

144 Well-designed proposals for new development use materials carefully to reduce their environmental impact.

⁴ Ministry of Housing, Communities and Local Government (2021) National Design Guide: Planning practice guidance for beautiful, enduring and successful places, 2021.

⁵ Ibid.

44. The Guidance Notes on the National Model Design Codes state:⁶

197. Well-designed places and buildings conserve natural resources including buildings, land, water, energy and materials. Their design responds to the impacts of climate change by being energy efficient and minimising carbon emissions to meet net zero targets by 2050. It identifies measures to achieve: mitigation, primarily by reducing greenhouse gas emissions and minimising embodied energy; and adaptation to anticipated events, such as rising temperatures and the increasing risk of flooding.

45. It is clear that good design, therefore, also includes consideration of the embodied carbon and energy in materials. We see no evidence of any appreciation of this in the proposal.
46. This is important since claims regarding the sustainability of a permanent versus a temporary solution ought to consider that a) the temporary solution is already in place; and b) the permanent solution is not.
47. The document Clarifications at Planning Application S62A.2024.0040 presents an argument that *'use of a permanent and robust structure is considered to be a more sustainable approach than using temporary gazebos'*. This could be the case if temporary installations were discarded on an annual basis, but the applicant provides no evidence to support their view. After all, if there is space in the garden for a permanent stretched tent, there is obviously space to store temporary structures.
48. The permanent structure comes complete with the removal of three trees. These will be replaced with 4 trees, but the whole proposal will result in significant soil disturbance (releasing both carbon dioxide and nitrous oxide, the latter being approximately 300 times more potent as a greenhouse gas than carbon dioxide), it will imply significant embodied carbon emissions linked to the materials used to provide hardstanding, and in the permanent structure itself.
49. There is also the expressed desire to *'hold a meeting in the garden, unaffected by weather conditions'*. Presumably, this would rely upon an external source of heating. There is not much discussion of an external source of heating, but the Stretch Tent Elevations document indicates a *'new electrical supply socket in weather tight unit – to provide power for tent heating'*. It would, presumably, defeat the object of the argument for 'going permanent' to have no heating system (the tent would have limited use in colder periods), but on the other hand, if the tent is not there to offer additional office space, then the use of tent in colder periods implies an unnecessary use of energy. It seems one either has a temporary structure which is in place at times when it is most likely to be used, or a permanent structure which, in giving staff 'an option' to use it in poor weather conditions, does so at the expense of additional energy use.⁷
50. The document continues: *'The proposed stretched tent would enable staff to have their lunch (break) outdoors in inclement weather, or to have shade during sunny periods.'*

⁶ Ministry of Housing, Communities and Local Government (2021) National Model Design Code: Part 2 – Guidance Notes.

⁷ On the website of the suppliers proposed, in answer to the question 'Can you heat a stretch tent?', the answer from the suppliers is: "Absolutely. This can be done with gas patio heaters, infrared pole-mounted heaters or indirect oil-fired heaters, which pump hot air through a duct into the stretch tent to keep everyone nice and toasty." It would be useful to know what electrical heaters would be used in the tent, and what the expected annual energy use will be to preserve the option for staff to use it, recognising that heating such a structure when the outside temperature is low will be challenging.

Staff are free to go outdoors in inclement weather now, and there is ample shade already in the garden or across the road on the Downs. It also states that the *'ability to have an outdoor covered facility is considered to be important for diversity of choice for meetings and can help aid creativity and wellbeing'*. There are – today, as I write this – temporary gazebos in the garden which provide that option, and indeed, there could be more of these. The choice – to be inside or outside – already exists.

51. I am a great believer in the positive influences of nature on health and well-being, but it rather stretches credibility to argue, when located adjacent to the Downs, that somehow or other, installing a permanent stretched tent is a 'deal breaker' for this as an option.
52. With the application stating that there would be no additional people on site as a result of this structure, why heat an exterior structure simply to allow staff to choose whether or not to sit inside or outside when working? How much additional heating would this require? How long would it take to warm up the tent when the external temperature is, for example, 5 degrees C? In what way is heating up additional external space that is open to the exterior 'sustainable'? Does this justify the impact on the heritage asset?
53. In summary, why install an inappropriate permanent structure to fulfil a purpose which can be adequately – and more sustainably - fulfilled by temporary ones? There is no need for this structure to be permanent: the providers of this structure offer similar tents on a 'for hire' basis. The only value in permanence rests on the space being heated, unnecessarily increasing demand for electricity, and at the margin, slowing the pace of decarbonisation of the grid.
54. Materially, the applicant stated that the proposed stretch tent would be formed from 'a *waterproofed cotton fabric*' that would be in a 'sand/chino' colour to complement the ashlar stone evident on Promenade House and its garden location. The website of the provider describes the material as: *'Double-layered with durable outer polymer coating'*. Neither their description, nor the PDF provided by Stride Treglown, allows us to know exactly what the material is actually composed of. What is the fibre itself? What is the polymer coating? Which chemicals that give the structure its flame-retardant properties? The effect of abrasion of clean angular stone on the Cellweb system is also unclear in terms of its potential to give rise to release of microplastics.⁸
55. From the documents 156459-STL-XX-XX-DR-L-09002-Block_Plan and 156459-STL-XX-XX-DR-L-09600-Stretch Tent Elevations and Interface Details, it is not possible to estimate the embodied carbon in the materials alone that the applicant is planning to use. The materials include hoggin gravel, angular stone, cellweb tree protection system (this is 100% virgin high density polyethylene),⁹ Treetex T300 geotex, steel poles, wooden poles (including any preservatives) the stretch tent fabric itself (and associated coatings / additives) and aluminium edging.
56. The wisdom of embarking on this type of project without considering these emissions is extremely questionable. Given the weakness of the justification for the proposal, making an unnecessary contribution to emissions runs counter to the environmental objective of planning policy, and also reflects a failure of design.

⁸ This is a subject investigated recently for the Swedish EPA (Ramboll (2022) Geotextiles and Microplastics in Sweden: An Assessment, Report for Swedish EPA, November 2022).

⁹ <http://www.geosyn.co.uk/wp-content/uploads/2015/08/cellweb-trp-data-sheet-09.pdf>

(Noise) Pollution

57. The applicant presents some, but no means all, of the relevant planning matters and policies. There also is on mention of the new Core Strategy submitted for inspection, the materiality of which has been highlighted by Council officers in other applications. There is, in particular, a major oversight vis a vis BCS23 – Pollution, which makes reference to the matter of noise pollution, this being referenced as the 13th of 15 Overarching Issues to which the extant Core Strategy addresses itself.

58. BCS 23 states:

Development should be sited and designed in a way as to avoid adversely impacting upon:

- *Environmental amenity or biodiversity of the surrounding area by reason of fumes, dust, noise, vibration, smell, light or other forms of air, land, water pollution, or creating exposure to contaminated land.*
- *The quality of underground or surface water bodies.*

In locating and designing development, account should also be taken of:

- *The impact of existing sources of noise or other pollution on the new development; and*
- *The impact of the new development on the viability of existing uses by reason of its sensitivity to noise or other pollution.*

Water quality and associated habitat of surface watercourses should be preserved or enhanced.

59. Several objections made in relation to noise attest to the potential issue that this might present.

60. In their Clarifications at Planning Application S62A.2024.0040 Clarifications, the applicant states:

Stride Treglown strive to be a good neighbour to the surrounding businesses and residents, and we would not wish to hold events that could cause undue impact upon the amenity of our neighbours.

Indeed, we have issued a letter to local residents to come and discuss any concerns they may have regarding our proposals.

61. I might be more inclined to take this at face value were it not for the fact that the in my personal experience, the applicant cannot lay claim to good neighbour credentials. After the first instance of being disrupted, a couple of years ago, for the whole of a beautiful Bank Holiday afternoon by a contractor of the applicant's, who was blowing non-existent leaves (maybe it was dust?) around a car park, I did contact a member of the applicant's management team by email and asked for them not to carry out such work on a Bank Holiday afternoon. (I also suggested it was off for a B Corp to be using leaf blowers at all given their various impacts.) Despite initially positive responses, only a few weeks ago, the leaf blowers were still being operated, this time on a sunny Sunday afternoon, disrupting us, and no doubt some others.

62. Despite having corresponded directly with the applicant on this in the past, no letter was received by us in lieu of the company's (evidently) rather limited mail shot to local residents. This suggests that the applicants might not be altogether aware of the extent to which noise generated at their site does indeed travel. This – the good neighbour status claimed by the applicant - might not be a planning matter, but since the applicant raises it in apparent support of their application, it seems reasonable to offer an alternative perspective.

63. The Clarifications document goes on:

When in use, the siting and design of the proposed stretch tent would likely help attenuate noise transfer that maybe generated through a gathering of people and their discussions. It is important to note, however, that staff can already use the garden for meetings and the proposed development would not alter the ability for the garden to used, unrestricted, at any time.

64. This underlined section tends to undermine the case for what is proposed (elsewhere, the applicant seeks to make the case on the basis of giving additional choices to staff – they can't have it both ways), not least since there are temporary structures that can be erected (or hired): given the impact on the heritage assets (see above), the weakness of the justification for what is being proposed supports a clear case for refusal.

65. The applicant refers to its choice of tent, making reference to the one used at the Observatory.¹⁰ It is, though, also true that when events are held at the Observatory, they are audible from our house: I have corresponded with the organisers, and they are generally relatively responsive – in real-time – to complaints (not least as there are contact details on their website). As previously mentioned, I have experience with Stride Treglown in trying to address noise at weekends and on Bank Holidays: no one is available at those times when the noise is being generated. Furthermore, recent experience suggests that requests to avoid generating noise at weekends and Bank Holidays have been ignored. Perhaps the right not to be disturbed in the office environment was '*considered to be important for diversity of choice for meetings and can help aid creativity and wellbeing*': no thought, though, seems to have been given to the impact on the creativity and wellbeing of Stride Treglown's neighbours, including myself, and my own mental wellbeing. I consider this potentially jeopardised by the proposal to make what is currently relatively unobtrusive into a permanent structure, and I have seen no evidence from the applicant to justify the supposed superiority of the permanent solution relative to a temporary one.

66. To be clear, events are already held – and are heard by us – at the Observatory, and at the Mansion House, and at the Merchant Venturers House. We are also periodically exposed to noise from events on the Downs. These are events which are either licensed, or take place at premises licensed for the purpose. Stride Treglown is not a bar / restaurant. We have no wish to suffer further disturbances because a business wishes to hold events whose frequency is not known: the concept that this space will be usable for staff for meetings whatever the weather suggests either that the intent is that it might be used at any time and throughout the year (hence the socket for electric heaters), or else, that this argument is being deployed speciously to justify a permanent, as opposed to the existing temporary, structures.

¹⁰ Note that it is not clear that planning consent is in place for the tent at the Observatory.

Summary

67. It speaks volumes that the applicant's Heritage Statement is largely reduced to a hope that no one sees the structure they are proposing, and that because the structure is not physically attached (electricity cable?) to the main structure, that heritage matters are of diminished relevance. There is, oddly for an architect's practice, rather little attention paid to the design of the structure, and its appropriateness to the Conservation Area context. Even the relevant parts of national planning policy are taken from a document that was superseded in December of last year (the application appears to have been made in March of this year). For a B Corp, the sustainability credentials of what is proposed are not evidenced, and my professional view would be that they are largely absent.
68. But the planning matters of relevance are those raised above, and this application should be adjudicated on these, and these alone. In this respect, we have argued that both in respect of national and local policy as regards conservation, and especially in the light of the Character Appraisal for the Promenade, that the application should be refused.
69. We find the absence of design considerations odd, but because of this, it is not surprising that again, based both on national and local policy, the application should be refused. The national policy, in particular carries weight as regards design, given the absence of Design Codes, other than what is implicit in the extant local plan policies. We note that the recent iteration of the NPPF, the Heritage elements of which are correctly cited by the applicant, but the design elements of which are not, strengthens the emphasis on the need for quality design, and retains the perspective that where development is poorly designed, the application should be refused: the Secretary of State has been very clear on this.
70. The design elements of the NPPF are not separate from, but they incorporate, the need to make wise use of resources, including materials. The claimed superiority, on sustainability grounds, of building a permanent structure as opposed to making repeated use of well-maintained temporary ones is not evidenced by the applicant. It is an opinion which can be disregarded in the absence of compelling evidence. Not least given the other attendant impacts of the development, we suggest that the proposal will run counter to the environmental objective of the NPPF, this being given substance therein through the requirement for quality design, this, in turn, referencing 'resources' as a key issue.
71. As regards noise, as evidenced by the applicant's omission of this as an issue, we find that the relevant local plan policy was not mentioned by the applicant. The applicant disingenuously claims on the one hand that there will be no change (as regards noise, and parking), and on the other, that the structure will give staff the option to do things which currently it suggests they currently cannot. They cannot have it both ways. Residents, including ourselves, are rightly concerned that, in addition to those premises which already hold events nearby, and which are licensed for the purpose, we will be subject to additional noise resulting from this proposal. It should be refused on grounds of the impact on local amenity related to the resulting noise.