

**BATH AND NORTH EAST SOMERSET COUNCIL**

**Development Management Committee**

**Date 9<sup>th</sup> March 2016**

**OBSERVATIONS RECEIVED SINCE THE PREPARATION OF THE MAIN  
AGENDA**

**ITEMS FOR PLANNING PERMISSION**

**ITEM**

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
1	15/04810/FUL	Herman Miller UK, Locksbrook Road, Newbridge, Bath, Bath and North East Somerset

Members will note from page 14 of the main report that a high level development appraisal relating to the viability of subdividing the building had been submitted and that this has been forwarded to external consultants (LSH) for independent assessment. At the time of writing the main report no response has been received and the report advises that members will be subsequently updated.

The LSH assessment has now been received and the Economic Development team re-consulted. In respect of the potential subdivision the ED team have commented as follows:

*“CBRE on behalf of the applicants have submitted a Viability Report based on subdividing the building into smaller industrial units, which allowing for space for servicing, would provide circa 43,000sqft of lettable space. The report suggests a significant negative residual value.*

*An independent external assessment of this report has been commissioned which indicates that:*

- The overall assumption of the amount of lettable space that sub-division could provide is acceptable;*
- The information provided is high level, includes a significant risk element and higher than expected development costs, the main driver for the negative residual value;*
- The lack of detailed information and level of risk suggest no detailed work has been done on the potential costs of sub-dividing the building*

*The assessment concludes that, accepting the high level nature of the information provided and in the absence of any detailed assessment / due diligence in terms of development costs, a project to sub-divide the building into smaller industrial units would be unlikely to be viable for a private developer.*

*An assessment of the information provided by the applicants in relation to market signals and viability, accepting its limited nature, suggests that, in the current market, there has been little interest from occupiers in relation to the building as a single industrial unit and that, in relation to current market values, a scheme to sub-divide the building into smaller units is unlikely to be viable for a private developer.*

*In the circumstances if consideration is given to the application by Bath Spa University it will be important to maximise the economic benefits.*

*The economic value of the University to the city and wider B&NES area is acknowledged as are the potential benefits of relocating the School of Art & Design. The application provides information on the ambitions for the School of Art and Design as “An Incubator for the Creative Industries”. It indicates that in the next phase of development, the Bath School of Art and Design will:*

- develop its facilities and promote them more extensively to facilitate wider and new engagement with industry;*
- establish dedicated incubator creative workspaces for recent graduates and postgraduates, and the wider art and design communities*

*The creative industries are an important sector within B&NES but overall there is a lack of suitable accommodation particularly within the city. To address the ambitions included in the application and to create a critical mass of workshop space to bring together existing small creative businesses, under-graduates and graduates pursuing entrepreneurial business start-up projects, it is suggested that 1,500 – 2,000sqm of dedicated B1 workshop and R&D space be included within a mixed-use re-use of the Herman Miller building alongside the D1 academic floor space”.*

#### Officer comments

The LSH assessment accepts that subdividing the building into separate units (in order to ensure its continued industrial use) is unlikely to be financially viable; this conclusion has been accepted by the Council’s Economic Development Team. It is accepted therefore that the subdivision of the building is not an option for economic reasons as well as for the conservation reasons outlined in the main report. The building has little industrial potential either for a single occupier or for multiple occupiers through a subdivision scheme. The proposed change of use from an industrial to an educational use is therefore in accordance with Policy B3 and can be supported.

The Economic Development team have suggested that 1500-2000sqm of the building be dedicated Use Class B1 workshop and R&D space. This is unreasonable and not something the local planning authority can insist upon. The application, for the reasons set out above and in the main report, complies with planning policy and as such there is no justification in requiring a certain quantum of industrial use to be retained within the building; there is no policy requirement to do so. The application submission mentions that Bath Spa University’s proposed use of the building may include certain incubator activities but the nature and quantum of this is a matter for the university to consider, it is not for the local planning authority to prescribe.

## Conditions

The Environmental Health team, following comments from the agent, have suggested a small number of minor changes to some of the contaminated land conditions. These revisions relate to the triggers for undertaking work/submission details. It is recommended that conditions 7 and 8 are changed to read as follows (changes in bold):

### 7. *Submission of Remediation Scheme*

*A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared and is subject to the approval in writing of the local planning authority **prior to any development works commencing.***

*The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.*

*Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 11 of the National Planning Policy Framework. A pre-commencement condition is necessary as remediation must be undertaken at the earliest phase.*

### 8 *Implementation of Approved Remediation Scheme*

*The approved remediation scheme must be carried out in accordance with its terms prior to the **occupation of the** development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.*

*Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.*

*Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 11 of the National Planning Policy Framework.*

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<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
3	15/05014/FUL	Land adjacent to Whitehill Cottages Shoscombe

This application is presented to committee as the Planning Committee Chair has commented that given objections from the Parish Council and third parties the decision should be taken by committee as the site is within the Green Belt.

Within the officers report reference was made to the fact that the applicants agreement was being sought in respect of the southern elevation being constructed of stone and a low fence being erected adjacent to the access to prevent access onto the adjacent grass above the underground reservoir.

The agent has agreed to the southern elevation being constructed of stone as well as the western elevation (front) as this elevation is also visible from the public highway. The agent has also agreed to a small fence being erected to prevent access to the adjacent grassed area.

A plan will be submitted prior to committee which indicates these amendments to the scheme.

Finishing the southern elevation with stone has resulted in a marginal increase in the footprint to the building by 200mm . This marginal increase is considered acceptable in order to obtain a stone façade to the public highway which will greatly increase the visual appearance of the garages in this prominent location.

With regard to volume increase the existing buildings have a volume of 90m<sup>3</sup> and the new building has a volume of 145 m<sup>3</sup>. Therefore, the increase in volume is approximately 38%.

Three further emails have been received by interested parties- main issues raised

It was requested that the fence that restricts access for neighbours should be removed. This matter is addressed within the report.

There are several applicants but this does not impact on this application and or the recommendation made.

For clarification purposes it is noted that there is a telegraph pole near the access drive but it is not proposed that the access arrangements to the site will be altered and therefore this was not highlighted as an issue by the highway engineer..

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<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
4&5	15/05518/FU & 15/05519/LBA	23 Royal Crescent, Bath

Three further letters of representations were received following the receipt of an amended drawing indicating stone cladding to the side wall as was built:

Third Party Comment –

(17<sup>th</sup> February 2016) The extension to the party wall has been constructed without the sample panel being submitted for approval as required and promised, and the revised drawings have been submitted in an attempt to regularise a further breach of planning consent. As the applicant has yet again shewn his contempt for the planning and consent systems, it is necessary to maintain their credibility by not permitting this retrospective application.

This breach of consent was being investigated by enforcement officers who were unaware of the new drawings. The tactic of ignoring planning consent and seeking to delay enforcement by submitting revised drawings needs to be discouraged if the integrity of the planning system is to be maintained.

Furthermore, both the style and the workmanship of the extension are inconsistent with the Grade I surroundings; it should match the random stone of the original wall as previously agreed, and, as is clear from the attached photographs, the workmanship is not adequate for a Grade I site.

(19<sup>th</sup> February 2016) We note that the revised east elevation drawing of Feb 9<sup>th</sup> does not specify opaque glass for the window. We remain very concerned about the existence of this window, and if the Committee see fit to ignore the expert advice that it is both of the wrong type and in the wrong location, it should still have opaque glass, even though that counts for nothing when the window is open.

Bath Preservation Trust -

(25 February 2016) The Trust notes the amended drawings and would like to comment that we continue to object to this application on the basis that the walling as built and for which the applicant is seeking retrospective permission is low quality in workmanship and appearance, and unacceptable as it is contrary to the prevailing character of boundary walling in this section of gardens, and because of its poor aesthetic appearance in this highly sensitive historic location. The predominant boundary walling pattern in this area of the Crescent gardens is random Bath rubble stone with lime mortar. Regardless of the in-situ section of large block walling close to the garage, we think that any new walling dividing the gardens should match the boundary wall treatments, and be of random rubble stone (as per the original drawings submitted by the applicant) finished to a high quality with appropriate pointing in lime mortar. The wall as built detracts from the setting and harms the significance of the listed buildings and boundary walls. For this reason we maintain our view that the application be refused.

#### ADDITIONAL COMMENT BY THE CASE OFFICER

The committee reports refer to harm being caused to the conservation area and the setting of the listed buildings. In line with the NPPF, Section 12

distinction is made between 'substantial harm' (instances where the significance is substantially harmed or lost through alteration or destruction of the heritage asset); and 'less than substantial harm' (all other instances of harm). In this case, it is considered that the harm would be 'less than substantial', and paragraph 134 advises that in such instance, this harm should be weighed against the public benefits of the proposal. It is not considered that any such benefit has been demonstrated to sufficiently outweigh the identified harm.